

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 15, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Holm

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 16, 2009 - 9:00 A. M.

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

HEARINGS

1. **PUBLIC HEARING** on proposed amendment to Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
- a. **ORDINANCE AMENDING ARTICLE VI OF CHAPTER 9 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Airport Compatible Land Use Regulations; making findings and containing other provisions relating to the foregoing subject; providing for an effective date; providing for severability

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 55

MISCELLANEOUS - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the appointment of **MR. JOHNNY R. GANT** to Position Five A (for matters relating to Bush Intercontinental Airport) to the **AIRPORT LAND USE REGULATIONS BOARD OF ADJUSTMENT**, for an unexpired term ending January 31, 2011
3. CONFIRMATION of the appointment of **MR. JUSTO PENN GONZALES** to Position 10 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for the current unexpired term ending June 30, 2011
4. RECOMMENDATION from the Director of the Finance Department that the City Council receive the 2009 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code
5. RECOMMENDATION from Director Affirmative Action and Contract Compliance to set Airport Concessions Disadvantaged Business Enterprise (ACDBE) goal for airport leasing (concession) contracts for the period October 1, 2009 through September 30, 2012 in compliance with DBE Ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49CFR Parts 23 and 26
6. RECOMMENDATION from Director Affirmative Action and Contract Compliance to set overall goal of 20.28%, including a 1% race-neutral component, for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2009 through September 30, 2010, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements

DAMAGES - NUMBER 7

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ZACHARY TRAN v. Dorrان Stag** and the City of Houston, Cause No. 2006-67465, in the 61st Judicial District Court, Harris County, Texas - \$170,000.00 - Property and Casualty Fund

ACCEPT WORK - NUMBERS 8 through 11

8. RECOMMENDATION from Director Department of General Services for approval of final contract amount of \$223,181.00 and acceptance of work on contract with **PEMCO, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 13 - 6.43% under the original contract amount - **DISTRICT A - LAWRENCE**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$672,425.00 and acceptance of work on contract with **TJ & T ENTERPRISES, INC** for Local Drainage Project for Drainage Ditch at Colgate, Farther Point and Pine Briar Circle - 1.07% over the original contract amount - **DISTRICTS G - HOLM and I - RODRIGUEZ**
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$540,936.03 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program B3 Project - 1.42% over the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; G - HOLM and H - GONZALEZ**
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,603,469.54 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Replacement in Del Monte - 2.33% under the original contract amount - **DISTRICT G - HOLM**

PROPERTY - NUMBER 12

12. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY8-120, located at 8300 Homestead Road, owned by Phoenix Medicos, LLC, Jiten Kumar, Owner, for **HOMESTEAD ROAD GRADE SEPARATION PROJECT from Ley Road to Firnat Street** - \$84,768.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 16

13. **KILLEEN POWER SPORTS, LTD.** for Scooters for Houston Police Department - \$124,911.68 Mobility Response Team Fund
14. ORDINANCE appropriating \$7,707,416.05 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of the 84" Interceptor Sewer Line located at Almeda Rd. and W. Orem for the Public Works & Engineering Department - **DISTRICT D - ADAMS**
 - a. **FUGRO CONSULTANTS** - \$107,416.05, **PATE ENGINEERING** - \$500,000.00 and **BRH-GARVER CONSTRUCTION LP** - \$7,100,000.00 in connection with Emergency Repair of the 84" Interceptor Sewer Line located at Almeda Rd. and W. Orem for the Public Works & Engineering Department - **DISTRICT D - ADAMS**
15. **AMEND MOTION #2000-1552, previously amended by Motion #2003-1450, 2004-1056, 2006-37 and 2009-502 TO EXTEND** term from September 30, 2009 to March 30, 2010, for Vehicle Locator System for Various Departments
16. **MEDWASTE SOLUTIONS, INC** - \$4,185,737.93, **MATERA PAPER COMPANY, LTD.** - \$1,213,888.29, **BUCKEYE CLEANING CENTER-HOUSTON** - \$472,704.33 and **ZEP, INC dba ZEP SALES AND SERVICE** - \$178,484.16 for Janitorial Supplies for Various Departments \$6,050,814.71 - General and Enterprise Funds

ORDINANCES - NUMBERS 17 through 55

17. ORDINANCE adopting guidelines and criteria, making certain elections regarding eligibility, and **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to tax abatements
18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement (Parcel SY7-072) and the attendant aerial easement; vacating and abandoning said easements to Highland Village Limited Partnership, the abutting owner, in consideration of its conveyance to the City of a 15-foot-wide sanitary sewer easement (Parcel DY7-036); all three (3) easements being out of Reserve "A" and the adjoining parcels of the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61, Houston, Harris County, Texas; and its payment of \$24,200.00 and other consideration to the City **DISTRICT G - HOLM**
19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Hall Road, from the east right-of-way line of Monroe Road East \pm 900 feet, comprised of (i-ii) Parcels SY8-023 and SY8-079, vacating and abandoning said parcels to Target Corporation and to Plaza at Pearland Village, Ltd., the abutting owners, in consideration of their conveyance to the City of right-of-way for, and construction of (iii) a 60-foot-wide road connecting the remainder of Hall Road South to the Beltway 8 right-of-way, Parcel AY8-059A, (iv) \pm 42,728 square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, Parcel AY8-059B, and a 10-foot-wide water line easement, comprised of (v-vi) Parcels KY8-102 and KY8-211, and (vii) the payment of \$300.00 and other consideration to the City; all six parcels being out of the Robert Cameron Survey, A-211, Houston, Harris County, Texas - **DISTRICT E - SULLIVAN**

ORDINANCES - continued

20. ORDINANCE authorizing the sale to Harris County, Texas, of a 10,400 square foot (0.2387 acre) easement (Parcel SY9-053) out of fee-owned Sand Canyon Park, located in the H. K. Stafford Survey, A-1370, Houston, Harris County, Texas, in consideration of payment in the amount of \$39,000.00 and other consideration to the City
21. ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston General Election to be held on November 3, 2009, and any required Runoff Election; prescribing the maximum number of election clerks for each voting precinct
22. ORDINANCE consenting to the creation of the **ALIANA MANAGEMENT DISTRICT** in the extraterritorial jurisdiction of the City and the inclusion of certain land within the district
23. ORDINANCE amending Ordinance No. 2006-849 relating to **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 5**, also known as Brays Oaks Management District - **DISTRICT C - CLUTTERBUCK**
24. ORDINANCE consenting to the creation of **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3, also known as the UPPER KIRBY MANAGEMENT DISTRICT**, and the inclusion of certain land within the district; approving a Five-Year Capital Improvement Plan for the district ; authorizing the issuance of bonds - **DISTRICTS C - CLUTTERBUCK and G - HOLM**
25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 498 - DISTRICT D - ADAMS**
26. ORDINANCE relating to the fiscal affairs of the City Park Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICT A - LAWRENCE**
27. ORDINANCE appropriating \$3,525,000.00 out of Reimbursement of Equipment/Project Fund (Fund 1850) for payment to the **MEMORIAL-HEIGHTS REDEVELOPMENT AUTHORITY** (Reinvestment Zone Number Five, City of Houston, Texas) pursuant to Ordinance No. 2009-824
28. ORDINANCE granting the petition of the **WOODLANDS LAND DEVELOPMENT COMPANY, L.P.** to include certain land in Montgomery County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with Section 42.022(B) of the Texas Local Government Code
29. ORDINANCE approving and authorizing contract between the City of Houston and **SANTA MARIA HOSTEL** providing up to \$286,072.15 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the operation of a Community Residence and the provision of other supportive services - **DISTRICT B - JOHNSON**
30. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of Tourism and the solicitation of convention business
31. ORDINANCE accepting into the City collection the sculpture, Croton IV, a Cast Bronze Sculpture by artist Joseph Anthony McDonnell, for placement at Houston Airport System Administration Building and approving and authorizing agreement between the City of Houston and **1800 WEST LOOP HOUSTON, LTD.**, for donation of such work of art - **DISTRICT B - JOHNSON**

ORDINANCES - continued

32. ORDINANCE accepting into the City collection the painting, Axis Mundi, an acrylic painting on plywood by artist Benito Huerta, for placement in the Talento Bilingue de Houston Building and approving and authorizing agreement between the City of Houston and **MUSEUM OF FINE ARTS, HOUSTON** for donation of such work of art - **DISTRICT I - RODRIGUEZ**
33. ORDINANCE authorizing and approving Purchase Agreement between the City of Houston, Seller, and the **CENTER FOR HEARING AND SPEECH, INC** and **MENTAL HEALTH AND MENTAL RETARDATION AUTHORITY OF HARRIS COUNTY, Purchasers**, of 2.999 acres of land, located at 3630 and 3636 West Dallas Street, in the John Austin Survey, A-1, Houston, Harris County, Texas, in consideration of the development of said property by purchasers for the City and the payment of \$2,340,000.00 by purchasers to the City on the terms set forth in the agreement and other consideration to the City - **DISTRICT D - ADAMS**
34. ORDINANCE appropriating \$70,364.50 out of Parks Special Fund (4012); approving Purchase and Sale Agreement between **ROSLYN HICKS, Seller**, and the City of Houston, Buyer, for the purchase of approximately 3,275 square feet of land (Parcel BY10-001) located at 830 West 23rd Street, for the Parks & Recreation Department, for the expansion of Wright-Bembry Park; and approving and authorizing payment for the land acquisition costs, Environmental Report Costs, and all Closing Costs associated with this transaction - **DISTRICT H - GONZALEZ**
35. ORDINANCE appropriating \$37,000.00 out of Reimbursement of Equipment/Projects Fund (1850); approving Purchase and Sale Agreement between **CHERRIE GRIGGS JOHNSON, Seller**, and the City of Houston, Buyer, for the purchase of approximately 12,800 square feet of land (Parcel HY10-001) located at 1600 West Little York Road, for the Fire Department, for the expansion of Fire Station No. 67; and approving and authorizing payment for the land acquisition costs and all Closing Costs associated with this transaction - **DISTRICT B - JOHNSON**
36. ORDINANCE appropriating \$115,000.00 out of Reimbursement of Equipment/Projects Fund (1850); approving Purchase and Sale Agreement between **DANIEL SANTANA, Seller**, and the City of Houston, Buyer, for the purchase of approximately 16,500 square feet of land (Parcel HY10-002) located at the intersection of Old Spanish Trail and Wheeler Street, for the Fire Department, for the expansion of Fire Station No. 40; and approving and authorizing payment for the land acquisition costs and all Closing Costs associated with this transaction - **DISTRICT I - RODRIGUEZ**
37. ORDINANCE approving and authorizing Occupancy Agreement between **AVANCE, INC, a Texas Nonprofit Cooperation, as Occupant**, and the City of Houston, Texas, as Owner, for space in the Acres Homes Multi-Service Center - Revenue - **DISTRICT B - JOHNSON**
38. ORDINANCE appropriating \$53,787.00 out of Public Health Consolidated Construction Fund for Removal and Relocation of Playground Equipment and ADA Renovations at Kashmere Multi-Service Center for the Department of Health and Human Services - **DISTRICTS B - JOHNSON and D - ADAMS**
39. ORDINANCE appropriating \$27,753.00 out of Parks Special Fund for Purchase and Installation of a New Batting Cage at Hidalgo Park for Parks & Recreation Department - **DISTRICT I - RODRIGUEZ**
40. ORDINANCE appropriating \$249,989.00 out of Parks Consolidated Construction Fund as an additional appropriation for Memorial Park Pedestrian Bridge, and approving and authorizing first amendment to Construction Contract between the City of Houston and **SPAWGLASS CIVIL CONSTRUCTION, INC** (Approved by Ordinance No. 2008-1232); providing funding for engineering and testing services and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT G - HOLM**

ORDINANCES - continued

41. ORDINANCE appropriating \$65,000.00 out of Equipment Acquisition Consolidated Fund for Purchase of Information Technology Equipment for Houston Public Library
42. ORDINANCE appropriating \$60,000.00 out of Public Library Consolidated Construction Fund for Purchase of Equipment and Material Relocation Services for the African American Library at the Gregory School - **DISTRICT I - RODRIGUEZ**
43. ORDINANCE appropriating \$130,000.00 out of Equipment Acquisition Consolidated Fund; amending Ordinance No. 2008-428 (Passed on May 14, 2008) to increase the maximum contract amount for contract between the City of Houston and **HOWARD R. GREEN COMPANY** for the Implementation of a Hosted License and Permit System for the Administration & Regulatory Affairs Department - \$60,000.00 - General Fund
44. ORDINANCE awarding contract to **TERRA RENEWAL LLC** for Biosolids Transportation and Land Disposal/Application for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$16,257,820.00 - Enterprise Fund
45. ORDINANCE amending Ordinance No. 2008-1134 (December 10, 2008) to increase the maximum contract amount for contract between the City of Houston and **SECURITY INTEGRATORS & CONSULTING, INC** for Security System Maintenance Services for General Services Department - \$110,918.70 - General Fund
46. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **TAZMANIAN FREIGHT FORWARDING, INC** for certain premises at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON**
47. ORDINANCE approving and authorizing Supplemental Agreement No. 1 to Lease No. GS-07B-15513 between the City of Houston and the **UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION** for Transportation Security Administration Office Space at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON**
48. ORDINANCE approving and authorizing Supplemental Agreement No. 3 to Lease No. DTFA07-00-L-00920 between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, in connection with System Support Center and Contract Weather Observer Center at William P. Hobby Airport - **DISTRICT I - RODRIGUEZ**
49. ORDINANCE appropriating \$219,780.00 out of Airports Improvement Fund and approving and authorizing Agreement for Professional Architectural Services between the City of Houston and **OSBORN & VANE ARCHITECTS, INC** relating to Hurricane Ike Repairs and Design and Renovation of Terminal A Restrooms at George Bush Intercontinental Airport/Houston (Project No. 615M); providing funding for Civic Art Program - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
50. ORDINANCE deappropriating \$3,750,000.00 out of FAA Grant No. 3-48-0111-069-08 appropriated by Ordinance No. 2008-541 for Contract No. 4600008879 by and between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC** for Project 643 at George Bush Intercontinental Airport/Houston; and appropriating \$3,750,000.00 out of Airports Improvement Fund for Contract No. 4600008879 - **DISTRICT B - JOHNSON**

ORDINANCES - continued

51. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for right-of-way in connection with the Public Improvement Project known as the North Wayside Drive Bridge at Halls Bayou Project; authorizing the acquisition by donation, dedication, purchase, or eminent domain proceedings of real property interests in fee simple title or easements to four (4) parcels of land situated in the Eli Noland Survey, Abstract No. 600, in Harris County, Texas, such property being more specifically situated along the north and south lines of North Wayside Drive between Venida Street and Hamlet Street in Houston, Harris County, Texas; providing for the payment of the costs of such acquisition, including Appraisal Fees, Fees Fort Title Policies/Services, Recording Fees, Courts Costs, and Expert Witness Fees - **DISTRICT H - GONZALEZ**
52. ORDINANCE appropriating \$2,049,215.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
53. ORDINANCE appropriating \$2,012,283.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
54. ORDINANCE appropriating \$774,437.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund
55. ORDINANCE No. 2009-785, passed second reading September 2, 2009
ORDINANCE granting to **A-GAIA AMERICA, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 56 through 58

56. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005, which approved and authorized the submission of the 2005 Consolidated Plan to the United States Department of Housing and Urban Development, including a grant application for the thirty-first year of the Community Development Block Grant ("CDBG") Program, among others

TAGGED BY COUNCIL MEMBER JONES

This was Item 25 on Agenda of September 2, 2009

57. ORDINANCE appropriating \$6,560,000.00 out of Equipment Acquisition Consolidated Fund for a Houston Municipal Courts Case Management System ("SYSTEM"); approving and authorizing contract between the City of Houston and **SOGETI USA, LLC** for Software Design and Development Services; providing for expenses relating to the design and implementation of the system - **TAGGED BY COUNCIL MEMBER HOLM**

This was Item 38 on Agenda of September 2, 2009

58. ORDINANCE approving and authorizing contract between the City and **GERRY FUSCO CONSULTING** for Professional Services relating to the Bureau of Animal Regulation and Control (BARC); providing a maximum contract amount - \$135,000.00 - General Fund

TAGGED BY COUNCIL MEMBER JONES

This was Item 53 on Agenda of September 2, 2009

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Gonzalez 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

SEP 16 2009

MOTION NO. 2009 0618

MOTION by Council Member Khan that the recommendation of the Houston Airport System, to set a public hearing date on proposed amendment to Chapter 9 of the Code of Ordinances, to amend land use regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport, be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, September 16, 2009, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Green and carried.

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


Council Member Clutterbuck absent due to being ill

Council Member Rodriguez absent on personal business

Council Member Brown out of the City on personal business

PASSED AND ADOPTED this 19th day of August 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is August 25, 2009.



City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment to the Airport Compatible Land Use Regulations in the vicinity of George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD).		Category # 9	Page 1 of 2	Agenda Item # <i>1A</i>
FROM (Department or other point of origin): Houston Airport System		Origination Date September 4, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: <i>[Signature]</i> <i>Eric R. Pineda</i>		Council District affected: B, E, I		
For additional information contact: John Silva <i>[Signature]</i> Phone: 281-233-1925 Monica Newhouse-Rodriguez <i>[Signature]</i> 281-233-1973 <i>FOR MRH-R</i>		Date and identification of prior authorizing Council action: 12/03/2008 (O) 2008-1052		
AMOUNT & SOURCE OF FUNDING: None		Prior appropriations: N/A		

RECOMMENDATION: (Summary)

Approve an ordinance amending Chapter 9, Article VI, Sections 9-404(b)(4), 9-504(b)(4), and 9-604(b)(4), to allow new single family residential structures in Tier Two areas around George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Airport (EFD).

SPECIFIC EXPLANATION:

On December 3, 2008, Council adopted Ordinance No. 2008-1052, which added Article VI to Chapter 9 of the Code of Ordinances. This Article sets out Airport Compatible Land Use regulations around all three Houston airports and was required in order to comply with Federal Aviation Administration (FAA) grant assurances. The City's presentations and explanatory material made available to the public stated that the construction of new single-family residential uses would be allowed under certain circumstances within Tier Two areas. Inadvertently, the adopted ordinance does not reflect this policy, and an amendment is needed to correct the ordinance language to conform with the City's intended policy.

On June 11, 2009, the Airport Commission (Commission) adopted a preliminary report on the proposed amendment and scheduled two public hearings. The Commission held the hearings on July 9, 2009 and July 23, 2009 and approved the final report on July 23, 2009, recommending approval of the amendment. There were no speakers for or against the amendments at either public hearing. On August 11, 2009, the proposed amendment was presented to the Council Committee on Transportation, Infrastructure and Aviation.

It is now requested that the City Council approve the amendment to Article VI, Chapter 9 of the Code of Ordinances.

REQUIRED AUTHORIZATION

Finance Department	Other Authorization:	Other Authorization:
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1 A
SEP 16 2009

**CORRECTED BLACKLINE
AIRPORT COMPATIBLE LAND USE REGULATIONS
ITEM 1A, SEPTEMBER 16, 2009 AGENDA**

(b) *Residential uses.* An existing, unmodified residential use shall be allowed to continue. Enlargement, replacement, or reconstruction of an existing residential use shall not increase the density or the intensity of the use. Residential uses in tier two are further allowed as follows:

- (1) An existing single family use will be permitted to renovate or convert non-livable area within the existing structure in which it is located, provided the use will not involve the subdivision of the property on which the existing single family use is located.
- (2) An existing single family use will be permitted to enlarge the existing structure in which it is located, provided the use will not involve the subdivision of the property on which the existing single family use is located.
- (3) An existing single family use will be permitted to be replaced after a casualty under the following conditions:
 - a. The construction shall meet a 45 dBA interior sound level; and
 - b. The use will not involve the subdivision of the property on which the existing single family use is located.
- (4) A new single family use shall be permitted ~~under only on~~ the following conditions: that
 - a. ~~The use is located on a residential lot within an existing platted subdivision, or valid deed restrictions prohibit the use of the property for other than residential use;~~
 - b. ~~The~~ the construction shall meet or exceed a 45 dBA interior sound level; and
 - c. ~~The use will not involve the subdivision of any lot.~~
- (5) An existing multifamily use will be permitted to renovate an existing structure provided the use will not increase the density of development as shown by a filed subdivision plat or development plat, measured in dwelling units per acre. The applicant shall be required to demonstrate to the satisfaction of the director the density prior to the application for the

residential building permit.

- (6) An existing multifamily use will be permitted to enlarge an existing structure under the following conditions:
 - a. The use will not increase the density of development as shown by a filed subdivision plat or development plat, measured in dwelling units per acre. The applicant shall be required to demonstrate to the satisfaction of the director the density prior to the application for the residential building permit; and
 - b. An enlargement shall meet or shall be located in a structure that meets a 45 dBA interior sound level.
- (7) An existing multifamily use will be permitted to be replaced after a casualty under the following conditions:
 - a. The livable area shall meet a 45 dBA interior sound level;
 - b. The use will not involve the subdivision of the lot on which the existing multifamily use is located; and
 - c. The use will not increase the density of development as shown by a filed subdivision plat or development plat, measured in dwelling units per acre. The applicant shall be required to demonstrate to the satisfaction of the director the density prior to the application for the residential building permit.
- (8) A new multifamily residential use shall be permitted only on the condition that the construction shall meet or exceed a 45 dBA interior sound level.
- (9) No new mobile or manufactured home parks or subdivisions shall be permitted.



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2
SEP 16 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 8-27-09
date

COUNCIL MEMBER: _____

August 26, 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 Land Use Regulations Board of Adjustment, for an unexpired term ending January 31, 2011, subject to Council confirmation:

Mr. Johnny R. Gant, appointment to Position Five A (for matters relating to Bush Intercontinental Airport);

Résumé of the nominee is attached for your review.

Sincerely,

Bill White

Bill White
Mayor

BW:CC:jsk

Attachments

cc: Mr. Eric R. Potts, Interim Director, Houston Airport System
Mr. Dale Rudick, Chair, Airport Land Use Regulations Board of Adjustment

RECEIVED
AUG 27 2009
CITY SECRETARY

3

SEP 16 2009

MOTION NO. 2009 0665


MOTION by Council Member Khan that nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for the current unexpired term ending June 30, 2011, be closed.

Seconded by Council Member Green and carried.

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

PASSED AND ADOPTED this 2nd day of September, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is September 8, 2009.


City Secretary

Council Member Clutterbuck nominated Mr. Justo Penn Gonzales for Position 10.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Report of 2009 Appraisal Roll Information, Certification of the Anticipated Collection Rate and Appoint Representatives to Calculate the Effective and Rollback Tax Rates

Category #

Page 1 of 1

Agenda Item#

4

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 9, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE:

Douglas Seckel

Council Districts affected:
All

For additional information contact:

Douglas Seckel, Deputy Director

Phone: 713-837-9880

Sylvia Shaw, Division Manager

Phone: 713-221-0131

Date and identification of prior authorizing

Council Action September 3, 2008

Motion No. 2008 0686

RECOMMENDATION: (Summary) That City Council receive the 2009 Appraisal Roll information, Certification of the Anticipated Collection Rate for "Truth-In-Taxation" purposes and appoint Sylvia Shaw, and Jennifer Chen to calculate and publish the City's Effective and Rollback Tax Rates.

Amount of Funding:

Not Applicable

F & A Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

The Truth-In-Taxation provisions of the State Tax Code require the City to take certain steps before adopting its ad valorem tax rate each year. The first of these steps are to, (1) submit the City's tax year 2009 appraisal roll information to City Council, (2) certify an anticipated collection rate to City Council, and (3) appoint representatives to calculate and publish the effective and rollback tax rates.

Attached is the required report of the tax year 2009 appraisal roll information and the certification of anticipated collection rate.

It is recommended that the City Council receive the 2009 Appraisal Roll Information, Certification of the Anticipated Collection Rate and appoint Sylvia Shaw and Jennifer Chen to calculate and publish the City's effective and rollback tax rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code.

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

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

**CITY OF HOUSTON
REPORT OF 2009 APPRAISAL ROLL INFORMATION
AND ANTICIPATED AND EXCESS COLLECTIONS**

**2009 APPRAISAL ROLL
(AS CERTIFIED BY THE CHIEF APPRAISERS OF APPRAISAL DISTRICTS)**

Total Appraised/Assessed Value:	\$176,630,512,155
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Taxable Value of Certified Property:	\$133,747,575,375
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Taxable Value of Property Under Protest:	\$ 8,910,430,639
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Taxable Value of Property Still Not Certified:	<u>\$ 7,613,116,274</u>
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Taxable Value of All Properties:	<u>\$150,271,122,288</u>
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Taxable Value of New Improvements Included Above \$	4,159,048,947
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**CERTIFIED ANTICIPATED COLLECTION RATE
AND EXCESS COLLECTIONS**

The Tax Assessor-Collector of Harris County who acts as assessor and collector of ad valorem taxes for the City of Houston certified that the estimate of the anticipated collection rate for the City of Houston ad valorem taxes for tax year 2009 is 99.74% and there were no excess debt collections for tax year 2008.


Sylvia Shaw
Deputy Tax Assessor-Collector

2009 TAX SCHEDULE

If the City proposes to adopt a tax rate that exceeds the lower of the effective tax rate or the rollback tax rate, the Tax Code requires City Council must hold two public hearings on the proposed rate. The Finance Department has determined that the tax rate adopted last year is lower than both the effective and rollback tax rates this year. This calendar assumes that the proposed rate will be lower than the effective tax rate or the rollback tax rate so public hearings are not required. City Council must adopt a tax rate before October 29.

All references to "Sections" in the Tax Schedule below refer to provisions in the Texas Tax Code. All references to the "Comptroller's manual" refer to the "Truth-in-Taxation" guide for setting tax rates, published by the State Comptroller in July 2009.

Aug 16 Receipt of certified roll from MCAD

Aug 31 Receipt of certified roll from HCAD

- The Finance Department received the certified appraisal roll from the Harris County Appraisal District. The most substantial portion of the roll is from Harris County. The eventual adoption of a tax rate for 2009 must occur before the 60th day after the date the certified roll was received. Section 26.05(a).

Sept. 8 Receipt of certified roll anticipated from FBCAD

Sept. 16 Council Meeting - designation of officers

- As soon as practicable, the Director of the Finance Department must submit the certified appraisal roll to City Council. Section 26.04(b).
- As soon as practicable, the Director of the Finance Department must certify to City Council an estimate of the collection rate for the current fiscal year. Section 26.04(b) and (h).
- City Council must designate individual officers to calculate and publish the effective tax rate and the rollback tax rate. Section 26.04(c) and (e).

Sept. 23 Council Meeting-setting hearing dates for a proposed tax rate

- As soon as practicable, the designated officers must submit the effective tax rate and rollback tax rate to City Council. Section 26.04(e).
- The Director of the Finance Department must recommend a proposed tax rate. Comptroller's manual, page 5.
- City Council must pass a motion to place a specific proposed tax rate on a future City Council Agenda. Comptroller's manual, page 5.

Sept. 26: Publication of tax information

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

Sept. 30: Council Meeting to adopt tax rate

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

maintenance and operations that exceeds the amount imposed in 2008, then the ordinance must include the statement in large font and capital letters that: "The tax rate will raise more taxes for maintenance and operations than last year's rate and "The tax rate will effectively be raised by ____ % and will raise taxes for maintenance and operations a on a \$100,000 home by approximately \$____". Section 26.05(b).

- If City Council adopts a 2009 tax rate for maintenance and operations that will impose an amount that exceeds the amount imposed for maintenance and operations in 2008, then the City must post certain specified information on its website. Section 26.05(b).

Oct. 29: Deadline to adopt tax rate per Harris County Tax Assessor Collector

- City Council must adopt a tax rate before the 60th day after the date the certified appraisal roll was received. Section 26.05(a). If City Council does not adopt a tax rate by that date, City Council is deemed to have adopted the lower of the effective tax rate or the rate adopted in 2008. Section 26.05(c).

Nov 4: Last day to call Council Meeting to "ratify" a deemed tax rate

- If City Council fails to adopt a tax rate before the 60th day after the date the certified appraisal roll was received, then City Council must meet again to "ratify" the deemed tax rate, which will be the lower of the 2009 effective tax rate or the tax rate adopted in 2008. This meeting to "ratify" the tax rate must take place before the fifth day after the date that the tax rate was deemed to have been adopted. Section 26.05(c).

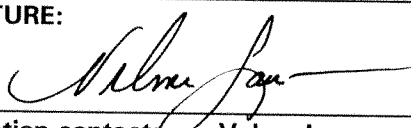
September 10, 2009

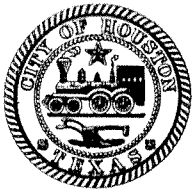
skm u:Tax/Property Taxation/Tax Levy 2009/Proposed Schedule - Final with dates.doc

TAX YEAR 2009 TRUTH-IN-TAXATION CALENDAR OF EVENTS
 (If the proposed rate greater than the lower of Effective Tax Rate or Rollback Rate)

Proposed Date		Events
Mon or Tue	31-Aug or 1-Sep (Depending when FBCAD can deliver the roll)	Chief Appraiser certifies and delivers the appraisal roll to the City.
Wed	2-Sep or 16-Sep	City Council meeting related to RCA #1 : City Council to approve and appoint an official to prepare the Truth-In-Taxation calculations. This RCA presents the certified appraisal roll information with an anticipated collection rate.
Wed	16-Sep	City Council meeting related to RCA #2 : City Council to place a specific proposed tax rate on a future agenda; schedule dates for Public Hearings.
Wed	9/30/2009 9AM	First Public Hearing (Require Quorum and announce the date, time and place of the meeting at which vote on the tax rate will take place).
Wed	10/7/2009 9AM	Second Public Hearing (Require Quorum and announce the date, time and place of the meeting at which vote on the tax rate will take place).
Wed	21-Oct	City Council meeting related to RCA #3: City Council to vote on tax rate.
Fri or Sat	30-Oct or 31-Oct	Deadline for adopting a tax rate for the Tax Year 2009.

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

SUBJECT: Disadvantaged Business Enterprise ("DBE") U.S. Department of Transportation/Federal Aviation Administration ("DOT"/"FAA") recommendation for overall airport concession goal through September 30, 2012.		Page 1 of 2	Agenda Item # 5
FROM (Department or other point of origin): Mayor's Office of Affirmative Action and Contract Compliance		Origination Date 9/11/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: 		Council District affected:	
For additional information contact: Velma Laws Phone: 713.837.9015		Date and identification of prior authorizing Council action: Ord 89-226; Motion 92-0498; Motion 2000-0136; Ord 99-893; Motion 2000-0136; Motion 2001-0096; Motion 2002-0077; Motion 2003-0072; Motion 2006-0072	
RECOMMENDATION: (Summary) Approve motion setting Airport Concessions Disadvantaged Business Enterprise (ACDBE) goal for airport leasing (concession) contracts for the period October 1, 2009 through September 30, 2012, in compliance with DBE ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49 CFR Parts 23 and 26.			
Amount and Source of Funding: NA			
SPECIFIC EXPLANATION: In February 1989 and August 1999, City Council approved ordinances setting federally mandated DBE goals and guidelines for airport contracts. The initial overall goal for leasing (concessions) contracts was 6%, which was reaffirmed at the same 6% level by Council Motion No. 92-9498. This goal was increased to 14% by Council Motion No. 2000-0136 passed and adopted February 2, 2000, subsequently approved at 13% by Council Motion No. 2001-0096 passed and adopted January 31, 2001, 12% by Council Motion No. 2002-0077 passed and adopted January 16, 2002, and 14% by Council Motion No. 2003-0041 passed and adopted January 15, 2003. Revised federal concession contract regulations were issued on March 22, 2005. Pursuant to revised 49 CFR Part 23, the formula changed and the rental car goals were separated from the overall concession goal. Additionally the City must now submit revised overall concession goals every 3 years. By Council Motion 2006-0072 passed and adopted January 24, 2006 the City set an overall airport concession contract goal at 33% for Bush Intercontinental Airport and 40% for Hobby Airport. The DBE Concession goal for rental cars for Bush Intercontinental Airport was 4.1% and 4.7 for Hobby Airport. The Affirmative Action and Contract Compliance division, in cooperation with the Houston Airport System, has analyzed relevant criteria required by the federal authorities and set an overall airport concession contract goal for federal fiscal years 2009 to 2011 at 23.2% for Bush Intercontinental Airport and 20.3% for Hobby Airport. The DBE Concession goal for rental cars for Bush Intercontinental Airport is 3.75%. The DBE Concession goal for rental cars for Hobby Airport is 3.35%. The DBE Concession goals are comparable to past DBE Concession participation. The Affirmative Action and Contract Compliance Division, in conjunction with the Houston Airport System, recommend that the above referenced DBE goals for airport concession contracts be adopted in accordance with the attached document by motion in order to comply with federal requirements. The federal criteria and the proposed goals were provided to all City Council members on August 21 st ; and the proposed goals were reviewed by the Council MWBE, Small Contractor Development and Contract Compliance Committee on August 24 th . The item was discussed. However, no action was taken for lack of a quorum.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	



CITY OF HOUSTON

Affirmative Action and Contract Compliance

Overview of the US Department of Transportation Section 49 of the Code of Federal Regulations (49 CFR), Parts 23 and 26

Participation by Disadvantaged Business Enterprises (DBEs) in Department of Transportation Programs

The U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) Program operates under City Ordinance 99-893. This Ordinance applies to Department of Aviation contracts that receive DOT funds (aka "DOT assisted contracts"), and is a reflection of Section 49 of the Code of Federal Regulations (49 CFR), sub-parts 23 and 26. Note - This program represents the "D" in the City's MWDBE program.

In early 1999, the Department of Transportation revised 49 CFR to meet the "strict scrutiny" and "narrow tailoring" requirements of the Supreme Court, and to address issues raised during Congressional debates concerning the continuance of the DBE program. (Bipartisan majorities voted to retain the program because it serves a compelling national interest - another Supreme Court requirement).

The new regulation required that the City submit a DBE program conforming to the new 49 CFR. Additionally, in order to remain eligible to receive federal funds, the City must submit updated DBE goals annually.

There are two DBE goal submittals. One submittal is for federally funded design and construction projects, which is submitted annually. The ACDBE concessions goal covers airport food and beverage, retail, advertising, parking, hotel, and rental car contracts, and is submitted every three years.

Some of the components of the Department of Transportation's DBE program are:

- ◆ All recipients of DOT funds are required to set an overall goal based on the availability of DBEs to participate on DOT assisted contracts, previous DBE utilization, and other factors.
- ◆ There are two ways to meet overall goals - by race neutral measures and race-conscious measures. Race neutral measures include business development programs, such as those that provide bonding and financial assistance; outreach; technical assistance; mentor/protégé programs, etc.. The Affirmative Action office has several of these initiatives already in place through its Small and MWBE Assistance Section. Additionally, the Houston Airport System has recently created a Small Business Development and Contract Compliance unit to administer MWDBE programs, and facilitated small and MWDBE participation at the airports. Race conscious measures include the use of contract goals specifically for DBEs.

Department of Transportation
DBE Program Revisions
Page 2

- ◆ Goals for various contracts will be flexible, based on the availability of DBEs to participate. Contract goals will be used only to meet the portion of a contract that cannot be met using race neutral measures.
- ◆ Eligible DBEs/ACDBEs may not have a personal net worth (not counting value of primary residence and interest in applicant firm) of more than \$750,000. (The City ordinance MWBE program does not have a personal net worth requirement).
- ◆ Recipients must collect data on all bidders for prime and subcontracts.
- ◆ All DOT recipients in each state must join in a unified certification program.

Key features of the revised Concessions program include:

New Designation: ACDBE – Airport Concession DBE. Note – Goods and service providers and management contractors are also considered ACDBEs, and may participate just as concessionaires would, and be included in the goals.

Size Standards: ACDBE Size Standard: \$47.78 million average annual gross receipts for 3 previous years, except for:

Banks and financial institutions: \$750 million in assets
Car rental companies: \$63.71 million avg. gross receipts (3 yrs)
Pay telephone: 1,500 employees
Automobile dealers: 200 employees

Personal Net Worth: PNW requirement is \$750,000, excluding ownership interest in primary residence and the business applying for certification, and assets that the owner/applicant can demonstrate are necessary to obtain financing to enter or expand a concessions business at the airport subject to Part 23, subject to a \$3 million cap

Goals: There will be one goal for concessions and one goal for car rentals

Joint Ventures: Joint Ventures are not certified as ACDBEs. ACDBE participation in a joint venture is counted if responsible for a distinct, clearly defined portion of the work. Share in the capital, contribution, control, management, risk and profit are counted only to the extent of the ACDBE's participation.

For additional information, contact Velma Laws at (713) 837-9015 or James Goodwille Pierre at 281.233.7833.

**City of Houston
Goals for the Participation of
Airport Concession Disadvantaged Business Enterprises (ACDBEs)
At George Bush Intercontinental and William P. Hobby Airports**

Pursuant to the Code of Federal Regulations, Section 49 Part 23, the City of Houston has established the following overall goals for the participation of Airport Concession Disadvantaged Business Enterprises (ACDBEs) in the Houston Airport System's concession agreements, for the period of October 1, 2008 – September 30, 2011:

Airport	Concession Goal	Rental Car Goal
Intercontinental	23.2%	3.75%
Hobby	20.3%	3.35%

Additionally, it is anticipated that the race neutral ACDBE participation at Intercontinental and Hobby airports will be 0.3% and 0.2 %, respectively.

Pursuant to instructions issued by the Federal Aviation Administration of the US Department of Transportation, the following information is provided herewith:

I. Accomplishment Report: October 1, 2007 - September 30, 2008 (Attachment 1) Bush Intercontinental Airport

Last fiscal year, the Houston Airport System exceeded its 33% goal, with an overall DBE participation rate of 33.3%. This was calculated by dividing the gross receipts that certified DBEs earned (\$ 75,539,025) by the total gross receipts earned by all concessionaires during the report period (\$ 227,132,495). Race neutral participation by DBE primes was 0.5%, which fell short of the 11.0% race neutral goal.

II. Accomplishment Report: October 1, 2007 - September 30, 2008 (Attachment 2) William P. Hobby Airport

Last fiscal year, the Houston Airport System fell short of its 39% goal, with an overall DBE participation rate of 25.8%. This was calculated by dividing the gross receipts that certified DBEs earned (\$ 8,289,587) by the total gross receipts earned by all concessionaires during the report period (\$ 32,173,287). Race neutral participation by DBE primes was 0.2%, which met the 0.2% race neutral goal.

III. Explanation Why the Previous Year's Goal was not met

William P. Hobby Airport- Construction projects required this airport to close down areas that were anticipated areas for ACDBE utilization. As a result the overall revenue was lower than anticipated in 2006 when the goals were set.

IV. FY 2009 – FY 2011 Overall Goal

The overall ACDBE goal for FY 2009 – FY 2011 was calculated in accordance with 49 CFR, Section 23.51. The Step I and Step II analyses were applied to each concession area in order to apply an appropriate ACDBE goal to each future concession opportunity as it became available. The goals were calculated utilizing the following methodology:

Step 1- Determine a base figure for the relative availability of ACDBEs

In order to determine base availability figures for each concession area we used the Active Participants List based on existing Concessioners at HAS pursuant to 49 CFR, Section 23.51(c)

Methodology:

All active ACDBE non-car rental concession firms in the market area

Base figure = _____

All ready, willing and able non-car rental concession firms in the market area

Base figure =
$$\frac{53 \text{ ACDBE Firms}}{264 \text{ Total Firms in Market Area}} = 24.8\%$$

Step 1 Average Availability is 24.8%

Step 2 - Adjust base figure to calculate overall goal

Once we calculated a base figure, we examined all relevant evidence reasonably available in our jurisdiction to determine what adjustment, if any, was needed to the base figure in order to arrive at our overall goal.

Disparity Study

We have been unable to identify a disparity study in our jurisdiction. However, we anticipate conducting a study during FY'10. In addition, we will continue to contact state and local agencies to determine when one becomes available

Relative Availability in each Concession Area:

We determined an availability figure for each concession area using the following data sources:

- 2003 Harris County Business Patterns for the Houston PMSA
- City of Houston (COH) database of certified firms

- State of Texas – Texas Unified Certification Program (TUCP) database of certified firms
- Concessions Interested Parties List, compiled by the Houston Airport System (HAS)
- Proposer Lists for various HAS Concessions Opportunities

We then calculated the relative availability based on the above set of data.

The ACDBE availability for each concessions area was calculated by averaging the ACDBE percentages from the County Business Pattern data and the Concessions Interested Parties Lists. (See Attachment 3) The availability figures are as follows:

CONCESSION	DBE %
Admin. Mgmt./General Mgmt.	
Consulting	34.9%
Foreign Currency Exchange	5.0%
Display Advertising	9.3%
Duty Free Shops	0.4%
Food & Beverage Service	1.9%
Massage Services	0.0%
Retail, News & Gift	3.5%
Parking Lots & Garages	3.7%
ShoeShine/Footwear/Leather Goods	13.1%
Vending Machine Operator	11.2%
WiFi	2.8%

We calculated overall goals for each concessions area, and the median of the actual ACDBE participation for the previous three fiscal years was calculated for each airport. (See Attachment 4) These figures were then averaged with the above availability percentages. This new Step II figure was then averaged with the Step I figure with the following results:

Step II Analysis: Intercontinental Airport (IAH)

CONCESSION	Avg. ACDBE Availability	MEDIAN DBE %	Step II Results
BUS/MANAGEMENT CONSULTANTS	34.9%	15.8%	25.4%
CURRENCY EXCHANGE	5.0%	26.3%	15.7%
DISPLAY ADVERTISING	9.3%	0.8%	5.1%
DUTY FREE	0.4%	23.5%	12.0%
FOOD & BEVERAGE	1.9%	26.4%	14.2%
MASSAGE CHAIRS	0.0%	20.0%	10.0%
NOVELTIES/NEWS/GIFT/RETAIL	3.5%	43.3%	23.4%
PARKING LOTS	3.7%	29.9%	16.8%
SHOE SHINE	13.1%	100.0%	56.6%
VENDING	11.2%	98.0%	54.6%
WiFi	2.8%	NA	2.8%
Average			21.5%

Step II Adjustment –Past Participation for IAH

- 1) Step 1 Goal (Average Availability) = 24.8%
- 2) Step 2 Adjustment (Median Past Three Years) = 21.5%
- 3) Adjusted Final Goal for IAH (Average of 1 & 2) = **23.2%**

Step II Analysis: Hobby Airport (HOU)

CONCESSION	Avg. ACDBE Availability	MEDIAN DBE %	Step II Results
BUS/MANAGEMENT CONSULTANTS	34.9%	22.0%	28.5%
CURRENCY EXCHANGE	5.0%	22.3%	13.7%
DISPLAY ADVERTISING	9.3%	0.9%	5.1%
DUTY FREE	0.4%	NA	0.4%
FOOD & BEVERAGE	1.9%	23.1%	12.5%
MASSAGE CHAIRS	0.0%	20.0%	10.0%
NOVELTIES/NEWS/GIFT/RETAIL	3.5%	32.0%	17.8%
PARKING LOTS	3.7%	29.9%	16.8%
SHOE SHINE	13.1%	100.0%	56.6%
VENDING	11.2%	7.8%	9.5%

WiFi	2.8%	NA	2.8%
Average			15.8%

Step II Adjustment –Past Participation for Hobby

- 1) Step 1 Goal (Average Availability) = 24.8%
- 2) Step 2 Adjustment (Median Past Three Years) = 15.8%
- 3) Adjusted Final Goal for Hobby (Average of 1 & 2) = **20.3%**

Pursuant to 49 CFR Part 23, Concession participation was projected for Fiscal Years 09, 10, and 11, for each airport. The projection for FY'10 was used for FY'11 because FY'11 was not available. The overall goal was calculated by multiplying the availability percentage figure from the Step II analysis for each new concession opportunity by the total projected gross revenues.

All other existing concession agreements and their current contractual goals will remain in place through FY'11. However, if unanticipated concession opportunities arise, an extension or option to renew an existing agreement is exercised, or a material amendment is made, the City will assess potential ACDBE participation and may, if permitted by any existing agreement, use the methodology authorized by 49 CFR Part 23 to obtain ACDBE participation for the applicable concession.

The projected gross revenues and ACDBE figures were added for the three fiscal years, resulting in the following ACDBE goals:

Airport	Total Projected Gross Revenues	Total Projected DBE Receipts	% DBE Participation
Intercontinental (IAH)	\$306,348,561	\$71,072,866	23.2%
Hobby (HOU)	\$86,244,117	\$17,507,555	20.3%

Determining How Much of the Goal Can be Obtained by Race Neutral Measures

Pursuant to 49 CFR Part 23, it was necessary to ascertain how much ACDBE participation would result without the assistance of ACDBE contracting goals. To calculate this figure, the combined participation of DBE prime contractors operating at each airport was used as the numerator, while the total Estimated Gross Receipts was used as the denominator. The resulting percentage of DBE prime contractor participation for each airport is reflected in the table below.

Airport	Total Projected Gross Revenues	Total Projected DBE Prime Revenues	% Race Neutral Participation
Intercontinental (IAH)	\$306,348,561	\$1,059,683	0.3%
Hobby (HOU)	\$86,244,117	\$152,192	0.2%

Calculation of ACDBE Goal for Car Rentals

Section 23.41 of 49 CFR requires the calculation of separate goals for car rentals. In order to calculate this goal, ACDBE participation was projected, based on previous accomplishments and changes in the ACDBE provisions that provide expanded opportunities for counting ACDBE participation. The DBE goal attainment for rental car activity for each airport is presented in the following table. (See attachment 5 for detail).

Airport	Total Rental Car Revenues	Total Rental Car DBE Participation	% DBE Participation
Intercontinental (IAH)	\$475,403,419	\$17, 827,628	3.75%
Hobby (HOU)	\$214,832,996	\$7, 196,905	3.35%

The resulting ACDBE Car Rental goals for Intercontinental and Hobby airports are 3.75% and 3.35%, respectively.

Stakeholder Input

Section 23.43 requires the solicitation of input from ACDBE program stakeholders before submission of overall goals to the FAA. Two informational meetings were held to allow stakeholders and interested parties an opportunity to attend. The purpose of the meetings was to inform attendees of the changes to the Concessions Rule in 49 CFR Part 23; describe the ACDBE goal setting process; and to see if any stakeholders had information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the City's efforts to increase participation of ACDBEs. We also used this opportunity to give a disadvantage/small business workshop on "How to Use QuickBooks". This was sponsored by the Texas Southern University, Jesse H Jones School of Business. The list of invitees/attendees, agenda, questions & comments and our stakeholders meeting advertisement are presented in Attachments 6 – 9, respectively. Note – All certified firms were invited to attend the third session.

**ACCOMPLISHMENT REPORT
GEORGE BUSH INTERCONTINENTAL AIRPORT (IAH)
PERIOD: 10/1/07 THROUGH 9/30/08**

Concessionaires	Business Type	FFY 08 Total Gross Receipts	FFY 08 Total ACDBE Participation	Lease Start Date	Lease End Date
ACI, Inc. - IAH	Bookstore	2,211,000.08	0.00	05/24/04	06/30/13
AT&T/SW Bell - Pay Phones - IAH	Pay Phones	247,751.44	0.00	05/12/05	05/30/08
Q3 Telecom	Pay Phones		71,118.15	05/12/05	05/30/08
Bank of America - IAH	ATM's	200,553.84	0.00	07/01/01	08/31/08
CBR - Spirit of the Red Horse - IAH	Specialty Retail	350,614.14	350,614.14	05/24/04	01/03/13
Concourse Communications SSP/LLC - IAH	WiFi Services	733,971.74	0.00	09/04/04	Yr-to-Yr
CRB Vending - IAH	Vending Services	106,350.33	88,830.48	05/07/02	05/06/09
Sweet Treats	Vending Services		17,519.85	05/07/02	05/06/09
DNC Delaware North (CA One) - IAH	Food & Beverage	394,389.79		07/01/98	06/30/12
J.V. HG Concessions 22%			5,670,173.50		
Panchito's Mexican	Mexican	2,319,615.15		07/01/98	06/30/12
Pizzeria Uno	Pizza	1,795,288.86		07/01/98	06/30/12
Coffee Beanery	Coffee	134,011.86		07/01/98	06/30/12
Stadium City	Food & Beverage	945,914.74		07/01/98	06/30/12
Riggers Tavern	Bar	277,401.55		07/01/98	06/30/12
Chili's Too	Food & Beverage	6,333,045.61		07/01/98	06/30/12
Skyline Suites	Food & Beverage	11,442.04		07/01/98	06/30/12
Journey's Grill	Food & Beverage	593,526.17		07/01/98	06/30/12
White Magnolia Café	Food & Beverage	758,183.31		07/01/98	06/30/12
Kingfisher	Food & Beverage	815,395.35		07/01/98	06/30/12
Bunkhouse Café	Food & Beverage	1,235,459.44		07/01/98	06/30/12
Schlotsky's Deli	Food & Beverage	1,517,602.33		07/01/98	06/30/12
Bubba's Seafood Grill	Sandwiches	6,013,215.49		07/01/98	06/30/12
Snack Kiosk	Food & Beverage	261,341.49		07/01/98	06/30/12
Launchpad Café	Snacks	1,180,175.82		07/01/98	06/30/12
Lefty's Lonestar Bar	Food & Beverage	1,441,166.91		07/01/98	06/30/12
Fuddrucker's	Bar	10,454.11		09/01/08	06/30/12
Peet's Coffee & Tea	Food & Beverage	56,904.91		07/01/08	06/30/12
Vito's Deli	Food & Beverage	73,370.74		12/01/07	06/30/12
(Certified ACDBE's)					
McDonald's (My McBlessings)	Hamburgers	5,884,776.93	5,884,776.93	07/01/98	06/30/12
The Grove Inc	Natural Snacks	1,553,942.03	1,553,942.03	07/01/98	06/30/12
Smoothie Factory	Frozen Drinks	70,403.61	70,403.61	07/01/98	06/30/12
Lotus Express	Asian	342,210.65	342,210.65	07/01/98	06/30/12

Attachment 1
HAS ACDBE Goals

Harlon's Bar B Que	Bar B Que	1,383,946.92	07/01/98	06/30/12
Shipley (University Shipley DoNuts)	Do-Nuts	703,606.86	07/01/98	06/30/12
Tailwinds	Bar	236,164.10	07/01/98	06/30/12
DFASS / The Beauty Lounge	Specialty Retail	656,828.40	04/01/08	06/30/13
Franklin & Wilson	Specialty Retail		05/24/04	05/30/08
Dr. Pepper - IAH	Vending Services	41,415.00	7/7/2004	7/6/2009
CRB Vending	Vending Services	3,690.28	7/7/2004	7/6/2009
Elsie Hebert Airport Shoe Shine - IAH	Shoe Shine	702,971.00	06/28/99	06/30/09
Fresh Brew - IAH	Vending Services	673.00	7/7/2004	7/6/2009
HMSHost - IAH	Specialty Retail	3,191,725.85	11/18/03	06/30/16
Houston 8 - JV 40%	Specialty Retail		11/18/03	06/30/16
Clyde Drexler Sport Scene	Specialty Retail	440,046.50	11/18/03	06/30/16
Fossil B	Specialty Retail	763,332.53	11/18/03	06/30/16
Fox News	News & Gift	2,730,985.19	11/18/03	06/30/16
Gift Store C	Specialty Retail	1,159,098.17	11/18/03	06/30/16
Gulf Coast News	News & Gift	1,859,129.01	11/18/03	06/30/16
News Connections	News & Gift	1,588,554.80	11/18/03	06/30/16
Simply Books (B)	Specialty Retail	2,107,051.57	11/18/03	06/30/16
Simply Books (C)	Specialty Retail	615,508.24	11/18/03	06/30/16
Space City News	News & Gift	842,096.18	11/18/03	06/30/16
Space Trader	Specialty Retail	282,748.07	11/18/03	06/30/16
Host Intl/F. Lowell Ltd - JV 35%	Food & Retail	3,285,880.50	11/18/03	06/30/16
Blue Ginger - Starbucks - JV 45%	Food & Beverage	7,267,810.30	11/18/03	06/30/16
ICE Currency Services - IAH	Currency & Bsn Svcs	1,087,079.05	08/01/00	08/02/08
Q3 Telecom	Currency & Bsn Svcs		08/01/00	08/02/08
Airport Currency Exchange	Currency & Bsn Svcs	58,007.28	08/01/00	08/02/08
Jaroth, Inc/Pacific Telemangement - IAH	Currency & Bsn Svcs	227,841.52	08/01/00	08/02/08
Q3 Telecom	Pay Phones/Email	41,056.93	08/01/08	08/01/11
JC Decaux - IAH	Pay Phones/Email	14,777.98	08/01/08	08/01/11
Blue Ginger	Advertising		12/30/99	12/31/10
JDDA - IAH (25% goal)	Advertising	48,000.00	12/30/99	12/31/10
Burrito Del Sol	Food Managing Agent	12,771,120.22	07/01/08	12/31/16
CC Express (Dover Hills Bakery)	Mexican		01/10/90	06/30/08
Harlon's Bar B Que	Pastries	1,293,945.45	01/10/90	06/30/08
Starbucks (HMSHost-Blue Ginger JV 45%)	Bar B Que	694,427.99	01/10/90	06/30/08
Rider's World Houston	Coffee	876,033.74	01/10/90	06/30/08
Smoothie King	Food & Beverage	1,072,899.07	01/10/90	06/30/08
Subway	Frozen Drinks	228,911.91	01/10/90	06/30/08
The Grove Inc	Sandwiches	233,221.75	01/10/90	06/30/08
Time Out Concessions	Natural Snacks	1,264,186.60	01/10/90	06/30/08
LaTrelles Express Inc.	Bar/Snacks	517,916.80	01/10/90	06/30/08
	Hamburgers	311,130.74	01/10/90	06/30/08
		2,944,307.11	01/10/90	06/30/08

Attachment 1
HAS ACDBE Goals

JDDA SSP / SSP America - IAH (35% goal)	Food Managing Agent	4,113,770.39	12/31/16
JDDA SSP/SSP America (JV 51%)	Management Fees	148,725.00	12/31/16
Starbucks (HMSHost-Blue Ginger JV 45%)	Coffee	352,650.59	12/31/16
LaTrelles Management	Food & Beverage	75,849.75	12/31/16
LaTrelles Express Inc.	Food & Beverage	158,692.77	12/31/16
The Grove Inc	Food & Beverage	400,554.83	12/31/16
Charles Bush Entertainment	Snacks	954,380.45	12/31/16
Northwest Coffee (Smoothie King)	Food & Beverage	154,528.98	12/31/16
Airport Express Mgmt (Burrito Del Sol)	Food & Beverage	127,869.49	12/31/16
New South Parking - IAH	Food & Beverage	83,727.49	12/31/16
Global Parking - J.V. 30%	Parking	167,074.69	12/31/16
Nuance / FIS Duty Free - IAH	Parking	10,335,711.91	01/28/08
Strong Strategies - J.V. 10%	Duty Free	3,100,713.57	01/28/08
Montana Belts & Buckles - J.V. 5%		6,879,138.97	10/01/05
Law Offices of Harry Johnson - J.V. 5%		459,615.88	10/01/05
Smarte Carte/Baggage Carts - IAH		229,807.95	10/01/05
CLS Management Svcs	Baggage/Lockers	229,807.95	10/01/05
Smarte Carte/Confiscated Items - IAH		313,006.30	01/06/06
Smarte Carte/First Class Seats - IAH	Confiscated Item Svc	0.00	01/06/06
CRB Vending	Vend Massage Chair	27,306.06	01/06/06
SuperShuttle Houston - IAH (Expenditures)	Vend Massage Chair	121,648.00	01/06/06
Mr. Klean's Enterprises	Passenger Shuttle Svc	24,329.60	01/06/06
North Freeway Auto Supply, Inc		371,583.25	10/01/06
The Paradises Shops - IAH		7,321.80	10/01/06
M.U.I. Services - J.V. - 5%		124,956.20	10/01/06
H&D Consulting Group - J.V. 5%		888,917.81	11/18/03
Westfield Concessions (E & FIS) - IAH	Specialty Retail	888,917.81	06/30/13
Airport Shoeshine		17,778,356.17	06/30/13
Charley's Grilled Subs	Developer	96,572,956.38	01/03/05
Coco Moka	Shoeshine	148,188.00	01/03/05
Freshens	Food & Beverage	1,368,463.00	01/03/05
Gloria Jeans	Food & Beverage	695,983.73	01/03/05
Hudson News (Cardinal/Global Times)	Food & Beverage	463,220.62	01/03/05
Landau	Coffee	474,555.00	01/03/05
Le Petite Bistro	News & Gift	967,208.33	01/03/05
Nestle/Auntie Anne's	Specialty Retail	86,737.25	01/03/05
See's Candies	Food & Beverage	2,329,674.19	01/03/05
Sun Glass Hut	Food & Beverage	1,044,411.00	01/03/05
Taxco Sterling Ci, Inc.	Specialty Retail	199,425.48	01/03/05
The Little Creamery	Specialty Retail	1,690,872.61	01/03/05
Travellex World Wide Money	Specialty Retail	790,962.79	01/03/05
	Food & Beverage	756,227.41	01/03/05
	Currency & Bsn Svcs	15,604,876.61	01/03/05

Attachment 1
HAS ACDBE Goals

Weitnauer/Dufry	Duty Free	2,587,982.56	01/03/05	01/02/10
Wendy's	Food & Beverage	1,360,911.82	01/03/05	01/02/10
TOTAL CONCESSIONS REVENUE		75,539,025.24	33.26%	GOAL 33.00%

Marriott Hotel	Hotel	16,977,641.11	0.00	
TOTAL - Including Hotel Revenues		244,110,136.42	30.94%	

Rental Car Companies		FFY 08 Total Gross Receipts	FFY 08 Total ACDBE Participation	
Advantage - SW Texas Leasing Co., Inc.	Car Rental	5,180,400.90	0.00	09/01/03
Avis/Budget Rent A Car	Car Rental	46,067,672.55		09/01/03
Ford of Santa Monica	Auto Dealer		377,507.78	09/01/03
Hala, Inc.	Hardware Wholesalers		1,106.61	09/01/03
Jazfam Associates	Fleet Maint. Products		3,622.85	09/01/03
Leslie Saunders Insurance	Insurance Services		415,955.85	09/01/03
Premier Auto Body	Auto Body Repair		5,033.60	09/01/03
T & J's Mobile Detailing & Pressure Wash	Auto Detailing		43,189.54	09/01/03
True Vines, Inc	Plants		8,286.62	09/01/03
Avis/Budget Rent A Car	Car Rental	14,548,910.21		09/01/03
Ford of Santa Monica	Auto Dealer		125,771.14	09/01/03
Hala, Inc.	Hardware Wholesalers		56.93	09/01/03
Leslie Sanders Insurance	Insurance Services		133,310.31	09/01/03
Premier Auto Body	Auto Body Repair		1,978.40	09/01/03
T & J's Mobile Detailing & Pressure Wash	Auto Detailing		28,313.38	09/01/03
True Vines, Inc	Plants		970.40	09/01/03
Dollar/Thrifty Rent A Car	Car Rental	8,234,749.02		09/01/03
CRB Vending	Vending Machines		8,684.99	09/01/03
REM Services	Personnel Recruiting		978,972.42	09/01/03
Roberts's Paint & Body	Auto Paint & Body		5,009.02	09/01/03
Dollar/Thrifty Rent A Car	Car Rental	7,057,221.06		09/01/03
CRB Vending	Vending Machines		5,806.81	09/01/03
REM Services	Personnel Recruiting		978,972.42	09/01/03
Roberts's Paint & Body	Auto Paint & Body		8,073.23	09/01/03
Enterprise Leasing Company of Houston	Car Rental	17,549,688.49		09/01/03
Ricochet Fuel Distributors			1,004,684.68	09/01/03
The Hertz Corporation	Car Rental	43,627,139.77		09/01/03
Azteca Communications	Underground Utility		571.20	09/01/03

Attachment 1
HAS ACDBE Goals

Ford of Santa Monica	Vehicle Purchases	0.00	09/01/03	06/30/27
Hobart Industries	Pest Control	499.14	09/01/03	06/30/27
J&S Paint & Body	Auto Paint & Body	1,312.10	09/01/03	06/30/27
Premier Auto Body	Auto Repair	8,201.50	09/01/03	06/30/27
Robert's Paint & Body	Auto Paint & Body	24,756.72	09/01/03	06/30/27
Vanguard/National Car Rental	Car Rental	27,395,484.81	09/01/03	06/30/27
Hata, Inc.	Hardware Wholesalers	29,126.00	09/01/03	06/30/27
True Vines, Inc	Plants	2,900.00	09/01/03	06/30/27
Winrow & Company	Janitorial	10,599.00	09/01/03	06/30/27
Vanguard/Alamo Car Rental	Car Rental	13,617,576.70	09/01/03	06/30/27
Winrow & Company	Janitorial	1,009.00	09/01/03	06/30/27
TOTAL CAR RENTAL REVENUES		4,214,281.64	2.30%	GOAL 15.00%

OVERALL COMBINED TOTAL (Concessions/Car Rentals) 79,753,306.88 19.43%

Attachement 2
HAS ACDBE Goals

ACDBE

**ACCOMPLISHMENT REPORT
WILLIAM P. HOBBY AIRPORT (HOU)
PERIOD: 10/1/07 THROUGH 9/30/08**

Concessionaire	Business Type	FFY 08 Total Gross Receipts	FFY 08 Total ACDBE Participation	Lease Start Date	Lease End Date
AT&T/Southwestern Bell - Pay Phones - HOU	Pay Phones	32,076.28		5/12/2005	5/30/2008
Q3 Telecom	Pay Email		2,916.83	5/12/2005	5/30/2008
Bank of America - HOU	ATM's	73,318.00	0.00	8/29/2001	8/1/2008
Concourse Communications SSP - HOU	WiFi Internet	196,428.88	0.00	10/1/2007	9/30/2011
Custom Food Group - HOU	Vending Services	20,446.28		5/7/2002	5/7/2008
Suncraft Vending	Vending Services		2,904.77	5/7/2002	5/7/2008
Dr. Pepper - HOU	Vending Services	48,330.04	0.00	7/7/2004	7/6/2009
Four Families	Food/Beverage	14,967,889.14		1/12/2002	6/30/2013
LaTrelles Express	Food/Beverage		2,954,407.45	1/12/2002	6/30/2013
LaTrelle's Mgmt (J.V. 42%)	Food/Beverage	2,680,799.85	1,139,339.94	1/12/2002	6/30/2013
Fresh Brew - HOU	Vending Services	37,093.08	0.00	7/7/2007	7/2/2009
Hudson News - HOU	News, Gift & Specialty	10,931,123.36		12/5/2002	6/30/2013
Cardinal Concessions - J.V. 24%	News, Gift & Specialty		2,623,469.60	12/5/2002	6/30/2013
Vesta Capital Partners, LP - J.V. 5%	News, Gift & Specialty		546,556.18	12/5/2002	6/30/2013
Global Times, Inc. - J.V. 3%	News, Gift & Specialty		327,933.70	12/5/2002	6/30/2013
ICE Currency Services - HOU	Currency & Bsn Svcs	33,581.59		8/1/2000	8/2/2008
Q3 Telecom	Currency & Bsn Svcs		7,322.65	8/1/2000	8/2/2008
Jaroth Inc./Pacific Telemanagement - HOU	Payphone/Pay email	5,146.59	0.00	8/1/2008	8/1/2011
JC Decaux - HOU	Advertising	1,018,529.34		12/30/1999	12/31/2010
Lawn Professor	Advertising		18,000.00	12/30/1999	12/31/2010
McClinton Shoe Shine - HOU	Shoeshine	74,301.00	74,301.00	1/23/1973	Mo-to-Mo
New South Parking - HOU	Parking	1,725,648.91		1/29/2000	1/28/2010
Global Parking - J.V. 30%			517,694.67	1/29/2000	1/28/2008
Smarte Carte/Baggage Carts - HOU	Baggage/Lockers	127,812.86		1/6/2006	1/5/2011
CLS Management			18,032.37	1/6/2006	1/5/2011
Smarte Carte/Confiscated Items - HOU	Confiscated Item Svc	19,809.25	0.00	01/06/06	01/05/11
Smarte Carte/First Class Seats - HOU	Vend Massage Chair	33,712.00		01/06/06	01/05/11
CRB Vending	Vend Massage Chair		6,742.40	01/06/06	01/05/11
SuperShuttle Houston -HOU (Expenditures)	Passenger Shuttle Svc	147,240.23		01/06/06	01/05/11
North Freeway Auto Supply	Auto Parts		49,965.89	9/28/2006	9/28/2011
TOTAL CONCESSION REVENUES			8,289,587.45	25.77%	GOAL 40.00%

Attachement 2
HAS ACDBE Goals

		FFY 08 Total Gross Receipts	FFY 08 Total ACDBE Participation	
Rental Car Companies				
Advantage SW Texas Leasing Company, Inc.	Car Rental		0.00	6/1/2005
Avis/Budget Rent A Car	Car Rental	2,798,438.95		6/1/2005
EDC Development Company LLC	Painting	14,073,500.79		6/1/2005
Ford of Santa Monica	Vehicle Purchase		1,075.00	6/1/2005
Hata, Inc.	Hardware Wholesalers		120,849.65	6/1/2005
Jazfam Associates	Billing Services		56.06	6/1/2005
Leslie Saunders Insurance Agency	Insurance Services		181.55	6/1/2005
Premier Auto Body	Auto Repair		132,274.06	6/1/2005
T & J's Mobile Detailing & Pressure Wash	Auto Detailing		3,745.00	6/1/2005
True Vines	Auto Detailing		46,015.57	6/1/2005
Avis/Budget Rent A Car	Plant Care		381.95	6/1/2005
Ford of Santa Monica	Car Rental	7,305,866.55		6/1/2005
Hata, Inc.	Vehicle Purchase		65,051.33	6/1/2005
Jazfam Associates	Hardware Wholesalers		193.47	6/1/2005
Leslie Saunders Insurance Agency	Billing Services		203.91	6/1/2005
Premier Auto Body	Insurance Services		66,344.19	6/1/2005
T & J's Mobile Detailing & Pressure Wash	Auto Repair		2,391.50	6/1/2005
True Vines	Auto Detailing		39,500.16	6/1/2005
Dollar/Thrifty Rent A Car	Plant Care		333.66	6/1/2005
CRB Vending	Car Rental	5,550,403.33		6/1/2005
Robert's Paint & Body	Vending Machines		4,743.32	6/1/2005
Dollar/Thrifty Rent A Car	Auto Repair		10,136.59	6/1/2005
CRB Vending	Car Rental	3,386,084.91		6/1/2005
Robert's Paint & Body	Vending Machines		4,743.32	6/1/2005
Enterprise Leasing Company of Houston	Auto Repair		10,221.28	6/1/2005
Ricochet Fuel Distributors	Car Rental	7,844,943.83		6/1/2005
The Hertz Corporation	Fuel		621,372.60	6/1/2005
Azteca Communications	Car Rental	14,935,707.83		6/1/2005
Ford of Santa Monica	Underground Utility		12,797.86	6/1/2005
Hobart Industries	Vehicle Purchase		0.00	6/1/2005
J&S Paint Body	Pest Control		0.00	6/1/2005
Premier Auto Body	Auto Repair		0.00	6/1/2005
Robert's Paint & Body	Auto Repair		9,347.40	6/1/2005
True Vines	Auto Repair		6,664.70	6/1/2005
Vanguard/National Car Rental	Plant Care		0.00	6/1/2005
Winrow & Company	Car Rental	12,931,660.47		6/1/2005
Vanguard/Alamo Car Rental	Janitorial			6/1/2005
	Car Rental	7,866,927.59		6/1/2005

Attachement 2
HAS ACDBE Goals

TOTAL CAR RENTAL REVENUES	76,693,534.25	1,159,011.13	1.51%	GOAL 5.00%
OVERALL COMBINED TOTAL (Concessions/Car Rentals)	108,866,820.93	9,448,598.58	8.68%	

Attachment 3
Step I Availability Analysis

NAICS	CONCESSION	INTERESTED PARTIES			COUNTY BUSINESS PATTERNS			AVG
		TOTAL	DBES	%	TOTAL	DBES	% DBE	
722310/722110	Adm. Mgmt/General Mgmt Consulting	0	0	0.0%	842	294	34.9%	34.9%
517310	Display Advertising	6	0	0.0%	27	5	18.5%	9.3%
811430/812990	Duty Free Shops	0	0	0.0%	243	1	0.4%	0.4%
454210	Food & Beverage Service	96	2	2.1%	5581	91	1.6%	1.9%
541110	Foreign Currency Exchange	5	0	0.0%	30	3	10.0%	5.0%
561720	Marketing Consulting Services	0	0	0.0%	253	63	24.9%	24.9%
541613	Massage Services	60	0	0.0%				0.0%
561710	Parking Lots & Garages	0	0	0.0%	246	9	3.7%	3.7%
541511/443120	Retail, News & Gift	185	7	3.8%	398	13	3.3%	3.5%
522110	ShoeShine/Footwear/Leather Goods	7	1	14.3%	25	3	12.0%	13.1%
517210	Vending Machine Operator	17	0	0.0%	49	11	22.4%	11.2%
335211	WiFi	36	1	2.8%				2.8%
	Average Availability				7694	493		9.2%

Attachment 4
DBE Goal Attainment History by Concession Area

INTERCONTINENTAL AIRPORT (IAH)

CONCESSION	Avg. ACDBE Availability	FY 06 DBE %	FY 07 DBE %	FY 08 DBE %	MEDIAN DBE %	Step II Results
BUS/MANAGEMENT CONSULTANTS	34.9%	21.3%	15.8%	14.0%	15.8%	25.4%
CURRENCY EXCHANGE	5.0%	25.0%	26.3%	34.5%	26.3%	15.7%
DISPLAY ADVERTISING	9.3%	0.3%	1.2%	0.8%	0.8%	5.1%
DUTY FREE	0.4%	23.5%	23.2%	24.9%	23.5%	12.0%
FOOD & BEVERAGE	1.9%	36.1%	20.0%	26.4%	26.4%	14.2%
MASSAGE CHAIRS	0.0%	14.7%	20.0%	20.0%	20.0%	10.0%
NOVELTIES/NEWS/GIFT/RETAIL	3.5%	43.8%	43.3%	31.9%	43.3%	23.4%
PARKING LOTS	3.7%	31.2%	29.9%	29.9%	29.9%	16.8%
SHOE SHINE	13.1%	100.0%	100.0%	100.0%	100.0%	56.6%
VENDING	11.2%	100.0%	98.0%	74.1%	98.0%	54.6%
WiFi	2.8%	NA	NA	NA	NA	2.8%
					Average	21.5%

HOBBY AIRPORT (HOU)

CONCESSION	Avg. ACDBE Availability	FY 06 DBE %	FY 07 DBE %	FY 08 DBE %	MEDIAN DBE %	Step II Results
BUS/MANAGEMENT CONSULTANTS	34.9%	22.0%	22.0%	0.0%	22.0%	28.5%
CURRENCY EXCHANGE	5.0%	22.3%	26.0%	21.8%	22.3%	13.7%
DISPLAY ADVERTISING	9.3%	0.0%	0.9%	1.7%	0.9%	5.1%
DUTY FREE	0.4%	NA	NA	NA	NA	0.4%
FOOD & BEVERAGE	1.9%	21.0%	23.6%	23.1%	23.1%	12.5%
MASSAGE CHAIRS	0.0%	20.0%	20.0%	20.0%	20.0%	10.0%
NOVELTIES/NEWS/GIFT/RETAIL	3.5%	32.0%	31.0%	32.0%	32.0%	17.8%
PARKING LOTS	3.7%	29.9%	30.0%	29.9%	29.9%	16.8%
SHOE SHINE	13.1%	100.0%	100.0%	100.0%	100.0%	56.6%
VENDING	11.2%	12.4%	7.8%	2.7%	7.8%	9.5%
WiFi	2.8%	NA	NA	NA	NA	2.8%
					Average	15.8%

CITY OF HOUSTON
HOUSTON AIRPORT SYSTEM
STEP I ACDBE AVAILABILITY ANALYSIS

COUNTY BUSINESS PATTERNS				
NAICS	CAR RENTAL	TOTAL	DBEs	%
238320	Painting	NA	98	NA
238900	Specialty Trade Contractors	NA	8	
423610	Lighting Fixtures	648	33	5.1%
423710	Hardware Wholesaler	158	10	6.3%
424710	Petroleum Bulk Stations & Terminals	108	1	0.9%
424720	Petroleum & Petroleum Products Wholesaler	128	10	7.8%
441120	Used Car Dealers	459	1	0.2%
441310	Automotive Parts & Accessories Stores	603	11	1.8%
443120	Computers/Software	185	25	13.5%
454210	Vending Machine Operator	85	9	10.6%
524210	Insurance	2110	34	1.6%
541219	Billing Services	449	30	6.7%
561710	Extermination & Pest Control	229	11	4.8%
561730	Plant Maintenance & Landscaping	847	104	12.3%
811111	Automotive Repair	1352	17	1.3%
811121	Auto Paint, Body & Interior Rpr	403	10	2.5%
811122	Windshield repair	95	3	3.2%
811192	Auto Detailing/Car Washes	208	7	3.4%
811198	All Other Automotive Repair and Maintenance	69	4	5.8%
Average Availability				5.2%

Actual Participation at IAH

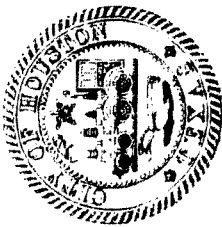
2.30% IAH Goal

3.75%

Actual Participation at Hobby

1.50% Hobby Goal

3.35%



ACDBE STAKEHOLDER MEETING

Wednesday, February 25, 2009

HOUSTON AIRPORT SYSTEM

Host: Houston Airport System/Small Business Development

18600 Lee Road, Humble, TX 77338

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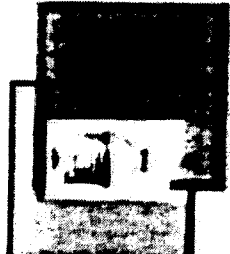
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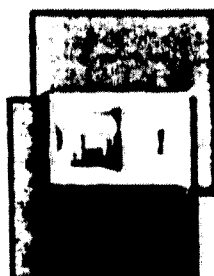


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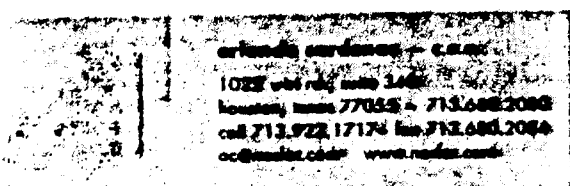
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Mike Blakely
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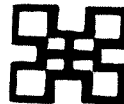
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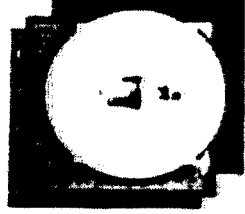
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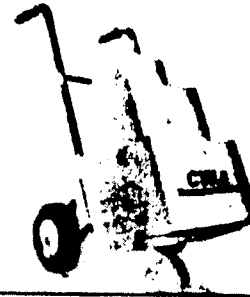
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Attachment 7

**City of Houston
Houston Airport System
Office of Small Business Development and Contract Compliance**

February 24, 2009- JHJ School of Business 8:00-12:00

3100 Cleburne, Houston, TX 77004

February 25, 2009 -Houston Airport System ~ 2009 Stakeholder Meeting

Small Business Development and Contract Compliance Office

18600 Lee Rd., Humble, TX 77338

Agenda

- I. 12:00 – 1:00 Registration and Box Lunch**
- II. 1:00 – 1:10 Welcome and Introductions: G. Pierre, V. Laws, C. Felder,
Professor Donaldson, J.D. Boney**
- III. 1:10 – 1:40 US DOT Concessions Rule Overview**
- IV. 1:40 – 1:50 Small Business Resource Presentation – Jesse H. Jones
School of Business
JHJ BA Program: C. Woodward
JHJ Executive MBA – On-line Plus: T. Ahlman**
- V. 1:50 – 2:00 Break**
- VI. 2:00 – 3:00 Budgeting, Financial reporting, Variance Analysis -
Prof. Donaldson**
- VII. 3:00 – 3:20 Concessions Goal Setting Process**
- VIII. 3:20 – 3:40 Solicitation of Input**
- IX. 3:40 – 4:00 Questions and Answers**

Attachment 8

**Houston Airport System
FFY2009-2011 ACDBE Stakeholder Meetings
Question and Answer Session**

Questions from Attendees:

1. From local community activist to representative of Enterprise Car Rental:
Q. Do you have a small business/supplier diversity office locally?
A. The national organization has one, but the local office does not at this time. The local community liaison is currently working toward that goal.
2.
Q. When a prime puts out an invitation to bid, a company submitting a bid never gets to know who got the award. Is there a way to track that and make that information available to the public so that everyone may have access to this information? This would help companies better prepare interested companies for future bids.
A. (from Hudson Group): When they put together a bid they put together the team of companies who will participate if that are awarded the contract. They keep everyone on the team fully informed.
3.
Q. How does the City address pass-through's?
A. Audits for commercially useful function by sub-tenants/suppliers are randomly conducted by the airport. All community complaints are documented and investigated for abuse. If abuse is found, it is dealt with by the Mayor's office of Affirmative Action & Contract Compliance.
4.
Q. How does the City enforce HUB participation requirements?
A. The City of Houston does not utilize HUBs on any of their contracts. The exception would be if there are no MWBEs available within the 8 county local areas for the product/service required, but there is a HUB company available, the HUB company may be utilized and their participation counted toward the contract goal.
5.
Q. Is a concession contract goal reduced if the prime is unable to meet that goal?
A. No. If the goal is not met, the concessionaire is required to document the 'Good Faith Efforts' made to accomplish the goal. In addition, the goal follows the contract. So if a Concessionaire sells the company to another company, the goal if the contract will remain the same. The Airport System can modify their overall goal through the FAA, but individual concessionaire contract goals will remain the same throughout the term of the contract.
6.
Q. What actions are taken if a Prime is not meeting their goal? Can the Prime contact our office for assistance?
A. If a prime is not meeting their goal, we notify them in writing and assist them in finding additional ACDBE companies that could perform a commercially useful function for their concession agreement. In addition, we provide information on outreach events, such as our annual small business networking fair, GPC, etc, to bring companies together. If a prime is still unable to meet their goal, they are asked to document their Good Faith Effort, which is submitted to the Director for approval.

Attachment 8

- 7.
- Q. There is a 15% goal for car rentals at IAH. Because of the nature of their national Contracts, it is difficult for them to purchase locally, and you can't meet a 15% goal buying toilet paper. These are strategic contracts and they cannot violate them without a penalty. That makes it hard to accomplish their contract goal. How was the goal established? Market trends? History? Formula?
- A. Because this was the first time we set car rental goals. We used a little bit of everything. The FAA is considering a national car rental goal. Do any of the car rental companies here today have a recommendation for that goal? (No response). Please keep in mind that the DBEs you utilize do not have to be local, but they must be certified in the State of Texas. We will work on a realistic goal in consultation with the car rental companies and our DBEs. If you track your expenditures, it may help you see the trend of purchases that could be made with DBE suppliers.
- 8.
- Q. What is the end game? If a car rental or concession does not make their goal, are they in default on their contract?
- A. Technically, yes, they are in default if they have not made the goal or documented a Good Faith Effort. The Small Business Development office has worked with the Properties to avoid defaulting on these contracts. Remember that if you are a prime concessionaire and you are ACDBE certified, you may count your own participation toward the contract goal in addition to the participation of any subtenants or suppliers who are ACDBE certified. This is different than the MWBE program which requires all participation to be that of subcontractors or suppliers, and the prime may not count their own participation.
- 9.
- Q. How does a sub-contractor plan play a role in the goal if the prime selects not to use a sub who submitted a bid to the prime? In other words, what can be done if a sub-contractor submits a bid to the prime which is accepted, but after the award, the prime does not use that sub, instead substituting a different company.
- A. If the sub receives a letter of intent from the prime or includes the sub's bid in their bid to the airport, they must utilize that subtenant in their concession plan. Should that subtenant be unable or unwilling to perform as agreed, the prime must submit a request for deviation and that must be approved prior to any change in subtenants. If the subtenant is dropped from the bid prior to the award of the concession agreement, there is no protection.

49 CFR Part 23 Questions :

1. Do you have any information concerning the availability of Disadvantaged Businesses?
- AMAC
 - National Supplier Diversity
 - Local Chambers of Commerce
 - HMBC
 - Churches
 - Small Business Development Organizations
 - University of Houston Small Business Office
 - NAACP
 - Small Business Advisory Council

Attachment 8

2. Do you have an opinion on the City's effort to increase participation of ACDBE's?

Comment:

Many people are discouraged from becoming certified because there is not enough outreach to inform and educate people regarding the advantages of certification.

Response:

People need to stay informed about local initiatives and local outreach venues. If there is an opportunity for us to participate and provide information, please call SBDCC or the Affirmative Action office so that we may have a representative attend. We invited local politicians so that the attendees here can see and hear first hand their interest in serving the community.

Q. How does someone know when opportunities or outreach events are available?

A. Press releases are issued by MCCA as well as other media outlets, local Chambers of Commerce, eblasts, business associations and the newly created Small Business Advisory Council. Bid opportunities are advertized in the Houston Chronicle on Friday for Construction/Professional Services, and Wednesday and Sunday for Concessions. The city and the airport websites list dates, times and locations for pre-bids and pre-proposal meetings. Attend these meetings and start building the relationships. It may take one year, or five years, but building these relationships with primes and getting on their 'team' will pay off.

Comment: Westfield Concessions Management

Westfield is very pleased that and encouraged that the city and the primes work together on this issue and they welcome all calls from businesses interested in working with them.

Response:

If you need some assistance or intervention to make these connections happen, call our office.

Comment:

If the monthly participation reports were made available to the public, people would be more aware of deficits in meeting the contract goals and additional business opportunities.

Response:

You can find opportunities on line. Bids and RFPs are advertised in the Houston Chronicle on Wednesday and Sunday (concessions) and on Friday (Construction and Professional Svcs). Our outreach is broad based. People who are interested in working with concessions need to be proactive and take advantage of the many ways they can know what opportunities are out there. Also, companies can contact the Properties Dept at the airport and put their name on the Interested Parties list so that you can be notified of upcoming opportunities.

3. Please share with us information you may have on the effects of discrimination on opportunities for ACDBEs. Any issues of discrimination will be dealt with and both the prime and the sub will be involved in the investigation. We need better follow up when instances of discrimination are reported.

Q. Can someone set up a kiosk at the airport, or do they need to have a relationship with a prime concessionaire?

A. (From Chanda Felder of Airport Properties): Operating a concession in an airport is a high dollar enterprise. Due to the size and complexity of the airport concession operations, an individual or company should contact a prime to work out a business arrangement. They can contact Properties or SBDCC for contact information.

Attachment 8

Operating a concession in an airport is a high dollar enterprise. There is a challenge in getting that capital and this is a form of discrimination. Because we are a City department, we must put all opportunities out for public bid/proposal. The best way to begin to create the relationships is to identify what you have to offer and then attend pre-proposal meetings to network. Get your company in the door, learn how the operation of an airport concession works, and build up your business. Most primes are looking for opportunities to partner with DBEs so market your business.

New South Parking offered the following comment: "Primes come into town and they don't know anyone. They go to pre-proposal meetings and that is where they meet their future team."

Q. From Debbie Chen, AACC:

There are many people in the Asian community who would be able to get financing if they had a contract. But they can't get the contract without the financing in place.

A. One thing we have not done is to create a small/DBE business committee that can meet with banks, financial institutions and insurance companies to open the way for easier approval of funding and bonding while in the pre-contract stage. In FY2010 we will provide a forum to accommodate meetings with financial institutions.

Q. When people attempt to secure concession opportunities, it seems as though HAS only allows a limited number of prime contracts, and the primes say they already have the people they want to work with.

A. We can set up one-to-one meetings with primes if needed. Westfield Concessions Management wants to utilize more carts to involve more DBEs and help them build their capacity. Also, please plan to attend GPC 2009 on April 22nd & 23rd and the HAS 2009 Business Opportunity Networking Fair on August 18, 2009 and take advantage of networking opportunities.

Q. From Corliss Stone-Littles, owner of Sun Glass Hut:

Most people don't know how to answer that questions because sometimes you can "feel" it, but you can't prove it.

A. Anything that causes a decrease in ACDBE participation is, by definition, discrimination. That includes bid shopping, withholding financing, etc.

Q. A large company has been contacting me and wants to partner with me because I am a DBE. What should I do?

A. Negotiate an agreement and make sure they utilize you as they agree to do. Report any deviation from your agreement to the Small Business Development & Contract Compliance Office.

General Comments:

"Not much info to the general public. First time I heard of availability of Airport Concessions was on Sunday morning live on 102.1 FM radio. I think targeting the 'general public' will help open the eyes of the 'silent entrepreneurs' in our community.

"Use Best Value rather than Best Price when considering a concession agreement award."

AIRPORT CONCESSION BUSINESS ENTERPRISE

GREETINGS

The Houston Airport System will set new Airport Concession Disadvantaged Business Enterprise (ACDBE) goals for concessions at the Houston Airport System for Fiscal years 2009 through 2011. We must provide opportunity for consultation with Minority, Women and Disadvantaged Businesses Owners, Community Organizations, Trade Organizations and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for ACDBEs. We will, in turn, share our efforts to establish a level playing field for the participation of Disadvantaged Business owners on Airport Concession contracts.

Any Prime Concession looking for Disadvantaged Businesses should take advantage of this opportunity and make plans to have a booth and representatives at both events.

We value your input and hope that you can attend. To RSVP, please contact my assistant, Demetris McCray-Domino, @ 281-233-7823.

J. Goodwillie Pierre, M.Ed., J.D.
Division Manager-Houston Airport System
Office of Small Business Development
and Contract Compliance

Special Workshop for Business Owners
taught by Texas Southern University,
Jesse H Jones School of Business
Professors during the stakeholder meetings



HOUSTON AIRPORT SYSTEM

WE ARE HOLDING TWO STAKEHOLDERS MEETINGS

February 24, 2009

Breakfast Networking: 8am - 9am
Stakeholders Meeting: 9am - 12pm.

Co-sponsored by:
The Small Business Resource Center

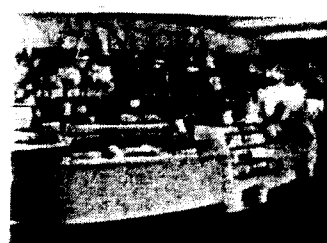
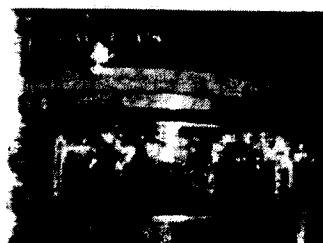
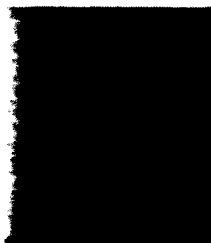
Location: Jesse H. Jones School of Business
Texas Southern University,
3100 Cleburne Avenue
Houston, Texas 77004
(713) 313-1189

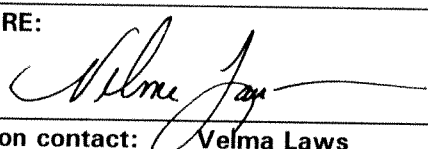
February 25, 2009

Lunch Networking: 12 noon - 1pm
Stakeholders Meeting: 1pm - 4pm

Location: HAS Technical Services
and Small Business Development
18600 Lee Road
Humble, Texas 77338
(281) 233-7823

WE LOOK FORWARD TO SEEING YOU.



SUBJECT: Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects.		Page 1 of 2	Agenda Item # 6																														
FROM (Department or other point of origin): Mayor's Office of Affirmative Action and Contract Compliance		Origination Date 9/11/09	Agenda Date SEP 16 2009																														
DIRECTOR'S SIGNATURE: 		Council District affected:																															
For additional information contact: Velma Laws Phone: 713.837.9015		Date and identification of prior authorizing Council action:																															
RECOMMENDATION: (Summary) Adopt Motion setting overall goal of 20.28%, including a 1% race-neutral component for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2009 through September 30, 2010 in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements.																																	
Amount and Source of Funding: NA																																	
SPECIFIC EXPLANATION: <p>Effective March 4, 1999, the DOT adopted a final rule implementing changes to 49 CFR Part 26, which mandated new requirements for participation for Disadvantaged Business Enterprises ("DBEs") in DOT assisted contracts, for Houston Airport System projects, and if applicable, Department of Public Works and Engineering projects. Substantial changes in federal regulations required enactment of Ordinance 99-893 to comply with the revised federal requirements for DOT-assisted contracts. The City is not eligible to receive DOT financial assistance unless it is in compliance with these federal regulations.</p> <p>The regulations require the City to set and publish annually a proposed overall contract goal for DBE participation in DOT-assisted contracts, following guidelines set forth in regulations. Pursuant to Ordinance 99-893 approved by City Council on August 18, 1999, the city set an initial goal of 17% DBE participation, with a 1% race neutral component. The goals for subsequent fiscal years are as follows:</p> <table border="1"> <thead> <tr> <th>Fiscal Year</th> <th>DBE Goal</th> <th>Race Neutral Goal</th> </tr> </thead> <tbody> <tr><td>2001</td><td>19.30%</td><td>2%</td></tr> <tr><td>2002</td><td>19.38%</td><td>1%</td></tr> <tr><td>2003</td><td>21.3%</td><td>1%</td></tr> <tr><td>2004</td><td>20.0%</td><td>1%</td></tr> <tr><td>2005</td><td>20.1%</td><td>1%</td></tr> <tr><td>2006</td><td>19.7%</td><td>1%</td></tr> <tr><td>2007</td><td>20.08%</td><td>1%</td></tr> <tr><td>2008</td><td>21.8%</td><td>1%</td></tr> <tr><td>2009</td><td>20.28%</td><td>1%</td></tr> </tbody> </table>				Fiscal Year	DBE Goal	Race Neutral Goal	2001	19.30%	2%	2002	19.38%	1%	2003	21.3%	1%	2004	20.0%	1%	2005	20.1%	1%	2006	19.7%	1%	2007	20.08%	1%	2008	21.8%	1%	2009	20.28%	1%
Fiscal Year	DBE Goal	Race Neutral Goal																															
2001	19.30%	2%																															
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2008	21.8%	1%																															
2009	20.28%	1%																															
REQUIRED AUTHORIZATION																																	
Other Authorization:	Other Authorization:	Other Authorization:																															

Date September 10, 2009	SUBJECT: Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects.	Originator's Initials	Page 2 of 2
--------------------------------------	--	----------------------------------	-----------------------

The City is required to submit a revised goal for the 2010 federal fiscal year, pursuant to federal regulations. The Affirmative Action and Contract Compliance Division of the Mayor's Office ("AAD"), in cooperation with the Houston Airport System, has analyzed the relevant criteria required by DOT, and recommends an overall contract DBE goal of 20.28% DBE participation, with a 1% race neutral goal for the 2010 federal fiscal year.

The federal criteria and the proposed goals were provided to all City Council members on August 21st; and the proposed goals were reviewed by the Council MWBE, Small Contractor Development and Contract Compliance Committee on August 24th. The item was discussed. However, no action was taken for lack of a quorum.

The AAD recommends adoption of the Motion setting goals for the 2010 federal fiscal year in order to comply with federal requirements.

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CITY OF HOUSTON

Affirmative Action and Contract Compliance

Overview of the US Department of Transportation Section 49 of the Code of Federal Regulations (49 CFR), Parts 23 and 26

Participation by Disadvantaged Business Enterprises (DBEs) in Department of Transportation Programs

The U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) Program operates under City Ordinance 99-893. This Ordinance applies to Department of Aviation contracts that receive DOT funds (aka "DOT assisted contracts"), and is a reflection of Section 49 of the Code of Federal Regulations (49 CFR), sub-parts 23 and 26. Note - This program represents the "D" in the City's MWDBE program.

In early 1999, the Department of Transportation revised 49 CFR to meet the "strict scrutiny" and "narrow tailoring" requirements of the Supreme Court, and to address issues raised during Congressional debates concerning the continuance of the DBE program. (Bipartisan majorities voted to retain the program because it serves a compelling national interest - another Supreme Court requirement).

The new regulation required that the City submit a DBE program conforming to the new 49 CFR. Additionally, in order to remain eligible to receive federal funds, the City must submit updated DBE goals annually.

There are two DBE goal submittals. One submittal is for federally funded design and construction projects, which is submitted annually. The ACDBE concessions goal covers airport food and beverage, retail, advertising, parking, hotel, and rental car contracts, and is submitted every three years.

Some of the components of the Department of Transportation's DBE program are:

- ◆ All recipients of DOT funds are required to set an overall goal based on the availability of DBEs to participate on DOT assisted contracts, previous DBE utilization, and other factors.
- ◆ There are two ways to meet overall goals - by race neutral measures and race-conscious measures. Race neutral measures include business development programs, such as those that provide bonding and financial assistance; outreach; technical assistance; mentor/protégé programs, etc.. The Affirmative Action office has several of these initiatives already in place through its Small and MWBE Assistance Section. Additionally, the Houston Airport System has recently created a Small Business Development and Contract Compliance unit to administer MWDBE programs, and facilitated small and MWDBE participation at the airports. Race conscious measures include the use of contract goals specifically for DBEs.

Department of Transportation
DBE Program Revisions
Page 2

- ◆ Goals for various contracts will be flexible, based on the availability of DBEs to participate. Contract goals will be used only to meet the portion of a contract that cannot be met using race neutral measures.
- ◆ Eligible DBEs/ACDBEs may not have a personal net worth (not counting value of primary residence and interest in applicant firm) of more than \$750,000. (The City ordinance MWBE program does not have a personal net worth requirement).
- ◆ Recipients must collect data on all bidders for prime and subcontracts.
- ◆ All DOT recipients in each state must join in a unified certification program.

Key features of the revised Concessions program include:

New Designation: ACDBE – Airport Concession DBE. Note – Goods and service providers and management contractors are also considered ACDBEs, and may participate just as concessionaires would, and be included in the goals.

Size Standards: ACDBE Size Standard: \$47.78 million average annual gross receipts for 3 previous years, except for:

Banks and financial institutions: \$750 million in assets
Car rental companies: \$63.71 million avg. gross receipts (3 yrs)
Pay telephone: 1,500 employees
Automobile dealers: 200 employees

Personal Net Worth: PNW requirement is \$750,000, excluding ownership interest in primary residence and the business applying for certification, and assets that the owner/applicant can demonstrate are necessary to obtain financing to enter or expand a concessions business at the airport subject to Part 23, subject to a \$3 million cap

Goals: There will be one goal for concessions and one goal for car rentals

Joint Ventures: Joint Ventures are not certified as ACDBEs. ACDBE participation in a joint venture is counted if responsible for a distinct, clearly defined portion of the work. Share in the capital, contribution, control, management, risk and profit are counted only to the extent of the ACDBE's participation.

For additional information, contact Velma Laws at (713) 837-9015 or James Goodwille Pierre at 281.233.7833.

**City of Houston
Affirmative Action and Contract Compliance
Houston Airport System**

**Proposed Goal for the Participation of
Disadvantaged Business Enterprises in
Department of Transportation Funded Contracts**

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

I. Goal Calculation

Currently there are no new projects anticipated for federal fiscal year 2010 for Houston Airport System contracts that are funded by the US Department of Transportation. Projects anticipated for this fiscal year are being held over for next fiscal year. There was only one DBE project completed in fiscal year 2009. The affect of that one project was negligible. Therefore we will keep the same goal that was calculated for federal fiscal year 2009 and use this number for federal fiscal year 2010.

A. Description of efforts to use race neutral means.

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

- 1) The Houston Airport System in FY 2010 will launch its own Mentor-Protégé Program;
- 2) Houston Airport System will continue to host the Small Business Networking Opportunity Fairs. The next fair is May 13, 2010. More than 1000 small business owners have attended these events. These events connect DBE's and non-DBEs to airport decision makers;
- 3) Participate in Government Procurement Connections 2010 (GPC). GPC is the premier public sector contracting fair, business expo and entrepreneur training conference in the Gulf Coast region, attracting well over 10,000 participants annually for its pre- and day-of-event forums, business expo, workshops and awards luncheon. It offers small and emerging businesses, prime contractors,

government agencies, affiliated organizations, Expo participants and sponsors a one-stop shop for information regarding contracting opportunities. GPC also offers firms the opportunity to establish valuable relationships with prime contractors;

- 4) Providing management and technical assistance workshops, seminars, and other services;
- 5) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination of lists of potential subcontractors to bidders on prime contracts; provision of information in languages other than English, where appropriate);
- 6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- 7) Ensuring distribution of the DBE directories, through print and electronic means, to the widest feasible universe of potential prime contractors, i.e. City of Houston SBE/MWDBE Directory and Texas Unified Certification Program Directory; and
- 8) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

III. Public Participation

In establishing an overall goal, the City of Houston provided the opportunity for public participation. This public participation included:

(1) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Houston's efforts to establish a level playing field for the participation of DBEs.

- a. Attachments 1a and b are examples of the letters sent inviting stakeholders to a public forum in both English and Spanish.
- b. Attachment 2 are emails requesting that these letter notifications be sent to all certified MW/DBE businesses in the City of Houston Directory, all Chambers

and business and community organizations, and that this invitation be posted on the Fly2Houston webpage. In addition, we requested that they be emailed to members of the Houston Minority Business Council, the Government Procurement Connections team, SBA members and to Houston Metro's list of contractor's and interested parties.

- c. Attachment 3 is a copy of the sign in sheet for our June 12, 2009 Stakeholders meeting.
- d. Attachment 4 is the list of questions and answers recorded at the stakeholders meeting.

(2) A published notice announcing the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City Secretary's Office for 30 days following the date of the notice, and informing the public that the City of Houston and the Department will accept comments on the goals for 45 days from the date of the notice. The notice included addresses to which comments may be sent, and it was published in general circulation media and available minority-focused media. The notice was published in the City Secretary's Office and on the City of Houston Airport System's Website, www.fly2houston.com. Notices were also published in the following print media:

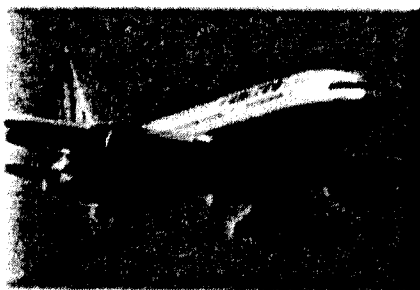
- Houston Defender
- Southern Chinese Daily News
- El Dia Spanish Newspaper
- Houston Chronicle
- D-Mars (Electronic Minority Business Newsletter)
- African American News and Issues
- Law magazine (Vietnamese Community Newspaper)

- a. Attachment 5a, b and c are copies of the notices of the DBE goals in Spanish, English and Chinese.
- b. Attachment 6 is a copy of the posted Notice of Proposed Goal.

HOUSTON AIRPORT SYSTEM

BUSINESS ENTERPRISE

ATTACHMENT #1



MOVING FORWARD :
SEIZE THE
MOVEMENT :
LOOKING AHEAD :
OPPORTUNITY : MOVING
FORWARD : SEIZE
THE MOVEMENT :
LOOKING AHEAD :
OPPORTUNITY : MOVING
FORWARD : SEIZE
THE MOVEMENT :
LOOKING AHEAD :
OPPORTUNITY :

The Houston Airport System is in the process of setting the New Construction Disadvantage Business Enterprise (DBE) goals for the 2010 Fiscal year.

We want to provide an opportunity to hear from minority, women's, general contractor groups and community organizations expected to have information concerning the availability of DBE & Non-DBE Business, and the effects of discrimination on opportunities for DBE's.

YOU'RE INVITED TO THE ATTEND ONE OF THE SCHEDULED MEETINGS

Houston Airport System
Disadvantage Business Enterprise
Program Stakeholder Meeting

June 11, 2009

Time: 10:00 a.m.

Location:

Metropolitan Multi-Service Center
1475 West Gray, Houston, TX 77019

June 12, 2009

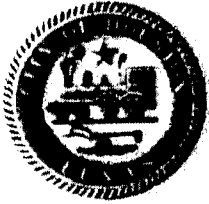
Time: 1:00 p.m.

Location:

HAS Technical Services Building
18600 Lee Rd., Humble, TX 77338

WE LOOK FORWARD TO SEEING YOU.

We value your input and hope that you can attend. If you have any questions, please contact J. Goodwille Pierre, Manager, Small Business Development and Contract Compliance @ 281-233-7333



CITY OF HOUSTON

Bill White

Mayor



HOUSTON AIRPORT SYSTEM

George Bush Intercontinental - William P. Hobby - Ellington Airport

Eric R. Potts
Interim Director
Aviation Department

June 5, 2009

Reference: FY2010 Disadvantaged Business Enterprise Stakeholder Meetings

Greetings~

We are in the process of setting the annual Disadvantaged Business Enterprise (DBE) goals for the Houston Airport System. Based on 49 CFR Part 26, we are providing an opportunity for "consultation with minority, women's, and general contractor groups, community organizations and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs". We will, in turn, share our efforts to establish a level playing field for the participation of Airport DBEs.

Date: June 11, 2009

Time: 10:00a.m

**Location: Metropolitan Multi-
Service Center
1475 West Gray
Houston, TX 77019**

Date: June 12, 2009

Time: 1:00p.m.

**Location: HAS Technical Services
Building
186000 Lee Rd.
Humble, TX 77338**


Council Members: Wanda Adams Peter Brown Anne Clutterbuck District H - Vacant Ronald Green Pam Holm Jarvis Johnson Jolanda "Jo" Jones
M.J.Khan, P.E. Toni Lawrence Sue Lovell Melissa Noriega James Rodriguez Michael Sullivan Controller: Annise D. Parker

Eric R. Potts PO Box 60106, Houston, Texas 77205-0106 ~ Phone: 281 233-1877 ~ Fax: 281 233-1864
www.Fly2Houston.com. ~ www.houstontx.gov

We value your input and hope that you can attend. If you have any questions, please contact J. Goodwille Pierre, Manager, Small Business Development and Contract Compliance, at 281-233-7833.

We look forward to seeing you.

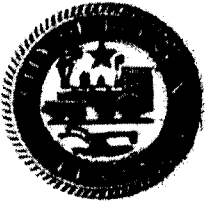
Sincerely,

for 
Velma Laws
Director
Mayor's Office of
Affirmative Action and
Contract Compliance
City of Houston
611 Walker 7th Floor
Houston, TX 77002
(713) 837-9015

/J. Goodwille Pierre/
J. Goodwille Pierre, M. Ed, JD
Manager
Small Business Development
and Contract Compliance
Houston Airport System
18600 Lee Rd.
Humble, TX 77338
(281) 233-7833

JPG:jl

cc: Eric Potts
Ian Wadsworth
John Silva
Dallas Evans
Kathy Elek
Janet Schafer
Randy Rivin



CITY OF HOUSTON

Bill White

Mayor



HOUSTON AIRPORT SYSTEM

George Bush Intercontinental ~ William P. Hobby ~ Ellington Airport

Eric R. Potts
Interim Director
Aviation Department

June 5, 2009

Reference: FY 2010 Disadvantaged Business Enterprise Stakeholder Meetings
Junta de Accionistas del programa Disadvantage Business Enterprises (DBE)

Saludos ~

Estamos en el proceso de fijar las metas anuales de Disadvantaged Business Enterprise (DBE) para el sistema del aeropuerto de Houston. De acuerdo con 49 CFR 26, estamos proporcionando una oportunidad para "consulta con negocios de minoritarios, grupos de contratistas generales y de mujeres, organizaciones de la comunidad y otros funcionarios y organizaciones que desean obtener información referente a lo disponible de los DBEs y non-DBEs y tambien los efectos de la discriminación referente a las oportunidades para DBEs." Nosotros compartiremos nuestros esfuerzos de establecer un campo estable y nivelado para la participación de concesionarios en el Aeropuerto DBEs.

Fecha: 11 de Junio, 2009

Hora: 10:00a.m

**Local: Metropolitan Multi-
Service Center
1475 West Gray
Houston, TX 77019**

Fecha: 12 de Junio, 2009

Hora: 1:00p.m.

**Local: HAS Tech Services Bldg
186000 Lee Rd.
Humble, TX 77338**

Council Members: Wanda Adams Peter Brown Anne Clutterbuck District H - Vacant Ronald Green Pam Holm Jarvis Johnson Jolanda "Jo" Jones
M.J.Khan, P.E. Toni Lawrence Sue Lovell Melissa Noriega James Rodriguez Michael Sullivan Controller: Annise D. Parker

Eric R. Potts PO Box 60106, Houston, Texas 77205-0106 ~ Phone: 281 233-1877 ~ Fax: 281 233-1864
www.Fly2Houston.com. ~ www.houstontx.gov

Valoramos su opinion y esperamos que usted pueda atender. Si desea obtener mas informacion, favor de llamar a J. Goodwille Pierre, al numero 281-233-7833.

Esperamos su presencia en esta imporante cita.

Sinceramente,



For
Velma Laws
Director
Mayor's Office of
Affirmative Action and
Contract Compliance
City of Houston
611 Walker 7th Floor
Houston, TX 77002
(713) 837-9015

/J. Goodwille Pierre/
J. Goodwille Pierre, M.Ed, JD
Manager
Small Business Development
and Contract Compliance
Houston Airport System
18600 Lee Rd.
Humble, TX 77338
(281) 233-7833

JPG:jlr

cc: Eric Potts
Ian Wadsworth
John Silva
Dallas Evans
Kathy Elek
Janet Schafer
Randy Rivin

Council Members: Wanda Adams Peter Brown Anne Clutterbuck District H - Vacant Ronald Green Pam Holm Jarvis Johnson Jolanda
"Jo" Jones
M.J.Khan, P.E. Toni Lawrence Sue Lovell Melissa Noriega James Rodriguez Michael Sullivan Controller: Annise D.
Parker

Eric R. Potts PO Box 60106, Houston, Texas 77205-0106 ~ Phone: 281 233-1877 ~ Fax: 281 233-1864
www.Fly2Houston.com ~ www.houstontx.gov

VanWert, Jessica - HAS

From: VanWert, Jessica - HAS
Sent: Friday, June 05, 2009 11:21 AM
To: Padilla, Juan - AAD; Butler, Roxanne - HAS
Cc: Wigington, Robert - HAS; Pierre, J. Goodwille - HAS; Mccray, Demetris - HAS; Ruley, Janice - HAS; Martin, Michael J. - HAS
Subject: FY2010 Stakeholder Meeting Notices - Please eblast
Attachments: FY10 Stakeholder ltr_spanish.pdf, FY10 Stakeholder ltr_english.pdf

Greetings~

Attached are the letter notifications (English and Spanish) announcing next week's Stakeholder meetings. These meetings are required by 49 CFR Part 26 to provide an opportunity to hear from minority, women's, general contractor group and community organizations who may have information concerning the availability of DBE and non-DBE businesses and the effects of discrimination on opportunities for DBE's at the Houston Airport System prior to confirming the contract goals.

Juan: Please eblast both letters to the Directory.

Roxanne: Please eblast both letters to all of the Chambers and business and community organizations we work with. Also, if you could please post the information I sent you yesterday to the Fly2Houston webpage sometime today, that would be very helpful.

Thank you for your assistance with this very important project.

Jessica Van Wert
MWDBE/ACDBE Contracting Liaison
HAS Small Business Development
& Contract Compliance
(ph) 281-233-7842 (fax) 281-230-8020

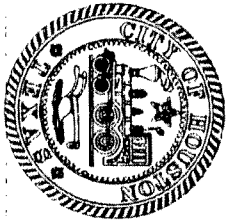
VanWert, Jessica - HAS

From: Goodwille Pierre [goodwille@swbell.net]
Sent: Wednesday, June 10, 2009 12:04 AM
To: Jessica Van Wert; Demetris McCray
Cc: Cleveland Baker; Ron McFarlane; Jagdip Ahluwalia; Angela Freeman; Shurronda Murray; Velma Laws
Subject: Eblast DBE Regulation Stakeholders Meeting this Thursday and Friday. Please blast to your list
Attachments: CONCESSION HOUSTON AIRPORT EBLAST.jpg

Please blast this to everyone. Please send to Juan and ask him to blast it to all the MWDBE's. Angela can you please blast this to your list. Ron can you please turn this to an eflyer and blast it to the GPC list. Cleve can you blast it to your list. Jagdip can you blast this to your list. Shurronda can you blast tis to Metro's List.

Thanks all

8/4/2009



49 CFR PART 26 DBE PROGRAM STAKEHOLDER MEETING

Thursday, June 12, 2009

HAS Technical Services

Hosts: HAS Small Business Development and Contract Compliance Office

18600 Lee Rd., Humble, Texas 77338

ATTACHMENT #3

Name	Title	Company	Phone	E-Mail
Mansif Brar	Admin	Electronics Assembly, Inc.	713-486-4390	mbrar@easinc.com
Godino, Nick	Procurement Manager Coordinator	Electronic Assy, Inc. SBA	413-686-4390	ngodino@easinc.com
Oliver Baker			713-773-6541	oliver@bakerbakery.com
Heleen Callen	President	Subline LLC	281-361-5809	heleen@subline.com
FRANKES Tinoco	Project Man.	R&T Architects, Inc.	713-974-2008	rtarch@subline.net
Gerald Anderson				
Mancia Anderson				
Jason Roca				
Reggie Thomas				
Jason ESPINOZA	Project Manager	W.W. WOODCOCK, LLC	281-821-1934	jason.espinosa@wwoodcock.com
Mickey Morton	Owner	The Wallace Assoc. of Houston	(281) 999-5820	Mickey-Morton@shglobal.net



49 CFR PART 26 DBE PROGRAM STAKEHOLDER MEETING

Thursday, June 12, 2009

HAS Technical Services

Hosts: HAS Small Business Development and Contract Compliance Office

18600 Lee Rd., Humble, Texas 77338

ATTACHMENT #3

Name	Title	Company	Phone	E-Mail
JO B. ymer	Gen	Charles Plunkly	713-941-3162	joelb.ymer@charlesplunkly.com
Barbara A. Taylor				
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Hosts: HAS Small Business Development and Contract Compliance Office

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ATTACHMENT #3A

JUNE 11, 2009

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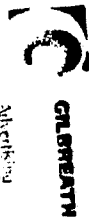




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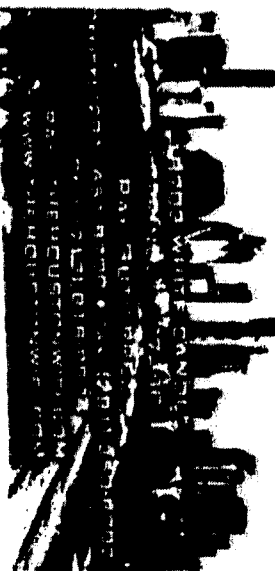


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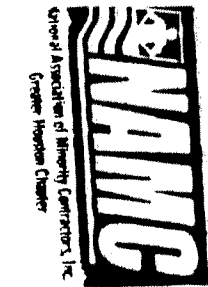
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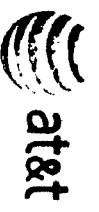
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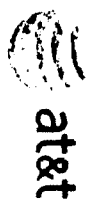
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Houston Airport System

FY2010 - 49 CFR Part 26 Stakeholder Meetings

June 11 & 12, 2009

Question & Answer Sessions

Re: §26.45 (g) (1)

- **Information concerning the availability of disadvantaged and non-disadvantaged businesses,**
- **The effects of discrimination on opportunities for DBEs,**
- **(HAS) efforts to establish a level playing field for the participation of DBEs.**

Question/Comment (Q/C): It is hard to compete because the notice of a bid opportunity doesn't get to subs and suppliers in a timely manner. 7-10 days notice does not give the sub/supplier time to get accurate quotes for bids. Many of the Primes are coming from out of state and do not have a relationship with the local subs. More time is needed between the bid notice and the bid submittal deadline to allow subs to obtain quotes from suppliers and submit accurate bid quotes to the primes.

Response (R): It is important for any company that wants to bid to find out what projects are in the pipeline before the bid solicitation is advertised. Find out who the decision makers are. You may contact any of the project managers at the Houston Airport System (HAS) Planning, Design and Construction (PDC) division. In addition, companies interested in bidding on projects need to develop strong relationships with suppliers so that they can get fast and accurate quotes when bids are advertised. The CIP (Capital Improvement Program) list shows all anticipated projects for design and construction projects, the funding date, and the advertisement date for the next 1-5 years. That list can be requested from PDC, the Small Business Development & Contract Compliance (SBDCC) office, or from City Council members. It is very important that interested companies attend the pre-proposal meetings and begin building team relationships with prime contractors. Look 1-2 years out. Start very early. Talk to people at the airport. Talk to primes, project managers, and engineers. Join associations such as AMAC, NMAC, local chambers of commerce, etc.

Q/C: Primes will say that a sub is not qualified based on specific language in the prime/sub agreement requiring that a sub be a member of an organization. Example: if the contract is for steel construction, the prime may require that the sub be a member of AISC. The membership is very expensive and therefore may be out of the reach of a sub for that reason. In addition, AISC is not a 'qualifying' organization. It is a membership organization only. This is a form of 'hidden racism' which allows primes to bypass the DBE goal by saying there are no "qualified" DBE contractors.

R: Please notify Affirmative Action, the HAS SBDCC office or the PDC project manager of any instance where such a requirement is being made by the prime. We will investigate all reports.

Q/C: Currently all bid offerings are being advertised only in the Houston Chronicle. Are you open to using other publications?

R: The City of Houston uses only the Houston Chronicle. The Houston Airport System also utilizes ethnic newspapers, chambers, business organizations, prime contractors, electronic media, and the Fly2Houston.com website. Primes, as a part of their good faith efforts (GFE), send these notices to minority companies with whom they have established relationships.

Q/C: Regarding food concessions, there are no bid offerings at this time. How can I get a contract with the airport?

R: Contact Jessica Van Wert for contact information for the master concession agreement holders. Westfield Concession has a trial program which is currently reviewing businesses with mall locations in an effort to bring them on as airport locations.

Q/C: My company was unsuccessful on a bid proposal, but when I called to find out what we were missing, I got no response. I later found out that the successful bidder had a personal relationship with the airport. . And the airport needs to respond to inquiries from unsuccessful bidders so we can know what we did wrong, what we missed, and be better prepared the next time. RFPs are going out too late! We need to know about opportunities must sooner in order to be responsive.

R: The City currently has a very successful Mentor-Protégé program. Contact Ric Garza at 713-837-9000 for more information. The airport has unique needs. The Interim Director, Eric Potts, has requested that we set up an HAS only Mentor-Protégé program and we are currently working on a pilot program. Once it is in place and operational, we will move on to a larger program to accommodate a larger number of interested companies. Information will be available on the Fly2Houston website.

Q/C: Financing for small businesses is very difficult to get and is based only on receivables or equipment. Most banks will not approve funding based on government award letters. It is very difficult to bid on projects when you can't secure funding in advance.

R: We will dialogue with businesses and bring your concerns to the forefront. D-Mars is currently training companies to use their Dunn & Bradstreet to get preapproved for financing. One problem is the high default rate right now. Try to get permission to invoice more often – biweekly rather than monthly.

Q/C: How does HAS communicate opportunities to minority businesses?

R: We send e-blasts to the Affirmative Action Minority and Small Business Directory, local business organizations such as NMAC, and local chambers. Minority businesses need to work on building relationships with primes to 'get your foot in the door'. YOU need to market your company.

Q/C: Invoices are not being paid in a timely manner. The 30 day prompt payment should begin with the date of the invoice.

ATTACHMENT #4

R: The 30 days begins when the city approves the invoice. The City of Houston's goal is to pay primes within 20 days of that approval and for primes to then pay their subs within 10 days of receiving that payment from the City.

Q/C: How can I get a list of the Primes?

R: We can email you the list. You can also make the connection with Primes at outreach events such as GPC and EXPO.

Q/C: Are primes required to send a Letter of Intent?

R: Yes. In addition, we review subcontracts to ensure that they mirror the HAS contracts. We audit these contracts to prevent 'pass-through' contracts to subs and other abuses.

Q/C: Who provides to list of DBEs to the primes?

R: Primes are responsible for searching the database for certified DBEs, or they may call SBDCC and we will assist them in finding the data. SBDCC assists anyone who needs help, not just minority businesses. In addition, Strategic Purchasing has links to all active contracts that can be searched for certified businesses. The bid document contains a MWBE/DBE form with instructions that direct the primes to the Affirmative Action and Contract Compliance Directory.

Q/C: The Primes do not honor their commitments to utilize DBEs. Primes think they are doing DBEs a favor. Our company submitted a bid in 5 categories on the contract. Although we were successful, they were paid less than the anticipated participation amount. Is the prime allowed to swap employees? Two of our employees were fired by the prime, who then turned around and hired them as their own employees.

R: Don't ever sign a contract that you do not agree with. The request for Council Action (RCA) lists the subs and AACC sends out letters following Council approval confirming that the sub is aware that they are a part of the contract for the scope and amount shown. Any deviations from this must be submitted in writing and approved by AACC.

Q/C: COH and HAS are not currently utilizing a central reprographics contract. Why not?

R: We utilize a 'per project' assignment. Metro is the only local agency that we are aware of that has a one-stop-shop contract.

Q/C: A large number of small businesses don't have the money to join Chambers or to attend events.

Q/C: When small businesses interact with representatives of other agencies, they get no follow-up. We do all of the ground work but get no call backs. If you as an agency don't need their services, tell them!

R: It is important that you let these agencies know what it is that you do and what you are interested in doing. Be persistent! Get a copy of the City Contracting Guide for tips on how to be more successful in getting contracts. That guide is available at the One Stop center or on line at www.houstontx.gov. The DBE certification is a portal. Becoming certified is the 1st step. You then have to get from 'certification to contract'.

Q/C: The City needs to be more responsive and work to increase the pool of DBEs, who can then graduate and become primes. That way there will be more local primes. Right now there are too many instances of COH going out of state to get primes for COH/HAS contracts.

R: COH will be providing bonding in FY10. They will also work to unbundle more contracts into smaller scopes to provide better access and more participation for local minority businesses.

Q/C: Looking beyond local and state DBE opportunities, corporations are asking 'how large was your largest contract'. If we say \$100K, that amount may be too low and we are eliminated from consideration. Sometimes the thing that is supposed to let you in actually locks you out.

R: We will communicate this to the Houston Minority Supplier Development Council (HMSDC) and have them address this with their members. (713-271-7805)

Q/C: Where can we find the Architectural and Professional Services opportunities advertised, specifically landscaping? Is it architectural or engineering?.

R: (Eric Potts – Interim Director, Houston Airport System) – The CIP list defines all of the upcoming construction and professional services projects. You can call PDC to get a copy of this list.

Q/C: (from Goodwille Pierre): Do you know of any areas of potential DBEs that we need to look at?

R: Small Business Administration, PTAC (Procurement Technical Assistance Center), small business departments in banks, WCA, WBEA, Chambers of Commerce. One major concern for companies who might want to become certified is that they do not want to provide their PNW information which could then be discovered through a FOI request.

Velma Laws addressed this concern and responded that all information provided for the purpose of qualifying for certification is protected against any Freedom of Information requests.



City of Houston

**Notice of Proposed Goal
for the Participation of
Disadvantaged Business Enterprises in
Department of Transportation Assisted Contracts
October 1, 2009 through September 30, 2010**

As required by Section 49 Code of Federal Regulations Part 26, the Houston Airport System (HAS) has determined a proposed overall goal of **20.28%** for the participation of Disadvantaged Business Enterprises (DBEs) in its contracts which the US Department of Transportation (DOT) provides financial assistance.

The proposed goal and its rationale are available for inspection during normal business hours at the City Secretary's Office, City Hall Annex, Public Level, 900 Bagby, Houston, TX 77002; at the Affirmative Action and Contract Compliance Division of the Mayor's Office, 611 Walker, 7th Floor, Houston, TX 77002; and at the Houston Airport System Small Business Development and Contract Compliance Division Office, 18600 Lee Road, Humble, TX 77338. The City (through the Affirmative Action and the Houston Airport System) and the Department of Transportation (through the Federal Aviation Administration) will accept written comments on the goals through July 26, 2009.

Written comments may be directed to: City of Houston, Mayor's Office of Affirmative Action and Contract Compliance, Velma Laws, Director, 611 Walker Street, 7th Floor, Houston, Texas 77002 or Federal Aviation Administration; Southwest Region Civil Rights Division; Attention: Joyce Davis; 2601 Meacham Blvd.; Fort Worth, TX 76137.



Cludad de Houston

**Aviso de meta propuesta
para la participación de las empresas o negocios en
desventaja en los contratos asistidos del Departamento de Transporte
Octubre 1, 2009 – Septiembre 30, 2010**

Segun se requiere en la se sección 49 del Código de Regulaciones Federales Parte 26, el Sistema del Aeropuerto de Houston (HAS) ha determinado una meta total propuesta de 20.28% para la participación de las empresas y negocios en desventaja (DBEs), en los contratos en que el departamento de los E.E.U.U. de Transporte (DOT) proporciona asistencia financiera.

La meta propuesta y su base están disponibles para inspección durante horas de oficina normales, en la Oficina de la Secretaria de la Ciudad, anexo al City may, nivel publico, 900 Bagby, Houston, TX 77002; en la División de Cumplimiento de Contratos y Acción Afirmativa de la Oficina del Alcalde, 611 Walker, El 7 piso, Houston TX 77002; y en la Oficina de la División Cumplimiento de Contratos Desarrollo de Pequeños Negocios del Sistema del Aeropuerto de Houston, camino de 18600 Lee Road, Humble, TX 77338. La ciudad (a través de Acción Afirmativa y del Sistema del Aeropuerto de Houston) y el departamento del transporte (a través de la Administración de Aviación federal) aceptaran comentarios escritos sobre las metas hasta el 26 Julio de 2009.

Los comentarios escritos se pueden dirigir a: City of Houston, Mayor's Office of Affirmative Action and Contract Compliance, Velma Laws, Director, 611 Walker Street, 7th Floor, Houston, Texas 77002 or Federal Aviation Administration; Southwest Region Civil Rights Division; Attention: Joyce Davis; 2601 Meacham Blvd.; Fort Worth, TX 76137.



休斯敦市政府

關於在國際機場企業發展與基礎設施建設支持的合作項目的協議通告

國際法提 第29部分，第49項的要求，休斯敦機場系統已確定了一個目標。

該目標旨在使機場企業在美國聯邦運輸部提供快速通道的合同項目的進展，與比例性達到20.28%。

有意者可正在當辦公時間，到以下地址，查詢該協議一提供目標及其可行性的運輸基礎。

City Secretary's Office
City Hall Annex, Public Level
900 Bagby, Houston, TX 77002

Affirmative Action and Contract Compliance Division of the Mayor's Office
611 Walker, 7th Floor, Houston, TX 77002
Houston Airport System Small Business Development and Contract Compliance Division Office
18600 Lee Road, Humble, TX 77338

休斯敦市政府（通過平等法案及休斯敦機場系統）和美國聯邦運輸部（通過聯邦航空管理局）在2003年7月26日截止之前同時可接受對這一協議目標的書面評論查詢。

書面評論查詢請寄至：

City of Houston, Mayor's Office of Affirmative Action and Contract Compliance
Attention: Velma Laws, Director
611 Walker Street, 7th Floor, Houston, Texas 77002 或者

Federal Aviation Administration

Southwest Region Civil Rights Division
Attention: Joyce Davis

2601 Meacham Blvd., Fort Worth, TX 76137

林志豪 吳包德士律師事務所 LIN & VALDEZ L.L.P.

Tel: 713-339-4200
Fax: 713-339-4299
9799 Seabrook Blvd., Suite 3C,
Houston, TX 77034
(休斯敦市海濱大道339號)



Andrew Whang 律師



Aram Badalyan 律師



Aram Badalyan 律師



Aram Badalyan 律師

移民、勞工、企業、保險、房地產、法律事務所

移民、勞工、企業、保險、房地產、法律事務所

☆ 移民、勞工、企業、保險、房地產、法律事務所

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中央商業銀行

Posted Until July 26, 2009

Initial Notice Date: June 11, 2009

City of Houston

**Notice of Proposed Goal
for the Participation of
Disadvantaged Business Enterprises in
Department of Transportation Assisted Contracts**

As required by Section 49 Code of Federal Regulations Part 26, the Houston Airport System (HAS) has determined a proposed overall goal of 20.28% for the participation of Disadvantaged Business Enterprises (DBEs) in its contracts which the US Department of Transportation (DOT) provides financial assistance.

The proposed goal and its rationale are available for inspection during normal business hours for 30 days following the initial date of this notice at:

City Secretary's Office	Affirmative Action and
City Hall Annex	Contract Compliance
Public Level	Division of the
900 Bagby	Mayor's Office
Houston, TX 77002	611 Walker, 7 th Floor
	Houston, TX 77002

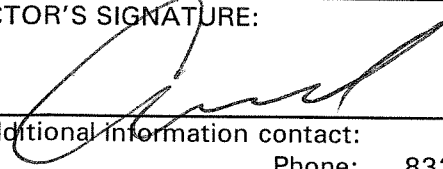

The City (through the Affirmative Action and the Houston Airport System) and the Department of Transportation (through the Federal Aviation Administration) will accept written comments on the goals for 45 days from the initial date of this notice.





Written comments may be directed to:

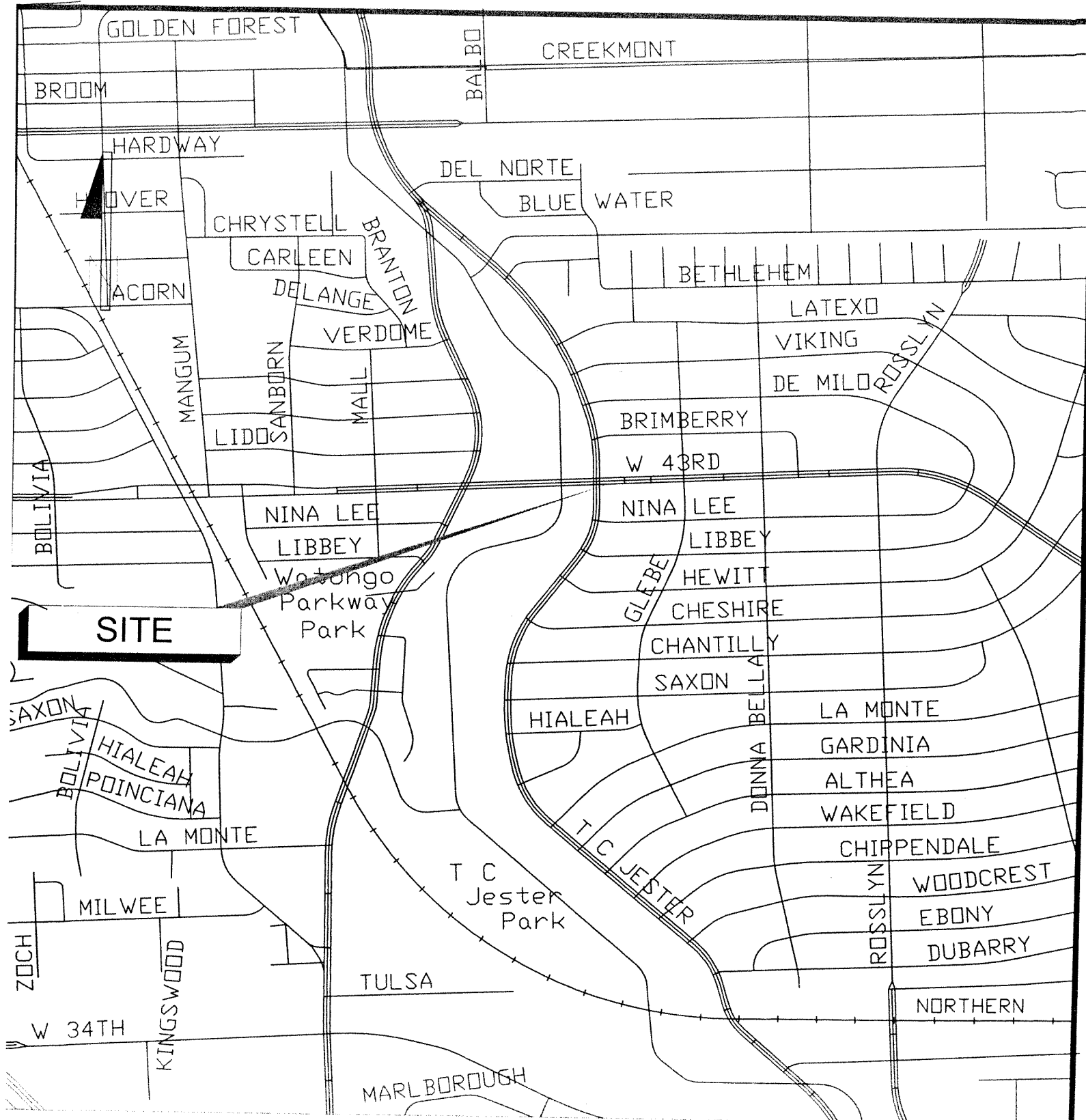
City of Houston,
Mayor's Office of Affirmative Action
and Contract Compliance,
Attention: Velma Laws, Director,
611 Walker Street, 7th Floor
Houston, Texas 77002

Federal Aviation Administration
Southwest Region Civil Rights Division
Attention: Joyce Davis
2601 Meacham Blvd.
Fort Worth, TX 76137

Posted by: *Norma Meadows*
Date: *June 17, 2009*
Time: *3:30 p.m.*

SUBJECT: Settlement of Lawsuit styled Zachary Tran v. Dorran Stagg and the City of Houston, Cause No. 2006-67465, in the 61 st Judicial District Court, Harris County, Texas; L.D. # 080-0600150-001		Page 1 of 1	Agenda Item # 7
FROM (Department or other point of origin): Legal		Origination Date 9/10/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: 		Council District affected:	
For additional information contact: Rosemary S. Stuart Phone: 832.393.6472 		Date and identification of prior authorizing Council action:	
<u>RECOMMENDATION:</u> (Summary) Approve the Referenced Settlement			
Amount and Source of Funding: \$170,000.00 Fund 1004 Property & Casualty Fund			
<u>SPECIFIC EXPLANATION:</u> <u>FOR SETTLEMENT PURPOSES ONLY</u> On or about December 8, 2004, Plaintiff, aged thirty-seven, was stopped at a red light in the 14800 block of the North West Freeway service road, in his Dodge Caravan, when Dorran Stagg who was a utility worker for the City of Houston Public Works Department, driving a F350 truck, ran into the back of him, driving at approximately forty-five miles per hour. Mr. Stagg was cited for failure to control speed. Plaintiff alleges that he suffered serious back injuries as a result of the accident. He also alleges that three back surgeries are the result of the accident. His medical bills total \$240,628.60. I recommend that this case be settled for \$170,000.00 , payable to Zachary Tran and his attorney Allen Kline Jr., Tax I.D. No. 76-0213325.			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

SUBJECT: Accept Work Pemco, Inc. Underground Storage Tank Remediation, Removal and Installation at Fire Station 13 WBS No. C-000170-0012-4		Page 1 of 1	Agenda Item 8
FROM (Department or other point of origin): General Services Department		Origination Date 9-9-09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  7/13/09		Council District affected: A	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action: Ordinance: 09-0082; Dated: 02/04/2009	
RECOMMENDATION: Pass a motion approving the final contract amount of \$223,181.00 accept the work and authorize final payment.			
Amount and Source of Funding: No Additional Funding Required Previous Funding: \$325,028.00 Fire Consolidated Construction Fund (4500)		Finance Budget:	
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$223,181.00 or 6.43% under the original contract amount, accept the work and authorize final payment to Pemco, Inc. for underground storage tank remediation, removal and installation at Fire Station 13 for the Houston Fire Department.			
PROJECT LOCATION: 2215 West 43 rd Street, Houston, Texas (Key Map 451-M)			
PROJECT DESCRIPTION: The project removed one 1,000 gallon gasoline underground storage tank (UST), one 1,000 gallon diesel UST from the existing Fire Station 13 along with associated lines, observation wells, manholes and ancillary equipment and installed one 3,000 gallon gasoline double wall Fiberglass Reinforced Plastic single compartment UST and one 3,000 gallon diesel UST. The work also included saw-cutting, demolition and removal of concrete paving over the UST, product lines and debris generated as a result of all activities, backfilling and compaction, waste classification, loading, hauling and proper disposal.			
CONTRACT COMPLETION AND COST: The contractor completed the project within the original contract duration of 120 days. The final cost of the project, including Change Orders 1 and 2, is \$223,181.00, a decrease of \$15,326.00 from the original contract amount.			
PREVIOUS CHANGE ORDERS: Change Orders 1 and 2 removed and replaced an additional 490 sq. ft. of concrete pavement, which deteriorated due to its age of approximately 40 years; and provided a credit for soil removal which was not required to complete the project.			
IZD:HB:JLN:GM:FK:fk c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Michael Shrum, Gabriel Mussio, File.			
REQUIRED AUTHORIZATION CUIC ID # 25GM192			
General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division	Other Authorization:	Houston Fire Department:  Phil Boriskie Chief	



UNDERGROUND STORAGE TANKS REMEDIATION, REMOVAL AND INSTALLATION

FIRE STATION 13
2215 WEST 43RD ST.

COUNCIL DISTRICT "A"

SITE MAP

KEY MAP NO. 451M

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Local Drainage Project for Drainage Ditch at Colgate, Farther Point and Pine Briar Circle, WBS No. M-000126-00S9-4.**Page**
1 of 1**Agenda Item #** 9**FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date

9/10/09

Agenda Date

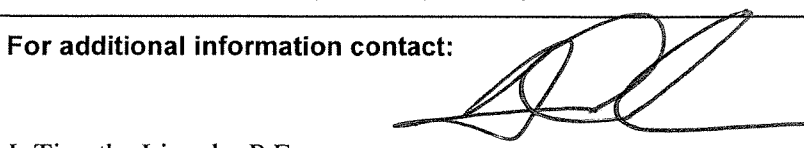
SEP 16 2009

DIRECTOR'S SIGNATURE:

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

Council Districts affected:

G, I

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. #2008-115 dated 02/13/2008

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$672,425.00 or 1.07% over the original Contract Amount, accept the Work, and authorize final payment.**Amount and Source of Funding:** No additional funding required. Total (original) appropriation of \$759,000.00 Drainage Improvements Commercial Paper Series F, Fund No. 4030.**SPECIFIC EXPLANATION:****PROJECT NOTICE/JUSTIFICATION:** This project was part of the Local Drainage Program and was required to provide drainage improvements to alleviate property erosion and stabilize drainage.**DESCRIPTION/SCOPE:** This project consisted of ditch improvements by placement of gabions and/ or retaining walls. Omega Engineers, Inc. designed the project with 210 calendar days allowed for construction. The project was awarded to TJ & T Enterprises, Inc. with an original Contract Amount of \$665,305.00.**LOCATION:** The project area for Colgate is generally bounded by DeLeon on the north and Bellfort on the south; the project area for Farther Point is generally bounded by Westheimer on the north and Buffalo Bayou on the south and the project area for Pine Briar Circle is generally bounded by Buffalo Bayou on the north and Briar Drive on the south. The projects are located in Key map Grids 491-F & G, and 535-T.**CONTRACT COMPLETION AND COST:** TJ & T Enterprises, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time with an additional 40 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and approved Change Order No. 1, is \$672,425.00. This is an increase of \$7,120.00 or 1.07% over the original Contract Amount.

The increase cost is a result of Change Order No. 1 and difference between planned and measured quantities. This increase is primarily a result of additional work associated with a Flood Plain Management permit. The work was necessary to complete the contract.

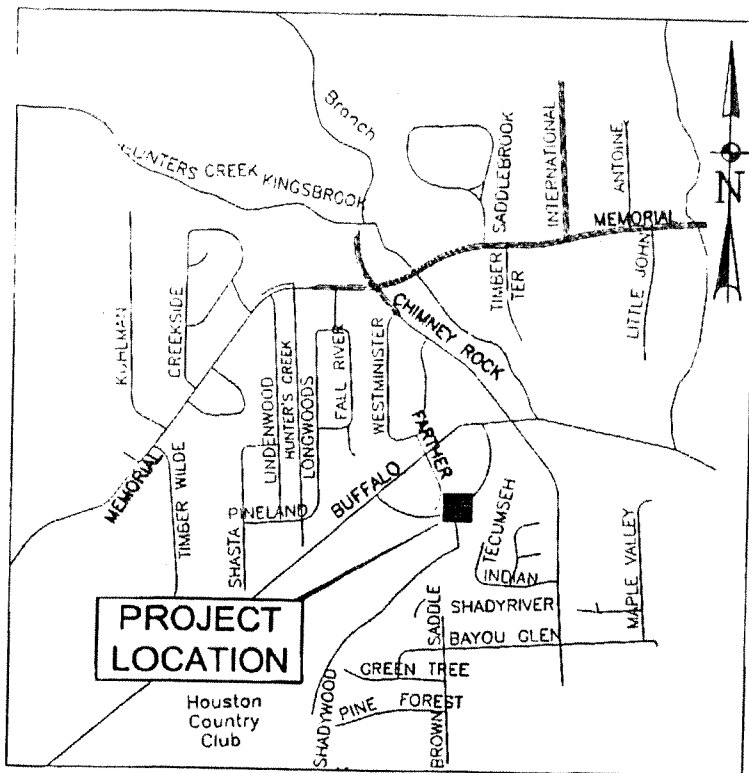
M/WBE PARTICIPATION: There is no M/WBE goal established for this project.

MSM:DRM:JTL:JAK:AH:ha

Z:\E&C Construction\South Sector\PROJECT FOLDER\M-000126-S9-4\F-23.0 Closeouts\RCA\RCA - Closeout.doc

cc: Velma Laws Craig Foster Waynette Chan Marty Stein File M-0126-S9/21.0.

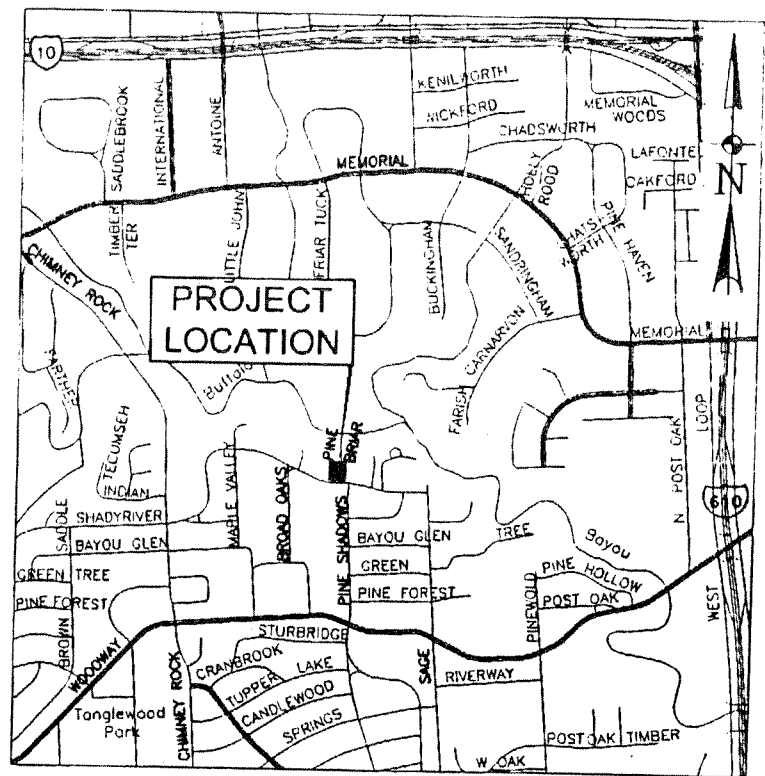
REQUIRED AUTHORIZATION**CUIC ID # 20HA74****Finance Department:****Other Authorization:****Other Authorization:**Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



VICINITY MAP (FARTHER POINT)

KEY MAP 491F

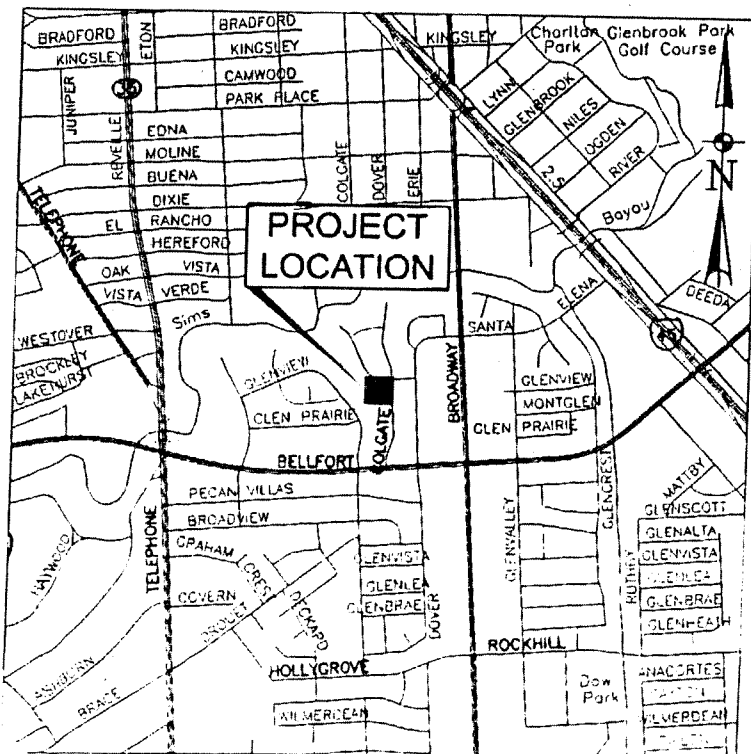
GIMS #5157A



VICINITY MAP (PINE BRIAR CIRCLE)

KEY MAP 491G

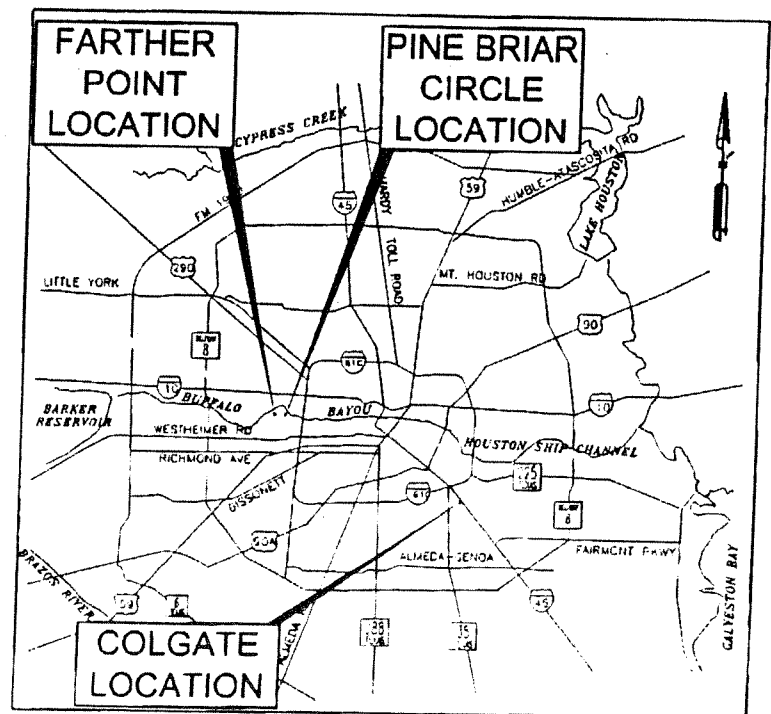
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VICINITY MAP (COLGATE)

KEY MAP 535T

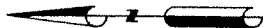
GIMS #5654C



LOCATION MAP

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Safe Sidewalk Program B3 Project, WBS No. N-00610A-00B3-4.		Page 1 of 1	Agenda Item # 10
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/10/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE., Director		Council Districts affected: A, C, G, H	
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074		Date and Identification of prior authorizing Council Action: Ord. #2006-586 dated 06/07/2006	
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$540,936.03 or 1.42% over the original Contract Amount, accept the Work, and authorize final payment.			
Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$696,800.00 from Street and Bridge Consolidated Construction Fund No. 437.			
SPECIFIC EXPLANATION:			
PROJECT NOTICE/JUSTIFICATION: This project was part of the Safe Sidewalk Programs which were required to address the health, safety, and welfare of pedestrians.			
DESCRIPTION/SCOPE: This project consisted of the construction and replacement of sidewalks of various width and lengths. Ratnala and Bahl, Inc. designed the project with 210 calendar days allowed for construction. The project was awarded to Caan Construction Services, Inc. with an original Contract Amount of \$533,375.00			
LOCATION: The project area is in various locations in North and Southwest Houston. The project is located in Key Map Grids 450-X, 453-N, 492-B, D, and L, 493-D, F, and G, and 532-D.			
CONTRACT COMPLETION AND COST: Caan Construction Services, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time with an additional 84 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and approved Change Order No. 1, is \$540,936.03. This is an increase of \$7,561.03 or 1.42% over the original Contract Amount.			
The increased cost is a result of additional work associated with Change Order No. 1 and overrun in various bid items. The additional work includes unanticipated work due to field conditions such as street cut permits, yard drain pipes, tree removal, sprinkler heads relocation, and saw cut existing pavements. Overrun in various bid items include extension of flagman hours, hot mix asphalt concrete, adjusting existing water valve and meter boxes to grade, relocate street signs and wheel chair ramps. The work was necessary to complete the contract.			
M/WBE PARTICIPATION: There was no M/WBE goal established for this project.			
MSM:DRM:JTL:  JAK:AH:ha Z:\E&C Construction\South Sector\PROJECT FOLDER\N-0610A-B3-3\Close-out Documentation\RCA\RCA - Closeout.doc cc: Velma Laws Craig Foster Waynette Chan Marty Stein File N-0610A-B3/21.0 NDT			
REQUIRED AUTHORIZATION		CUIC ID # 20HA71	
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	



RATNALA & BAHL, INC.
Engineers - Architects - Surveyors
11787 KATY FREEWAY, SUITE 510
HOUSTON, TEXAS 77055

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

SAFE SIDEWALK PROGRAM
B3-3 PROJECT

STREET LOCATION MAP
1000 KIRBY DR.

FILE NO. 38913-03
GPS NO. N-0510A-B3-3
DRAWING SCALE
N.T.S.
CITY OF HOUSTON, TX
MADE POSSIBLE BY
SECT. 12.1

1000 KIRBY DR.

DWG SHEET NO 23 OF 31
(KEY MAP No. 492-Q)
DISTRICT C

CEDAR POST LN

RATNALA & BAHL, INC.
Engineers - Architects - Surveyors
11707 KATY FREEWAY, SUITE 510
HOUSTON, TEXAS 77079

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
SAFE SIDEWALK PROGRAM
B3-3 PROJECT
STREET LOCATION MAP
CEDAR POST LN

FILE NO. SBPH13-03

U.S. NO. N-080A-B3-3

DRAWING SCALE

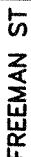
NTS

CITY OF HOUSTON, TX

WKS CORRECTION P.E.



CEDAR POST LN
DWG SHEET NO 13 & 14 OF 31
(KEY MAP NO. 450-X)
DISTRICT A



RATNALA & BAHL, INC.
Engineers • Architects • Surveyors
11767 KATY FREEWAY, SUITE 510
HOUSTON, TEXAS 77079

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

SAFE SIDEWALK PROGRAM
B3-3 PROJECT

STREET LOCATION MAP
FREEMAN ST

FILE NO. S89113-03

U.S. NO. N-0610A-B3-3

DRAWING SCALE

CITY OF HOUSTON BY
MIKE CROOKS, P.E.

7-10

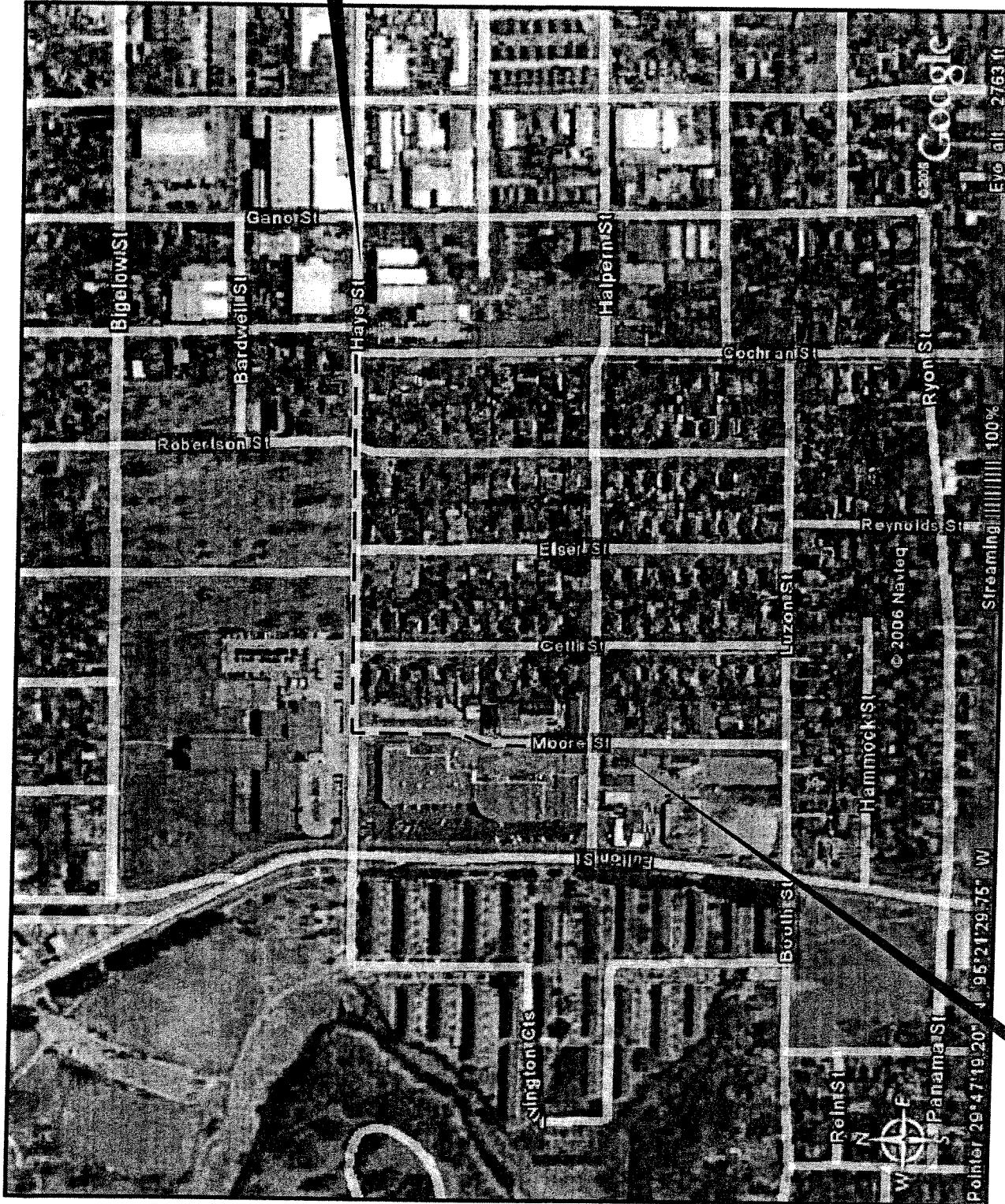


FREEMAN ST.

DWG SHEET NO 15 OF 31

(KEY MAP No. 493-G)

DISTRICT H



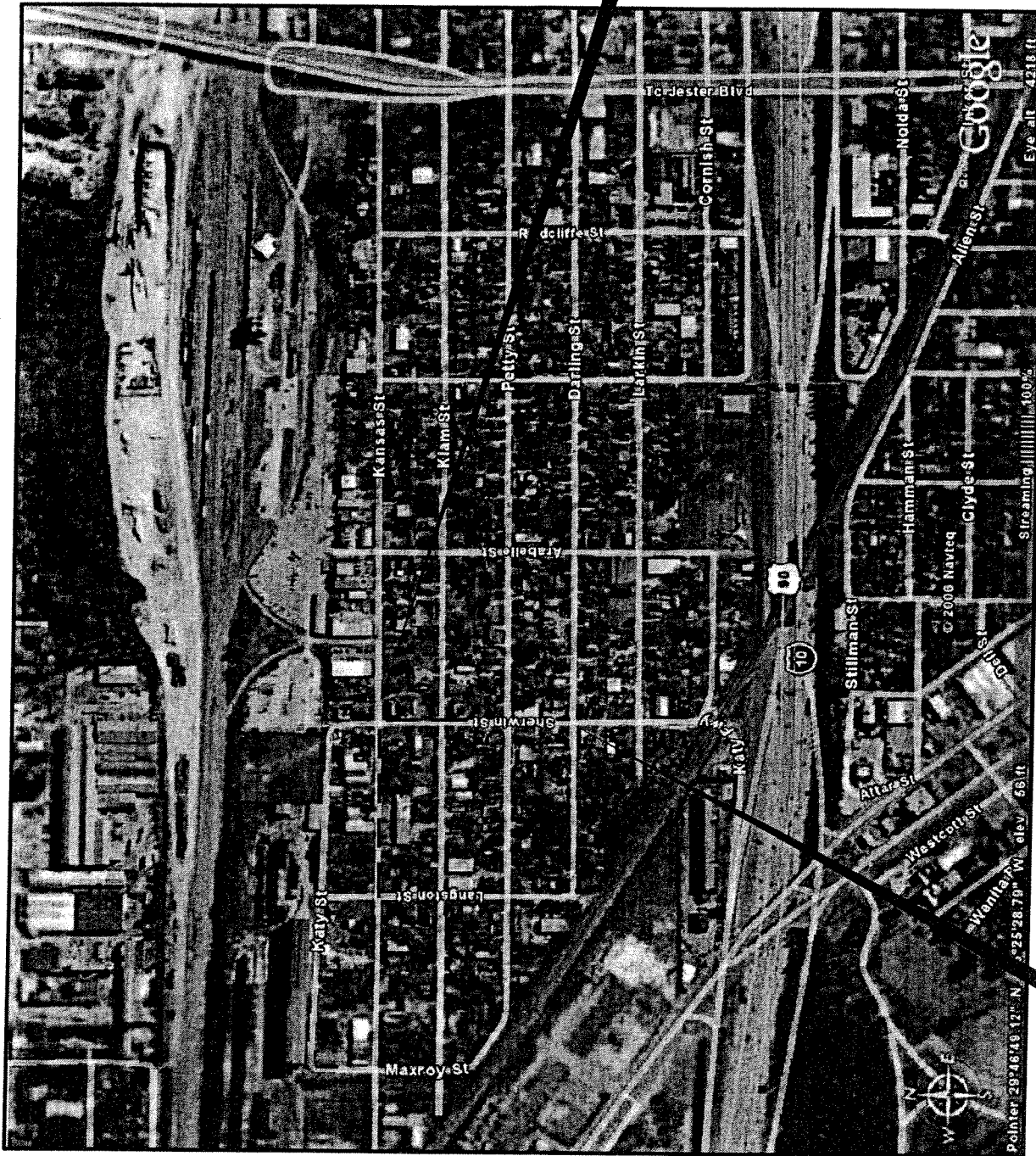
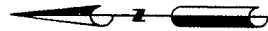
HAYS ST.

MOORE ST.

MOORE ST. AND HAYS ST.

DWG SHEET NO 18 & 19
(KEY MAP No. 493-D)
DISTRICT H

RATNALA & BAHL, INC. Engineers - Architects - Surveyors 11787 KATY FREEWAY, SUITE 510 HOUSTON, TEXAS 77079	
CITY OF HOUSTON DEPARTMENT OF PUBLIC WORKS AND ENGINEERING	SAFE SIDEWALK PROGRAM B3-3 PROJECT STREET LOCATION MAP MOORE AND HAYS ST.
FILE NO. 388113-03	
GPS NO. H-000A-B3-3	
DRAWING SCALE	N.T.S.
CITY OF HOUSTON PW	MIKE CORBOVA, P.E.
SHEET NO. 8	



RATNALA & BAHL, INC.
Engineers · Architects · Surveyors
17767 KATY FREEWAY, SUITE 510
HOUSTON, TEXAS 77058

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
SAFE SIDEWALK PROGRAM
B3-3 PROJECT
STREET LOCATION MAP
KANSAS & SHREWIN ST.

FILE NO. SB9113-03

DWG NO. N-0610A-B3-3

DRAWING SCALE

NTS

CITY OF HOUSTON, TX

WWE CORPORA, P.E.

SB-EST, INC.

KANSAS ST & SHREWIN ST.
DWG SHEET NO 6 AND 7
(KEY MAP No. 492-B)
DISTRICT A



SPRING ST.

RATNALA & BAHL, INC. Engineers - Architects - Surveyors 11707 KATY FREEWAY, SUITE 510 HOUSTON, TEXAS 77055	
CITY OF HOUSTON DEPARTMENT OF PUBLIC WORKS AND ENGINEERING	FILE NO. 58913-03 G'S NO. N-0610A-B3-3 DRAWING SCALE N.T.S. CITY OF HOUSTON, TX MIKE CORDEVA, P.E. SHEET NO. 7
SAFE SIDEWALK PROGRAM B3-3 PROJECT STREET LOCATION MAP SPRING ST.	

SPRING ST.

DWG SHEET NO 20, 21 & 22 OF 31
 (KEY MAP No. 493-F)
 DISTRICT H



SHEPHERD DR.

RATNALA & BAHL, INC.
Engineers • Architects • Surveyors
11787 KATY FREEWAY, SUITE 510
HOUSTON, TEXAS 77079

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

SAFE SIDEWALK PROGRAM
B3-3 PROJECT

STREET LOCATION MAP
SHEPHERD DR

FILE NO. S89113-03

FS NO. N-0610A-BJ-3

DRAWING SCALE

215

CITY OF HOUSTON, TX

MIKE CORIOVA P.E.

SHEPHERD DR.
DWG SHEET NO 8 TO 12 OF 31
(KEY MAP No. 532-D)
DISTRICT C

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Water Line Replacement in Del Monte.

WBS No. S-000035-00L2-4.

Page 1 of 1

Agenda Item #

11

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

9/9/09

Agenda Date

SEP 16 2009

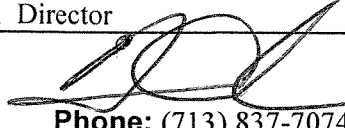
DIRECTOR'S SIGNATURE:
Michael S. Marcotte, P.E., D.WRE, BCEE, Director**Council Districts affected:**

G

For additional information contact:

J. Timothy Lincoln, P.E.

Senior Assistant Director


Phone: (713) 837-7074**Date and Identification of prior authorizing Council Action:**

Ord. #2007-1245 dated 11/07/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,603,469.54, which is 2.33% 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 \$3,170,100.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.**DESCRIPTION/SCOPE:** This project consisted of 25,889 linear feet of 8-inch and 665 linear feet of 6-inch diameter water lines, valves, and appurtenances. Kuo & Associates, Inc. designed the project with 310 calendar days allowed for construction. The project was awarded to Metro City Construction, L.P. with an original Contract Amount of \$2,665,666.50.**LOCATION:** The project area is generally bound by Shadder Way, Kirby Drive and Tielway on the north, San Felipe on the south, S. Shepherd on the east and Kirby Drive on the west. The project is located in the Key Map Grids 492-L, M, Q, & R.**CONTRACT COMPLETION AND COST:** The Metro City Construction, L.P. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including previously approve Change Order Nos. 1 and 2 and overrun and underrun of estimated bid quantities is \$2,603,469.54, a decrease of \$62,196.96 or 2.33% under the original Contract Amount.

The cost underrun is primarily due to the extra Work that was not required to complete the Contract particularly the Work related to Clean Air Incentive Items and Extra Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to Affirmative Action and Contract Compliance, the actual participation was 22.30%. The Contractor was awarded a "Satisfactory" rating for M/WBE compliance.

MSM:DRM:JTL:JAK:AH:mq

Z:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-00L2-4 (Del Monte)\21.0 Close-out Documentation\RCA\RCA.DOC

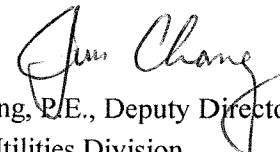

c: Velma Laws

File No. S-000035-00L2-4 - 21.0

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ120

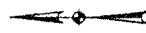
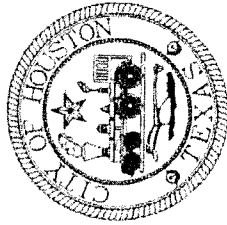
MDT

Finance Department:**Other Authorization:**
Jun Chang, P.E., Deputy Director
Public Utilities Division**Other Authorization:**
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

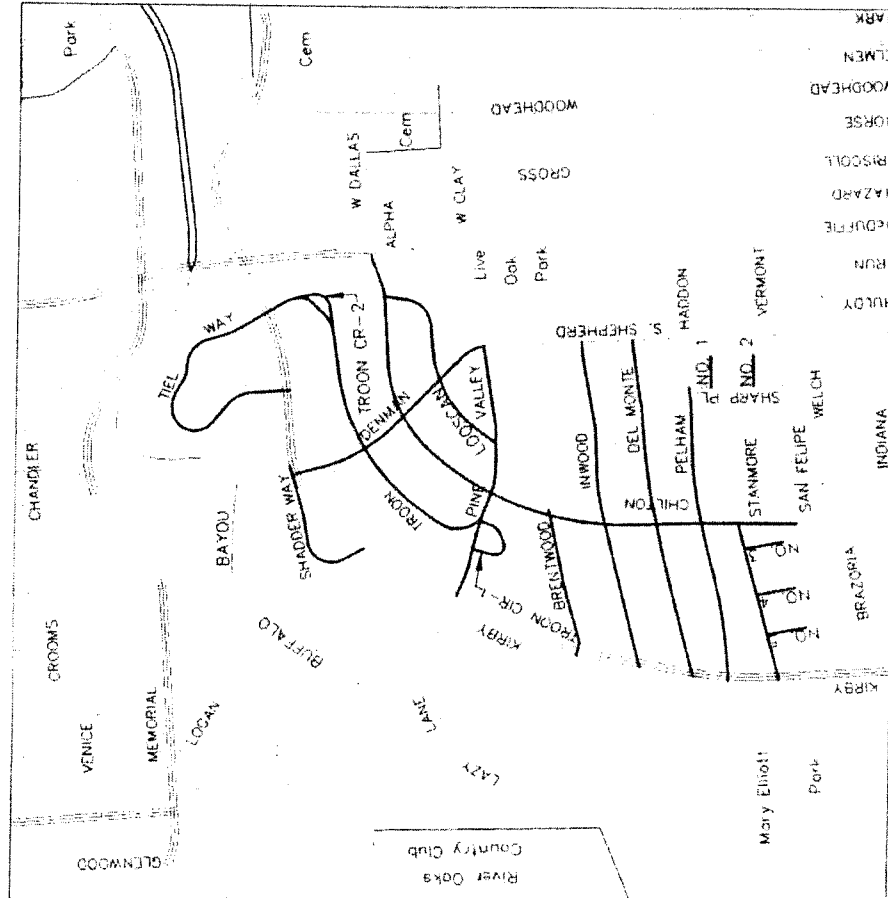
11

DEPARTMENT OF PUBLIC WORKS & ENGINEERING ENGINEERING AND CONSTRUCTION DIVISION WATER LINE REPLACEMENT IN DEL MONTE

WBS NO. S-000035-00L2-4



NTS



STREET NAME	FROM	TO	SIZE (inch)	LENGTH (feet)
TELWAY	KIRBY	KIRBY	8	2200
SHADLER WAY	KIRBY	KIRBY	8	1360
DENNAN	KIRBY	PINE VALLEY	8	1620
TROON	KIRBY	PINE VALLEY	8	2650
TROON CR-1	PINE VALLEY	PINE VALLEY	6	560
TROON CR-2	TROON	TROON	8	450
PINE VALLEY	KIRBY	SHEPHERD	8	1860
LOOSCAN	CHILTON	PINE VALLEY	8	1500
BRENTWOOD	CHILTON	KIRBY	8	1000
INWOOD	SHEPHERD	KIRBY	8	2440
DEL MONTE	SHEPHERD	KIRBY	8	2520
PELHAM	SHARP PLACE	KIRBY	8	2200
STANMORE	CHILTON	KIRBY	8	1200
CHILTON	SHEPHERD	SAN FELIPE	8	4540
NO 1	SHARP PLACE	CUL-DE-SAC	4	250
NO 2	SHARP PLACE	CUL-DE-SAC	4	250
NO 3	STANMORE	CUL-DE-SAC	4	770
NO 4	STANMORE	CUL-DE-SAC	4	220
NO 5	STANMORE	CUL-DE-SAC	4	200
TOTAL				37,240

EXHIBIT - 4

Kuo & Associates, Inc. *K&A*
Consulting Engineers & Surveyors

CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING


WATER LINE REPLACEMENT, DEL MONTE

WBS NO. S-000035-00L2-4

KEY MAP NO 492 L.M.C. & R
CIM MAP #5257 A, B, D & 5357 C
COUNCIL DISTRICT 'G'

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: PURCHASE of Parcel AY8-120, located at 8300 Homestead Road for the HOMESTEAD ROAD GRADE SEPARATION PROJECT (from Ley Road to Firnat Street). OWNER: Phoenix Medicos, LLC, Jiten Kumar, Owner WBS N-000713-0001-2-01	Page 1 of 1	Agenda Item # 120
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/10/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: B Key Map 454H,M	
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director	Date and identification of prior authorizing Council Action: Ordinance 2007-1067, passed September 19, 2007	

RECOMMENDATION: (Summary)

Authority be given through Council Motion to PURCHASE Parcel AY8-120.

Amount and \$84,768.00

Source of Funding: (covered under Blanket Appropriation Ordinance 2007-1067, N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)

SPECIFIC EXPLANATION:

The HOMESTEAD ROAD GRADE SEPARATION PROJECT (from Ley Road to Firnat Street) provides for the construction of a grade separation for Homestead Road over the Union Pacific railroad tracks located south of Laura Koppe Drive in northeast Houston. The parcel is located at 8300 Homestead Road.

PURCHASE:

The City desires to acquire 3,321 square feet of improved commercial land to be used as street right of way. The City's offer was based on an appraisal by Alan L. Dominy, MAI, SRA, Independent Fee Appraiser. This valuation was reviewed and recommended for approval by a senior staff appraiser of this department. The breakdown is as follows:

LAND:

Parcel AY8-120 (Easement)

3,321 square feet @ \$3.25	\$ 10,793.00 ®
IMPROVEMENTS.....	\$ 19,797.00
COST TO CURE	\$ 52,647.00
TOTAL LAND, IMPROVEMENTS, AND COST TO CURE	\$ 83,237.00
Title Policy/Services.....	\$ 1,531.00
TOTAL AMOUNT.....	\$ 84,768.00

It is recommended that authority be given through Council Motion to PURCHASE Parcel AY8-120, owned by Phoenix Medicos, LLC. This parcel contains 3,321 square feet or 0.0763 acres situated in the Harris and Wilson Survey, Abstract Number 32, Harris County, Texas; said 0.0763 of an acre tract of land being out of Lots 84, 85, 86, 87 and 88 of Rosewood Estates, and described in deed to Phoenix Medicos, LLC, recorded under Harris County Clerk's File Number (H.C.C.F.N.) 20090184876; said 0.0763 of an acre of the Official Public Records for Real Property in said Harris County, Texas according to City of Houston field notes.

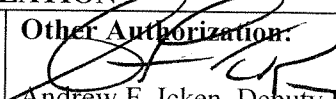
MSM:NPC:tb

cc: Marty Stein

Z:/BATES/RCA/AY8-120.doc

CUIC #20TSB05

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division
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PARCEL VALUATION

Following is a breakdown of the consideration for Parcel AY8-120:

LAND (Easement):

3,321 square feet @ \$3.25\$ 10,793.00 ®

IMPROVEMENTS:

3,177 square feet of asphalt surface @ \$3.75, less 50% depreciation.....\$ 5,957.00 ®

22 car stops @ \$65.00 each, less 50% depreciation\$ 715.00

1 sign @ \$22,500.00 each, less 50% depreciation\$11,250.00

300 linear feet of concrete curbing @ \$12.50, less 50% depreciation.....\$ 1,875.00

TOTAL IMPROVEMENTS\$ 19,797.00

COST TO CURE:

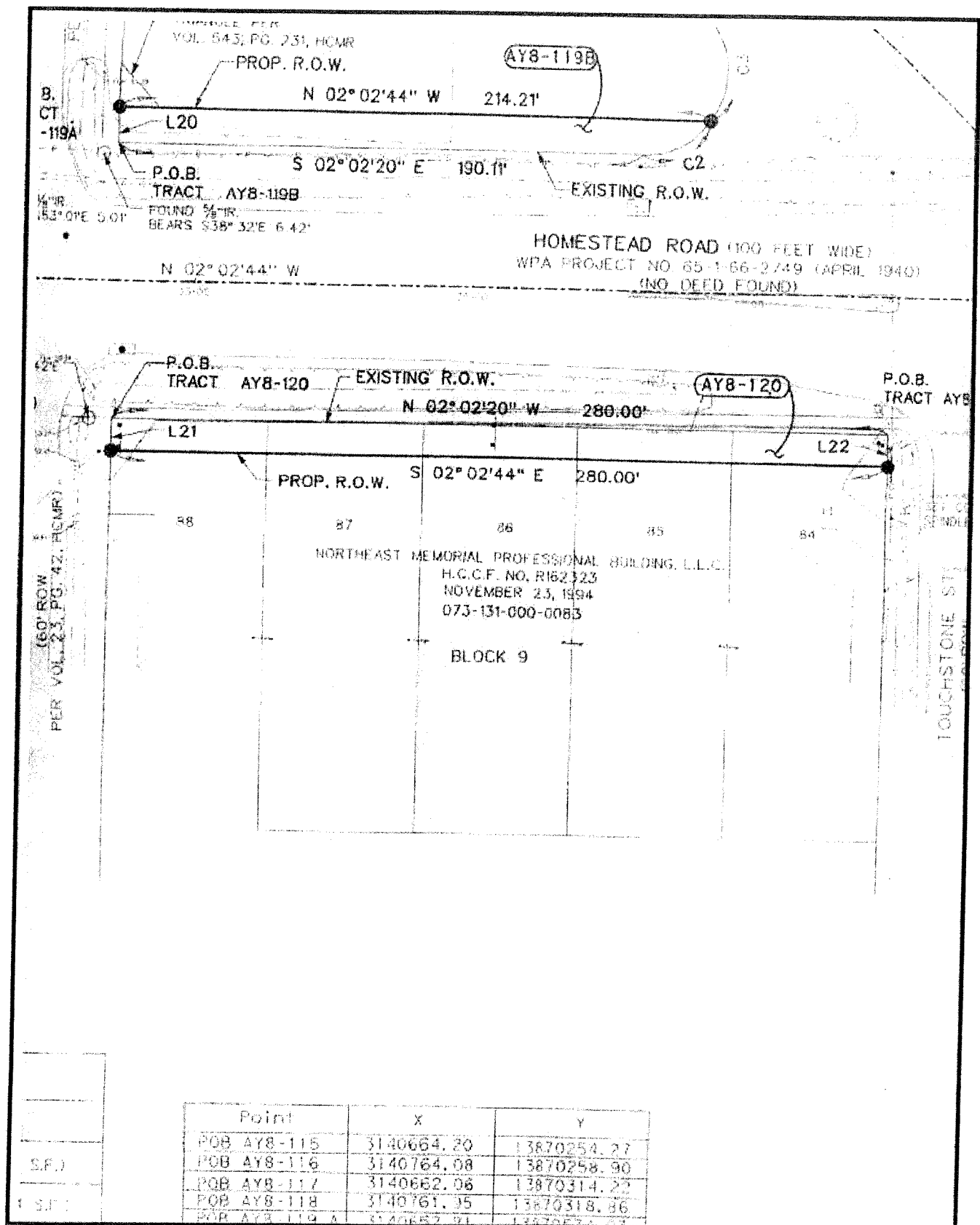
(Demolish concrete, remove trees, parking)\$52,647.00

TOTAL COST TO CURE\$ 52,647.00

TOTAL COMPENSATION\$ 83,237.00

TITLE POLICY/SERVICES.....\$ 1,531.00

TOTAL\$ 84,768.00



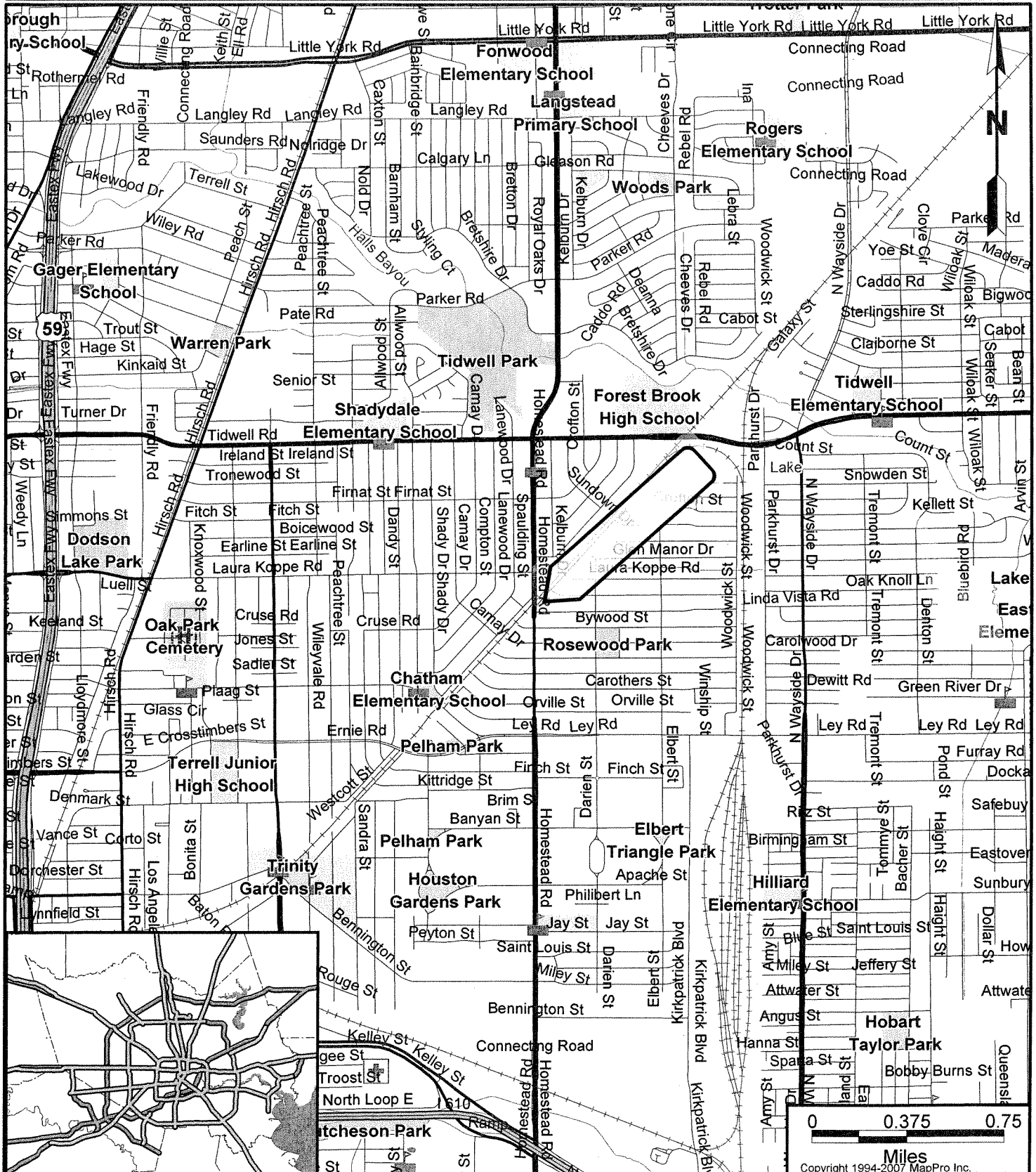
LOCATION MAP

Description: Homestead Road Grade Separation Project

Parcel AY8-120 (From Ley Road to Firnat Street)

WBS N-000713-0001-2-01, District B, Key Map 454 H

Prepared by: City of Houston, 611 Walker, Houston, TX 77002



CAUTION:

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.

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8468

Subject: Formal Bids Received for Scooters for the Houston Police Department
S34-N23360

Category #
4

Page 1 of 1

Agenda Item

13

FROM (Department or other point of origin):

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

Origination Date

September 02, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Joseph Fenninger *JWF* Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Killeen Power Sports, Ltd. on its low bid meeting specifications in the amount of \$124,911.68 for scooters for the Houston Police Department.

Award Amount: \$124,911.68

Finance Budget

\$124,911.68 - Mobility Response Team Fund (2304)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Killeen Power Sports, Ltd. on its low bid meeting specifications in the amount of \$124,911.68 for sixteen gasoline-powered scooters for the Houston Police Department, and that authorization be given to issue a purchase order. These scooters will be used citywide by the Department to transport its Mobility Response Team to traffic accident scenes, signal outages and other types of traffic congestion situations.

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

<u>Company</u>	<u>Amount</u>
1. Voltage Vehicles	\$ 55,200.00 (Did Not Meet Specifications)
2. Killeen Power Sports, Ltd.	\$124,911.68

These new scooters will come with a full one-year parts and labor warranty and the life expectancy is seven years. These scooters will be additions to the Department's fleet inventory. They will meet the EPA's current emission standards for gasoline powered scooters.

Buyer: Larry Benka
PR No. 10073789

Attachment: M/WBE Zero Percentage Goal Document Approved by the Affirmative Action Division

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 9/10/09

myl

12

Suzuki-Bikes.com Home Page

Suzuki motorcycle information.
Go to our home page.

[Back to Home](#)

The SCOOTER Store

We've Helped 400,000 Americans The
SCOOTER Store: Official Site.

**250cc Motor Scooter \$1699**

Blowout Sale 250cc Touring Scooters Gas
Saver - 70 MPG & 1 Yr Warranty!

The SCOOTER Store

We've Helped 400,000 Americans The
SCOOTER Store: Official Site.
theSCOOTERstore.com

Motorcycle Suzuki

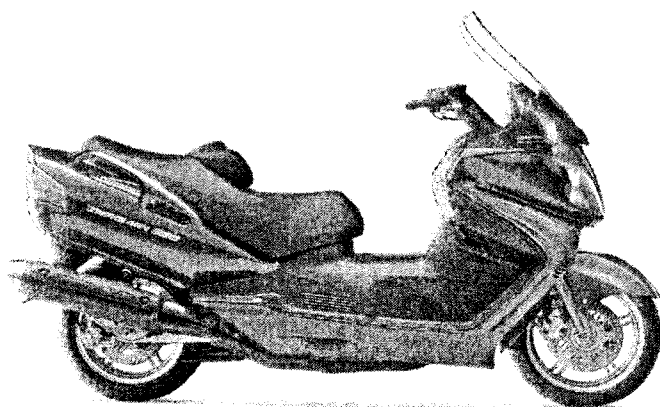
Huge selection, great deals on
Motorcycle Suzuki items.
Yahoo.com

Parts For Scooters

Fast And Free Shipping On Scooter
Parts, Gear, Accessories & More!
www.Motorcycle-Superstore.com

Suzuki Bike & ATV Parts

Find OEM Suzuki Parts With Our
Online Parts Finder. Up to 25% Off
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Suzuki Burgman 650 Pictures & Specs**Suzuki Burgman 650 Scooter**

Engine: 638cc, four-stroke, liquid cooled,
twin cylinder, DOHC, 8-valve
Bore & Stroke: 75.5 x 71.3mm
Compression Ratio: 11.2:1
Carburetor: Fuel Injection
Lubrication: Wet Sump
Ignition: Digital/Transistorized
Gas Scooter Starter: Electric
Burgman 650 Transmission:
Electronically-controlled, CVT - automatic

Burgman 650 Final Drive: Gear drive

Suzuki Burgman 650 Dimensions:

Overall Length: 2260mm (89.0 in.)
Overall Width: 810mm (31.9 in.)
Overall Height: 1430mm (56.3 in.)
Seat Height: 750mm (29.5 in.)
Ground Clearance: 125mm (4.9 in.)
Burgman 650 Wheelbase: 1595mm (62.8 in.)
Burgman 650 Dry Weight: 238kg (524 lbs.)

Suzuki Burgman 650 Suspension:

Front: Telescopic, oil damped
Rear: Swingarm, twin shock, adjustable

Suzuki Motorcycle Dealers

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Used ATV's

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www.suzuki-bikes.com/usedatv.php

Kawasaki Motorcycle Specs and Information

Latest Kawasaki Motorcycles Specs, Pictures

preload

Suzuki Burgman 650 Brakes:

Front: Dual hydraulic disc

Rear: Single hydraulic disc

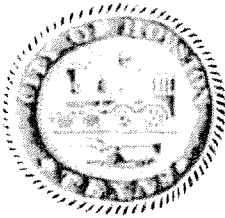
Suzuki Burgman 650 Tires:

Front: 120/70-R15

Rear: 160/60-R14

Burgman 650 Fuel Tank Capacity: 15 liter (4.0 gal.)

Burgman 650 Colors: Silver, Blue



CITY OF HOUSTON

Administration & Regulatory Affairs Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: LARRY BENKA

Date: 04/13/2009

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: N23240 Estimated Dollar Amount: \$138,000.00

Anticipated Advertisement Date: 4/17/2009 Solicitation Due Date: 5/7/2009

Goal On Last Contract: _____ Was Goal met: Yes ☐ No ☐

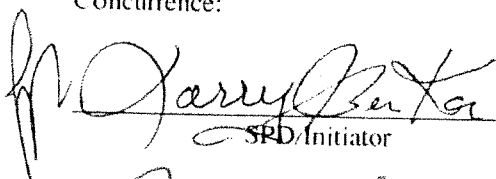
If goal was not met, what did the vendor achieve: _____

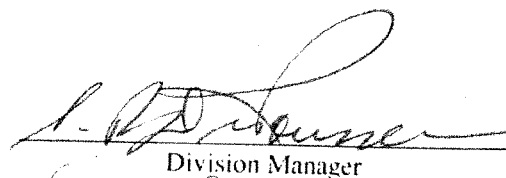
Name and Intent of this Solicitation:
PURCHASE OF MOTORCYCLES AND SCOOTERS FOR THE HOUSTON POLICE DEPARTMENT

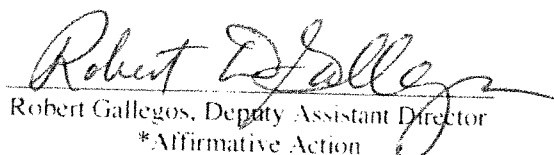
Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

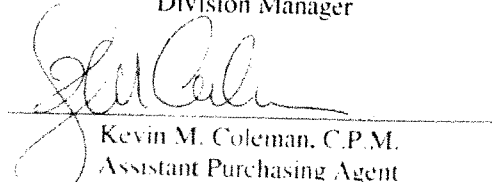
THESE MOTORCYCLES AND SCOOTERS WILL BE SHIPPED DIRECTLY FROM THE MANUFACTURER TO THE CITY'S BIDDERS. THERE ARE NO AFTERMARKET ACCESSORIES. THEREFORE, THERE IS NO POTENTIAL FOR M/WBE PARTICIPATION FOR THIS PROCUREMENT.

Concurrence:


SPD Initiator


Division Manager


Robert Gallegos, Deputy Assistant Director
*Affirmative Action


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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8443

Subject: Emergency Repair of the 84" Interceptor Sewer Line at Alameda Road and W. Orem Drive for the Public Works & Engineering Department
E23346

Category #
1 & 4

Page 1 of 2

Agenda Item

14-14A

FROM (Department or other point of origin):

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

Origination Date

August 31, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:
David Guernsey Phone: (713) 238-5241
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected
D

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$7,707,416.05 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and approve payment to Fugro Consultants in the total amount of \$107,416.05 for geo-technical survey and soil analysis, Pate Engineering in the total amount of \$500,000.00 for professional engineering and design services, and BRH-Garver Construction LP in an amount not to exceed \$7,100,000.00 for emergency 84" interceptor sewer line repairs and construction services at Alameda Road and W. Orem Drive for the Public Works & Engineering Department.

Payment Amount: \$7,707,416.05

Finance Budget

\$ 607,416.05 - Water & Sewer System Consolidated Construction Fund (8500) WBS R-000019-0029-3
\$7,100,000.00 - Water & Sewer System Consolidated Construction Fund (8500) WBS R-000019-0029-4

\$7,707,416.05

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$7,707,416.05 from the Water and Sewer System Consolidated Construction Fund. It is further recommended that City Council approve payment to Fugro Consultants in the amount of \$107,416.05 for geo-technical survey and investigation; Pate Engineering in the amount of \$500,000.00 for professional engineering and design services, and BRH-Garver Construction LP in an amount not to exceed \$7,100,000.00 for the installation of sewer bypass lines, removal of the existing damaged sewer lines, sewer line replacement and street restoration services for a total amount not to exceed \$7,707,416.05 for emergency repair and construction services performed due to the failure of an 84" sanitary sewer interceptor line at Alameda Rd. and W. Orem Dr. for the Public Works & Engineering Department.

In November 2008, the Texas Department of Transportation brought to the City's attention that a depression was developing in the vicinity of the 12,000 block of Alameda Road. Closed Circuit TV inspections confirmed several cracks and deteriorations in the 84" sanitary sewer wall and heavy infiltrations of ground water through these cracks in the vicinity of the depression. Subsequent geotechnical investigations revealed that weak and loosely consolidated areas had developed underneath the pavement, possibly due to the migration of soil through the cracks, with ground water infiltrating into the sewer. The Strategic Purchasing Division issued emergency purchase orders to address the pending failure and collapse of this large 84" sanitary sewer line.

The scope of work required Fugro Consultants to provide an initial geo-technical assessment of the soil surrounding the pipe utilizing ground radar analysis and other geophysical services. The reports produced by Fugro Consultants were then provided to Pate Engineers to produce detailed designs for the repairs, limited construction phase services, preparation of the remedial construction bid, and on-site construction observation of the General Contractor to insure compliance with the engineering plans and design specifications.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA
D
12/1/09

Date: 8/31/2009	Subject: Emergency Repair of the 84" Interceptor Sewer Line at Almeda Road and W. Orem Drive for the Public Works & Engineering Department E23346	Originator's Initials MK	Page 2 of 2
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Pate Engineers was selected based on their previous experience with similar conditions encountered in 2002 immediately south of the current location. Additionally, Pate Engineering will provide liaison services between the General Contractor and the City, including preparation of end-of-construction reports to be provided to the Texas Environmental Quality Commission on behalf of the City.

Informal bids were taken in accordance with the requirements of Administrative Procedures 5-2 and 5-4 and four bids were received as outlined below:

	<u>Company</u>	<u>Total Amount</u>
1.	BRH-Garver Construction LP	\$6,707,799.25
2.	Spiniello Companies	\$7,129,973.45
3.	Boyer, inc.	\$7,743,445.00
4.	Huff & Mitchell, Inc.	\$8,465,898.50

BRH-Garver Construction LP is required to provide all labor, supervision, permits, insurance, bonds materials, equipment, traffic control and transportation necessary to install sewer bypass lines, remove the damaged sewer lines, replace the 84" sanitary sewer interceptor line, restore the street and pavement to original condition and remove all debris and excess project materials.

This recommendation is made pursuant to Chapter 252.022 (a) (2) of the Texas Local Government Code for exempted procurements.

Buyer: Martin L. King

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8477

Subject: Amend Council Motion No. 2009-1552 for a Vehicle Locator System for Various Departments
TC-0-0990-029-12916-A5

Category #
4

Page 1 of 1

Agenda Item

15

FROM (Department or other point of origin):

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

Origination Date

August 31, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

For additional information contact:

David Guernsey
Douglas Moore

Phone: (713) 238-5241
Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

CMs 00-1552, 03-1450, 04-1056, 06,0037 and 09-0502

RECOMMENDATION: (Summary)

Amend CM 2000-1552 as amended by CM 2003-1450, 2004-1056, 2006-0037 and 2009-0502 to extend the term from September 30, 2009 to March 30, 2010 for a vehicle locator system for various departments.

No Additional Funding Required

Finance Budget

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve a council motion authorizing a fifth amendment to Council Motion No. 2009-0502 between the City of Houston and Teletrac, Inc. to extend the term of the agreement from September 30, 2009 to March 30, 2010 for a vehicle locator system for various departments.

This agreement was awarded on December 20, 2000 by Council Motion No. 2000-1552 for a three year term in an amount not to exceed \$1,419,193.40. On December 3, 2003 the council motion was amended by Council Motion No. 2003-1450 to extend the term from December 23, 2003 to December 22, 2004 with no additional spending authority required. On October 6, 2004, the council motion was amended by Council Motion No. 2004-1056 to extend the term from December 23, 2004 to June 22, 2006, with no additional spending authority required. On January 11, 2006 the council motion was amended by Council Motion No. 2006-0037 to increase the spending authority from \$1,419,193.40 to \$2,626,842.20 and extend the term from June 22, 2006 to June 30, 2009. On June 30, 2009 the council motion was amended by Council Motion No. 2009-0502 to extend the term from June 30, 2009 to September 30, 2009.

Teletrac, Inc. is the sole source manufacturer and distributor of the hardware and software, and is the sole maintenance provider for this system. The Teletrac Vehicle Locator System is a PC-based mapping application and wireless communications system used to locate vehicles via the use of a common radio frequency. The system allows the departments to monitor vehicles by tracking arrival, departure and travel times. Departments are able to more efficiently deploy personnel and equipment in the field, facilitating a more rapid response to nonscheduled and emergency requests for service. The scope of work requires the contractor to provide all hardware, software and monthly airtime for the vehicle locator system for over 1100 vehicles for the Police, Public Works & Engineering, Parks & Recreation and Health & Human Services Departments. The agreement also includes a lifetime warranty on all equipment, software upgrades and on-site software maintenance support services for the duration of the agreement.

This extension of the council motion is sufficient and will allow continuation of services during the transition of having a new contract established.

Buyer: Conley Jackson

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8082

Subject: Formal Bids Received for Janitorial Supplies for Various Departments
S44-S22965

Category #
4

Page 1 of 3

Agenda Item

16

FROM (Department or other point of origin):

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

Origination Date

July 22, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells
Council District(s) affected
All

For additional information contact:

Dallas Evans Phone: (281) 230-8001
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in an amount not to exceed \$6,050,814.71 for janitorial supplies for various departments.

Estimated Spending Authority: \$6,050,814.71

Finance Budget

\$3,002,630.60 HAS-Revenue Fund (8001)
\$1,624,175.13 General Fund (1000)
\$ 640,978.98 PWE-W&S System Operating Fund (8300)
\$ 783,030.00 C&E-Civic Center Facility Revenue Fund (8601)
\$6,050,814.71

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$6,050,814.71 for janitorial supplies for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. These awards consist of cleaning chemicals and general janitorial supplies to be used for the cleaning and maintenance of municipal buildings located throughout the City.

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

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

MedWaste Solutions, Inc.: Award on its low bid for Item Nos. 2 and 7 (various toilet seat cover dispensers); and Item No. 18 (O-Cedar Price List; which includes but is not limited to, cotton mop heads, house brooms, and toilet brushes) and on its sole bid for Item Nos. 5 and 6 (various soap dispensers); and on its low bid meeting specifications for Item No. 14 (Lagasse Industrial & Janitorial Products Price List; which includes but is not limited to, disinfecting spray, hand instant sanitizer, and liquid bleach), and Item No. 16 (Rubbermaid Commercial Products Price List; which includes but is not limited to, dust mop wedge heads, baby table liners, and upright scrubber handles) in an amount not to exceed \$4,185,737.93.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

16

16 ml

Date: 7/22/2009	Subject: Formal Bids Received for Janitorial Supplies for Various Departments S44-S22965	Originator's Initials JT	Page 2 of 2
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COMPANY

SAMPLE PRICING and LINE ITEM TOTAL

1. Zep, Inc. DBA Zep Sales and Service	\$ 121.32 (Partial Bid/ Did Not Meet Specifications)
2. Matera Paper Co. Ltd.	\$ 260.72 (Partial Bid/Higher Unit Price)
3. Competitive Choice, Inc.	\$ 277.50 (Partial Bid/ Did Not Meet Specifications)
4. MedWaste Solutions, Inc.	\$ 47,836.18
5. Johnson Mowing Service	\$321,652.00

Matera Paper Company, Ltd.: Award on its low bid for Item No. 3 (floor dry absorbent); and on its low bid meeting specifications for Item No.19 (S.C. Johnson Professional Price List; which includes but is not limited to, sealer finish, baseboard and tile cleaner, and liquid lotion soap); and Item No. 15 (Geerpres Price List; which includes but is not limited to mop handles, mop buckets, and mop wringers) in an amount not to exceed \$1,213,888.29.

COMPANY

SAMPLE PRICING and LINE ITEM TOTAL

1. Competitive Choice, Inc.	\$ 8.25 (Partial Bid/ Did Not Meet Specifications)
2. Johnson Mowing Service	\$ 42.00 (Partial Bid/ Did Not Meet Specifications)
3. Matera Paper Company, Ltd.	\$109,548.07
4. Zep, Inc. DBA Zep Sales and Service	\$274,840.56

Buckeye Cleaning Center-Houston: Award on its low bid meeting specifications for Item No. 20 (Buckeye International, Inc., Full Line Janitorial Chemicals & Proportioning System; which includes but is not limited, to green seal certified bowl cleaner, green seal certified degreaser, and perfume-dye free disinfectant) in an amount not to exceed \$472,704.33.

COMPANY

SAMPLE PRICING

1. Zep, Inc. DBA Zep Sales and Service	\$184.76 (Did Not Meet Specifications)
2. Matera Paper Co. Ltd.	\$186.35 (Did Not Meet Specifications)
3. Buckeye Cleaning Center-Houston	\$222.98
4. Competitive Choice, Inc.	\$291.30

Zep, Inc DBA Zep Sales and Service: Award on its low bid for Item No. 21 (Zep Product Pricing Customer Price List; which includes but is not limited to, spray solvent degreaser and orange degreaser) in an amount not to exceed \$178,484.16.

COMPANY

SAMPLE PRICING

1. Zep, Inc. DBA Zep Sales and Service	\$234.10
2. Competitive Choice, Inc.	\$254.43

Item Nos. 1, 4, and 8 are not being awarded as the Departments will purchase these commodities via Item No. 14 (Lagasse Industrial & Janitorial Products Price List). Item Nos. 9-13 will be re-bid under a new solicitation.

Date: 7/22/2009	Subject: Formal Bids Received for Janitorial Supplies for Various Departments S44-S22965	Originator's Initials JT	Page 3 of 3
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M/WBE Subcontracting:

This bid was issued with an 11% goal for M/WBE participation.

MedWaste Solutions, Inc. has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
J E Specialties, Inc	Cleaning Supplies & Delivery	\$460,431.17

Matera Paper Co., Ltd has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
J E Specialties, Inc	Cleaning Supplies	\$133,527.71

Buckeye Cleaning Center-Houston has designated the below-named companies as its certified M/WBE subcontractors:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>	<u>Percentage</u>
Kleen Janitorial Supply Company	Cleaning Supplies	\$25,998.74	5.5%
ELJ International, Inc. DBA Reliable 100% Delivery Service	Delivery	\$25,998.74	5.5%

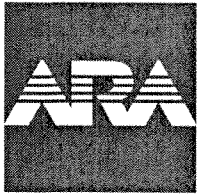
Zep, Inc. DBA Zep Sales and Service has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
COVA	Delivery	\$19,633.26

Buyer: John Tatman

Estimated Spending Authority

DEPARTMENT	FY2010	OUT YEARS	TOTAL
Houston Airport System	\$ 600,526.00	\$2,402,104.60	\$3,002,630.60
Public Works & Engineering	\$ 128,196.00	\$ 512,782.98	\$ 640,978.98
General Services	\$ 88,000.00	\$ 487,000.00	\$ 575,000.00
Convention & Entertainment Facilities	\$ 195,757.50	\$ 587,272.50	\$ 783,030.00
Fire	\$ 64,000.00	\$ 256,323.20	\$ 320,323.20
Parks	\$ 54,460.00	\$ 217,840.00	\$ 272,300.00
Solid Waste Management	\$ 47,000.00	\$ 188,851.00	\$ 235,851.00
Health & Human Services	\$ 44,140.29	\$ 176,560.64	\$ 220,700.93
TOTAL	\$1,222,079.79	\$4,828,734.92	\$6,050,814.71



Memorandum

To: Marty Stein, Agenda Director
Mayor's Office

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

Date: September 1, 2009

Subject: Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliances Meeting on August 24, 2009

Reference: Agenda Item No. 4h - Review of MWBE participation on an RCA for janitorial supplies from **MedWaste Solutions, Inc.** for various departments

Strategic Purchasing Division's responses to the questions posed regarding Agenda Item No. 4h are as follows:

Question: How many M/WBE certified vendors submitted bids for S44-S22965 Janitorial Supplies?

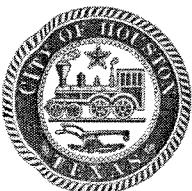
Response: Competitive Choice Inc. was the only City of Houston certified M/WBE submitting a bid in response to the City's solicitation for Janitorial Supplies and their bid was incomplete. Of the items they bid, they were higher than the recommended supplier.

Question: Why is MedWaste Solutions, Inc. being recommended for zero M/WBE goal when the other recommended suppliers have M/WBE goals?

Response: The request for a zero M/WBE goal for MedWaste Solution, Inc.'s portion of the Janitorial Supplies award is no longer an issue.

Subsequent to the Committee Meeting, the Strategic Purchasing Division contacted and encouraged MedWaste Solutions, Inc. to further explore subcontracting possibilities with the City of Houston's certified M/WBE vendors. After further research, MedWaste Solutions, Inc. successfully negotiated a subcontract agreement with J.E. Specialties, Inc., a City of Houston certified M/WBE subcontractor, to provide delivery services and janitorial supplies for 11% of the recommended award amount or \$460,431.17.

Calvin D. Wells, Deputy Director
City Purchasing Agent



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve an ordinance electing to become eligible to participate in tax abatements and adopting guidelines and criteria for tax abatements.

Category #

Page 1 of 1

Agenda Item#

17

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

August 21, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

All

For additional information contact:

Tim Douglass

Phone: 713-837-9857

Keith R. Phillips

Phone: 713-837-0610

Date and identification of prior authorizing Council Action:

Ordinance 2007-570 dated 5/9/07

RECOMMENDATION: (Summary) Approve an ordinance electing to become eligible to participate in tax abatements and adopting guidelines and criteria for tax abatements.

Amount of Funding:

N/A

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. The City's former tax abatement guidelines and criteria expired in May 2009. The City now desires to become eligible to enter into tax abatement agreements in accordance with the proposed new guidelines and criteria.

The proposed guidelines inserts Section 44-131 – Leadership in Energy and Environmental Design (LEED) Tax Abatement and includes Legal Department suggested verbiage revisions to clarify ordinance language and remove perceived terminology ambiguity. The suggested guidelines also include an interest provision for recaptured ad valorem taxes if not paid within 60 days.

The proposed ordinance was considered by the Budget & Fiscal Affairs Committee on Sept. 1, 2009 and recommended for council approval.

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

REQUIRED AUTHORIZATION

Finance Deputy Director:

Other Authorization:

Other Authorization:

Michelle Mitchell

ARTICLE IV. TAX ABATEMENT

Sec. 44-120. Preamble--General policy.

(a) The City of Houston Tax Abatement Program is created to encourage new development and stimulate new job growth and investment in the city. The tax abatement program and other forms of economic development incentives are available to many types of businesses to address the city's economic development needs and objectives stated in this general policy and pursuant to the provisions of this article.

The city believes in a free enterprise system and is committed to maintaining a level playing field among businesses. We do not want to penalize competing businesses or encourage businesses to threaten to move. For these reasons, our principal economic development tools should be maintenance of the city's natural competitive advantages and provision of detailed information concerning the city's advantages compared to those of other sites for potential relocation of all or substantial portions of various businesses. For a wide variety of businesses and professional firms, Houston rarely should be at a cost disadvantage relative to large urban centers, particularly those outside of Texas.

The city and its metropolitan area offer significant competitive advantages and cost savings to businesses seeking to locate or expand in our region. These advantages include:

- (1) A large, growing, young workforce with abundant skills appropriate for all levels of an organization;
- (2) An affordable cost of living, which makes Houston attractive for workers and makes our personnel costs more competitive than most major urban areas;
- (3) An abundance of buildable sites and relatively low cost of occupancy compared to other major urban centers in the United States, especially those outside of Texas; and
- (4) A superb transportation infrastructure, including the Port of Houston, Bush Intercontinental Airport, and central locations for distribution by truck, rail, and water.

The city, however, will from time to time consider appropriate economic incentives for the relocation, expansion or retention of businesses, whether intellectual capital or fixed asset-based, *to the extent these incentives would be the critical element that would govern a decision to relocate or expand a business here*. Incentives might include tax abatements, as described in these guidelines and criteria, or another appropriate form of incentive, such as

expedited permitting for a development project or investment in infrastructure that would be useful in developing a particular site, which could include investments enhancing transportation or water and sewer services. Such improvements can be costly, but can be of benefit not only to the affected business but also to the larger community.

The businesses and citizens of the city understand that local governments rely substantially on property taxes to pay for public safety, schools, infrastructure, public health, and neighborhood improvements that are essential to all businesses and citizens of this community. The city wants to avoid any situation in which residents and other businesses must pay more taxes over the long run to maintain some essential level of public services because the city grants tax abatements to some businesses. Incentives other than tax abatement might be funded through accelerated capital improvements plan action or special district financing such as tax increment financing, special assessment financing, or in-city municipal utility districts. The city could also consider beneficial land exchanges, right-of-way abandonment, or below-market financing or leases on public property that could provide mutual benefit to the city and the proposed development. Any offer of such an incentive would be reviewed case-by-case to determine eligibility and compliance with all applicable laws.

To assist the city in obtaining an equitable portion of state economic development funds, the city will consider applications for tax abatements that include some level of State economic development assistance. The Houston region contributes about one-quarter of the funds to the State of Texas' general revenues. In turn, a proportionate share of the state's economic development budget is attributable to the Houston region. If allocated over time equitably among the regions of the state in proportion to the employment and financial contributions to state revenues, these funds should provide sufficient funding for economic incentives for corporate relocations and expansions in our region, when combined with the other substantial advantages for economic growth in our region.

It is the policy of the city, however, not to offer ad valorem tax incentives except when they are offered by other local government entities who have the means to offer these incentives under law. Typically this would be Harris County. City officials recognize that shrewd companies could try to play one local jurisdiction off the other in a competition for tax abatements, and we will work toward interlocal agreements that prevent such occurrences in our region. It is the goal of the city that local taxing jurisdictions in our region should agree not to use ad valorem tax abatement to compete against each other for business relocations or expansions. It should be recognized that the attraction of new businesses to any part of our region strengthens our overall region and the people in it.

Officials at the city, at the most senior level, will meet at any time with the

person who is ultimately responsible for making a decision to relocate to address specific economic or other issues that would be decisive in corporate location. The city would negotiate in a business-like manner on a case-by-case basis. There is no standard tax abatement, and no entity or individuals other than designated city officials are authorized to negotiate with respect to any tax abatement proposal or incentive that might be available on a case-by-case basis.

Typically, city officials would want to see *pro forma* financial information to assist in making judgments concerning the role of property tax costs in the economics of the relocation. The city understands that for many businesses some incremental amount of ad valorem taxes would not represent a substantial percentage of the cost of goods sold. Other incentives, as referenced above, may be discussed with city officials.

(b) Tax abatements may be used in special situations, subject to the guidelines and criteria described herein. Examples of special situations include:

- (1) The location of a high-employment facility in a particularly distressed or neglected part of the city, where increased job opportunities could contribute significantly to a reduction in crime or cascading redevelopment of other sites, which would more than offset the loss of the tax benefit;
- (2) A substantial equity investment in real estate development serving an important public purpose, such as providing affordable housing that could lead to redevelopment of a blighted area or (breaking new ground) and attracting additional development; or
- (3) A case in which a company could not and would not remain, expand or locate in Houston, because of another viable option that took into account all significant costs. Any representation by the company would need to be supported by credible economic analysis in a direct communication between the mayor or other appropriate senior official and the private sector decision maker.

(c) Subject to this general policy, when tax abatements are available, they would be offered as described in the guidelines and criteria set forth in this article, with the following general limits and guidelines:

- (1) For typical commercial and industrial abatements, the city would negotiate an abatement scale and duration based primarily on investment level, rather than jobs. Each project would be evaluated and the incentive tailored to an analysis based on factors such as industry competitive disadvantages, quantifiable economic impacts, and furthering other public purposes in unique ways. Applicants would be required to submit economic impact analysis from reliable

modeling tools. Depending on an analysis of such factors and data, the city would evaluate the appropriate level and duration of abatement;

- (2) Reduced investment requirements and flexible abatement scales could be available for tax abatements within state enterprise zones, or eligible new markets tax credits census tracts, bank finance districts, and other non-city incentives that require local matching. This aspect of the program would emphasize encouraging access to other local, state and federal incentives to leverage the city abatement incentive;
- (3) The city will give more favorable consideration to applicants committing to community benefits, such as the city's Minority and Women/Disadvantaged Business Enterprise Program, local purchasing, construction and permanent employment job opportunities within a defined area, and employee health care benefits; and
- (4) An enhanced abatement up to 90% for 10 years may be considered for:
 - a. Targeted industry clusters specifically targeted for future growth such as biotechnology, information technology, aerospace, energy, or other industries that the city from time to time determines to have particular impact on the regional economy;
 - b. New or expanding businesses (for example, retail, industrial, commercial) in neighborhood areas targeted for revitalization (for example, Houston Hope areas or other distressed or neglected parts of the city); and
 - c. Transit-oriented development within 1,500 feet of transportation corridors, such as existing and planned Metro rail stops, multi-modal centers, and bus transfer stations.

Sec. 44-121. Definitions.

As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Abatement means the full or partial exemption from ad valorem taxes of certain real and/or personal property in a reinvestment zone.

Abatement recipient means the owner of real or personal property, the lessee of real or personal property, or both, as applicable, who receive an abatement pursuant to this article.

Agreement means a contractual agreement authorized by the city council between an abatement recipient and the city for the purpose of a tax abatement.

Base year value means the assessed value of eligible property on January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1, but before the execution of the agreement.

Brownfield facility means real property or tangible personal property located on the real property used as an authorized facility as provided in sections 44-129 and 44-130 of this Code.

Competitive siting means evidence that the applicant has studied competing locations for expansion, relocation, or new operations to evaluate operating cost differentials and incentives available, excluding, however, locations in taxing jurisdictions with which the city has an agreement not to compete for projects by offering financial incentives.

Contract employee means an individual who is not a permanent employee of the abatement recipient but who does work for the abatement recipient in the reinvestment zone on a contract basis, either on a full- or part-time basis.

Deferred maintenance means improvements necessary for continued operations that do not improve productivity or alter the process technology.

Director means the mayor, or the person designated by the mayor to administer these guidelines and criteria.

Economic life means the number of years a property improvement is expected to be in service in a facility.

Eligible jurisdiction means any county, municipality or college district that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.

Expansion means the addition of buildings, structures, fixed machinery or equipment for purposes of increasing production capacity.

Facility means property improvements, completed or in the process of construction, that together comprise an integral whole.

Full-time equivalent means a job that is equivalent to 1,750 hours of work annually performed in the reinvestment zone by one or more contract employees or part-time employees.

Manufacturing facility means buildings and structures, including fixed machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

Mixed-use facility means a facility used or to be used for more than one of the types of facilities defined in this section.

Modernization means the replacement and upgrading of existing facilities that increase the productive input or output, extend the economic life of a facility, update the technology or substantially lowers the unit cost of the operation of a facility. Modernization may result from the construction, alteration or installation of buildings, structures or fixed machinery or equipment, but construction, alteration or installation for the purpose of reconditioning, refurbishing or repairing to meet local, state, or federal regulations shall not be considered modernization.

New facility means improvements on property previously undeveloped that is placed into service by means other than or in conjunction with expansion or modernization.

Other basic industry facility means buildings and structures, including fixed machinery and equipment not elsewhere described, that meet the economic development objectives of the general policy stated in section 44-120 of this Code.

Owner shall mean the person responsible for paying property taxes on taxable real property or an interest therein including one or more leasehold interests.

Part-time employee means an individual who works for, and is an employee of, the abatement recipient in the reinvestment zone, but is not a permanent employee.

Permanent employee means an individual who works for and is an employee of the abatement recipient, works a minimum of 35 hours in a seven day period, and reports to work in the reinvestment zone. The term does not include a contract employee, seasonal employee or part-time employee.

Regional distribution center facility means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator, where a majority of the goods or services are distributed to points at least 100 miles from any part of Harris County, unless there is no facility in Harris County that receives, services or distributes such goods and services to businesses and residents of Harris County.

Regional entertainment facility means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public, where the majority of users reside at least 100 miles from any part of Harris County, unless there is no facility providing the same or similar entertainment in Harris County.

Regional service facility means buildings and structures, including fixed machinery and equipment, used or to be used to service goods, where a majority of the goods being serviced originate at least 100 miles from any part of Harris County, unless there is no facility in Harris County where businesses and residents of the county can obtain such service.

Research and development facility means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop current technology in bio-medicine, electronics or pre-commercial emerging industries.

Research facility means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop the production processes therefor.

Residential facility means one or more buildings and structures, including machinery and equipment, used or to be used primarily for living, sleeping, cooking and eating, that are intended to be used or occupied as dwelling places, whether or not attached.

Retail facility means buildings and structures, including machinery and equipment, used or to be used primarily for the sale of goods or the service of foods to consumers.

Texas Enterprise Zone Act means Chapter 2303 of the Texas Government Code, as amended from time to time.

TCEQ means the Texas Commission on Environmental Quality or other agency of the state of Texas that administers the voluntary cleanup program authorized in subchapter S, Chapter 361, Texas Health & Safety

Code.

Sec. 44-122. Reinvestment zones.

(a) Tax abatement shall only be allowed in a reinvestment zone.

(b) Reinvestment zones in the city for the purpose of tax abatement shall be considered for designation by city council upon the recommendation of the director subject to the criteria of this section. The city council shall approve the creation of reinvestment zones on a zone-by-zone basis after a public hearing before the city council. Following the public hearing, the city council may consider the ordinance creating a new reinvestment zone in the proposed area.

(c) The city council shall not adopt an ordinance designating a reinvestment zone until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be given not later than the seventh day before the date of the hearing by:

- (1) Publication in a newspaper of general circulation in the city; and
- (2) Delivery in writing to the presiding officer of each eligible jurisdiction.

The notice shall contain the location, time, and place of the public hearing and a description of the proposed boundaries of the reinvestment zone.

(d) To be designated as a reinvestment zone an area must:

- (1) Substantially impair or arrest the sound growth of the city, retard the provision of housing accommodations or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reasons of the presence of:
 - a. A substantial number of substandard, slum, deteriorated, or deteriorating structures;
 - b. The predominance of defective or inadequate sidewalks or streets;
 - c. Faulty size, adequacy, accessibility or usefulness of lots;
 - d. Unsanitary or unsafe conditions;

- e. The deterioration of site or other improvements;
 - f. Tax or special assessment delinquency exceeding the fair value of the land;
 - g. Defective or unusual conditions of title;
 - h. Conditions that endanger life or property by fire or other cause; or
 - i. Any combination of these factors or conditions;
- (2) Be predominantly open and, because of obsolete platting, deterioration of structures or site improvements or other factors, substantially impair or arrest the sound growth of the city;
 - (3) Be designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act;
 - (4) Be located wholly within an eligible area under Section 119 of the Housing and Community Development Act of 1974, as identified from time to time by city council; or
 - (5) Be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the city.

(e) The goals and objectives expressed above and the standards and restrictions expressed in Chapter 312 of the Texas Tax Code, as amended, are not exhaustive and shall be supplemented by such further and additional goals, objectives, rules, standards and restrictions as the city council may from time to time impose.

(f) The designation of a reinvestment zone hereunder shall expire five years after the date of its designation and may be renewed for periods not to exceed five years. The expiration of a designation, however, shall not affect existing agreements entered into pursuant to sections 44-128 or 44-130 of this Code.

Sec. 44-123. Abatement application.

(a) Any present or potential owner in the city may request tax abatement by filing a written request with the director.

(b) The application shall consist of a completed application form accompanied by:

- (1) A general description of the new improvements to be undertaken;
- (2) A descriptive list of the improvements for which abatement is requested;
- (3) A list of the kind, number and location of all proposed improvements of the property;
- (4) A map and legal description of the property;
- (5) A time schedule for undertaking and completing the proposed improvements;
- (6) Financial information (i) demonstrating the role of property tax costs in the economics of the proposed improvements; (ii) stating concisely the amounts and sources of financing for the proposed improvements, including all sources and terms of debt and equity financing; and (iii) demonstrating the overall financial impact of the proposed improvements on the local and regional economy, using reliable economic forecast modeling tools in such form as approved by the director;
- (7) Evidence of abatement or other financial incentive from other local state or federal governmental entities; and
- (8) A statement describing how the proposed improvements are consistent with the general policy stated in section 44-120 of this Code.

(c) The application for an economic development abatement shall consist of a completed application accompanied by:

- (1) A certification of the current number of permanent, part-time and contract employees of the applicant, by category, at the time of the application;
- (2) Information regarding the project's competitive siting, including written evaluation of competing locations for expansion, relocation, or new operations, including identification of specific sites in those locations;
- (3) For a project located in a leased facility, the name and address of the lessor and, if executed, a copy of the lease; and

- (4) For modernization, a statement of the assessed value of the existing facility for the tax year immediately preceding the application year, separately stated for real and personal property; and
- (d) The application for a brownfield development abatement shall consist of a completed application form accompanied by:
 - (1) A description of the intended use of the proposed brownfield facility; and
 - (2) A copy of a voluntary cleanup agreement with the TCEQ for the proposed brownfield facility or a certificate of completion for the property issued by TCEQ for the proposed brownfield facility; and
- (e) The application form may require such financial and other information as the director deems appropriate for evaluation of the financial capacity and other factors of the applicant.
- (f) The city shall not enter into an agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility. An applicant is ineligible for abatement if a decision to commence a modernization, expansion or new facility in the city has been formally announced on or before an application for abatement has been filed with the city.
- (g) Upon receipt of a complete application for abatement, the director shall notify in writing the presiding officer of the governing body of each eligible jurisdiction of the abatement application, which notice shall include a copy of the application.

Sec. 44-124. Cost/benefit analysis.

After receipt of a complete application for abatement, the director shall prepare a cost/benefit impact analysis setting out the impact of the proposed tax abatement. The cost/benefit impact analysis shall include, but need not be limited to, an estimate of the economic effect of the abatement of taxes, the benefit to the city and the property to be included in the zone and any other pertinent measures of the project's overall projected effects on the city's revenue stream both during and after the abatement period.

Sec. 44-125. Variances.

Requests for a variance from any of the provisions of these guidelines and criteria shall be made in writing to the director; provided however, the total duration of an abatement shall in no instance exceed ten years, or such other limitation on duration as provided by applicable law. A request for a variance shall include a complete description of the circumstances explaining why the applicant should be granted a variance and how the grant of abatement is consistent with the general policy of section 44-120. If the city council finds that the application meets the economic development objectives of these guidelines, then the city council may approve a request for variance by a majority vote of the city council members present.

Sec. 44-126. Public hearing and approval.

(a) Prior to entering into an agreement, the city council may, at its option, hold a public hearing at which interested persons shall be entitled to speak and present written materials for or against the approval of the agreement. Notice of the public hearing shall be published in a local daily newspaper of general circulation not later than the seventh day before the date of the hearing. Notice of the public hearing may be given, posted or published in other places or by other means as the director deems appropriate, including giving notice to civic associations in the area surrounding the proposed zone.

(b) In order to enter into an agreement, the city council must find that the terms of the proposed agreement meet the applicable criteria of this article and that:

- (1) There will be no substantial potential adverse effect on the provision of city services or the tax base; and
- (2) The planned use of the property will not constitute a hazard to public safety, health or morals.

Sec. 44-127. Economic development abatement authorized.

(a) *Authorized facility.* A facility is eligible for economic development abatement if it is a manufacturing facility, mixed-use facility, regional distribution center facility, regional service facility, regional entertainment facility, research facility, research and development facility, residential facility, retail facility, or other basic industry facility.

(b) *Creation of new value.* Abatement shall only be granted for the additional value of eligible property improvements made subsequent to and listed

in an agreement, subject to such limitations as the city council may require.

(c) *New and existing facilities.* Abatement may be granted for new facilities or the expansion of existing facilities. Improvements to existing facilities for purposes of modernization may receive abatement if proven to be essential to the entity's or facility's economic survival.

(d) *Eligible property.* The following types of property shall be eligible for abatement:

- (1) Buildings;
- (2) Structures;
- (3) Fixed machinery and equipment;
- (4) Site improvements;
- (5) Office space and related fixed improvements necessary to the operation and administration of the facility; and
- (6) Tangible personal property.

(e) *Ineligible property.* The following types of property shall be ineligible for abatement:

- (1) Land;
- (2) Inventory;
- (3) Supplies;
- (4) Tools;
- (5) Vehicles, vessels and aircraft;
- (6) Reserved.
- (7) Deferred maintenance investments;
- (8) Improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion;
- (9) Any improvements, including those to produce, store or distribute natural gas, fluids or gases, that are not integral to the operation of the facility;

- (10) Property owned or used by the State of Texas or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the State of Texas; and
- (11) Property that is owned or leased at any time during the term of an abatement agreement by a member of city council or by a member of the city planning commission.

(f) *Value and term of the abatement.* Abatement may be granted effective upon the January 1 valuation date immediately following the effective date of the agreement or such later date upon which the parties may agree. Projects (other than modernizations) that meet these guidelines and criteria are eligible for abatement on the value of the new properties in an amount and for a duration based on an analysis of factors such as industry competitive disadvantages, quantifiable economic impacts, and furthering other public purposes in unique ways. Depending on an analysis of such factors and data, the director will evaluate and make a recommendation for approval by the city council of the appropriate amount and duration of abatement. In no case, however, shall the period of abatement exceed ten years.

If a modernization project includes facility replacement, the value upon which abatement shall be determined shall be the value of the new unit(s) less the value of the old unit(s).

(g) *Economic qualifications.* Except as provided in subsections (h) and (i) of this section, to be eligible for abatement, the planned improvement shall:

- (1) Provide an economic benefit to the city, taking all relevant factors into consideration, including:
 - a. Size of the abatement;
 - b. Income from sales tax and franchise fees generated by the planned improvement; and
 - c. Any additional expense to the city in providing city services as a result of the improvement;
- (2) Be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements;
- (3) Be reasonably expected to increase the value of the property in the amount of \$1,000,000.00 upon completion of construction; and

(4) Be expected to either:

- a. Prevent the loss of permanent employment, retain or create permanent employment for at least 25 people on a permanent basis in the designated zone beginning three years after the effective date of abatement and continuing through the remaining term of the agreement; or
- b. Result in an abatement equivalent to a maximum investment of \$500,000.00 per job created or retained.

(h) *Economic qualifications in enterprise zone.* If the property includes property described under the provisions of section 44-127 of this Code and (i) is located in an area designated as an enterprise zone and the city has not created a reinvestment zone or (ii) is an authorized facility that meets the criteria established for a qualified business pursuant to the Texas Enterprise Zone Act, to be eligible for tax abatement the planned improvement shall:

- (1) Be reasonably expected to increase the value of the property by a minimum amount of \$500,000.00 upon completion of construction;
- (2) Be expected to create additional permanent employment for at least five people on a permanent basis who are residents of the enterprise zone or who are economically disadvantaged as that term is defined in the Texas Enterprise Zone Act;
- (3) Not be expected to solely or primarily have the effect of transferring employment from one part of the city to another; and
- (4) Be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements.

(i) *Research and development projects.* If the planned improvement is for a research and development facility, to be eligible for tax abatement the planned improvement shall:

- (1) Be reasonably expected to increase the value of the property by a minimum amount of \$500,000.00 upon the completion of construction; and
- (2) Be expected to create permanent employment for at least five people on a permanent basis in the designated zone, provided that this employment qualification shall take effect two years after the effective date of abatement and continue through the term of the agreement. The abatement period shall not exceed five years from

the effective date of abatement, and the percentage of value to be abated shall be 100 percent throughout the abatement period.

(j) *Taxability.* From the date of execution of the abatement agreement to the end of the abatement period, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in section 44-127(e) of this Code shall be fully taxable;
- (2) The base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) The additional value of new eligible property shall be taxable in the manner described in section 44-127(f) of this Code.

Sec. 44-128. Agreement for economic development abatement.

Upon designation of a reinvestment zone, the city may enter into an agreement that shall include:

- (1) Estimated value to be abated and the base year value;
- (2) Percent of value to be abated each year as provided in this article;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility, nature of construction, time schedule, map, property description and improvement list as provided in this article;
- (5) Contractual obligations regarding the event of default, violation of terms or conditions, delinquent taxes, recapture of previously abated taxes, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;
- (6) Amount of investment and total permanent employees to be retained or created and total full-time equivalent jobs to be retained or created;
- (7) A requirement that the abatement recipient, on or before January 1 of each year the tax abatement agreement is in effect, provide the director a sworn statement that includes a delineation of the number of permanent employees, contract employees and part-time employees of the abatement recipient as of the immediately

preceding December 1, who report to work in the reinvestment zone at each site covered by the agreement;

- (8) A requirement that the abatement recipient annually file the appropriate form with the appropriate county appraisal district to qualify for the abatement;
- (9) A provision that contract employees and part-time employees may be used to comply with the abatement recipient's contractual obligation to create/retain jobs on a full-time equivalency basis for any number of jobs; provided that full-time equivalent jobs shall only be used to satisfy the abatement recipient's contractual obligation if the abatement recipient maintains a minimum of 25 permanent employees who work on the project within the reinvestment zone;
- (10) A requirement that property in a reinvestment zone that is owned or leased at any time during the term of an abatement agreement by a member of the city council or by a member of the city planning commission is ineligible for and excluded from tax abatement;
- (11) A requirement that the chief financial officer of the abatement recipient, on or before January 1 of each year that the agreement is in effect, provide the director a sworn statement that the recipient is in compliance with all agreement provisions;
- (12) A requirement that the chief financial officer of the abatement recipient who cannot make the sworn statement required by item (11) of this section on any January 1 shall provide the director with a written statement identifying any provision of the agreement with which the abatement recipient is not in compliance;
- (13) A provision that failure by the chief financial officer of an abatement recipient to timely provide the director with either the sworn statement required by item (11) of this section or the statement required by item (12) of this section will result in automatic default under the agreement for which no notice of default or opportunity to cure shall be required; and
- (14) A provision that the city may amend the agreement in lieu of termination pursuant to section 44-132(d) of this article.

Sec. 44-129. Brownfield development abatement authorized.

(a) *Creation.* A property tax abatement program is hereby created for brownfield development abatements to be administered in accordance with

Chapter 312 of the Texas Tax Code, as amended from time to time.

(b) *Authorized facility.* A facility shall be eligible for brownfield development abatement if it is real property or tangible personal property located on real property:

- (1) That is located in a reinvestment zone;
- (2) That is not an improvement project financed by tax increment bonds; and
- (3) That is the subject of a voluntary cleanup agreement under Section 361.606 of the Texas Health & Safety Code.

(c) *Eligible property.* The following types of property are eligible for brownfield development abatement:

- (1) Land;
- (2) Buildings;
- (3) Structures;
- (4) Fixed machinery and equipment;
- (5) Site improvements; and
- (6) Tangible personal property located on the real property.

(d) *Ineligible property.* The following types of property are ineligible for brownfield development abatement:

- (1) Property that is owned or used by the State of Texas or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the State of Texas; and
- (2) Property that is owned or leased at any time during the term of an abatement agreement by a member of city council or by a member of the city planning commission.

(e) *Value and term of the abatement.* Abatement shall be granted effective upon the January 1 valuation date immediately following the date the owner of the brownfield facility receives a certificate of completion for the property under Section 361.609 of the Texas Health and Safety Code. A brownfield facility is eligible for abatement according to the following sliding scale:

Year Abated	Percentage of Value Abated
1	100%
2	75%
3	50%
4	25%

Provided, however that no abatement shall be given in a year in which the use of the brownfield facility is changed from the use specified in the certificate of completion and the city council determines that the new use may result in an increased risk to human health or the environment.

(f) *Taxability.* From the date of execution of the abatement agreement to the end of the abatement period, the value of eligible property shall be taxable in the manner described in subsection (e) of this section.

Sec. 44-130. Agreement for brownfield development abatement.

Upon designation of a reinvestment zone, the city may enter into an agreement with the owner of the brownfield facility. The agreement shall include:

- (1) The estimated value to be abated;
- (2) The percent of value to be abated each year as provided in this article;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility as indicated on the certificate of completion issued pursuant to section 361.609 of the Texas Health and Safety Code, a map showing the location of the brownfield facility, and a property description of eligible improvements;
- (5) Contractual obligations regarding the event of default, violation of terms or conditions, delinquent taxes, recapture, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;
- (6) A requirement that the owner of the eligible property subject to abatement annually file with the appraisal district the appropriate form for qualifying for the abatement;
- (7) A requirement that property that is owned or leased at any time

during the term of an abatement agreement by a member of the city council or by a member of the city planning commission is ineligible for and excluded from tax abatement;

- (8) A requirement that the chief financial officer of the abatement recipient, on or before January 1 of each year that the agreement is in effect, provide the director a sworn statement that the recipient is in compliance with all agreement provisions;
- (9) A requirement that the chief financial officer of the abatement recipient who cannot make the sworn statement required by item (8) of this section on any January 1 shall provide the director with a written statement identifying any provision of the agreement with which the abatement recipient is not in compliance;

(10) A provision that failure by the chief financial officer of an abatement recipient to timely provide the director with either the sworn statement required by item (8) of this section or the statement required by item (9) of this section will result in automatic default under the agreement for which no notice of default or opportunity to cure shall be required; and

(11) A provision that the city may amend the agreement in the event of default or in lieu of termination pursuant to section 44-132(d) of this article.

Sec. 44-131. Leadership in Energy and Environmental Design (LEED®) Tax Abatement.

If the owner of a new commercial facility has registered with the U.S. Green Building Council ("USGBC") seeking LEED Certification, then the County Community Services Department ("CSD") may recommend approval of a partial tax abatement for the incremental investment associated with obtaining such certification. The agreement shall be effective up to 10 years, at a percentage based upon the level of certification actually obtained after completion of construction:

(a) LEED Certification Level and "Imputed LEED-Related Value Increment:"

(1)	Basic "Certified" Level	1.0%
(2)	Silver Level	2.5%
(3)	Gold Level	5.0%
(4)	Platinum Level	10%

(b) The minimum value increase requirement derived from the "Imputed LEED-Related Value Increment" to meet eligibility test is \$100,000.

(c) This type of tax abatement may be part of a standard economic development tax abatement or as a stand-alone abatement. When an applicant seeks only a LEED Certification tax abatement, no job creation target or competitive siting will be required in order to qualify. The investment requirement will be at least \$1 million for a commercial structure with Platinum LEED Certification, and at least \$10 million for a commercial structure with Basic Certification (assumes percentages from preceding table and minimum value increase of \$100,000).

(d) The applicant must register with USGBC seeking LEED Certification prior to submitting its application to the city.

(e) The application for a LEED Certification tax abatement must be submitted to the city prior to commencing construction of the applicable new development.

(f) The agreement shall become effective in the year the application is approved by the city council and may remain in effect up to 10 years. The tax abatement benefit (i.e., partial exemption of value from ad valorem taxes) shall not commence until construction of the project is completed and LEED Certification is obtained by the applicant. The value of the tax abatement shall be calculated on the appraised value after LEED Certification is obtained.

Sec. 44-132. Default; Recapture.

(a) *Event of Default.* The abatement recipient shall be in default under the agreement if any of the following occur at any time during the term of the agreement:

(1) A facility is completed and begins producing or providing the product or service delineated in the agreement, but subsequently discontinues producing or providing the product or service for any reason excepting fire, explosion, or other casualty or accident or natural disaster;

(2) The abatement recipient fails to comply timely with job creation or investment requirements pursuant to the agreement;

(3) The abatement recipient fails to comply timely with any other material term of the agreement;

(4) The abatement recipient fails to file any required report or statement or to give any required notice pursuant to the agreement; or

(5) Employees or designated representatives of the city determine

pursuant to an inspection under section 44-132 of this Code that the abatement recipient has not complied with the agreement.

(b) *Notice.*

(1) If the director determines that an event of default has occurred, the director shall notify the abatement recipient in writing at the address stated in the agreement, and if the condition of default is not cured within 60 days from the date of the notice, then the city may take any one or more of the following actions set forth in subsection (d) of this Section 44-132. Provided, however, that the city shall be required to give a 60 day notice of default only for failure to comply with job creation or investment requirements. It is agreed that the abatement recipient's failure to comply with job creation or investment requirements are "incurable defaults." Within such 60 day notice period, the abatement recipient shall be entitled to question the accuracy of the city's determination of the incurable default but shall not be entitled to cure such default. After the 60 day notice period, if the city concludes that its determination of the incurable default is correct ("noticed incurable default"), then the city shall be entitled to pursue any one or more of the remedies set forth in subsection (d) of this Section 44-132.

(2) If the abatement recipient is in default under subsection (a) of this section, the abatement recipient shall notify the city within 90 days of the default and if the default is one that can be cured hereunder, such default shall be cured within 60 days following the date of the notice of default. If the abatement recipient fails to cure such curable default within such 60-day period, then the city may pursue any one or more of the remedies listed in subsection (d) hereof.

(c) *Cure.* In curing an event of default based on any of the items set forth in subsection (a) of this Section 44-132, and assuming such event of default is curable and is not an incurable default, the abatement recipient shall provide sufficient evidence to the director that the default has been cured within 60 days following the date of the notice of default. Sufficient evidence shall include the providing of the information not timely provided and/or providing evidence of the completion of the act(s) not timely performed. The city shall have the right to ask for additional information to confirm the adequate cure of any default.

(d) *City Remedies for Default.*

(1) In the event of a notice incurable default or a curable default which has not been cured after notice and an opportunity to cure, no tax abatement shall be allowed for the calendar year in which the default occurs (and thereafter) and the city shall have the right to pursue any one or more of the following remedies: terminate the agreement; terminate the abatement recipient's performance under the agreement without terminating the agreement; pursue any and all remedies allowed under the abatement agreement; and pursue any and all remedies allowed under Texas law;

(2) In addition to the foregoing, in the event of a noticed incurable default or a curable default which has not been cured after notice and an opportunity to cure, the city, in its sole discretion, may recover all or any part of the taxes abated at any time under the agreement. The abatement recipient shall pay all such taxes to the city within 30 days of the city's written demand therefore. Any taxes not paid timely shall bear interest at the rate of 12% annually; and

(3) Notwithstanding the foregoing, the director and the city attorney are hereby authorized to negotiate and enter into amendments and revisions to agreements under which there are noticed incurable defaults or curable defaults which have not been cured after notice and opportunity to cure. In the foregoing circumstances, the parties are also authorized to negotiate and enter into any other and further agreements they determine best protect the city's interests.

(e) The city's right and authority to pursue any default and to recover abated taxes under this section shall survive the amendment, revision, expiration, or termination of any tax abatement agreement.

Sec. 44-133. Administration.

(a) The chief appraiser of the county appraisal district shall annually determine the value of the real and personal property comprising the reinvestment zone. Each year, the abatement recipient shall furnish the city with any additional information applicable to the tax abatement that may be necessary for the administration of the abatement. Once the value of the real and personal property has been established, the chief appraiser shall notify the eligible jurisdictions of the amount of the assessment.

(b) The agreement shall stipulate that employees of the city will have full access to the reinvestment zone both during and after the expiration or termination of the term of the abatement agreement in order to inspect the facility and all abatement recipient records related to the agreement to determine, by audit or otherwise, that the abatement recipient is (or has been) in full compliance with the agreement.

Sec. 44-134. Assignment.

An agreement may be assigned to a new owner or lessee of the facility with the written consent of the city council, which consent shall not be unreasonably withheld. If the proposed assignee is an affiliated entity of the assignor, then the director may consent to an assignment if the assignor is in compliance with all terms of the agreement. Any assignment of the agreement

shall not relieve the assignor of continuing liability under the agreement unless specifically agreed to in a writing signed by both the director and the city attorney. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the agreement. Any assignment of an agreement shall be to an entity that contemplates the same improvements or repairs to the property, except to the extent such improvements or repairs have been completed. No assignment shall be approved if either the assignor or the assignee is indebted to the city for ad valorem taxes or other obligations.

Sec. 44-135. Sunset provision.

These guidelines and criteria for tax abatement are readopted and will expire on _____, 2011.¹ These guidelines and criteria shall apply to all applications subsequently considered by city council prior to the expiration date. At the expiration of these guidelines and criteria, all reinvestment zones and agreements created and entered into pursuant to these provisions shall be reviewed to determine whether the goals have been achieved. Based on that review, the guidelines and criteria shall be modified, renewed or eliminated. The expiration of these guidelines shall not affect the validity or enforceability (for the full term thereof) of any agreement entered into when these guidelines were in effect.

¹ Editor to insert month and day of effective date of ordinance.

SUBJECT: Ordinance authorizing the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036		Page <u>1</u> of <u>1</u>	Agenda Item # 18
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/10/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCBE, Director		Council District affected: G Key Map 492S	
For additional information contact: Nancy P. Collins Senior Assistant Director-Real Estate		Date and identification of prior authorizing Council Action: C.M. 2007-0419 (05/02/07)	
RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for a consideration of \$24,200.00 plus the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036			
Amount and Source of Funding: Not Applicable			
SPECIFIC EXPLANATION: By Council Motion 2007-0419, City Council authorized the subject transaction. Highland Village Limited Partnership [Village Holding, Inc. (Haidar Barbouti, President), General Partner], plans to construct a commercial development on the property in the location of the easement to be abandoned and sold. Highland Village Limited Partnership, has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City will sell to Highland Village Limited Partnership: Parcel SY7-072 3,001-square-foot Utility Easement \$120,040.00 Valued at \$40.00 per square foot TOTAL ABANDONMENTS <u>\$120,040.00</u> In exchange, Highland Village Limited Partnership will pay: Cash \$ 24,200.00 Plus convey to the City: Parcel DY7-036 2,396-square-foot Sanitary Sewer Easement \$ 95,840.00 Valued at \$40.00 per square foot TOTAL CASH AND CONVEYANCES <u>\$120,040.00</u>			
s:\bam\sy7-072.rca2.doc		CUIC #20BAM10	
REQUIRED AUTHORIZATION			
Finance Department	Other Authorization:	Other Authorization: Andrew F. Icken, Deputy Director Planning and Development Services Division	

Date:	Subject: Ordinance authorizing the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036	Originator's Initials	Page <u>2</u> of <u>2</u>
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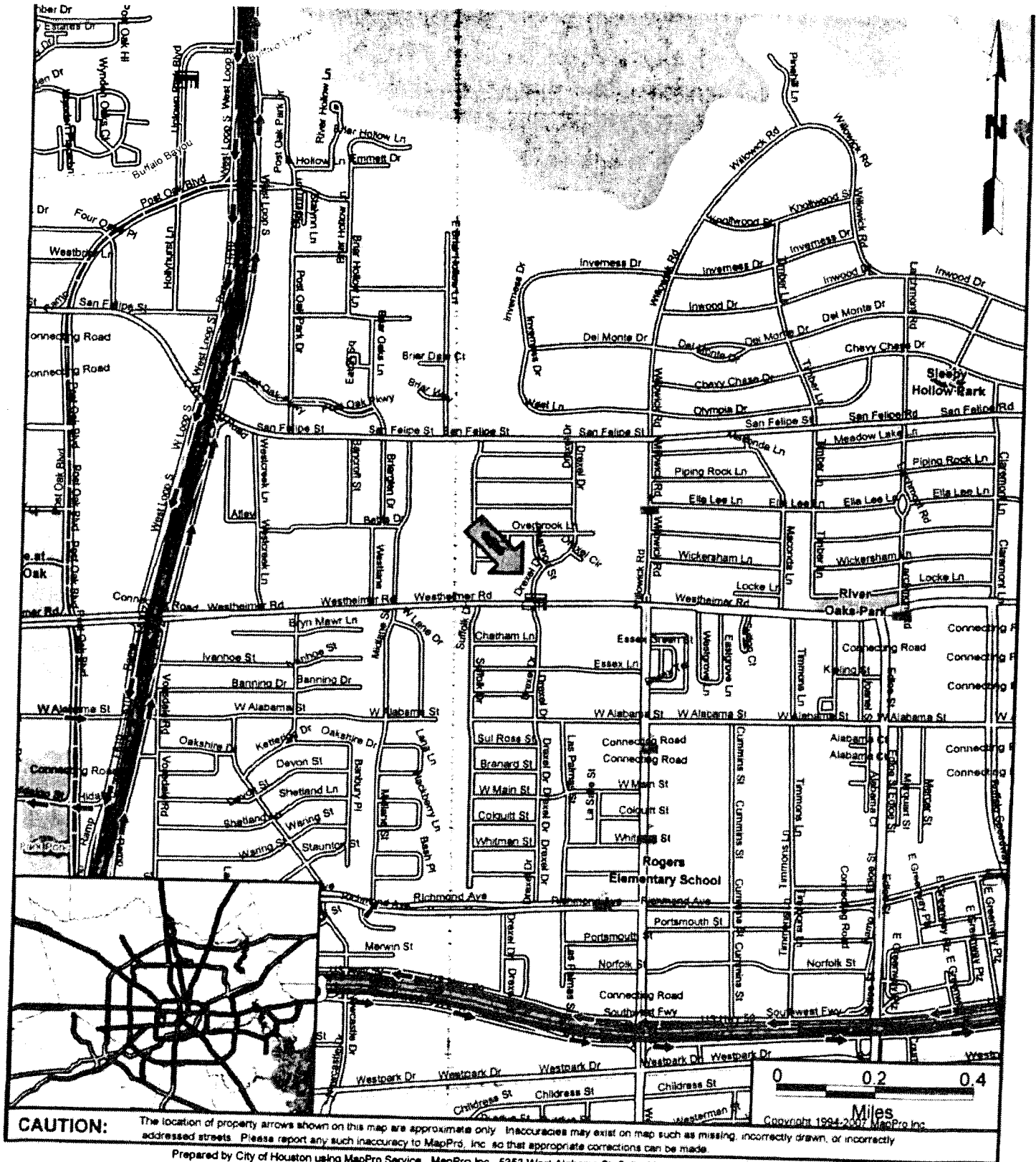
Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for a consideration of \$24,200.00 plus the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61.

MSM:NPC:bam

- c: Jun Chang, P.E.
- Daniel Menendez, P.E.
- Marty Stein

LOCATION MAP

SUBJECT: Abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036



PARCEL MAP

SUBJECT: Abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61. Parcels SY7-072 and DY7-036



CITY OF HOUSTON

Department of Public Works & Engineering

Geographic Information & Management System (GIMS)

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



MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Barry Hunsworth, Gene Carroll & Assoc., L.P., 16010 Barkers Point Lane, Suite 105, Houston, Texas, 77079, on behalf of Highland Village Limited Partnership {Village Holding, Inc. (Haidar Barbouti, President), General Partner], for the abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61, Parcel Nos. SY7-072 and DY7-036, be adopted as follows:

1. The City abandon and sell a 10-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, all in Reserve A and adjoining parcels, in the Oak Estates Subdivision, out of the Allen C. Reynolds Survey, A-61;
2. The applicant be required to cut, plug, and abandon the existing 10-inch sanitary sewer line in the easement to be abandoned and sold and construct a new sanitary sewer line in the 15-foot-wide sanitary sewer easement to be conveyed to the City, and connect it to the existing 10-inch sanitary sewer line in the intersection of Westheimer Road and Drexel Drive, all at no cost to the City and under the proper permits;
3. In interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost from work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in an amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for this transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;

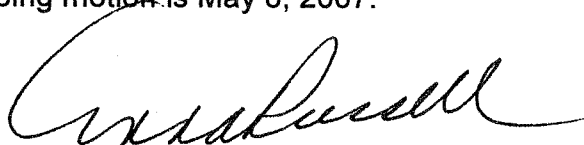
4. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;
5. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Green and carried.

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

PASSED AND ADOPTED this 2nd day of May, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is May 8, 2007.



City Secretary

SUBJECT: Ordinance authorizing the abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ±900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, ±42,724 square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211. **Parcel SY8-023, SY8-079, AY8-059A, AY8-059B, KY8-102, and KY8-211**

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1 of 2

Agenda Item #

19

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

Department of Public Works and Engineering

9/10/09

SEP 16 2009

DIRECTOR'S SIGNATURE:**Council District affected: E**

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

Key Map 575Y

For additional information contact:**Date and identification of prior authorizing Council Action:**

Nancy P. Collins

Phone: (713) 837-0881

Senior Assistant Director-Real Estate

C.M. 2007-1171 (11/28/07)

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ±900 feet, in exchange for a consideration of \$300.00 plus the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, ±42,724 square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211. **Parcel SY8-023, SY8-079, AY8-059A, AY8-059B, KY8-102, and KY8-211**

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

By Motion 2007-1171, City Council authorized the subject transaction. Thereafter, John C. Bybee Estate, the original abutting owner, sold the abutting property to Target Corporation (Scott Nelson, Vice President-Real Estate) and Plaza at Pearland Village, Ltd., a Texas Limited Partnership [PPV-GP, LLC, a Texas Limited Liability Company (S. Jay Williams, Member and Managing Member), General Partner]. Additional parcel numbers (SY8-079 and KY8-211) were added to reflect the current ownership. Target Corporation and Plaza at Pearland Village, Ltd., the abutting property owners, want to remove the street to facilitate the construction of a new Target store and commercial development in the area of Monroe Road and Beltway 8.

Target Corporation and Plaza at Pearland Village, Ltd. have completed the transaction requirements, have accepted the City's offer, and have rendered payment in full.

The City will abandon and sell to Target Corporation and Plaza at Pearland Village, Ltd.:

Parcel SY8-023

22,054-square-foot portion of Hall Road

\$55,135.00

Valued at \$2.50 per square foot

z:\psm\sy8-023.rc2.doc

CUIC #20PSM230

REQUIRED AUTHORIZATION**Finance Department:****Other Authorization:****Other Authorization:**
Andrew F. Icken, Deputy Director
Planning and Development Services Division

Date:	Subject: Ordinance authorizing the abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ±900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, ±42,724 square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211. Parcel SY8-023, SY8-079, AY8-059A, AY8-059B, KY8-102, and KY8-211	Originator's Initials	Page <u>2</u> of <u>2</u>
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Parcel SY8-079

32,086-square-foot portion of Hall Road
Valued at \$2.50 per square foot

\$80,215.00

TOTAL ABANDONMENTS

\$135,350.00

In exchange, Target Corporation and Plaza at Pearland Village, Ltd. will pay:

Cash \$300.00
Plus convey to the City:

Parcel AY8-059A

17,228-square-foot portion of right-of-way
Valued at \$2.50 per square foot

\$43,070.00

Parcel AY8-059B

42,728-square-foot portion of right-of-way
Valued at \$2.50 per square foot

\$106,820.00

Parcel KY8-102

3,306-square-foot portion of a water line easement
Valued at \$1.25 per square foot

\$4,133.00 (Rounded)

Parcel KY8-211

4,848-square-foot portion of a water line easement
Valued at \$1.25 per square foot

\$6,060.00

TOTAL CASH AND CONVEYANCES

\$160,083.00

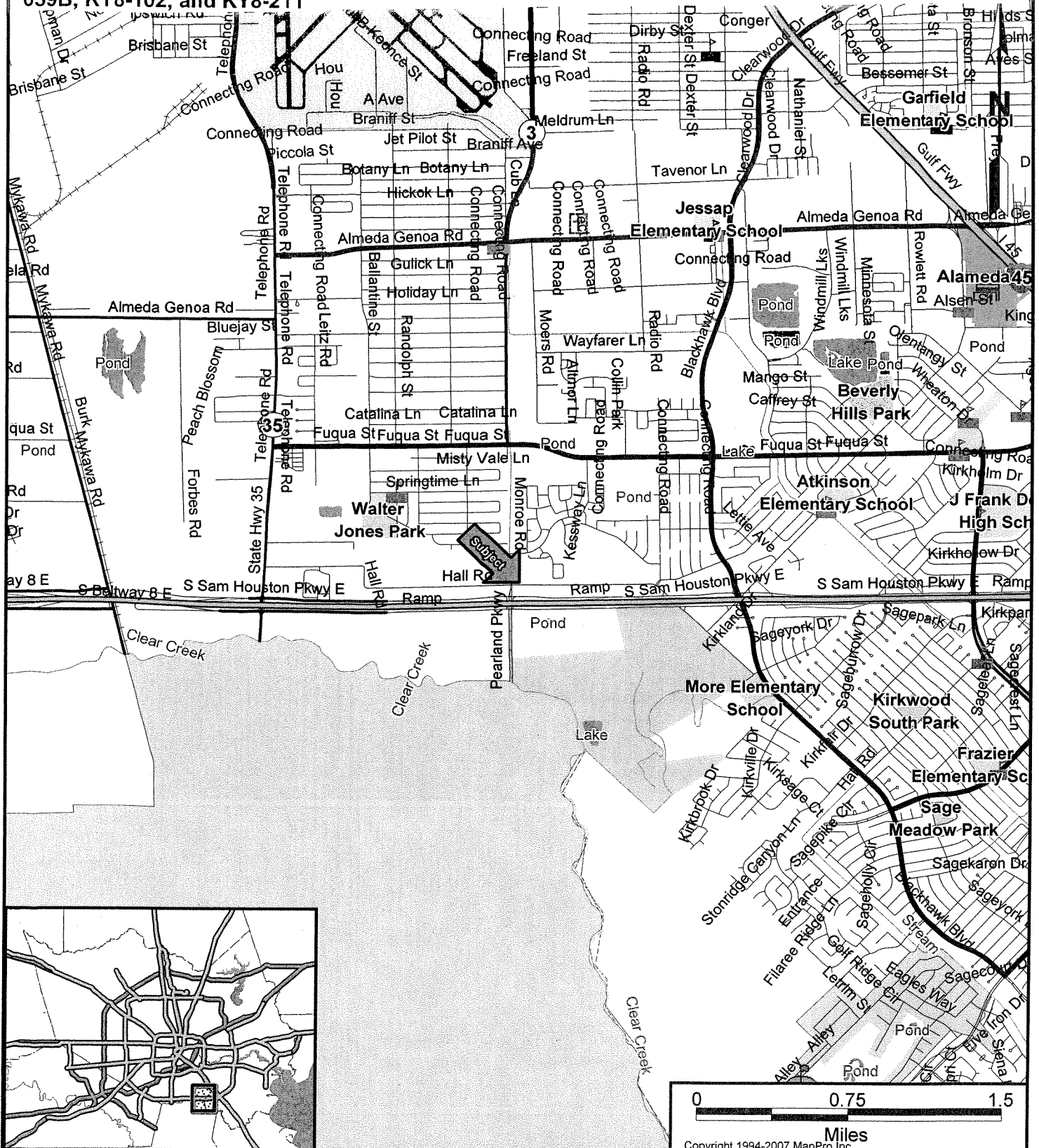
Inasmuch as the value of the \$300.00 minimum fee plus the right-of-way and easement being conveyed to the City are greater than the value of the street being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ±900 feet, in exchange for a consideration of \$300.00 plus the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, ±42,724 square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211.

MSM:NPC:psm

c: Jun Chang, P.E.
Daniel Menendez, P.E.
Marty Stein
Jeffrey Weatherford, P.E., PTOE

LOCATION MAP

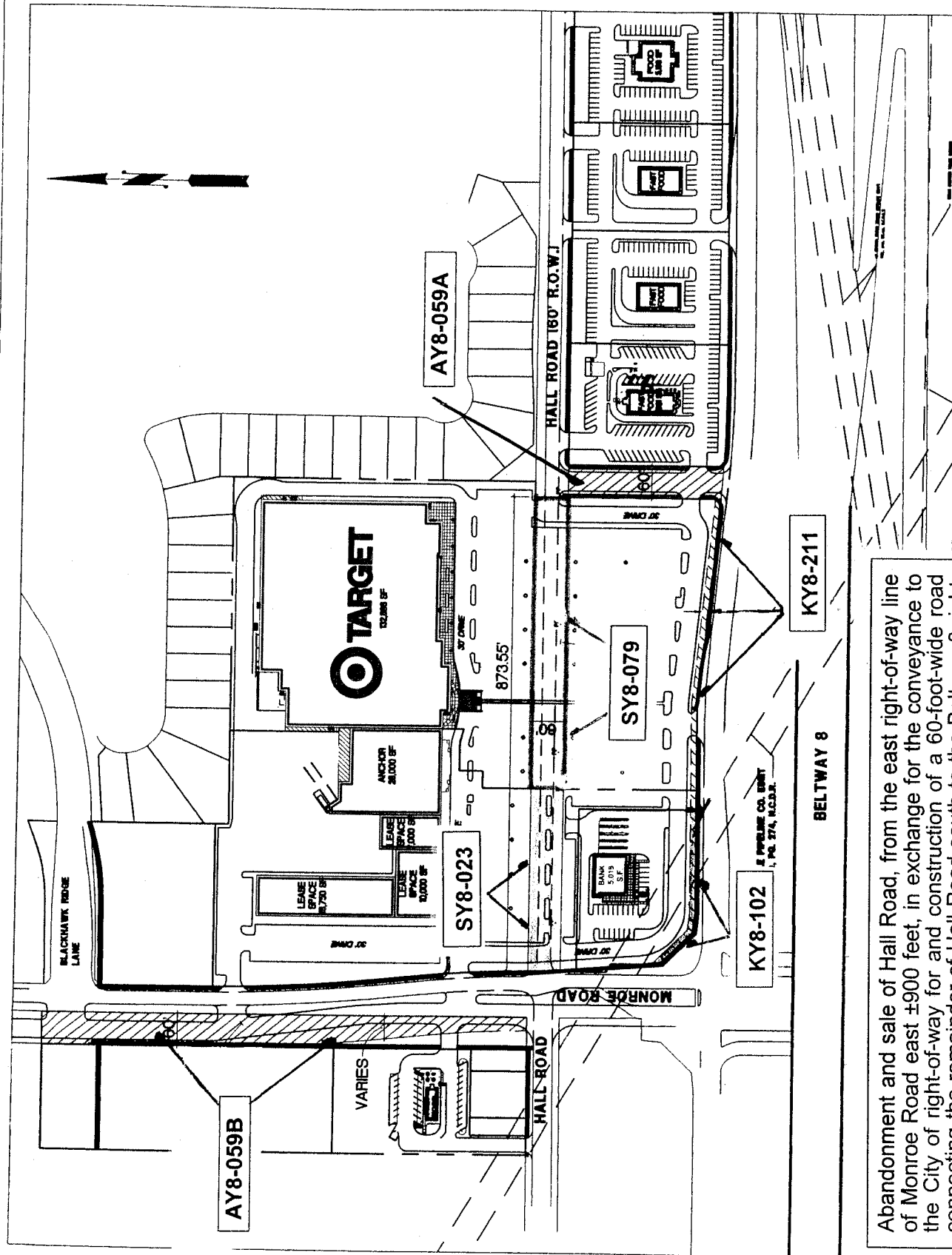
Abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ± 900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, $\pm 42,724$ square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211. **Parcel SY8-023, SY8-079, AY8-059A, AY8-059B, KY8-102, and KY8-211**



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.

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406



Abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ±900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, ±42,724 square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211. Parcel SY8-023, SY8-079, AY8-059A, AY8-059B, KY8-102, and KY8-211

R.O.W. & EASEMENT ABANDONMENT
AND DEDICATION EXHIBIT

MOTION by Council Member Khan that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Creative Consultants, 1517 Monarch Oaks, Houston, Texas 77055, on behalf of John C. Bybee Estate (Clinton Bybee, Administrator), for the abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ± 900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, $\pm 42,724$ square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211, Parcels SY8-023, AY8-059A, AY8-059B and KY8-102, be adopted as follows:

1. The City abandon and sell Hall Road, from the east right-of-way line of Monroe Road east ± 900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, $\pm 42,724$ square feet of right-of-way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211;
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 (a) cut, plug, and abandon the existing 12-inch water main in Hall Road, from Monroe Road east ± 900 feet to the proposed terminus of Hall Road and (b) construct a new 12-inch water main to be looped from the proposed terminus of Hall Road and connect to the existing water main located at the intersection of Hall Road and Monroe Road. All of the foregoing items must be completed at no cost to the City and under the proper permits;

4. The applicant be required to: cut, plug, and abandon or convert to private service the existing 60-inch storm sewer in a portion of Hall Road being abandoned and sold, at no cost to the City and under the proper permits. The applicant will construct a 24-inch storm sewer in the entire portion of Hall Road being abandoned and sold and convey to the City a 20-foot-wide drainage easement centered over this storm sewer by separate instrument and not as part of this transaction;
5. The applicant be required to construct the new 60-foot-wide portion of Hall Road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, at no cost to the City and under the proper permits. No credit for the construction of this road will be applied against the cost of the abandonment and sale as the City will receive no added enhancement/benefit from the replacement segment of this road. The transition from this new portion of Hall Road onto and off of the Beltway 8 feeder road must be such that there is no disruption of traffic on the feeder road and be approved by the City and TxDOT;
6. The applicant be required to prepare drawings that show all public utilities (water and storm sewer) and the right-of-way that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
7. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Items 3, 4 and 5 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
8. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street being abandoned and sold;


9. The Legal Department be authorized to prepare the necessary transaction documents; and
10. Inasmuch as the value of the City's property interest is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Alvarado and carried.

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

PASSED AND ADOPTED this 28th day of November, 2007.




Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is December 4, 2007.



City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the sale to Harris County a 10,400-square-foot (0.2387 acre) easement, being a portion of fee-owned Sand Canyon Park, out of the H.K. Stafford Survey, A-1370 SY9-053	Page <u>1</u> of <u>1</u>	Agenda Item # 20
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/10/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: ETJ Key Map 528N 	
For additional information contact: Nancy P. Collins  Phone: (713) 837-0881 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action:	
RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the sale to Harris County of a 10,400-square-foot (0.2387 acre) easement, being a portion of fee-owned Sand Canyon Park, out of the H.K. Stafford Survey, A-1370. Parcel SY9-053		

Amount and
Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Tina Williams, Deputy General Manager, Harris County, Right-of-Way Division, Public Infrastructure Department, 10555 Northwest Freeway, Suite 210, Houston, Texas 77092, requested to acquire from the City a 10,400-square-foot (0.2387 acre) easement, being a portion of fee-owned Sand Canyon Park, out of the H.K. Stafford Survey, A-1370. Harris County plans to use the requested portion of Sand Canyon Park for right-of-way, drainage and other related purposes as part of the Howell Sugarland Road - 1 Project. The requested easement would encumber an area of 20-feet in width along the west property line of Sand Canyon Park, between Renn Road and Sand Canyon Park Drive. Because the subject tract of land has never been used or developed as a park, a Chapter 26 hearing is not required and the Parks and Recreation Department has no objection to the sale of the 10,400-square-foot portion of land to Harris County. The Joint Referral Committee reviewed and approved this request.

Section 272.001(b)(5) of the Local Government Code, pertaining to the sale of real property interests to a governmental entity that has the power of eminent domain, provides for the payment of a consideration based upon the appraised fair market value. Harris County submitted its appraisal report with its purchase offer to the City. A staff appraiser in the Department of Public Works and Engineering has reviewed the appraisal report and offer and finds it acceptable. Therefore, it is recommended City Council approve an ordinance authorizing:

The City sell to Harris County Right-of-Way Division, Public Infrastructure Department:

Parcel SY9-053

10,400-square-foot (0.2387 acre) street right-of-way easement: \$39,000.00
Valued at \$3.75 per square foot

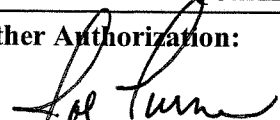
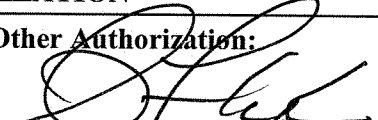
TOTAL SALE **\$39,000.00**
MSM:NPC:bam

c: Marty Stein
Daniel Menendez, P.E.
Jeffrey Weatherford, P.E. PTOE

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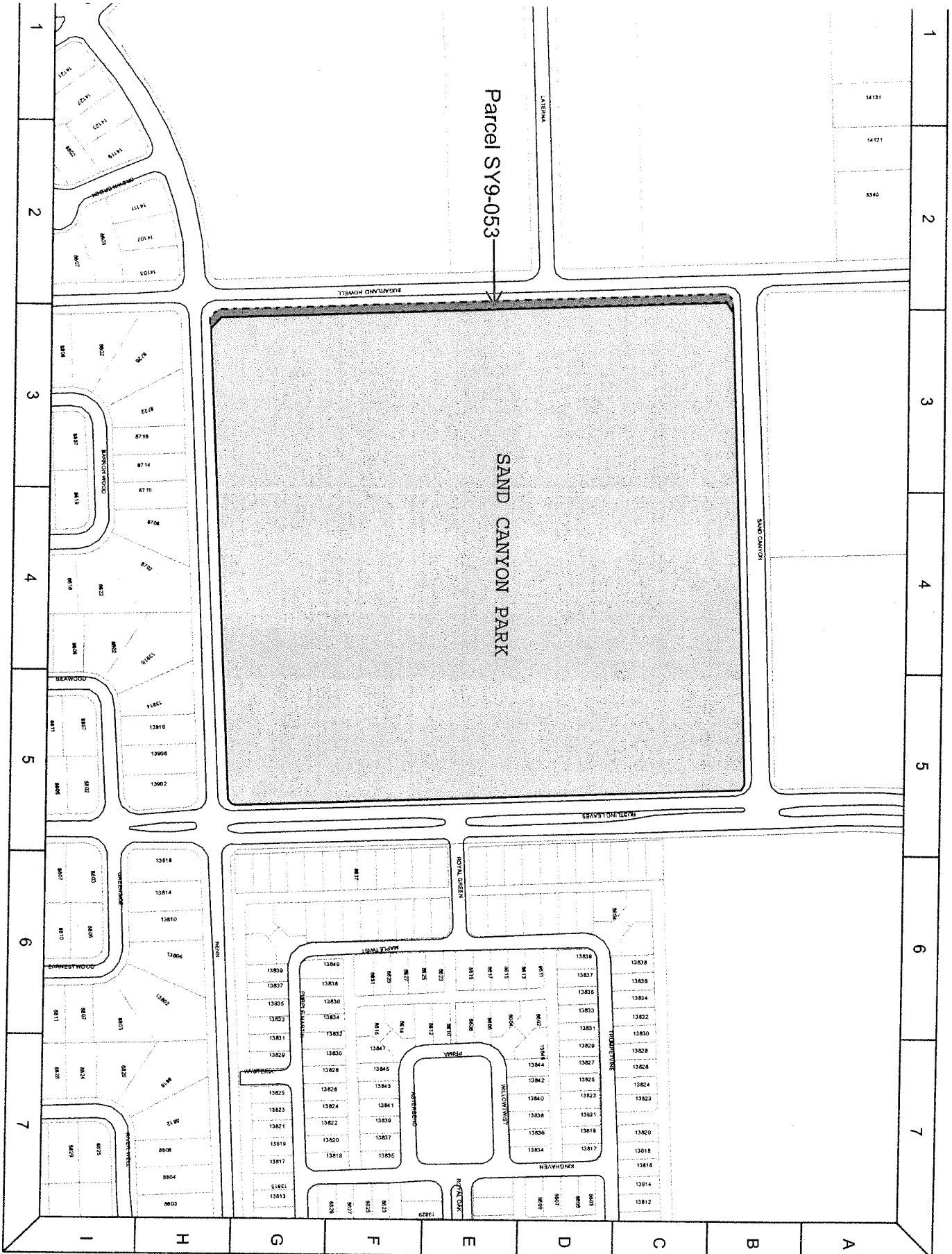
CUIC #20BAM14

REQUIRED AUTHORIZATION

Finance Department	Other Authorization:  Joe Turner, Director Parks and Recreation Department	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division
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PARCEL MAP

SUBJECT: Sale to Harris County a 10,400-square-foot (0.2387 acre) easement, being a portion of fee-owned Sand Canyon Park, out of the H.K. Stafford Survey, A-1370 Parcel SY9-053



CITY OF HOUSTON

Department of Public Works & Engineering

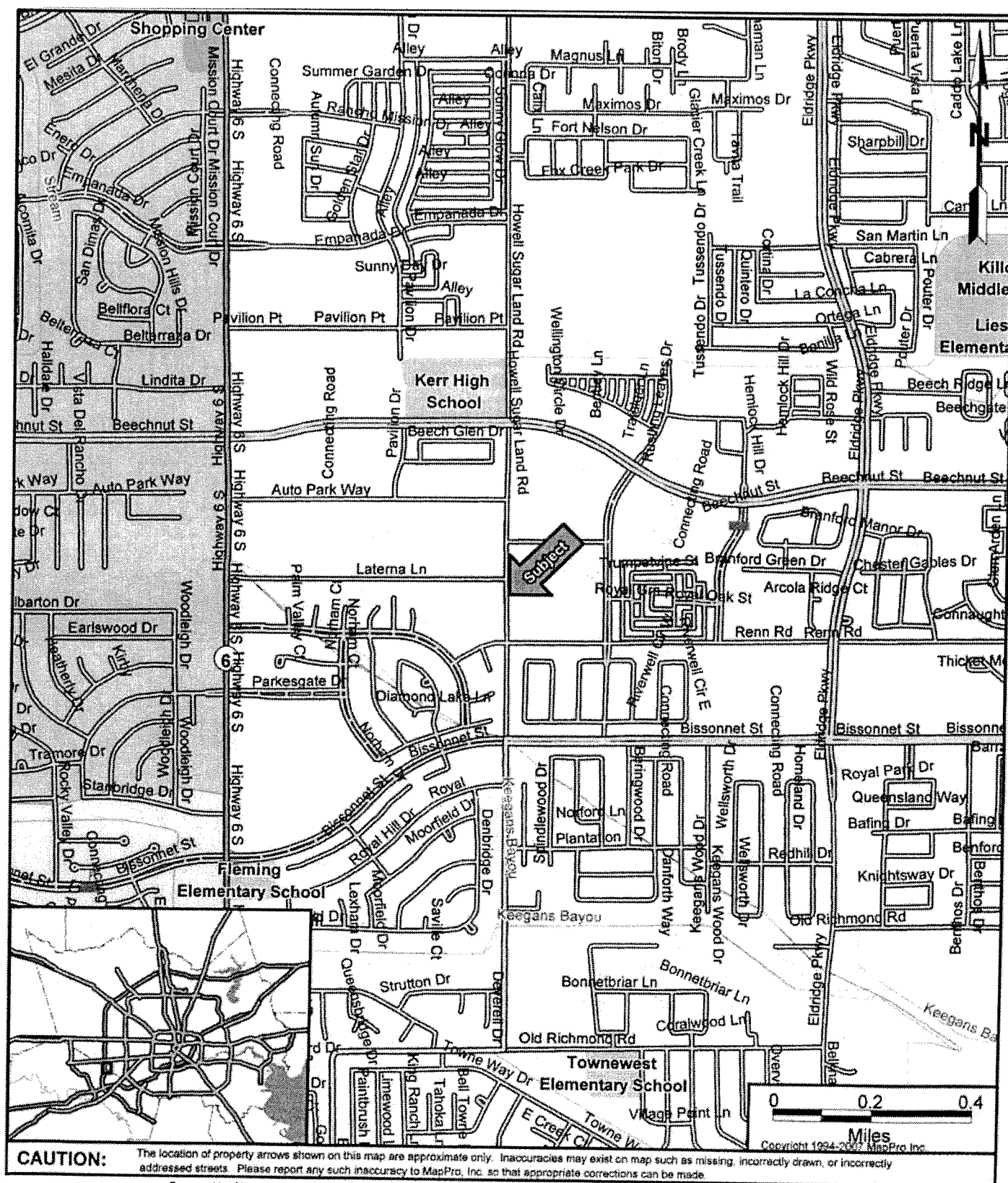
Geographic Information & Management System (GIMS)

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



LOCATION MAP

SUBJECT: Sale to Harris County a 10,400-square-foot (0.2387 acre) easement, being a portion of fee-owned Sand Canyon Park, out of the H.K. Stafford Survey, A-1370. Parcel SY9-053



SUBJECT: An ordinance appointing the presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and voting precincts for the City of Houston General Election to be held on November 3, 2009, and any required Runoff Election; and prescribing the number of election clerks for each voting precinct.		Category #	Page 1 of 1	Agenda Item # 21
FROM (Department or other point of origin): Legal Department		Origination Date 09.11.09	Agenda Date SEP 16 2009	
DIRECTOR'S SIGNATURE: Arturo G. Michel City Attorney <i>Arturo G. Michel</i>		Council District affected: All		
For additional information contact: Candice M. De La Garza Phone: 832.393.6446		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Adopt an ordinance appointing the presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and voting precincts for the City of Houston General Election to be held on November 3, 2009, and any required Runoff Election, and prescribing the number of election clerks for each precinct and their rates of pay.				
Amount of Funding: N/A		Finance Budget:		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
<input type="checkbox"/> Other (Specify)				
SPECIFIC EXPLANATION: As required by the Texas Election Code, the proposed ordinance appoints presiding and alternate judges for the Early Voting Ballot Boards, central counting stations, and City election precincts for the General Election to be held on November 3, 2009. The proposed ordinance also establishes the maximum number of election clerks for each City election precinct and their rates of pay.				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance consenting to the creation of the Aliana Management District		Category #	Page 1 of 2	Agenda Item # 22
FROM (Department or other point of origin): Planning and Development		Origination Date August 26, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: Marilyn K. Sepulveda		Council District affected: ETJ		
For additional information contact: Nicole Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of an ordinance consenting to the creation of the Aliana Management District				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: <p>Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. Further, districts may levy a tax only after holding an election within the district.</p> <p>A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release Fort Bend County or the municipality from its obligations to provide services to the areas; nor does it require additional services from the municipality. The municipality assumes no liability for the debts, obligations or liabilities of the district.</p> <p>The Planning and Development Department recommends that the City Council consent to the creation of the following district:</p> <p>Aliana Management District: Authorized by the 81st Legislature in 2009, this district is located in Houston's ETJ in Fort Bend County. Following city consent to the creation of the district, the District's Board of Directors will pursue an improvement plan that will include projects that promote the health, safety, welfare and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district.</p> <p>For this district, the City provide its consent under the following conditions:</p> <p>(a) Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston of the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the District may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period of not to exceed five years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the District until the City of Houston has given its written consent by Ordinance of the City Council to such addition or annexation.</p>				

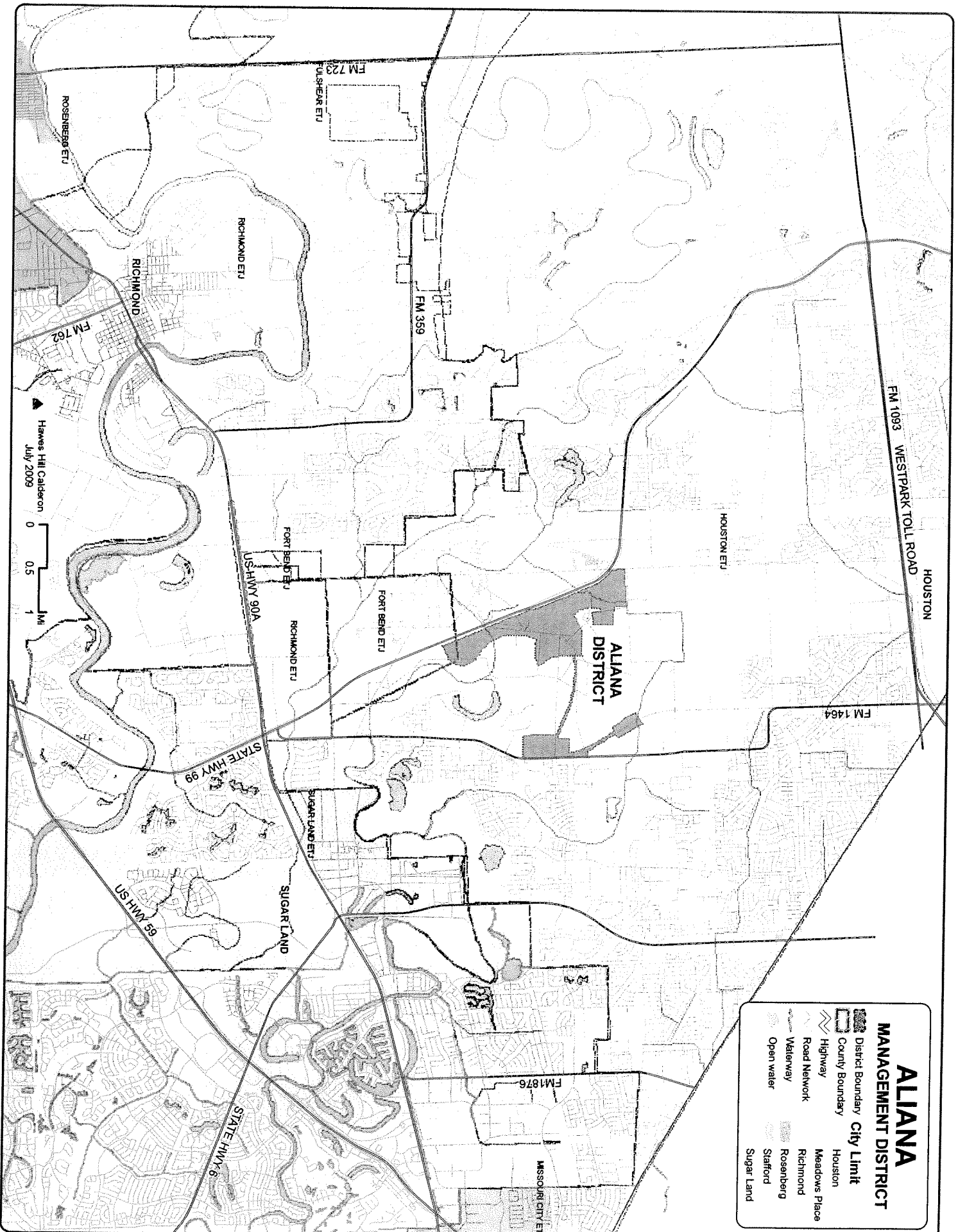
(b) The District must obtain approval from the Department of Planning and Development and the Public Works and Engineering Department of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or land owned by the City of Houston.

(c) Upon inclusion of the District within the corporate limits of the City, the City Council of the City of Houston may, by a vote of not less than two-thirds (2/3rds) of the entire membership, adopt an ordinance dissolving the District. Upon the adoption of such an ordinance the District shall be dissolved, and, in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District and (2) assume all debts, obligations and liabilities of the District.

CC: Marty Stein, Agenda Director
Arturo Michel, City Attorney
Michelle Mitchell, Director, Finance Department
Michael Marcotte, Director, PWE
Anna Russell, City Secretary

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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HOUSTON
FM 1093 WESTPARK TOLL ROAD

FM 1464

FM 359

FM 723

FM 762

RICHMOND ETJ

FORT BEND ETJ

FORT BEND ETJ

FORT BEND ETJ

RICHMOND ETJ

SUGAR LAND ETJ

SUGAR LAND

STATE HWY 99

US HWY 59

FM 1876

MOSSBURN CITY ETJ

ALIANA

MANAGEMENT DISTRICT

	District Boundary		City Limit
	County Boundary		Houston
	Highway		Meadows Place
	Road Network		Richmond
	Waterway		Rosenberg
	Open water		Stafford
			Sugar Land

▲ Hawes Hill Calderon
July 2009

0 0.5 1 MI

SUBJECT: Ordinance amending the consent conditions to the creation of the Brays Oaks Management District (also known as Harris County Improvement District No. 5)		Category #	Page 1 of 2	Agenda Item # 23
FROM (Department or other point of origin): Planning and Development		Origination Date August 26, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: <i>Maureen R. Sepulveda</i>		Council District affected: C		
For additional information contact: Nicole B. Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: August 16, 2006, Ordinance No. 2006-849		
RECOMMENDATION: (Summary) Approval of an ordinance amending the consent conditions to the creation of the Brays Oaks Management District				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: <p>Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. Further, districts may levy a tax only after holding an election within the district.</p> <p>A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release Harris County or the City of Houston from its obligations to provide services to the areas; nor does it require additional services from the City. The City assumes no liability for the debts, obligations or liabilities of the district.</p> <p>The Planning and Development Department recommends that the City Council amend the consent conditions to the creation of the following district:</p> <p>Brays Oaks Management District: Originally authorized by the 79th Legislature in 2005, the 81st Legislature in 2009 authorized additional powers that included the authority to establish and implement tax increment reinvestment zones (TIRZ) as provided in Chapter 311, Tax Code, in the same manner as a municipality. The District's Board of Directors has since passed a resolution clarifying that the city will not be required to participate in any TIRZ created by the District without City Council's approval. The proposed amendments to the consent conditions will ensure the City that no TIRZ will be created in which the City must participate without its express consent as given through the City Council. This district is located entirely in District C.</p> <p>For this district, the City provide its consent under the following amended conditions:</p>				

(a) Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston of the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the District may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period of not to exceed five years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the District until the City of Houston has given its written consent by Ordinance of the City Council to such addition or annexation.

(b) The District must obtain approval from both the Department of Planning and Development and the Department of Public Works and Engineering of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or the use of land owned by the City of Houston.

(c) The City Council of the City of Houston may, by a vote of not less than two-thirds (2/3rds) of the entire membership, adopt an ordinance dissolving the District. Upon the adoption of such an ordinance the District shall be dissolved, and, in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District and (2) assume all debts, obligations and liabilities of the District.

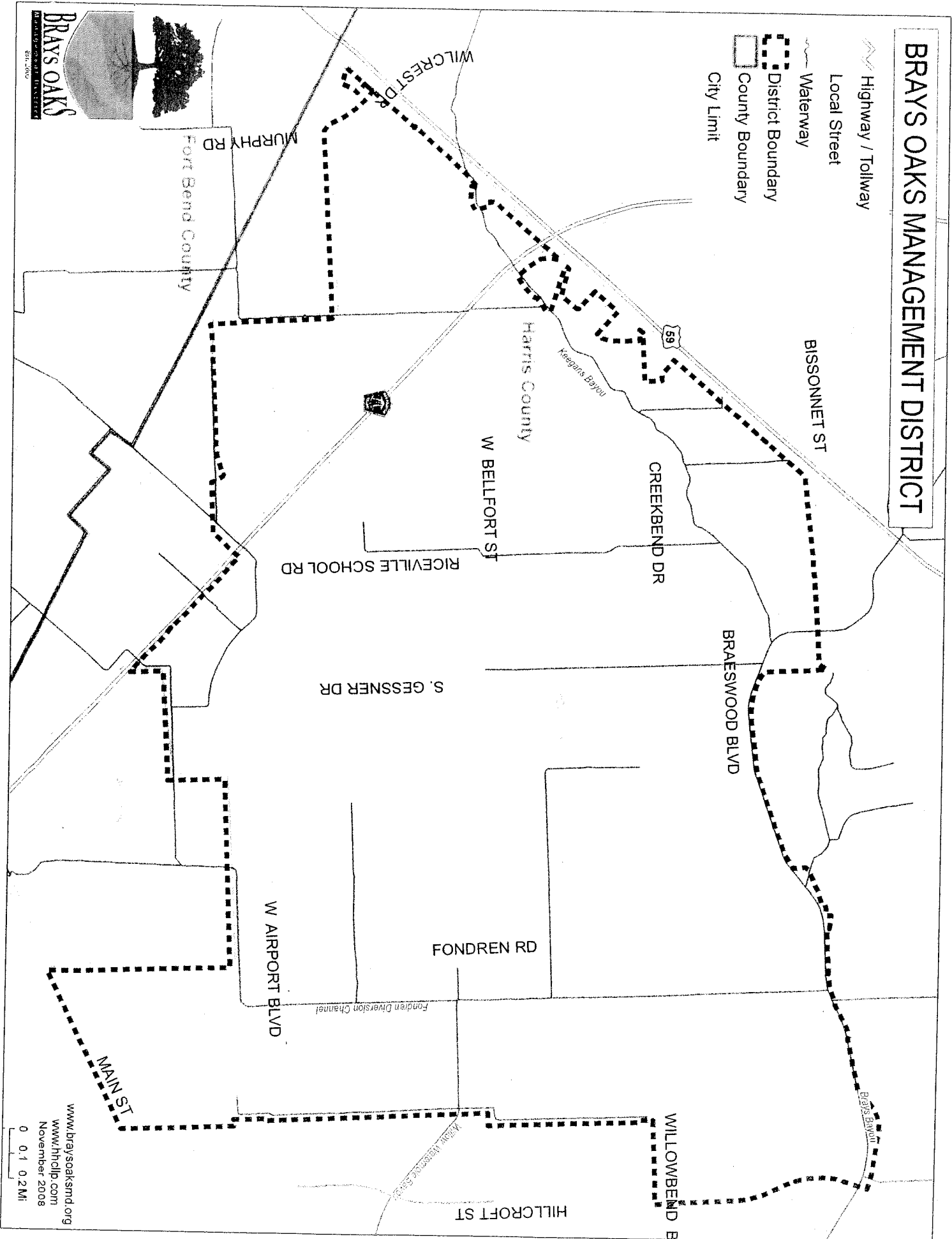
(d) The City will not be required to participate by contributing any of its taxes levied and collected within any tax increment reinvestment zone created by the District without the express consent of the City given by and through its City Council, without regard to any of the powers acquired by the District pursuant to Chapter 3834 of the Texas Special District Local Laws Code, as may be amended from time to time, or other state law.

CC: Marty Stein, Agenda Director
Arturo Michel, City Attorney
Michelle Mitchell, Director, Finance Department
Michael Marcotte, Director, PWE
Anna Russell, City Secretary

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

BRAYS OAKS MANAGEMENT DISTRICT

- Highway / Tollway
- Local Street
- Waterway
- District Boundary
- County Boundary
- City Limit



SUBJECT: Ordinance consenting to the creation of the Harris County Improvement District No. 3 (formerly the Upper Kirby Management District) and approving their five-year capital improvements budget, permitting the issuance of bonds		Category #	Page 1 of 2	Agenda Item # 24
FROM (Department or other point of origin): Planning and Development		Origination Date August 26, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: 146 <i>Maureen K. Hefner</i>		Council District affected: C & G		
For additional information contact: Nicole B. Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action: August 15, 2007, Ordinance No. 2007-935		
RECOMMENDATION: (Summary) Approval of an ordinance consenting to the creation of the Harris County Improvement District No. 3 and approving their five-year capital improvements budget, permitting the issuance of bonds.				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: <p>Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. Further, districts may levy a tax only after holding an election within the district.</p> <p>A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release Harris County or the City of Houston from its obligations to provide services to the areas; nor does it require additional services from the City. The City assumes no liability for the debts, obligations or liabilities of the district.</p> <p>The Planning and Development Department recommends City Council consent to the creation of the following district:</p> <p>Harris County Improvement District No. 3: Authorized by the 75th Legislature in 1997, this district is located in Council District C with a small portion in Council District G. In 2007, the City of Houston entered into an interlocal agreement with this District that provided for the maintenance of District Improvements located within the City right-of-way. Although it has been operating for 12 years, the City's consent for the creation of the District is now being requested for the first time, as the District's previous <i>pay-as-you-go</i> operations did not require it. Following city consent to the creation of the district, the District's Board of Directors will pursue an improvement plan that will include upgraded lighting, relocation of overhead utilities, safety improvements, enhanced uniform wayfinding, identity and streetscape elements and related landscaping and beautification. The Board has submitted a Resolution requesting consent to the creation of the District, approval of its five year capital improvements plan and consent to issue bonds in the amount of \$30,000,000.</p> <p>For this district, the City provide its consent under the following amended conditions:</p>				

1. Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston of the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the District may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period of not to exceed five years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the District until the City of Houston has given its written consent by Ordinance of the City Council to such addition or annexation.
2. The district must obtain approval from the Department of Planning and Development and the Department of Public Works of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or the use of land owned by the City of Houston.
3. The City Council of Houston may, by a vote of not less than two-thirds (2/3rds) of the entire membership, adopt an ordinance dissolving the District. Upon the adoption of such an ordinance, the District shall be dissolved, and, in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District, and (2) assume all debts, obligations and liabilities of the District.

CC: Marty Stein, Agenda Director
Arturo Michel, City Attorney
Deborah McAbee, Sr. Assistant City Attorney
Michelle Mitchell, Director, Finance Department
Michael Marcotte, Director, PWE
Anna Russell, City Secretary

REQUIRED AUTHORIZATION		
Finance Director:	Other Authorization:	Other Authorization:

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

I, the undersigned officer of the Board of Directors of the Harris County Improvement District No. 3 of Harris County, Texas, do hereby certify as follows:

1. The Board of Directors of the Harris County Improvement District No. 3 convened in Regular Session on the 15th day of July, 2009, at a meeting place inside the boundaries of the District, and the roll was called of the duly constituted officers and members of the Board, to-wit:

Robert Axelson	President
Albert P. Keller	Vice President
Robert H. Schultz	Secretary/Treasurer
W. T. Dickey	Director
Patricia Ann Chesnick	Director

and all of said persons were present, except Director(s) Schultz, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

**GR 2009-2
RESOLUTION REQUESTING CONSENT TO CREATION OF
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3 AND
APPROVAL OF OTHER RELATED MATTERS**

was introduced for the consideration of the Board. It was then duly moved and seconded that the Resolution be adopted; and, after due discussion, the motion, carrying with it the adoption of the Resolution, prevailed and carried unanimously.

2. That a true, full and correct copy of the aforesaid Resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that the Resolution has been duly recorded in the Board's minutes of the meeting; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the Board as indicated therein; that each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid meeting, and that the Resolution would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; that the meeting was open to the public as required by law; and that public notice of the time, place and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Subchapter C, Chapter 49, Texas Water Code.

SIGNED AND SEALED the 15th day of July, 2009.



Vice President

(SEAL)

RESOLUTION REQUESTING CONSENT TO CREATION OF HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3 AND APPROVAL OF OTHER RELATED MATTERS

WHEREAS, Harris County Improvement District No. 3 (the "District"), is a political subdivision of the State of Texas duly created and functioning pursuant to Chapter 3805 of the Texas Special District Local Laws Code (the "Act").

WHEREAS, the District is pursuing an improvement program for the development and diversification of the economy within the Upper Kirby area, as well as the development and expansion of transportation and commerce, that includes the relocation of certain overhead utilities; upgraded uniform public lighting and related safety improvements; enhanced uniform wayfinding, identity, and streetscape elements; and related area landscaping and beautification;

WHEREAS, the District has entered into an Interlocal Agreement with the City of Houston, Texas (the "City"), effective September 10, 2007, which provides for the maintenance of District improvements located within City right-of-way;

WHEREAS, the City, the Upper Kirby Redevelopment Authority, and other government entities and instrumentalities are undertaking extensive infrastructure repairs and improvements affecting public facilities within the District; and the District, to the extent possible, desires to accomplish and integrate its improvement program projects by participation in such repair and improvement efforts, thereby achieving significant cost savings;

WHEREAS, there has been filed in the office of the District, open to inspection by the public, a five-year Capital Improvements Plan and Budget covering the District's proposed improvement program and describing the land, improvements, facilities, plants, equipment, and appliances to be purchased or constructed and their estimated cost;

WHEREAS, the Board of Directors of the District (the "Board") desires to fund the Capital Improvements Plan and Budget with the issuance of District bonds pursuant to the Act and Chapter 375, Local Government Code, provided such bonds are authorized and approved by the City pursuant to Section 375.207, Local Government Code;

WHEREAS, as part of the bond issuance process, the District also requires City consent to the creation of the District;

WHEREAS, the Board now desires to request from the City: (1) consent to the creation of the District, and (2) approval of a five-year capital improvements budget for the District, permitting the issuance of bonds; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3 THAT:

Section 1: The Board of the District hereby requests the consent of the City to the creation of the District.

Section 2: The Board of the District hereby requests approval by the City of the five-year capital improvements budget contained in the District's Capital Improvements Plan and Budget, which is summarized in **Exhibit "A"**, attached hereto and incorporated herein for all purposes, and to the issuance of District bonds in installments over a five-year period in order to finance the improvement program described therein.

Section 3: The Board of the District hereby authorizes its directors, officers, and consultants to prepare and execute any and all documents, certificates, and agreements and to take all action necessary or convenient to accomplish the purpose of this resolution and to obtain the necessary consent and approval of the City.

Section 4: The Board finds, determines, recites, and declares that a sufficient written notice of the date, hour, place, and subject of this meeting was posted at a place convenient to the public in the manner and time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Government Code; and that this meeting was open to the public as required by law at all times during which this resolution and the subject matter thereof was discussed, considered, and formally acted upon. The Board further ratifies, approves, and confirms such written notice and the contents and posting thereof.

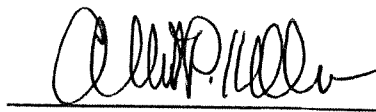
[EXECUTION PAGE FOLLOWS]

PASSED AND APPROVED this 15th day of July, 2009.



President, Board of Directors

ATTEST:



Vice President, Board of Directors

EXHIBIT "A"

HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3

COMBINED 5 YEAR CAPITAL IMPROVEMENTS BUDGET SUMMARY

**I. Estimated Program Design, Construction,
Purchase, and Management Costs**

Relocation of Overhead Utilities	\$7,798,289
Upgraded Uniform Public Lighting and Related Safety Improvements	\$5,098,580
Enhanced Uniform Wayfinding, Identity, and Streetscape Elements	\$1,002,763
Related Area Landscaping and Beautification	\$5,623,603
Engineering and Architectural Design	\$3,121,294
Project Management and Inspection	\$1,560,647
Sub-Total Estimated Design, Construction, Purchase, and Management Costs	\$24,205,176
Contingency (5%)	\$1,210,259
Total Estimated Program Design, Construction, Purchase, and Management Costs with Contingency	\$25,415,435

**II. Estimated Incidental Expenses and Bond
Issuance Costs**

Legal Fees	\$600,000
Financial Advisor Fees	\$600,000
Capitalized Interest	\$1,950,000
Bond Discount	\$900,000
Administrative, Organizational, and Issuance Fees and Expenses	\$534,565
Total Estimated Incidental Expenses	\$4,584,565
Total Budget and Bond Issuance Requirement	\$30,000,000

EXHIBIT "B"

(a) Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston of the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the District may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period of not to exceed five years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the District until the City of Houston has given its written consent by Ordinance of the City Council to such addition or annexation.

(b) The District must obtain approval from the Department of Planning and Development of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or the use of land owned by the City of Houston.

(c) The City Council of the City of Houston may, by a vote of not less than two-thirds (2/3rds) of the entire membership, adopt an ordinance dissolving the District. Upon the adoption of such an ordinance, the District shall be dissolved, and, in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District, and (2) assume all debts, obligations and liabilities of the District.



HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3

CAPITAL IMPROVEMENTS PLAN AND BUDGET



TOTAL PROJECT COST	\$24.20 MILLION
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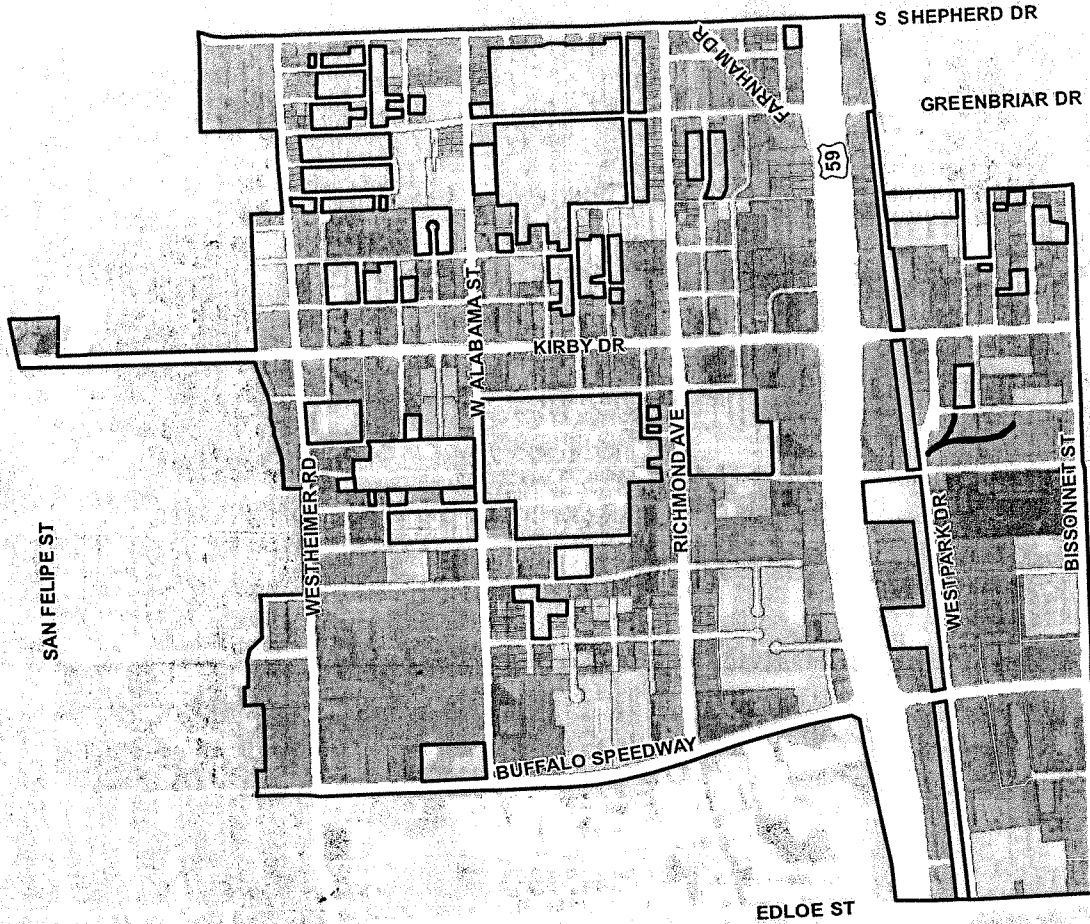
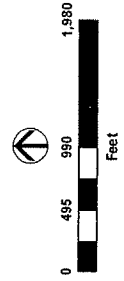
G GUNDA
CORPORATION, INC.
Engineers, Planners & Managers

**HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3
CAPITAL IMPROVEMENTS PLAN AND BUDGET**

S.No	PROJECT	PROJECT LENGTH (in LF)	BUDGET	ACTIVITY	
1	Buffalo Speedway Reconstruction - US 59 to Bissonnet St (Year of Improvement 2010)	1400	\$1,781,218	Soft Costs	\$277,200
				Constellation Street Lights	\$30,492
				Pedestrian and Holiday Lights/Safety	\$446,500
				Enhanced Landscaping	\$461,538
				Irrigation System	\$69,300
				Relocate Overhead Utilities	\$415,800
				Street Furnishings and Bus Stops	\$34,650
2	Wakeforest Reconstruction - Richmond Ave to US 59 (Year of Improvement 2010)	1200	\$522,858	Signal Enhancements	\$45,738
				Soft Costs	\$123,900
				Constellation Street Lights	\$27,258
3	Kirby Dr Reconstruction - US 59 to Richmond Ave (Year of Improvement 2010)	1200	\$1,698,940	Relocate Overhead Utilities	\$371,700
				Soft Costs	\$308,438
				Constellation Street Lights	\$27,143
				Pedestrian and Holiday Lights/Safety	\$408,438
				Enhanced Landscaping	\$410,839
				Irrigation System	\$61,688
				Relocate Overhead Utilities	\$410,839
4	Westheimer Drainage and Paving Improvements - Kirby Drive to Buffalo Speedway (Year of Improvement 2011)	3600	\$5,127,265	Street Furnishings and Bus Stops	\$30,844
				Signal Enhancements	\$40,714
				Soft Costs	\$976,250
				Constellation Street Lights	\$85,910
5	Westheimer Drainage and Paving Improvements - Kirby Drive to Shepherd Drive (Year of Improvement 2012)	2600	\$3,587,920	Pedestrian and Holiday Lights	\$976,250
				Enhanced Landscaping	\$1,300,365
				Irrigation System	\$195,250
				Relocate Overhead Utilities	\$1,366,750
				Street Furnishings and Bus Stops	\$97,625
				Signal Enhancements	\$128,865
				Soft Costs	\$663,895
6	University Corridor Improvements - Buffalo Speedway to Shepherd (Year of Improvement 2011)	6000	\$3,465,000	Constellation Street Lights	\$63,503
				Pedestrian and Holiday Lights	\$721,625
				Enhanced Landscaping	\$961,205
				Relocate Overhead Utilities	\$1,010,275
				Bus Stops	\$72,163
				Signal Enhancements	\$95,255
7	Kirby Dr Reconstruction - San Felipe to Westheimer Rd (Year of Improvement 2010)	2200	\$277,200	Soft Costs	\$792,000
				Constellation Street Lights	\$145,200
				Pedestrian and Holiday Lights	\$1,650,000
				Enhanced Landscaping	\$660,000
8	Greenbriar Drainage Improvements - Westheimer Rd to US 59 (Year of Improvement 2013)	4200	\$2,698,750	Signal Enhancements	\$217,800
				Soft Costs	\$92,400
				Constellation Street Lights	\$50,820
				Bus Stops	\$57,750
				Signal Enhancements	\$76,230
9	Shepherd Drainage Improvements - Westheimer Rd to US 59 (Year of Improvement 2014)	4200	\$3,971,875	Soft Costs	\$594,000
				Constellation Street Lights	\$108,900
				Safety Lighting	\$100,000
				Relocate Overhead Utilities	\$1,732,500
				Signal Enhancements	\$163,350
10	Kirby Drive - US 59 to Bissonnet St (Year of Improvement 2010)	1800	\$1,074,150	Soft Costs	\$619,500
				Constellation Street Lights	\$113,575
				Safety Lighting	\$100,000
				Hardscape Improvements	\$1,032,500
				Relocate Overhead Utilities	\$1,806,875
				Bus Stops	\$129,063
				Signal Enhancements	\$170,363
				Soft Costs	\$234,360
				Constellation Street Lights	\$42,966
				Relocate Overhead Utilities	\$683,550
				Street Furnishings and Bus Stops	\$48,825
				Signal Enhancements	\$64,449

\$24,205,176

DUNLAVY ST



- Harris County Improvement District No. 3 Boundary
- Included - Multi-Family
- Included - Commercial *some vacant*
- Included - Industrial
- Included - Exempt


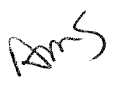
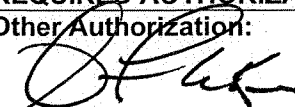
HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3

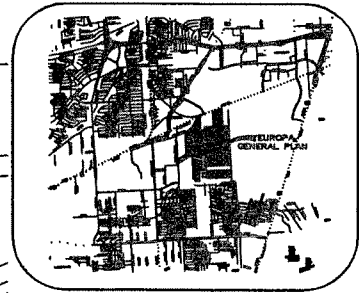
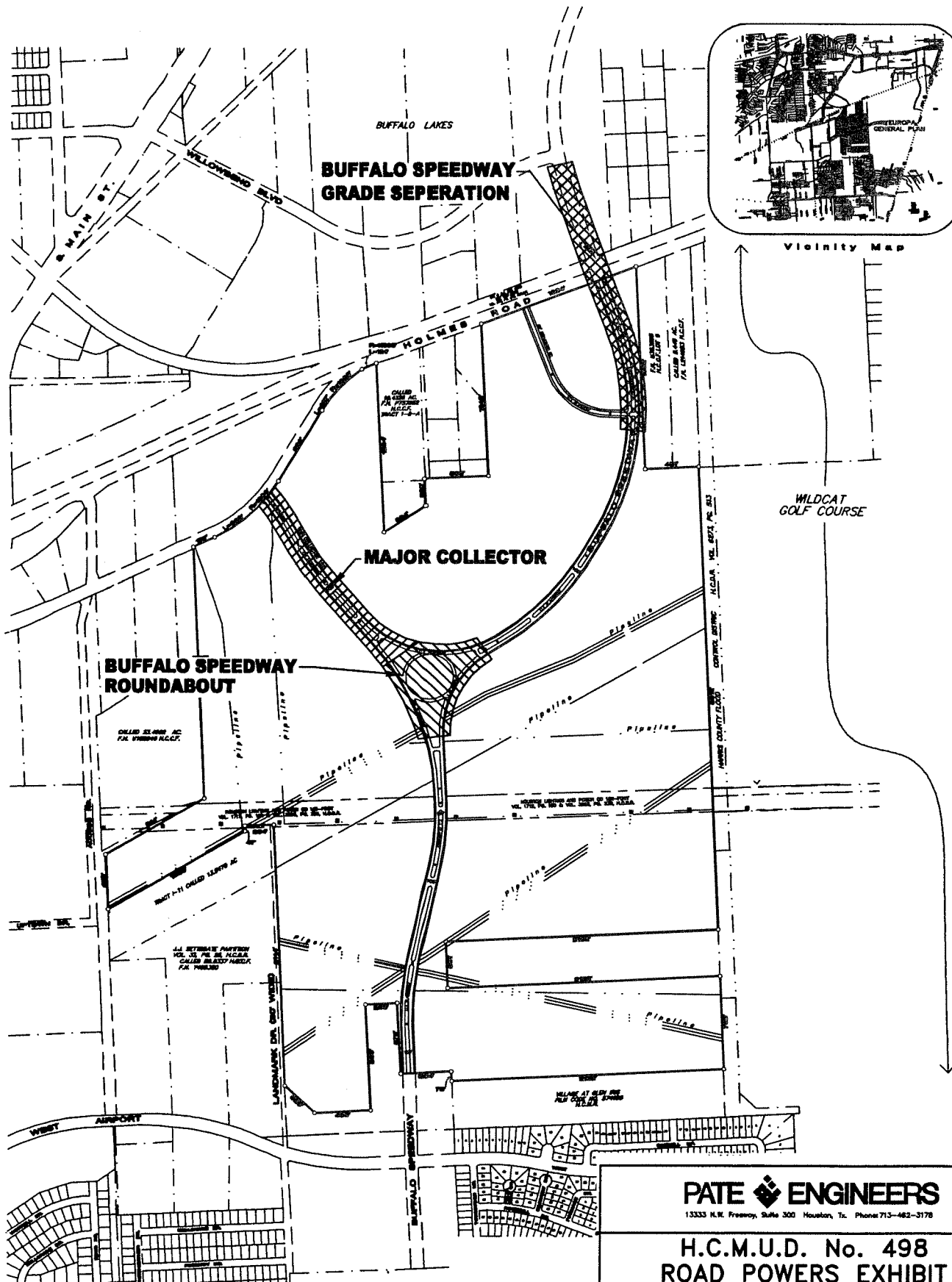


W ALABAMA ST

NEWCASTLE ST

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the creation of 426.3 acres of land as an in-city district, Harris County Municipal Utility District No. 498 (Key Map No.572-F)		Category #	Page 1 of <u>1</u>	Agenda Item # <u>25</u>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date <u>09.09.09</u>	Agenda Date <u>SEP 16 2009</u>	
DIRECTOR'S SIGNATURE  Michael S. Marcotte, P.E., D. WRE, BCEE, Director		Council District affected: "D"		
For additional information contact: Ann Marie Stone Sheridan, P.E. Supervising Engineer (713) 837-9142 		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) The petition for the creation of 426.3 acres of land as an in-city district, Harris County Municipal Utility District No. 498 be approved.				
Amount and Source of Funding: <div style="text-align: center;">NONE REQUIRED</div>				
SPECIFIC EXPLANATION: <p>The owners of 426.3 acres of land, located entirely within the corporate limits of Houston, have petitioned the City of Houston for consent to create an in-city municipal utility district.</p> <p>The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, roads, park facilities and other public services.</p> <p>The district is located in the vicinity of West Airport Boulevard, Hiram Clarke Road, Holmes Road and Almeda Road. The district will consist of 426.3 acres. The district will be served by the City of Houston's Almeda Sims Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 498 is Sims Bayou which flows into the Houston Ship Channel.</p> <p>Potable water will be provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, storm water collection systems, road improvements and park facilities within the district must be approved by the City of Houston prior to their construction.</p> <p>The Utility District Review Committee recommends that the subject petition be approved.</p> <p>Attachments</p> <p>cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen Bill Zrioka Waynette Chan Deborah McAbee</p>				
Finance Department		REQUIRED AUTHORIZATION 20UPA11		
		Other Authorization:  Andrew F. Icken Deputy Director Planning & Development Services Div.		
		Other Authorization:		

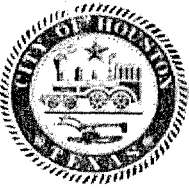


Vicinity Map

PATE ENGINEERS
 13333 N.W. Freeway, Suite 300 Houston, Tx. Phone 713-482-3178

**H.C.M.U.D. No. 498
 ROAD POWERS EXHIBIT**

Scale: N.T.S.
 Date: 03/18/09



CITY OF HOUSTON

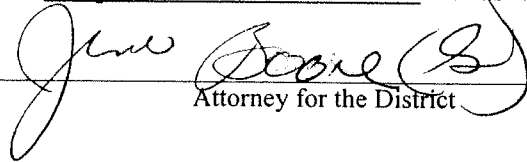


Department of Public Works and Engineering
Water District Consent Application Form



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 426.3 acres to Harris County MUD No. 498 under the provisions of Chap. 49 & 54, Title 4 of the Texas Water Code.


Attorney for the District

Attorney: Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600
Houston, Texas

Zip: 77027

Phone: 713-860-6400

Engineer: TCB, Inc.

Address: 5757 Woodway, Suite 101 West
Houston, Texas

Zip: 77057

Phone: 713-267-2944

Owners: Wildcat Interests, LP

Address: 4141 Southwest Freeway, Ste. 300
Houston, Texas

Zip: 77027

Phone: 713-840-8800

(If more than one owner, attach additional page. List all owners of property within the District)

LOCATION

INSIDE CITY ☒

OUTSIDE CITY ☐

Survey William Bryan
B.B.B. & C.R.R. Company

NAME OF COUNTY (S) Harris
Abstract A-185
A-179 & A-172

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

North of: West Airport Boulevard.

East of: Hiram Clarke Road

South of: Holmes Road

West of: Almeda Road

WATER DISTRICT DATA

Total Acreage of District: 426.3

Existing Plus Proposed Land 426.3

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

Single Family Residential 54%

Multi-Family Residential 29%

Commercial 16%

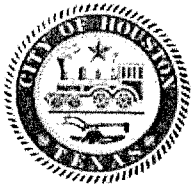
Industrial 0%

Institutional 1%

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

Sewage Treatment Plant Name: Almeda Sims Wastewater Treatment Plant

NPDES/TPDES Permit No: TX0034924 / 10495-003 TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): City Facility

Ultimate Capacity (MGD): _____

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

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: _____ MGD.

If the treatment plant is to serve other Districts or properties (i.e. regional), please indicate total permitted capacity of the plant. List all Districts served, or to be served, within the plant and their allotted capacities

(If more than two Districts – attach additional page):

Total permitted capacity: See Attached Letter

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: City Facility

Water Treatment Plant Address: _____

Well Permit No: See Attached Letter

Existing Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Ultimate Capacity:

Well(s): _____

GPM

Booster Pump(s): _____

GPM

Tank(s): _____

MG

Size of Treatment Plant Site: _____

square feet/acres.

Comments or Additional Information: _____

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

26

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for the City Park Redevelopment Authority (Tax Increment Reinvestment Zone Number Twelve)

Category #

Page
1 of 1

Agenda Item#

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUL 08 2009

JUN 30 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:

A - B

JUL 22 2009

For additional information contact:

Julia Gee
Andrea Roberts

Phone: (713) 837-7828

Phone: (713) 837-9076

Date and identification of prior authorizing Council Action:

Ord. 2008-0571, 06/25/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for City Park Redevelopment Authority (Tax Increment Reinvestment Zone Number Twelve)

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY 2010 TIRZ budgets. The Finance Department recommends approval of the Fiscal Year 2010 operating budget for City Park Redevelopment Authority (TIRZ Number Twelve).

- Total operating budget for FY2010 is \$756,363, which includes \$218,190 for required fund transfers and \$538,173 for project costs.
- The project expenses include \$15,800 for administration and overhead. Administration costs are budgeted to remain in line with equivalent City costs. The Zone authority has a third-party administrator to manage redevelopment activities of the TIRZ. The Zone must advise the Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.
- The projects identified in the project plan have been completed. The TIRZ continues to make developer reimbursement payments.
- The FY10 budget includes a reimbursement to the developers. The Finance Department will work with the Zone financial advisor, consultants, and Zone board to identify an efficient method to pay down the outstanding developer reimbursement.

Attachments: TIRZ Profile and FY10 Operating Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET PROFILE
FOR TIRZ ADMINSTRATORS

Fund Summary

Fund Name: City Park Redevelopment Authority

TIRZ: 12

Fund Number: 7560/64

P R O J E C T P L A N	Base Year:	1998
	Base Year Taxable Value:	\$ 2,410,450
	Projected Taxable Value (TY2009):	\$ 43,692,114
	Current Taxable Value (TY2008):	\$ 42,218,827
	Acres:	91.71
	Administrator (Contact):	Economic Development Division
	Contact Number:	713-837-7828

N A R R A T I V E	Zone Purpose:
	The purpose of the zone is to advance a mixed use development project by providing a funding mechanism for the consturction of a major thoroughfare called East T.C. Jester Boulevard, reonstruction of the 18th Street and 20th Street intersection, reconstruction of Bevis Street, park facilities, and a portion of the City of Houston hike and bike trail.
	Accomplishments in FY09 (Projects Underway):
	In fiscal year 2009, the City Park TIRZ accomplished:
	<ul style="list-style-type: none"> The TIRZ made its annual developer reimbursement payment.

P R O J E C T P L A N		Cumulative Expenses		
		Total Plan	(to FY08)	Variance
	Capital Projects:			
	East TC Jester Bevis Street Reconstruction	\$ 3,685,000	\$ 4,647,583	\$ (962,583)
	Area Beautification Park Facilities	1,510,000	1,233,229	276,771
	Enfronmental Assessment	75,000	275,201	(200,201)
	Hike & Bike Trail	100,000	-	100,000
	Total Capital Projects	\$ 5,370,000	\$ 6,156,013	\$ (786,013)
	Affordable Housing	-	-	-
	Education Facilities	7,996,366	1,604,933	6,391,433
	Financing Costs	2,937,350	-	2,937,350
	Administration Costs	270,000	385,314	(115,314)
	Creation Costs	150,000	417,359	(267,359)
	Total Project Plan	\$ 16,723,716	\$ 8,563,619	\$ 8,160,097

D E B T	Additional Financial Data		FY2009 Budget	2009 Projection	FY2010 Budget
	Debt Service				
	Principal		\$ 299,373	\$ 299,373	\$ 299,373
	Interest		\$ 260,690	\$ 260,690	\$ 272,994
			\$ 38,683	\$ 38,683	\$ 26,379
	Balance as of 6/30/08			Balance as of 6/30/09	Balance as of 6/30/10
	Year End Outstanding (Principal)				
	Bond Debt				
	Bank Loan		\$ 819,563	\$ 558,873	\$ 285,879
	Developer Agreement		\$ 5,245,762	\$ 4,985,072	\$ 4,712,078
	Other			\$ -	\$ -

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET SUMMARY
FOR TIRZ ADMINISTRATORS

Fund Summary
Fund Name: City Park Redevelopment Authority
TIRZ: 12
Fund Number: 7560/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 405,914	\$ 415,803	\$ 292,151
Total Beginning Fund Balance	\$ 405,914	\$ 415,803	\$ 292,151
TIRZ Revenue			
City	\$ 246,558	\$ 229,092	\$ 261,577
ISD	\$ 568,874	\$ 403,203	\$ 403,203
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 815,432	\$ 632,294	\$ 664,780
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ 7,588	\$ 1,888
Total Available Resources	\$ 1,221,346	\$ 1,055,685	\$ 958,819
Fund Transfers			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 344,134	\$ 188,139	\$ 180,111
Municipal Services	\$ -	\$ -	\$ -
Administration Fee to General Fund			
COH Admin Fee (5%)	\$ 12,328	\$ 11,455	\$ 13,079
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 25,000	\$ 25,000	\$ 25,000
Total Fund Transfers	\$ 381,462	\$ 224,594	\$ 218,190
Funds Available for Projects	\$ 839,884	\$ 831,092	\$ 740,629
Project Costs			
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ 2,000	\$ 3,454	\$ 3,000
Legal	\$ 3,000	\$ 3,340	\$ 3,000
Accounting/ Audit	\$ 6,000	\$ 10,600	\$ 10,600
Program / Project Consulting	\$ -	\$ -	\$ -
Administrative Operating Expense	\$ 300	\$ 2,174	\$ 2,200
Capital Expenditures	\$ -	\$ -	\$ -
Developer/ Project reimbursements	\$ 220,000	\$ 220,000	\$ 220,000
Debt Service			
Principal	\$ 260,690	\$ 260,690	\$ 272,994
Interest	\$ 38,683	\$ 38,683	\$ 26,379
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ 530,673	\$ 538,941	\$ 538,173
Total Budget	\$ 912,135	\$ 763,535	\$ 756,363
Resources Less Transfer and Expenses	\$ 309,211	\$ 292,151	\$ 202,456
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 309,211	\$ 292,151	\$ 202,456

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET DETAIL
FOR TIRZ ADMINISTRATORS

Fund Summary

Fund Name: City Park Redevelopment Authority

TIRZ: 12

Fund Number: 7560/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 405,914	\$ 415,803	\$ 292,151
Beginning Fund Balance	\$ 405,914	\$ 415,803	\$ 292,151
City tax revenue	\$ 246,558	\$ 229,092	\$ 261,577
ISD tax revenue	\$ 568,874	\$ 403,203	\$ 403,203
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 815,432	\$ 632,294	\$ 664,780
COH TIRZ Interest		\$ 7,588	\$ 632
Miscellaneous revenue	\$ -	\$ 7,588	\$ 632
Interest Income	\$ -	\$ -	\$ 1,256
Other Interest Income	\$ -	\$ -	\$ 1,256
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 1,221,346	\$ 1,055,685	\$ 958,819

CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET DETAIL
FOR TIRZ ADMINSTRATORS

Fund Summary

Fund Name: City Park Redevelopment Authority

TIRZ: 12

Fund Number: 7560/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 600	\$ 1,100	\$ 1,100
Administration Consultant	\$ 2,000	\$ 3,454	\$ 3,000
Adminstration Salaries & Benefits	\$ -	\$ -	\$ -
Auditor	\$ 5,400	\$ 9,500	\$ 9,500
Insurance	\$ -	\$ 2,000	\$ 2,000
Office Expenses	\$ 300	\$ 174	\$ 200
TIRZ Administration and Overhead	\$ 8,300	\$ 16,228	\$ 15,800
Engineering Consultants	\$ -	\$ -	\$ -
Legal	\$ 3,000	\$ 3,340	\$ 3,000
Construction Audit	\$ -	\$ -	\$ -
Project/Program Management	\$ -	\$ -	\$ -
Program and Project Consultants	\$ 3,000	\$ 3,340	\$ 3,000
Management consulting services	\$ 11,300	\$ 19,568	\$ 18,800
Capital Expenditures (See CIP Schedule)	\$ -	\$ -	\$ -
TIRZ Capital Expenditures	\$ -	\$ -	\$ -
Developer / Project Reimbursements	\$ 220,000	\$ 220,000	\$ 220,000
Developer / Project Reimbursements	\$ 220,000	\$ 220,000	\$ 220,000
Bond Debt Service	\$ -	\$ -	\$ -
Principal - Infrastructure	\$ -	\$ -	\$ -
Interest - Infrastructure	\$ -	\$ -	\$ -
Loan debt service	\$ -	\$ -	\$ -
Principal	\$ 260,690	\$ 260,690	\$ 272,994
Interest	\$ 38,683	\$ 38,683	\$ 26,379
Other Debt Items	\$ -	\$ -	\$ -
Line of Credit Repayment	\$ -	\$ -	\$ -
Loan fees	\$ -	\$ -	\$ -
System debt service	\$ 299,373	\$ 299,373	\$ 299,373
TOTAL PROJECT COSTS	\$ 530,673	\$ 538,941	\$ 538,173
Payment/transfer to ISD - educational facilities	\$ 344,134	\$ 188,139	\$ 180,111
Administration Fees:	\$ -	\$ -	\$ -
City	\$ 12,328	\$ 11,455	\$ 13,079
County	\$ -	\$ -	\$ -
ISD	\$ 25,000	\$ 25,000	\$ 25,000
Affordable Housing:	\$ -	\$ -	\$ -
City	\$ -	\$ -	\$ -
ISD to City of Houston	\$ -	\$ -	\$ -
Transfer to Harris County	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 381,462	\$ 224,594	\$ 218,190
Total Budget	\$ 912,135	\$ 763,535	\$ 756,363
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 309,211	\$ 292,151	\$ 202,456
Total Ending Fund Balance	\$ 309,211	\$ 292,151	\$ 202,456
Total Budget & Ending Fund Balance	\$ 1,221,346	\$ 1,055,685	\$ 958,819

Notes:

Incremental property tax revenue and administration fee
Incremental property tax revenue and administration fee

2009 Projections based on payments from City and ISD. County is from TY08 IICAD values on 5/23/09
2010 Budget based on forecast derived from TY09 Preliminary IICAD values on 5/23/09

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an Ordinance appropriating \$3,525,000 from the Reimbursement of Equipment/Project Fund (1850) for payment to the Memorial Heights Redevelopment Authority.

Category #

Page
1 of 1

Agenda Item#

27

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 3, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE:



Finance Department

Council Districts affected:

A, D, G, H

For additional information contact:

Tim Douglass

(713)837-9857

Ralph De Leon

(713) 837-9573

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

RECOMMENDATION: (Summary) That City Council approve an ordinance approving the transfer of \$3,525,000 from the Reimbursement of Equipment/Projects Fund (1850) to the Memorial Heights Redevelopment Authority.

Amount of Funding: \$3,525,000

Finance Budget:

SOURCE OF FUNDING:

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

SPECIFIC EXPLANATION:

The Finance Department recommends that City Council appropriate \$3,525,000 for the Reimbursement of Equipment/Projects Fund (1850) to the Memorial Heights Redevelopment Authority pursuant to Ordinance No. 2009-824, which approved a First Amended and Restated Agreement for Financing Public Infrastructure Improvements by and among the City of Houston, Reinvestment Zone Number Five, and the Memorial Heights Redevelopment Authority (the "Agreement") for the design and construction of capital projects detailed in the Zone's approved FY10-FY14 CIP (attached).

The Amended Agreement provides that the Memorial Heights Redevelopment Authority will repay the City over the remaining life of the Zone in accordance with the repayment schedule which will be included in each Memorial Heights Redevelopment Authority's annual Operating Budget and paid prior to September 1 of each year until the obligation is retired.

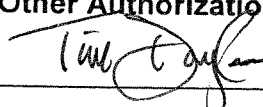
cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

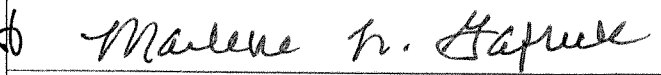
Other Authorization:



2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ Nc 05 - Memorial Heights Redevelopment Authority
CIP Sources by TIRZ

CITY OF HOUSTON - TIRZ PROGRAM
Department of Finance
Economic Development Division

Council District	CIP No.	Project	FY Planned Appropriations (\$ Thousands)								Cumulative Total (To Date)
			Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	
H	T-0501	ROSEMONT PEDESTRIAN BRIDGE	\$ -	\$ 754,724	\$ 3,494,647	\$ -	\$ -	\$ -	\$ -	3,494,647	4,249,371
H	T-0502	ROSEMONT EXTENDED PARK TRAIL CONNECTOR	\$ -	\$ 200,404	\$ 1,319,924	\$ -	\$ -	\$ -	\$ -	1,319,924	1,520,328
H	T-0503	OLD SIXTH WARD TRAIL CONNECTOR	\$ -	\$ 14,055	\$ 586,619	\$ -	\$ -	\$ -	\$ -	586,619	600,674
H	T-0504	PEDESTRIAN PARKING, SIGNALIZATION AND ACCESS	\$ -	\$ 89,000	\$ -	\$ 332,900	\$ 332,900	\$ -	\$ -	665,800	754,800
H	T-0505	SHEPARD UNDERPASS TO MEMORIAL	\$ -	\$ 74,000	\$ 191,681	\$ -	\$ -	\$ -	\$ -	191,681	265,681
H	T-0506	POLICE MEMORIAL LOW BRIDGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 448,750	\$ -	448,750	448,750
H	T-0507	JACKSON HILL PEDESTRIAN BRIDGE UPGRADES	\$ -	\$ -	\$ 237,187	\$ -	\$ -	\$ -	\$ -	237,187	237,187
H	T-0508	SPOTTS PARK HYDROLOGY PROJECT	\$ -	\$ 40,000	\$ 68,760	\$ -	\$ -	\$ -	\$ -	68,760	108,760
Totals			-	1,172,183	5,898,818	332,900	332,900	448,750	-	7,013,368	8,185,551

SUBJECT: Ordinance extending the Extraterritorial Jurisdiction of the City of Houston in Montgomery County by petition from owner		Category #	Page 1 of 1	Agenda Item # 28
FROM (Department or other point of origin): Marlene L. Gafrick Department of Planning and Development		Origination Date July 31, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: 		Council District affected: N/A		
For additional information contact: Nicole Smothers Phone: 713-837-7856		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) That Council pass an ordinance extending the Extraterritorial Jurisdiction of the City of Houston to cover additional territory in Montgomery County by petition from owner				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: Much of the territory that makes up the master planned community of The Woodlands is located within the City of Houston ETJ as a result of a petition submitted to the City by the property owners. As The Woodlands has grown, additional parcels have been petitioned into Houston's ETJ. The Woodlands Land Development Company, L.P., has acquired a small parcel of land contiguous to the western portions of the Woodlands, and has submitted a petition for inclusion of this parcel in the city's ETJ. The property, together with certain adjacent parcels of land also owned by the petitioner is to be developed immediately. Such adjacent lands are also within the exclusive ETJ boundary of the city. Including the property in Houston's ETJ benefits the City by allowing for development, providing for consistent regulatory standards and street patterns, and allowing the efficient provision of utility services. There is no fiscal impact to the city in accepting this property into the city's ETJ. Upon addition to the ETJ, the property will become subject to the Regional Participation Agreement between the City of Houston and The Woodlands. Cc: Arturo Michel Sameera Mahendru Marty Stein Anna Russell				
Finance Director:		Other Authorization:		Other Authorization:



Extension of Houston' ETJ (Woodlands Area)

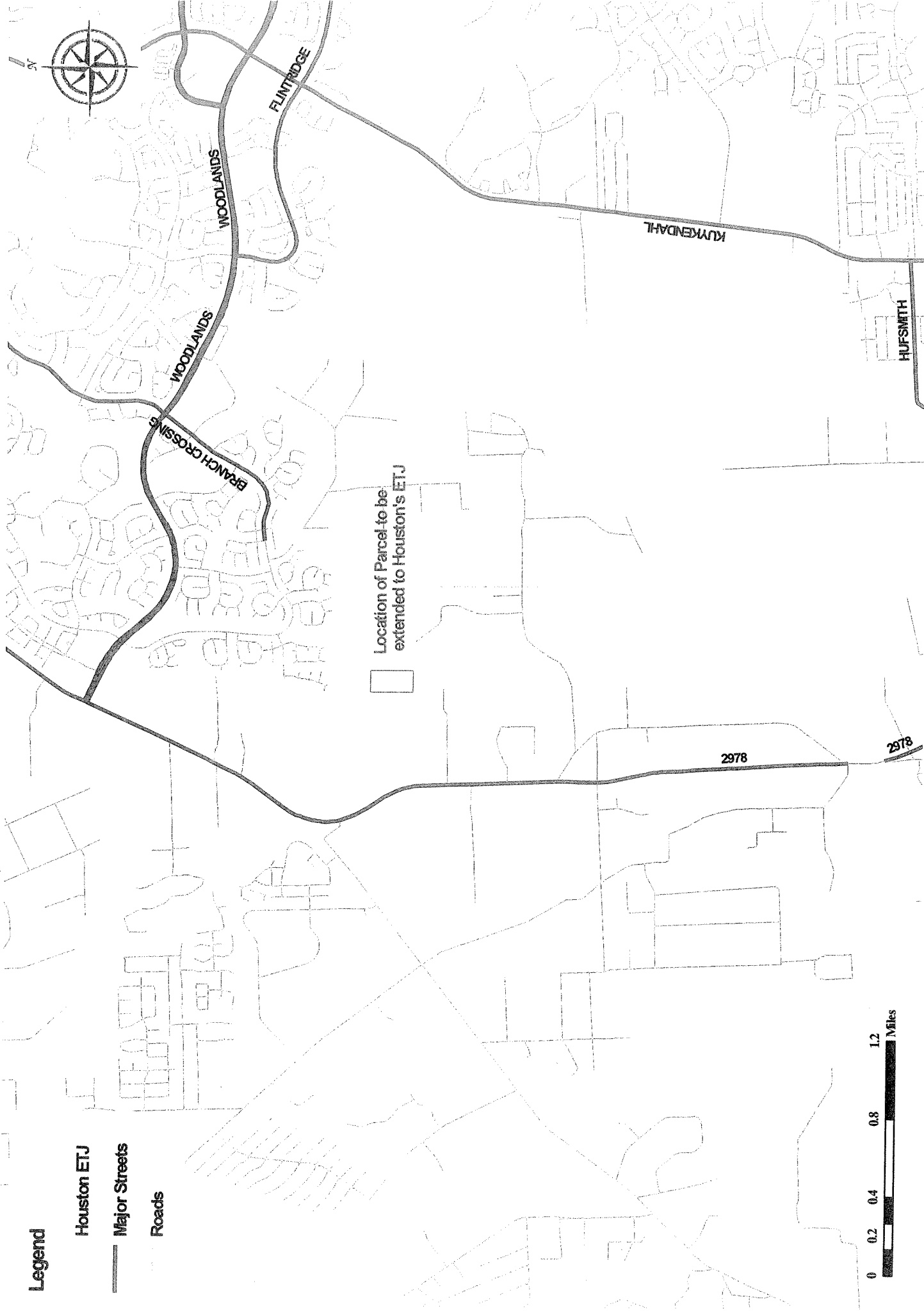
Legend

Houston ETJ

Major Streets

Roads

Location of Parcel to be
extended to Houston's ETJ



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD09-89

SUBJECT: An ordinance authorizing the execution of a contract between the City of Houston and Santa Maria Hostel, Inc. for the administration of a HOPWA Grant.		Category #	Page 1 of 1	Agenda Item # 29
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 8/25/09	Agenda Date SEP 16 2009	
DIRECTOR'S SIGNATURE: <i>Keith W. Bynam</i>		Council District affected: All		
For additional information contact: Keith W. Bynam Phone: (713) 868-8396		Date and identification of prior authorizing Council action: NA		

RECOMMENDATION: (Summary)

Approval of an ordinance authorizing the execution of a contract between the City of Houston and Santa Maria Hostel, Inc. for the operation of a community residence, child care services, along with providing supportive services under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.

Amount of Funding: Pre Contract \$ 71,518.04
Contract \$ 214,554.11
Total \$286,072.15

Finance Budget:

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

[] Other (Specify) HOPWA Grant

SPECIFIC EXPLANATION:

The Housing and Community Development Department ("HCDD") recommends approval of a contract execution between the City of Houston and Santa Maria Hostel, Inc. for the administration of a Housing Opportunities for Persons with AIDS ("HOPWA") funded community residence, child care facility and supportive services. The organization operates a community residence located at 2605 Parker Road, Houston, Texas 77093.

Santa Maria Hostel, Inc. is a Texas 501(c)(3) non-profit corporation. The organization was founded in 1957 as a halfway house for abused women and parolees. Santa Maria's Bonita House HOPWA Program will provide stable transitional housing and supportive services to 14 homeless women with HIV/AIDS and up to 32 children. Santa Maria Hostel, Inc. took over the ownership and the administration of the existing HOPWA contract for Bonita Street House of Hope in January 2009. Santa Maria Hostel, Inc. continues to provide services to HOPWA clients residing at the facility.

HCDD requests City Council approval of a contract between the City of Houston and Santa Maria Hostel, Inc. for the operation of the 14-HOPWA-designated units of the 64-unit apartment complex. HCDD requests that the performance period of this contract be for the period of May 1, 2009, which begins the pre-contract services, through April 30, 2010. The pre-contract service amount requested is to reimburse the agency for services already rendered.


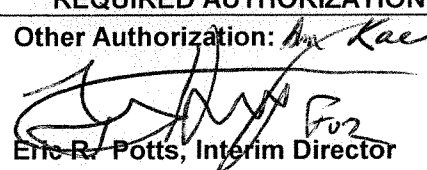
Administration	\$ 20,023.04
Support Services	\$174,153.31
Operating	\$ 91,895.80
Total	\$286,072.15

RC:KB:MR
City Secretary
Mayor's Office
Legal Department
Finance Department

REQUIRED AUTHORIZATION

NOT

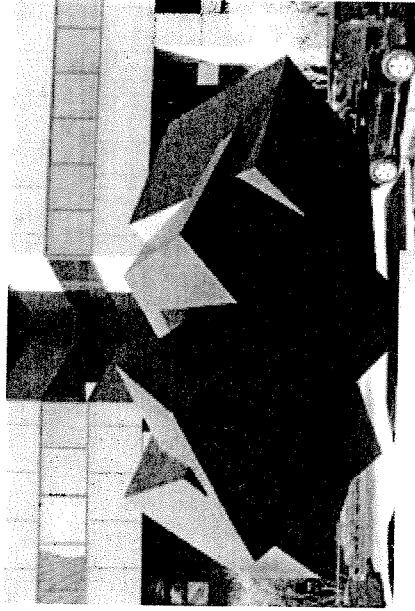
Finance Director:	Other Authorization:	Other Authorization:
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SUBJECT: Ordinance approving and authorizing an agreement between the City of Houston and the Greater Houston Convention and Visitors Bureau.		Category #	Page 1 of	Agenda Item # 30
FROM (Department or other point of origin): Convention & Entertainment Facilities Department		Origination Date August 25, 2009	Agenda Date SEP 16 2009	
DIRECTOR'S SIGNATURE: Dawn Ullrich 		Council District affected: All		
For additional information contact: Stephen Lewis (713) 853-8888 Genaro Peña (Aviation) (281) 233-1808		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve the FY10 contract between the City of Houston and the Greater Houston Convention and Visitors Bureau.				
Amount of Funding: \$14,390,000 (estimate)		Finance Budget:		
[x] Enterprise Fund Civic Center Facility Revenue Fund (8601) \$13,340,000 (estimate) HAS Revenue Fund (8001) \$750,000				
SPECIFIC EXPLANATION: <p>The City of Houston enters into an annual contract with the Greater Houston Convention and Visitors Bureau ("GHCVB") to solicit convention business and promote tourism. The City makes quarterly payments to the GHCVB in an amount equal to 23 percent of the City's gross hotel occupancy tax receipts. Based on estimated HOT revenues, it is projected that the GHCVB will receive \$13,340,000 in FY10, plus \$750,000 for the Cooperative Marketing Program, as described below. This funding allows the GHCVB to serve meeting planners and Houston's extensive hospitality industry. The contract includes a strong emphasis on convention sales. As a part of the contract, the GHCVB provides funds for promoting the George R. Brown Convention Center, the hotels, and major attractions. The GHCVB also funds the work of the Houston International Protocol Alliance and the Houston Film Commission.</p> <p>Houston Airport System will provide \$750,000 to fund the Cooperative Marketing Program. The Cooperative Marketing Program includes national and international marketing efforts to promote Houston and its Airport System, including funds for public and media relations, international advertising, tradeshow, sales/media missions, and international inbound familiarization trips.</p> <p>The Convention & Entertainment Facilities Department and the Houston Airport System recommend Council approval of a contract with the Greater Houston Convention and Visitors Bureau for the period July 1, 2009 through June 30, 2010. The GHCVB has recently completed a restructuring of its Board of Directors. A copy of the revised GHCVB Board is attached to the proposed new contract. This item was delayed to allow the Board restructuring to be finalized.</p> <p>The GHCVB agrees to comply with the City's "Pay or Play" program and does offer health insurance to its employees. The MWBE goal for this agreement is 17% of Unrestricted Funds.</p>				
NDT				
REQUIRED AUTHORIZATION				
Finance Department:	Other Authorization:  Eric R. Potts, Interim Director of Aviation		Other Authorization:	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for Council to approve an Agreement to accept the donation of the bronze sculpture titled <i>Croton IV</i> , by artist Joseph Anthony McDonnell, to be sited at the Houston Airport System Administration Building. The donation is given by 1800 West Loop Houston, LTD., A Florida Limited Partnership.		Category #	Page 1 of 1	Agenda Item # 31
FROM (Department or other point of origin): Houston Airport System		Origination Date September 4, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: <i>Am Tae</i> <i>Eric R. Potter</i>		Council District affected: B		
For additional information contact: Pamela K. Ingersoll <i>PA</i> Phone: (281) 233-1642		Date and identification of prior authorizing Council action:		
AMOUNT & SOURCE OF FUNDING: None		Prior appropriations:		
RECOMMENDATION: (Summary) Approve the donation of the bronze sculpture, Croton IV, by artist Joseph Anthony McDonnell to be sited at Houston Airport System Administration Building and become part of the City of Houston's art collection.				
SPECIFIC EXPLANATION: <p>Croton IV, valued at \$200,000.00, measures five feet tall, by ten feet wide, by seven and one quarter feet deep (5' tall x 10' wide x 7 1/4' deep). The piece is mounted on a base that is five feet tall, by seven feet wide, and four feet deep (5' tall x 7' wide x 4' deep). The sculpture is made of high quality bronze and the base is Texas pink granite.</p> <p>The artist of Croton IV, Mr. Joseph Anthony McDonnell, has produced more than 150 major commissions for institutions, corporations and individuals including Touchstone Corporation, Bill and Melinda Gates Foundation, IBM, General Electric Company, and Jazz at Lincoln Center. He received a BFA and MFA from the University of Notre Dame and has studied at the Academy of Fine Arts in Florence, Italy and the Harvard School of Design.</p> <p>The 1800 West Loop Houston, LTD., A Florida Limited Partnership is donating this significant work of art to the Houston Airport System. The piece has been a part of the property's landscape design for many years and the property is being sold. The new owner's redesign of the area does not include the sculpture.</p> <p>Croton IV was reviewed by the Houston Arts Alliance (HAA) Civic Art and Collection Management Committee at their regular meeting on Wednesday, May 13, 2009. HAA unanimously recommends to the Houston City Council that Croton IV be accepted for inclusion in the City of Houston Art Collection. The Houston Airport System will be honored to have Croton IV as part of its art collection and therefore, recommends that City Council accept the donation.</p>				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:



Title: ***Croton IV***

Artist: Joseph Anthony McDonnell

Measurements:

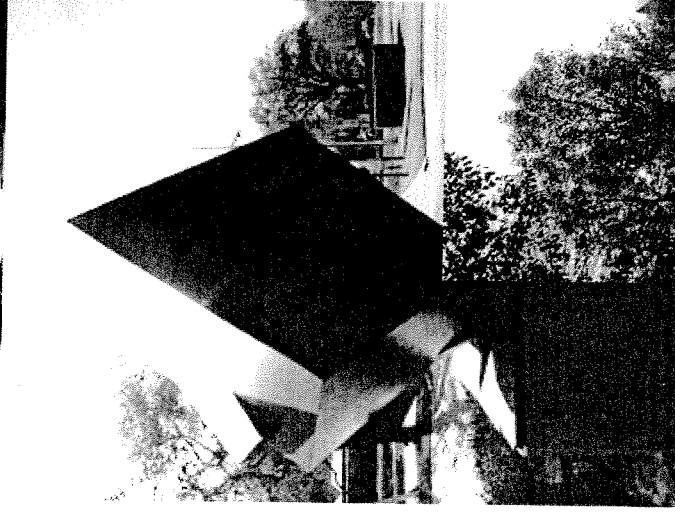
Base 5 ft. tall X 7 ft. wide X 4 ft. deep

Bronze 5 ft. tall X 10 ft. wide X 7 1/4 ft deep

1983

Donation made by:
1800 West Loop Houston, LTD.,
a Florida limited partnership
1900 West Loop South
Suite 1300
Houston, Texas 77027

Value \$200,000.00



Biography

- Joseph McDonnell received his Bachelor of Arts and Master of Fine Arts from the University of Notre Dame, working under renowned sculptor Ivan Mestrovic.
- He also studied at the Academy of Fine Arts in Florence, Italy, and at the Harvard School of Design.
- He has produced more than 150 major commissions for institutions, corporations, and individuals including CBS, IBM, General Electric, Readers Digest, Dulles Airport, the Milwaukee Public Museum and the New Jersey State Government.

A resident of Seattle for eleven years, he maintains studios in New York where he lived for over thirty years. McDonnell has been an associate editor and sculpture critic for the monthly newspaper Art World. He is also a longtime member of the Century Association where he has served on the exhibition committee for many years.

Education

Harvard University School of Design 1987
Accademia di Belle Arti, Florence 1959-1961
MFA, University of Notre Dame 1959
BFA, University of Notre Dame 1958
University of Detroit, MI 1954-1956

SELECTED CORPORATE CLIENTS

Touchstone Corporation	Seattle, WA
Bill and Melinda Gates Foundation	Seattle, WA
Jazz at Lincoln Center	New York, NY
Inn at the Market	Seattle, WA
IBM	Armonk, NY
General Electric Company	Fairfield, CT
Reader's Digest	Pleasantville, NY
Consolidated Foods	Chicago, IL
The Taubman Company, Inc.	Troy, MI
Jacobs, Visconsi, Jacobs Company	Cleveland, OH
Homart Development Company	Chicago, IL
Arthur Rubloff Company	Chicago, IL
John Wanamaker	Philadelphia, PA
Melvin Simon and Associates	Indianapolis, IN
Milwaukee Public Museum	Milwaukee, WI
Midland National Bank	Milwaukee, WI
First Wisconsin National Bank	Milwaukee, WI
Strouse/Greenberg Company	Philadelphia, PA
Chicago Bank of Commerce	Chicago, IL
Standard Oil of Indiana	Chicago, IL
Robert Martin Corporation	White Plains, NY
Trammel Crow Company	Dallas, TX
The Durst Organization	New York, NY
Clise Properties	Seattle, WA
Martin Selig	Seattle, WA



9/4/2009

Pamela K. Ingersoll
Sr. Project Mgr. Public Art program
Houston Airport system
JFK Boulevard
Houston, TX

Dear Pam:

At the HAA Civic Art and Collection Management Committee (CACMC) meeting of May 13, 2009 CACMC unanimously recommended to the Houston City Council that the offer of donation from 1800 West loop Houston, LTD., a Florida Limited Partnership of the bronze sculpture *Croton IV* (1983) by Joseph Anthony McDonnell be accepted for inclusion in the city of Houston Art Collection. The committee also endorsed your desire to site the art in a prominent public space near the entrance to the HAS administrations building.

CACMC recommended that the area be landscaped in a manner befitting the sculpture; be inviting to the visiting public and staff; and that two benches from KGA/Kelly Gale Amen Design be acquired and accepted by Council as part of the acquisition.

The review of the works is the responsibility of the Houston Arts Alliance by City ordinance No. 2006- 731 section 6.6 and this recommendation may accompany the request for Council Action.

HAA looks forward to working with you on developing the site, placing the work and contributing to its long- term conservation requirements when the works are formally accessioned into the City of Houston Art Collection.

Sincerely,

Matthew Lennon
Interim Co- Director Civic Art + Design

Cc: Jonathan Glus, CEO HAA
Jimmy Castillo, Collection Manager HAA

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance approving and authorizing an agreement to accept the donation by the Museum of Fine Arts, Houston ("MFAH") of an acrylic painting on plywood, *Axis Mundi*, by Benito Huerta, to be sited in Talento Bilingue de Houston.

Category #

Page
1 of 1

Agenda Item#

32

FROM: (Department or other point of origin):

Dawn Ullrich, Director
Convention and Entertainment Facilities Department

Origination Date

August 27, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE:

Dawn Ullrich

Council Districts affected:

District I

For additional information contact:

Stephen W. Lewis

Phone: 713-853-8888

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

RECOMMENDATION: (Summary)

That City Council approve and authorize an agreement to accept the donation from the MFAH of a painting, *Axis Mundi*, by Benito Huerta.

Amount of Funding:

NA

Finance Budget:

Enterprise Fund C&E: NA

SPECIFIC EXPLANATION:

The Convention and Entertainment Facilities Department requests that City Council approve an agreement to accept a donation from the MFAH of an acrylic painting on plywood, *Axis Mundi*, by Benito Huerta, to be sited in the City's Talento Bilingue de Houston facility.

Axis Mundi is a painting by American born (1952) painter, Benito Huerta. Benito Huerta is an artist, writer, and curator. Huerta received a BFA from the University of Houston and an MA from New Mexico State University. His first solo exhibition was at the Galerie sur la Terre at the University of Houston in 1976. He is the co-founding editor and current Board Member of ART LIES, a contemporary art quarterly. Benito Huerta is the director of the Gallery at the University of Texas at Arlington, an independent curator, a participant in numerous public art commissions as well as in institutional collections throughout Texas. Examples of his public art commissions are found at the Richardson, Texas DART Station and the Henry B. Gonzalez Convention Center in San Antonio, Texas.

The proposed donation is a diptych painting, a set of two paintings of related subject matter set side-by-side. The painting was reviewed by the Houston Arts Alliance Civic Art and Collection Management Committee on May, 13, 2009. The Houston Arts Alliance recommends this piece be accessioned into the City's Art Collection in accordance with City Ordinance No. 2006-731, Section 6.6.

Axis Mundi has been on display in the Talento Bilingue de Houston facility since 1996.

The Convention & Entertainment Facilities Department recommends approval of this agreement and acceptance of the donation of art.

REQUIRED AUTHORIZATION

Finance Department

Other Authorization

Other Authorization

18 May 2009

Mr. Joseph Cooper
Convention and Entertainment Facilities
1001 Avenida de las Americas
Houston, TX 77010

Dear Mr. Cooper,

The diptych painting *Axis Mundi* by Benito Huerta was reviewed by HAA's Civic Art and Collection Management Committee (CACMC) at their regular meeting on Wednesday May 13, 2009. I am pleased to inform you that the Committee unanimously recommended to Houston City Council that the donation of this artwork from the Museum of Fine Arts Houston be accepted for inclusion in the City Art Collection.

This review is the responsibility of the Houston Arts Alliance by City Ordinance No. 2006-731 section 6.6 and this recommendation may accompany the Request for Council Action needed to formally accept the work into the Collection. By accepting the work, the Convention and Entertainment Facilities Department acquires the responsibility to display, maintain and conserve this original artwork by a recognized Texas artist which is planned to be permanently displayed at the Talento Bilingüe de Houston located at 333 S. Jensen Drive, a CEFD facility.

It is the mission and great pleasure of the Houston Arts Alliance to expand the experience of art in Houston and the surrounding areas. Your sponsorship of this gift offers an opportunity to accomplish this goal in a way that is distinct to Houston.

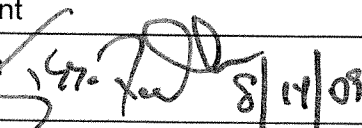


We look forward to taking on the conservation and long-term stewardship of this work once it is formally accessioned into the City of Houston Art Collection.

Sincerely,



Helen Lessick
Director of Civic Art & Design

C: Jonathon Glus, CEO.
Jimmy Castillo, Collection Manager

SUBJECT: Purchase Agreement between The City of Houston (Seller) and the Center for Hearing and Speech, Inc., and Mental Health and Mental Retardation Authority of Harris County (Buyer) for the sale of 2.999 acres of land located at 3630 and 3636 West Dallas Street.		Page 1 of 2	Agenda Item 33
FROM (Department or other point of origin): General Services Department		Origination Date 9-10-09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  8/17/09		Council District affected: D	
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023		Date and identification of prior authorizing Council action: Ordinance No. 2009-0465; June 24, 2009	
RECOMMENDATION: Approve and authorize a Purchase Agreement between The City of Houston (Seller) and the Center for Hearing and Speech, Inc., and Mental Health and Mental Retardation Authority of Harris County (collectively, "Buyer") for the sale of 2.999 acres of land located at 3630 and 3636 West Dallas Street, for a purchase price of \$2,340,000.00.			
Amount and Source Of Funding: Revenue: \$2,340,000.00		Finance Budget:	
<p>SPECIFIC EXPLANATION: On June 24, 2009, City Council authorized the appointment of two independent appraisers to determine the fair market value of 2.999 acres of land located at 3630 and 3636 West Dallas Street. The City proposes to sell this property, currently occupied by the Center for Hearing and Speech, Inc., a Texas non-profit corporation ("CHS"), and Mental Health and Mental Retardation Authority of Harris County ("MHMRA"), a Community Mental Health and Mental Retardation Center for a purchase price of \$2,340,000.00, which represents the appraised fair market value. In accordance with the Agreement, the property shall be owned and operated by a non-profit organization and will be deed restricted to providing services to the hearing impaired and services to persons with mental disabilities, including persons who suffer from mental illness or mental retardation, for five years after the date of the Deed. Additionally, the Buyer cannot sell, assign, lease, convey or otherwise transfer the property during this time period without the City's consent to release the restriction.</p> <p>The land is the subject of a number of leases and amendments between the City and the Buyer. The most recent Assignment of Lease was approved by City Council on November 6, 1991, Ordinance No. 1991-1581, which assigned the lease from Gulf Coast Easter Seal Society to MHMRA. The term of the lease is for 99 years beginning March 1, 1965 at \$31,065.00 per year, which expires on February 29, 2064.</p> <p>The sale is in consideration of a cash payment in the amount of \$1,000,000.00 and the execution of a promissory note in the amount of \$1,340,000.00, to the City by the Buyer. The initial monthly installment, plus five percent interest per annum, will begin in 2012 and continue until 2024, when the entire principal, together with all accrued interest will be due and payable in full. However, if the Buyer prepays the Note on or before December 31, 2009, the City will accept \$1,000,000.00 as full payment of the Note.</p>			
REQUIRED AUTHORIZATION		CUIC ID# 25 RB 65	
General Services Department:  Forest R. Christy, Jr., Director Real Estate Division			

Date	SUBJECT: Purchase Agreement between the Center for Hearing and Speech, Inc., and Mental Health and Mental Retardation Authority of Harris County (Buyer) and The City of Houston (Seller) for the sale of 2.999 acres of land located at 3630 and 3636 West Dallas Street	Originator's Initials RB	Page 2 of 2
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The Buyer agrees to formulate a Capital Improvements Program for the development and possible expansion of the property. In the event the Buyer sells the property, the Buyer must use the net proceeds to provide services to the hearing impaired or mentally disabled for ten years after closing.

This 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; and Article 9, Section 13 of the Texas Constitution, which specifically authorizes cities to support mental retardation services and to expend public monies for such purposes.

Therefore, the General Services Department recommends that City Council approve and authorize a Purchase Agreement with CHS and MHMRA, (collectively "Buyer") for the above-described land for a purchase price of \$2,340,000. It is further recommended that City Council authorize the Mayor to execute and the City Secretary to attest a Special Warranty Deed conveying the property to CHS and MHMRA.

The proceeds of this sale will be deposited in the General Fund.

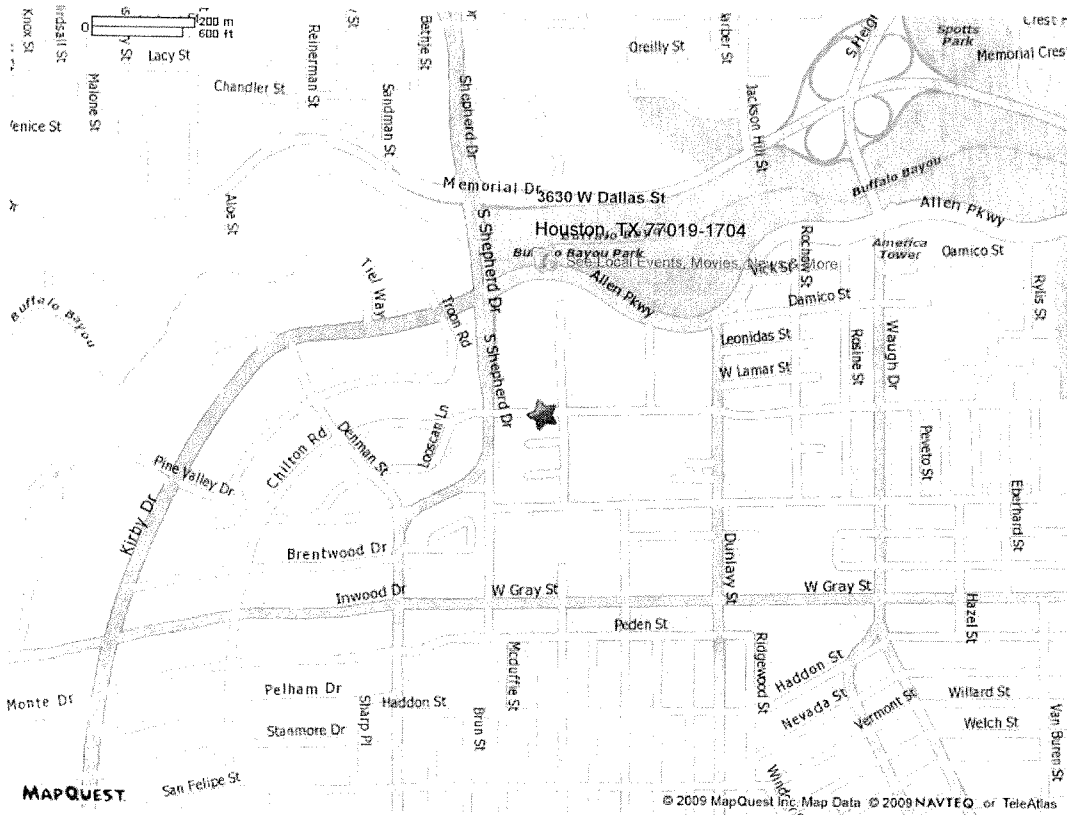
IZD:BC:JLN:ddc

xc: Marty Stein, Jacquelyn L. Nisby, and Anna Russell

MAPQUEST

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★ **3630 W Dallas St** Edit
Houston, TX 77019-1704



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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase and Sale Agreement between Roslyn Hicks, (Seller) and the City of Houston (Purchaser) for the purchase of a total of 3,275 square feet of land and 716 square feet of buildings, located at 830 W. 23 rd Street, for the Houston Parks and Recreation Department. WBS No. F-000709-0001-2		Page 1 of 1	Agenda Item 34															
FROM (Department or other point of origin): General Services Department	Origination Date 9-10-09	Agenda Date SEP 16 2009																
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 8/18/09	Council District affected: H																	
For additional information contact: Jacquelyn L. Nisby <i>J. Nisby</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:																	
RECOMMENDATION: Approve a Purchase and Sale Agreement between Roslyn Hicks, (Seller) and the City of Houston (Purchaser) for the purchase of a total of 3,275 square feet of land and 716 square feet of buildings, located at 830 W. 23 rd Street, for the Houston Parks and Recreation Department and appropriate funds.																		
Amount and Source Of Funding: \$ 70,364.50 Parks Special Fund (4012)		Finance Budget: <i>Michelle Mitchell</i>																
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a Purchase and Sale Agreement with Roslyn Hicks (Seller), to purchase approximately 3,275 square feet of land, including approximately 716 square feet of improvements, located at 830 W. 23 rd Street for a purchase price of \$60,000.00 for the Parks and Recreation Department (PARC). PARC would like to acquire this property for expansion of Wright-Bembry Park. This expansion will enhance the park's green space and increase usage of the park, an added benefit the City will reap for years to come. The following is a breakdown of expected costs: <table><tr><td>\$</td><td>60,000.00</td><td>Purchase Price</td></tr><tr><td>\$</td><td>7,000.00</td><td>Environmental Report</td></tr><tr><td>\$</td><td>1,364.50</td><td>Estimated Closing Costs</td></tr><tr><td>\$</td><td>2,000.00</td><td>Boundary Survey</td></tr><tr><td>\$</td><td>70,364.50</td><td>TOTAL</td></tr></table> IZD:BC:JLN:RB:rdg xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Renissa Garza Montalvo and Lisa Johnson				\$	60,000.00	Purchase Price	\$	7,000.00	Environmental Report	\$	1,364.50	Estimated Closing Costs	\$	2,000.00	Boundary Survey	\$	70,364.50	TOTAL
\$	60,000.00	Purchase Price																
\$	7,000.00	Environmental Report																
\$	1,364.50	Estimated Closing Costs																
\$	2,000.00	Boundary Survey																
\$	70,364.50	TOTAL																
REQUIRED AUTHORIZATION CULC ID# 25 RG 3																		
General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division	Parks and Recreation Department: <i>Joe Turner</i> Joe Turner Director																	

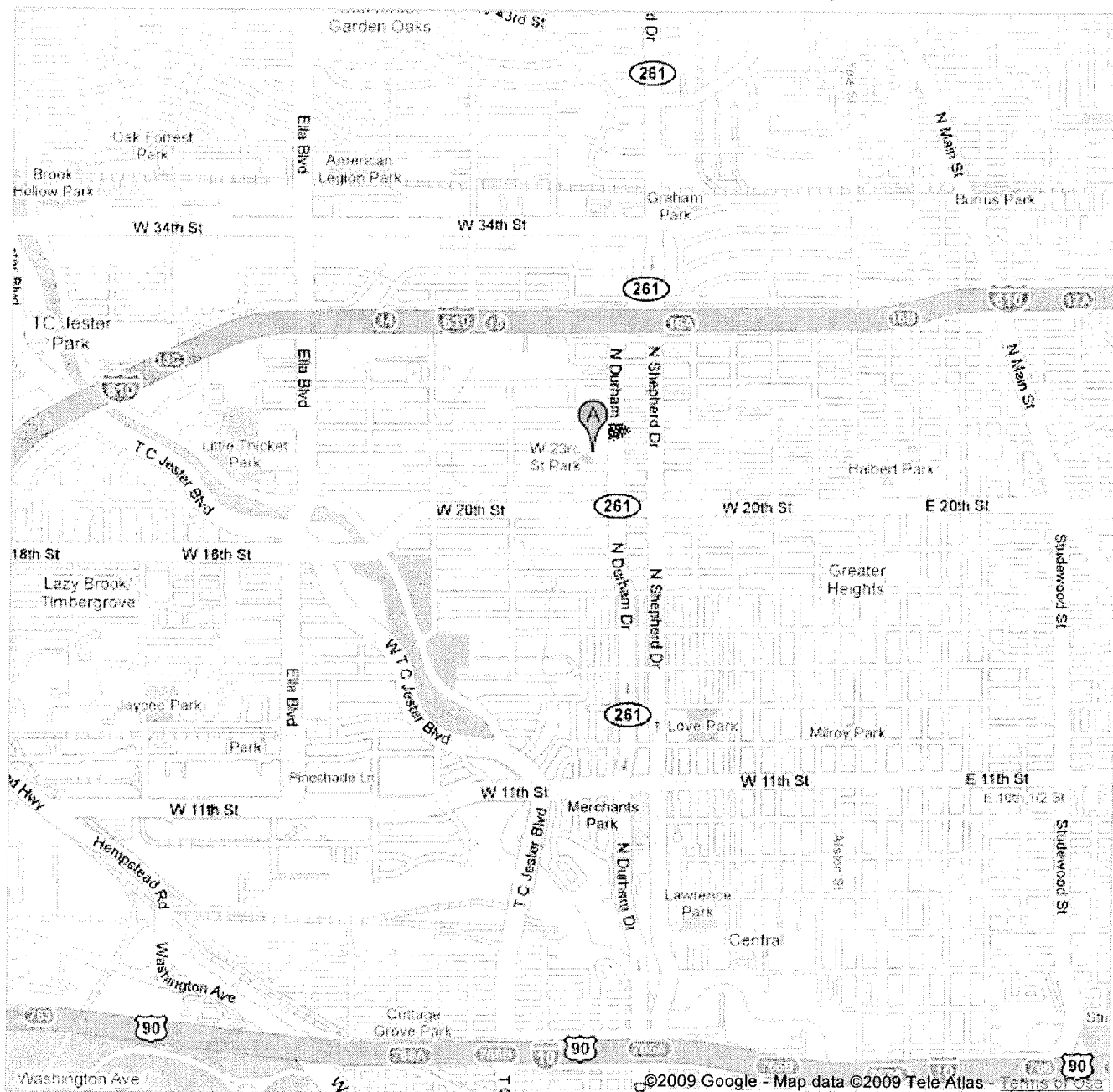
Google maps

Address **830 W 23rd St**
Houston, TX 77008

Get Google Maps on your phone



Text the word "GMAPS" to 466453



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase and Sale Agreement between Cherrie Griggs Johnson (Seller) and the City of Houston (Purchaser) for the purchase of 12,800 square feet of land, more or less, more commonly known as 1600 West Little York Road for the Houston Fire Department. WBS No. C-000180-0001-2-01	Page 1 of 1	Agenda Item 35
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FROM (Department or other point of origin): General Services Department	Origination Date 9-10-09	Agenda Date SEP 16 2009
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DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 8/24/09	Council District affected: B
--	-------------------------------------

For additional information contact: Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: Approve and authorize a Purchase and Sale Agreement between Cherrie Griggs Johnson (Seller) and the City of Houston (Purchaser) for the purchase of land at 1600 West Little York Road for the expansion of Fire Station 67, and appropriate funds.

Amount and Source Of Funding: \$37,000.00 – Reimbursement of Equipment/Projects Fund (1850)	Finance Budget: <i>Michelle Mitchell</i>
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a Purchase and Sale Agreement with Cherrie Griggs Johnson to purchase vacant land being part of Lot 55 of Block 4, Highland Acres Homes, a subdivision of Harris County, Texas, more commonly known as 1600 West Little York Road, for a purchase price of \$32,000.00 plus additional acquisition expenses of approximately \$5,000.00, for the Houston Fire Department (HFD). HFD desires to acquire the land for expansion of the adjacent Fire Station 67.

It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed out of the future sale proceeds of the land located at 10859 Ella Boulevard originally planned for Fire Station 84.

The following is a breakdown of expected costs:

\$32,000.00	Purchase Price
\$ 5,000.00	Closing Costs
\$37,000.00	TOTAL

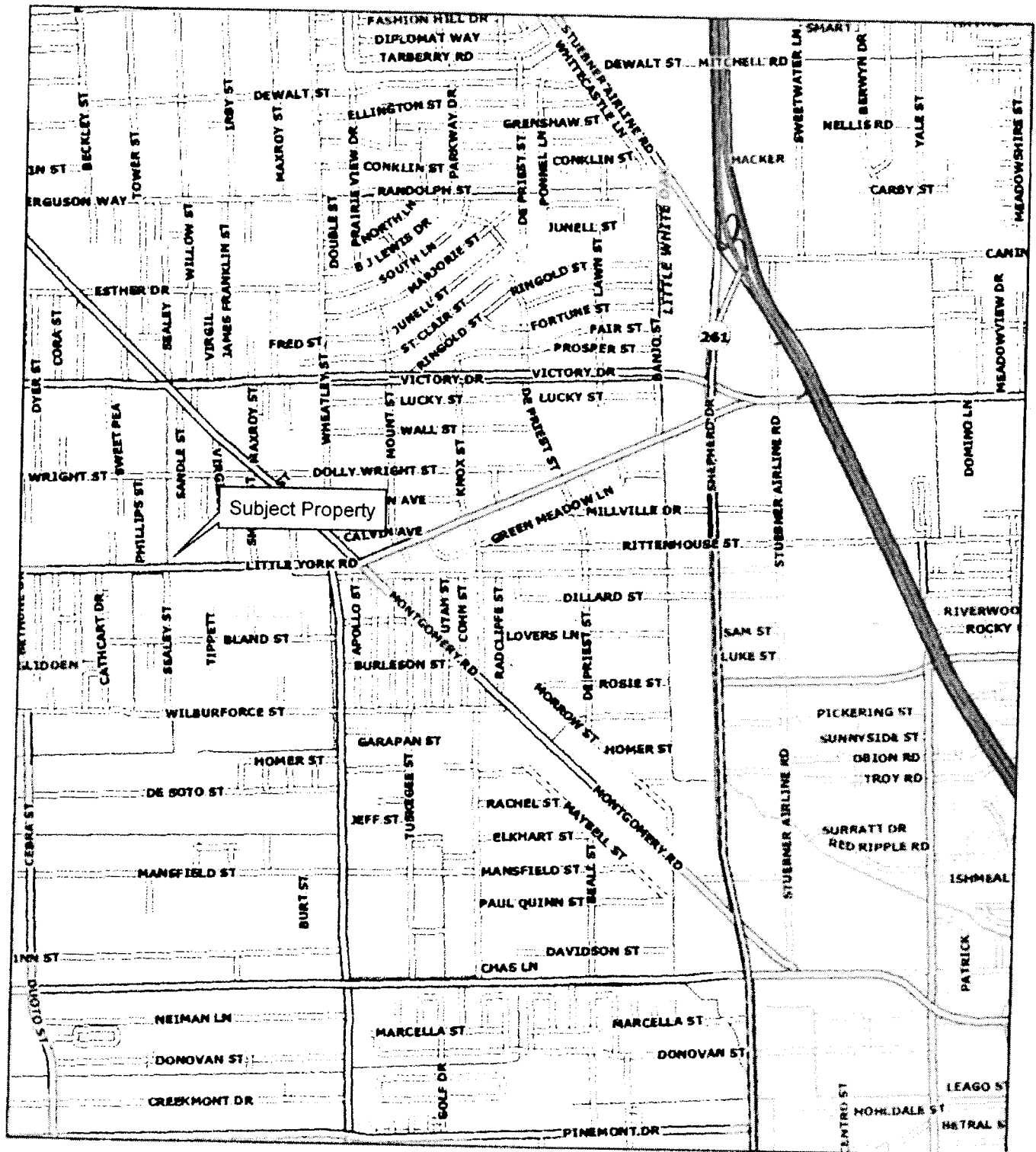
IZD:BC:JLN:RB:WW

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Jack Williams

REQUIRED AUTHORIZATION

CUIC ID# 25 WW06

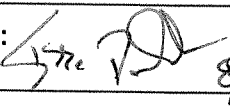




General Services Department: <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr., Director Real Estate Division	Houston Fire Department: <i>Phil Boriskie</i> Phil Boriskie Chief
--	---



1600 West Little York
Key Map: 412X

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase and Sale Agreement between Daniel Santana (Seller) and the City of Houston (Purchaser) for the purchase of 16,500 square feet of land, more or less, at the intersection of Old Spanish Trail and Wheeler Street for the Houston Fire Department. WBS No. C-000181-0001-2-01		Page 1 of 1	Agenda Item 36						
FROM (Department or other point of origin): General Services Department	Origination Date 9-10-09	Agenda Date SEP 16 2009							
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  8/24/09	Council District affected: 1								
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action:								
RECOMMENDATION: Approve and authorize a Purchase and Sale Agreement between Daniel Santana (Seller) and the City of Houston (Purchaser) for the purchase of land at the intersection of Old Spanish Trail and Wheeler Street for the expansion of Fire Station 40, and appropriate funds.									
Amount and Source Of Funding: \$115,000.00 – Reimbursement of Equipment/Projects Fund (1850)		Finance Budget: 							
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a Purchase and Sale Agreement with Daniel Santana to purchase land being of Block Twenty (20) of Edmunson Section Five, a subdivision of Harris County, Texas, more commonly known as the southwest corner of the intersection of Old Spanish Trail and Wheeler Street, for a purchase price of \$104,000.00 plus additional acquisition expenses of approximately \$11,000.00, for the Houston Fire Department (HFD). HFD desires to acquire the land for expansion of the adjacent Fire Station 40. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed out of the future sale proceeds of the land located at 10859 Ella Boulevard originally planned for Fire Station 84. The following is a breakdown of expected costs: <table><tr><td>\$104,000.00</td><td>Purchase Price</td></tr><tr><td><u>11,000.00</u></td><td>Closing Costs</td></tr><tr><td>\$115,000.00</td><td>TOTAL</td></tr></table>				\$104,000.00	Purchase Price	<u>11,000.00</u>	Closing Costs	\$115,000.00	TOTAL
\$104,000.00	Purchase Price								
<u>11,000.00</u>	Closing Costs								
\$115,000.00	TOTAL								
IZD:BC:JLN:RB:WW xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Jack Williams									
REQUIRED AUTHORIZATION		CUIC ID# 25 WW05							
General Services Department:  Forest R. Christy, Jr., Director Real Estate Division		Houston Fire Department:  Phil Boriskie Chief							

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Occupancy Agreement with AVANCE, Inc. at the Acres Homes Multi-Service Center at 6719 West Montgomery, Houston, Texas, for the Department of Health and Human Services.

Page
1 of 1

Agenda Item

37

FROM (Department or other point of origin):

General Services Department

Origination Date

9-9-09

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District affected: B**For additional information contact:**

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

Date and identification of prior authorizing Council action:

RECOMMENDATION: Approve and authorize an Occupancy Agreement with AVANCE, Inc., a Texas nonprofit corporation (Occupant), for lease space in the Acres Homes Multi-Service Center located at 6719 West Montgomery Street, Houston, Texas, for the Department of Health and Human Services (DHHS).

Amount and Source Of Funding: Revenue**Finance Budget:**

SPECIFIC EXPLANATION The General Services Department recommends that City Council approve and authorize an Occupancy Agreement with AVANCE, Inc. (AVANCE), a Texas nonprofit corporation, for 5,832 square feet of space in the Acres Homes Multi-Service Center located at 6719 West Montgomery Street, Houston, Texas. AVANCE will provide educational services to community members, who are considered at high risk and in need of services to support the optimal development of children, promote educational success and foster the personal and economic success of families. The AVANCE Program includes classes on parenting, fatherhood, healthy marriage, computer learning and adult literacy.

The proposed Occupancy Agreement provides for a one-year base term with automatic and consecutive one-year renewals at a monthly payment of \$9,720.00 (\$1.66 psf per month/\$20.00 psf per annum), on the same terms and conditions, except the City may review and adjust the monthly payment at the time of renewal. AVANCE will be allowed to offset its rent by the value of the educational services it provides to the community, which supplants or extends existing City services. As a result, AVANCE will pay the net monthly payment of \$5,843.66 (\$1.00 psf per month/\$12.00 psf per annum).

The Agreement will commence on the date of countersignature by the City Controller. The City reserves the right to terminate this Agreement at any time by providing 30 days prior written notice to AVANCE.

AVANCE is responsible for maintenance, taxes, and insurance.

IZD:BC:JLN:RB:npb

xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell, and Darren Asher

REQUIRED AUTHORIZATION

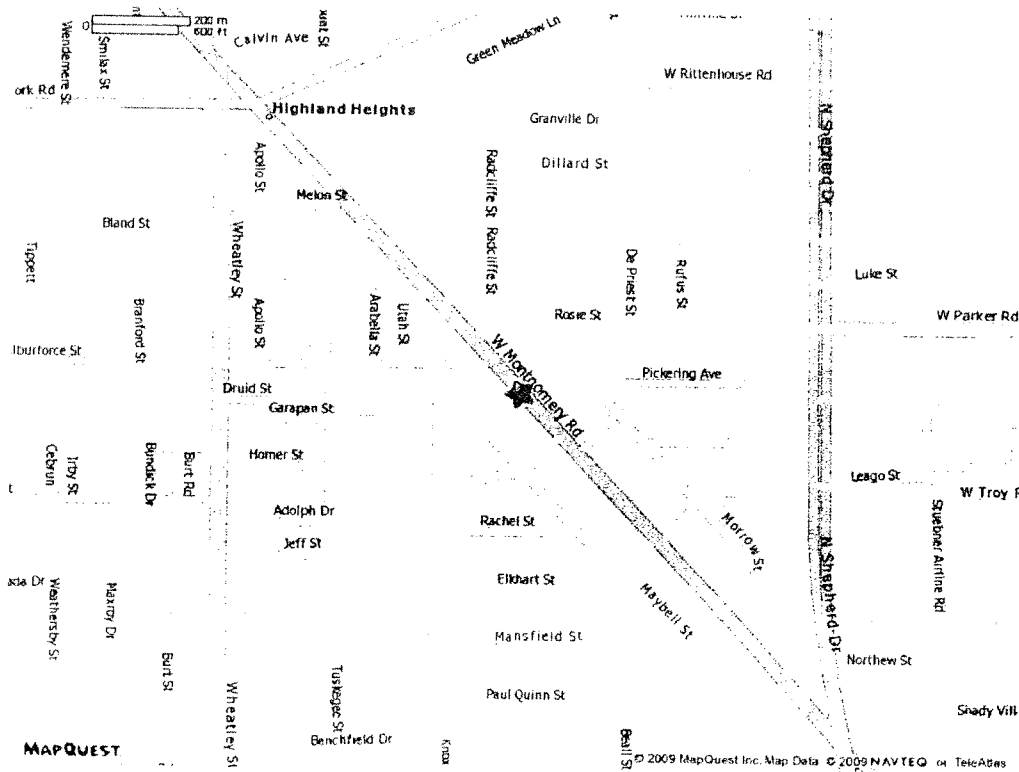
CUIC ID# 25 RB 70

General Services Department:Forest R. Christy, Jr.
Director, Real Estate Division**Department of Health and Human Services:**Stephen L. Williams, M.Ed., M.P.A.
Director



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★ 6719 W Montgomery Rd
Houston, TX 77091-3105



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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds for playground equipment relocation from the Kashmere Multi-Service Center to the South Post Oak Multi-Service Center and ADA Renovations at Kashmere Multi-Service Center for the Department of Health and Human Services.
WBS No: D-000081-0001-4, H-000053-0001-4

Page
1Agenda
Item

38

FROM (Department or other point of origin):

General Services Department

Origination Date

09/09/09

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

5470 722 9/2/09

Council District(s) affected:

B, D

For additional information contact:

Jacquelyn L. Nisby

Phone: 832.393.8023

Date and identification of prior authorizing
Council action:

Ordinance No. 2007-1052; dated 9/12/07

RECOMMENDATION: Appropriate funds for the project.**Amount and Source of Funding:**

\$53,787.00 Public Health Consolidated Construction Fund (4508)

Finance Budget:

A major back

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$53,787.00 to remove and relocate playground equipment and provide ADA renovations for the Department of Health and Human Services.

The requested appropriation will fund a purchase order in the amount of \$38,787.00 to All Play, Inc, through the Texas Local Government Purchasing Cooperative (Buy Board), for removal and relocation of playground equipment from the Kashmere Multi-Service Center to the South Post Oak Multi-Service Center. The remaining funds in the amount of \$15,000.00 will be used to provide ADA renovations at Kashmere Multi-Service Center, through the existing citywide contract with Spring Equipment Company, Inc.

PROJECT LOCATIONS: Kashmere Multi-Service Center – 4802 Lockwood (454U)
South Post Oak Multi-Service Center – 3810 Fuqua (572S)

PROJECT DESCRIPTION: The project consists of the removal of existing playground equipment from the Kashmere Multi-Service Center including regrading and seeding of the area. The playground equipment will be installed at the South Post Oak Multi-Service Center, which involves site preparation and new safety rubber surfacing. The ADA renovations at Kashmere Multi-Service Center include fence removal, concrete demolition and replacement, site grading, signage and pavement striping.

JLN

IZD:JLN:HB:MCP:KTH:ktb

c :Marty Stein, Claudette Manning, Jacquelyn L. Nisby, Calvin Curtis, Kim Nguyen, James Tillman, File

NDT

REQUIRED AUTHORIZATION

CUIC ID # 25CONS117

General Services Department:

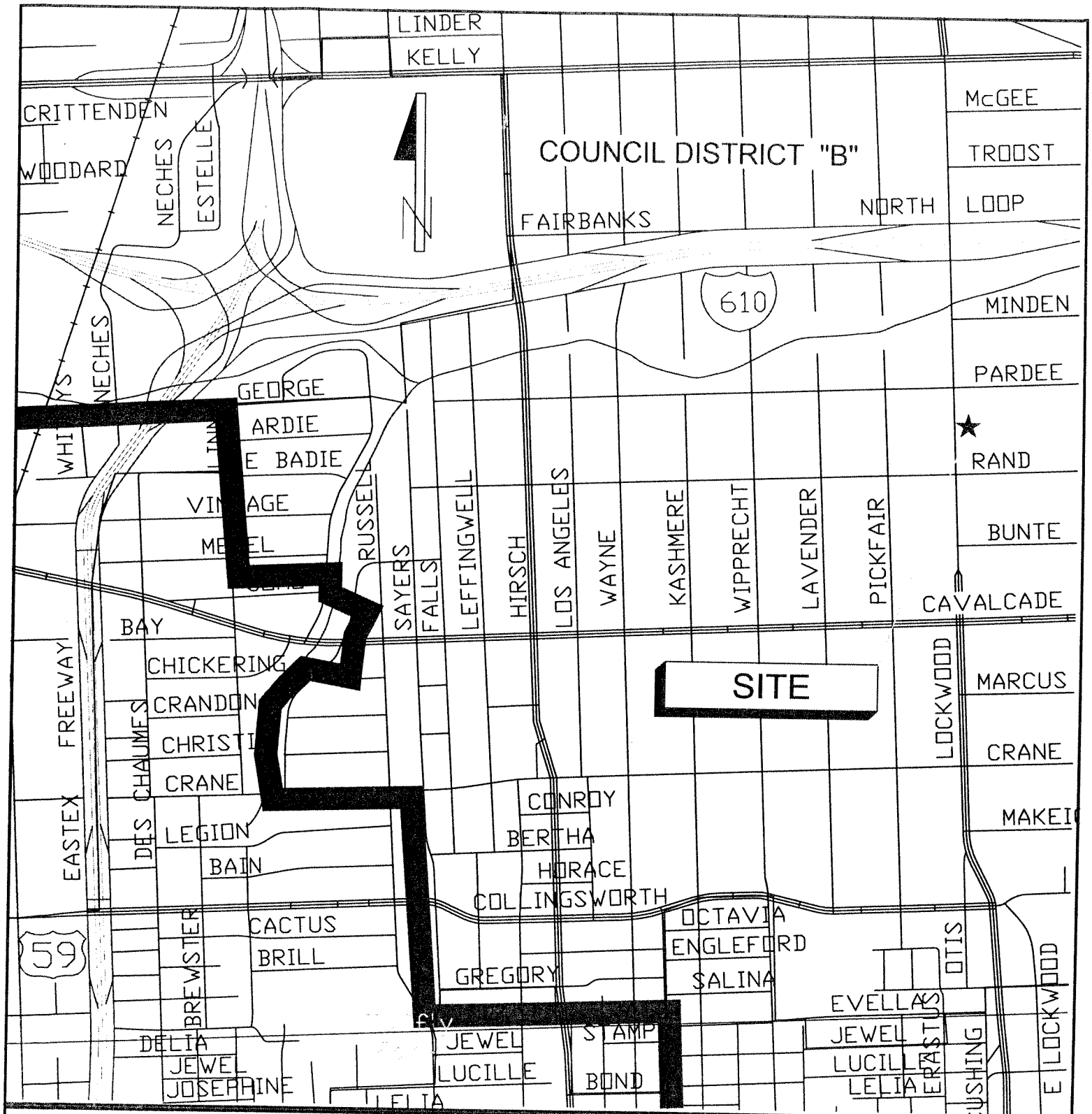
Humberto Bautista, P.E.

Chief of Design & Construction Division

Department of Health and Human Services:

Stephen L. Williams, M.ED, MPA

Director



KASHMERE MULTI-SERVICE CENTER

4802 LOCKWOOD DRIVE

COUNCIL DISTRICT "B"

KEY MAP NO. 454U

SUBJECT: Appropriate Funds for Issuance of a Purchase Order to
T F Harper and Associates, LP for a Batting Cage through
the Texas Local Government Purchasing Cooperative
Hidalgo Park Batting Cage
WBS No. F-000678-0002-4

Page
1 of 1

Agenda Item

39

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

Origination Date

09/03/09

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Issa Z. Dadoush, P.E.

8/24/09

Council District(s) affected:

I

For additional information contact:

Jacquelyn L. Nisby

Phone: 832.393.8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Appropriate funds to purchase and install a batting cage at Hidalgo Park through the Texas Local Government Purchasing Cooperative for the Parks and Recreation Department.

Amount and Source Of Funding:

\$ 27,753.00 Parks Special Fund (4012)

Finance Budget:

Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$27,753.00 out of the Parks Special Fund to fund the issuance of a purchase order to TF Harper and Associates, LP to purchase and install a new batting cage through the Texas Local Government Purchasing Cooperative at Hidalgo Park.

PROJECT LOCATION: 7000 Avenue Q (495S)

PROJECT DESCRIPTION: The scope of work includes purchase, delivery, and installation of a batting cage composed of a 12' x 14' x 70' commercial chain link fence, 7' x 3' chain link gate, overhead chain link canopy, 12' x 14' x 70' interior batting net, and new 4" concrete pad. This structure will expand and compliment the community's Little League Baseball Program.

IZD:HB:JLN/LJ:RJO:rio

c: Marty Stein, Jacquelyn L. Nisby, Mark Ross, Dan Pederson, James Tillman IV, File 813

REQUIRED AUTHORIZATION

CUIC# 25PARK81

General Services Department:

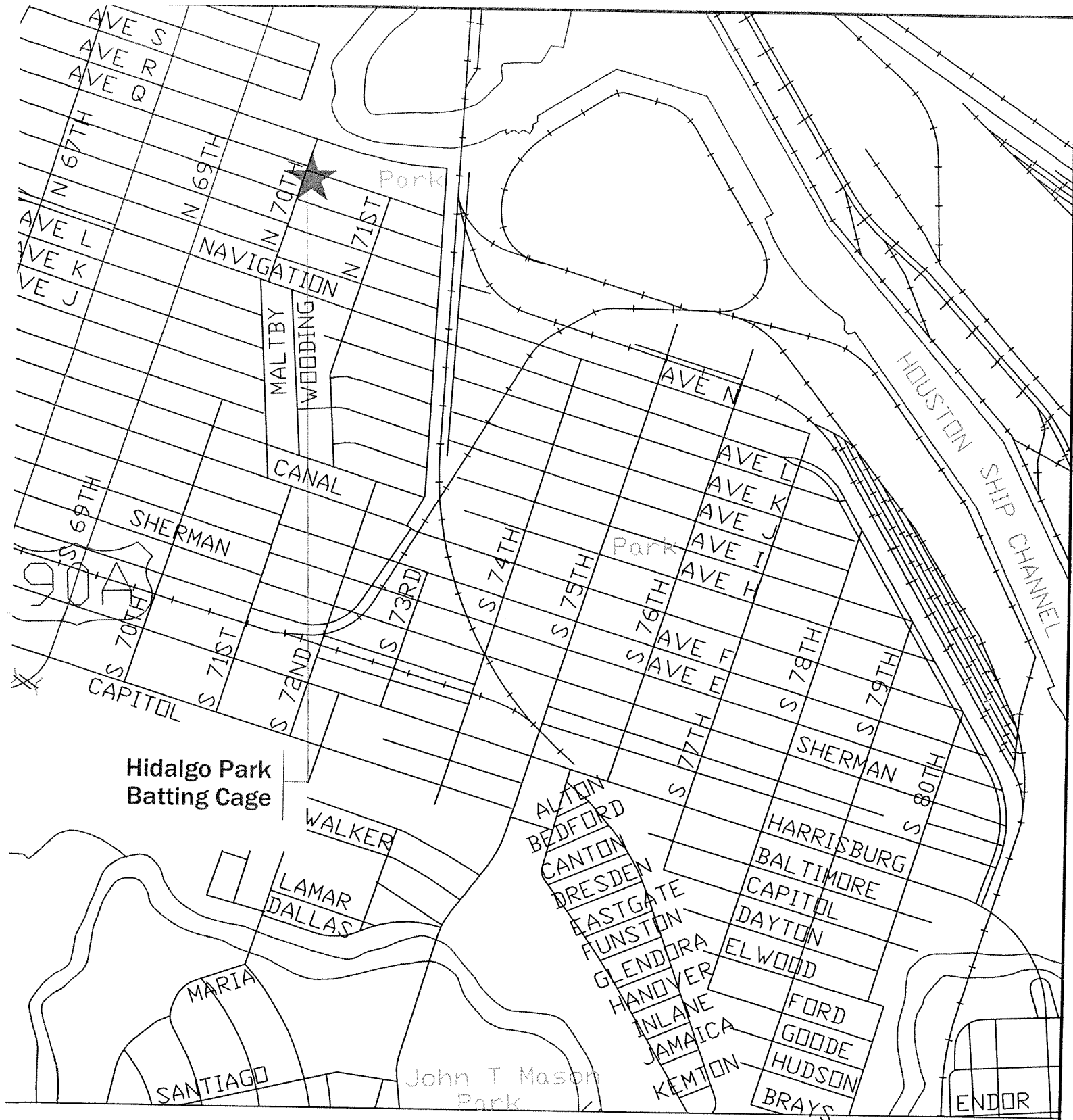
Houston Parks and Recreation Department:

NOT

Humberto Bautista, P.E.

Chief of Design & Construction Division

Joe Turner
Director



Hidalgo Park Batting Cage

7000 Avenue Q
Houston, TX 77011

SUBJECT: First Amendment to Construction Contract
SpawGlass Civil Construction, Inc.
Memorial Park Pedestrian Bridge
WBS No. F-000690-0001-4

Page
1 of 1

Agenda
Item
40

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

Origination Date
9-10-09

Agenda Date
SEP 16 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District affected:
G

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023

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

Ordinance No. 2008-1232, December 30, 2008

RECOMMENDATION: Approve First Amendment to construction contract and appropriate additional funds for the project.

Amount and Source of Funding:

\$ 249,989.00 – Parks Consolidated Construction Fund (4502)

Previous Funding:

\$ 2,537,518.00 - Equipment Acquisition Consolidated Fund (1800)

Finance Budget:

Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with SpawGlass Civil Construction, Inc. to increase the director's authority to approve Change Orders up to 13.05% of the original contract price, and appropriate funds. It is further recommended that City Council appropriate an additional \$65,000.00 for engineering testing under the existing contract with Raba Kistner Consultant, Inc.

This First Amendment is necessary to complete both the bridge project due to multiple unforeseen underground utility conflicts and to convert an existing eastbound one way exit lane from Memorial Drive into a two-way drive to better serve park users. The conversion allows westbound Memorial Drive park users direct access to the existing parking area adjacent to the new pedestrian bridge. Implementing the changes at this time provides both timing/cost efficiencies and delivers a more complete project.

PROJECT LOCATION: 6501 Memorial Drive (491H)

PREVIOUS HISTORY AND PROJECT DESCRIPTION: On December 30, 2008, City Council awarded a construction contract to SpawGlass Civil Construction, Inc. for construction of a new pedestrian bridge and a 12' wide colored concrete trail connecting the north side trail system to the south side trail system of Memorial Park, and appropriated \$2,537,518.00 for Phase I of the project. Phase II of the project, funded by The Memorial Park Conservancy, will include installation of utilities, site lighting, site amenities, planting and irrigation.

CONSTRUCTION GOALS: The original contract and this additional appropriation have a 14% MBE goal, 5% SBE goal and a 5% WBE goal. To date, the contractor has achieved 0.80% MBE participation, 1.60% SBE participation, and 0.00% WBE participation. It is anticipated the contractor will achieve the goals by the completion of the contract.

PAY OR PLAY PROGRAM: The 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.

IZD:PJG:JLN:LJ:CFP:ps

c: Jean Abercrombie, Jacquelyn L. Nisby, Mark Ross, Gabriel Mussio, James Tillman IV, Dan Pederson, Lisa Johnson, Daniel Hamilton, File 813

REQUIRED AUTHORIZATION**CUIC ID # 25PARK78**

General Services Department:

Humberto Bautista

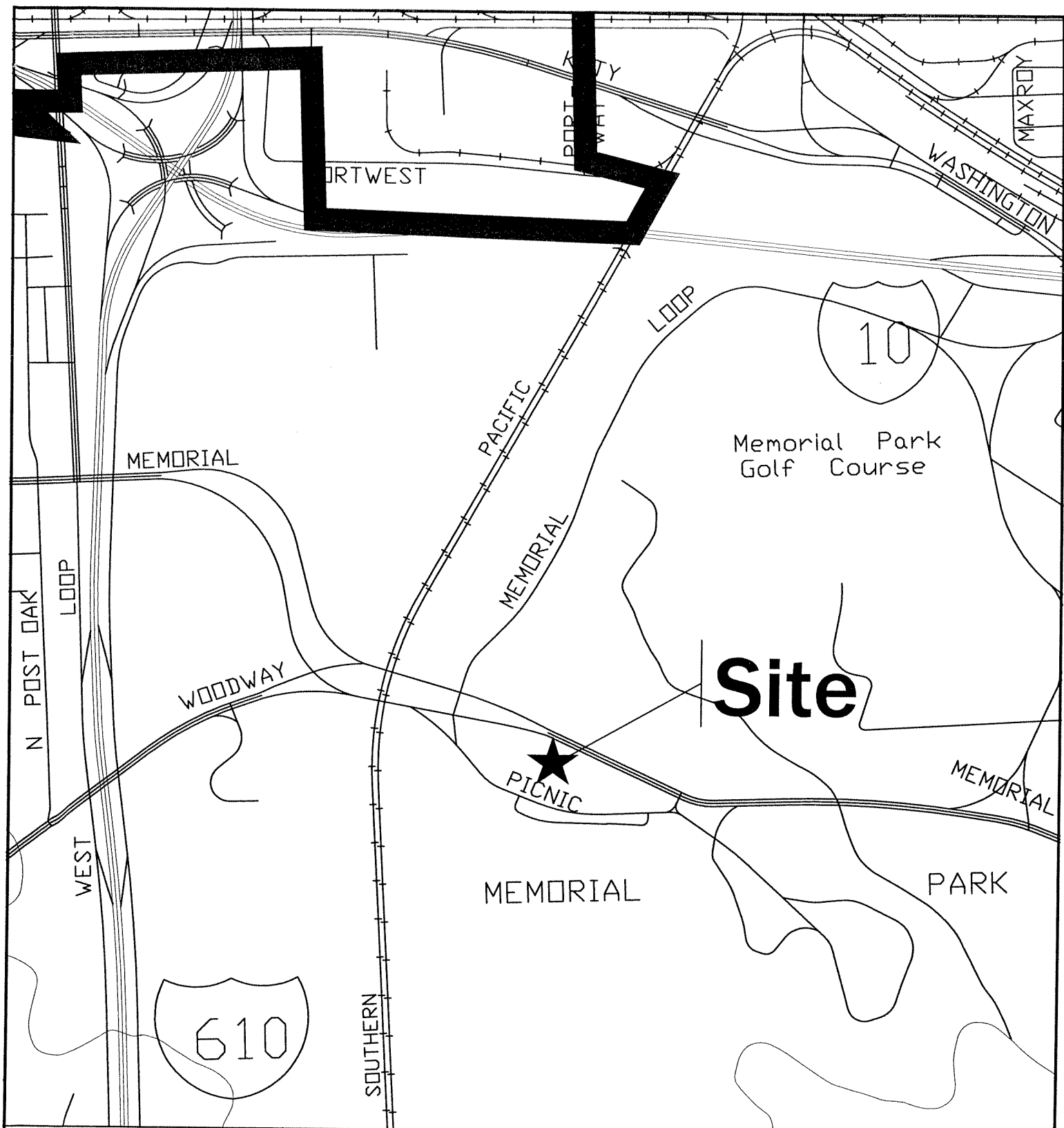
Humberto Bautista, P.E.

Chief of Design & Construction Division

Houston Parks and Recreation Department:

Joe Turner

Joe Turner
Director



Memorial Park Pedestrian Bridge Memorial Dr., Houston, TX

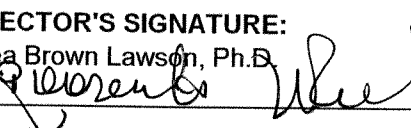
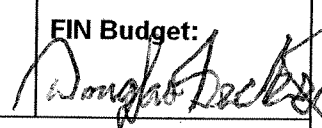

COUNCIL DISTRICT "G"

KEYMAP No. 491H

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance appropriating funds from the FY10 Equipment Acquisition Consolidated Fund for the purchase of information technology equipment for the Houston Public Library		Category	Page 1 of 1	Agenda Item 41
FROM (Department or other point of origin): Library Department		Origination Date July 09, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: Rhea Brown Lawson, Ph.D. <i>R. Brown Lawson</i>		Council District affected: ALL		
For additional information contact: Veronica Davidson Phone: 832-393-1335		Date and identification of prior authorizing Council action:		
RECOMMENDATION: Adopt an ordinance appropriating \$65,000 from the Equipment Acquisition Consolidated Fund for the purchase of storage area network consulting and storage for digitized items being archived for customer use.				
Amount and Source of Funding: \$65,000.00 - Equipment Acquisition Consolidated Fund (1800) (X-340003-0001-3-03)			FIN Budget: <i>Douglas Beck</i>	
SPECIFIC EXPLANATION: The Houston Public Library requests City Council approval of an ordinance appropriating \$65,000 from the Equipment Acquisition Consolidated Fund and the approval to purchase storage area network equipment and services. The services include digitization consultation and storage for managing and storing digitized pictures, oral histories and other historical media to enable access and review by Library customers. Purchases will be made through Department of Information Resources (DIR) vendors in amounts less than \$50,000.				
REQUIRED AUTHORIZATION CUIC ID #				
FIN Director:	Other Authorization:		Other Authorization:	

SUBJECT: Ordinance appropriating funds from the Public Library Consolidated Construction Funds for the purchase of equipment and material relocation services at The African American Library at the Gregory School. WBS No. E-000144-0004-5		Category	Page 1 of 1	Agenda Item 42
FROM (Department or other point of origin): Library Department		Origination Date 9-10-09		Agenda Date
DIRECTOR'S SIGNATURE: Rhea Brown Lawson, Ph.D. 		Council District affected: 1		
For additional information contact: Veronica Davidson Phone: 832-393-1335		Date and identification of prior authorizing council action:		
RECOMMENDATION: Adopt an ordinance appropriating \$60,000 from the Public Library Consolidated Construction Funds for the African American Library at the Gregory School.				
Amount and Source of Funding: \$60,000 - Public Library Consolidated Construction Fund (4507)			FIN Budget: 	
SPECIFIC EXPLANATION: The Houston Public Library requests City Council approval of an ordinance appropriating \$60,000.00 from the Public Library Consolidated Construction Fund for relocation of an existing book/archive collection and to purchase additional equipment for the African American Library at the Gregory School currently under construction. The Library is located at 1300 Victor Street in Houston's Fourth Ward. Substantial completion of the facility is expected in early Fall 2009. The purchases of miscellaneous equipment, furniture and materials relocation services will be through purchase orders in dollar amounts under \$50,000. Miscellaneous equipment and furniture includes Mity-Lite tables and a cart, display cases, book carts, step stools, trash receptacles and other similar items. PROJECT LOCATION: 1300 Victor Street (493 P)				
REQUIRED AUTHORIZATION				
Library Department:  Wendy Teas Heger, AIA Assistant Director		Other Authorization:		CUIC ID# Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8446

Subject: Authorize an Appropriation Ordinance and Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600008785 for a Hosted License and Permit System for the ARA Dept./S10-T22795-A1

Category #
4

Page 1 of 1

Agenda Item

43

FROM (Department or other point of origin):

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

Origination Date

August 25, 2009

Agenda Date

SEP 16 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:

Ord. No. 2008-0428, Passed May 14, 2008

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$130,000.00 from the Equipment Acquisition Consolidated Fund (1800) and approve an amending ordinance to increase the contract amount for the contract between the City of Houston and Howard R. Green Company from \$1,147,000.00 to \$1,337,000.00 for the hosted license and permit system for the Administration & Regulatory Affairs Department.

Contract Amount Increased by: \$190,000.00

Finance Budget

\$ 60,000.00 - General Fund (1000)

\$130,000.00 - Equipment Acquisition Fund (1800) - WBS No. X-650003

\$190,000.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$130,000 from the Equipment Acquisition Consolidated Fund (1800). In addition \$60,000 will be used from the General Fund (1000) for the monthly maintenance. This request will amend the original ordinance to increase the contract amount between the City of Houston and Howard R. Green Company from \$1,147,000 to \$1,337,000 for the hosted license and permit system for the Administration & Regulatory Affairs Department (ARA). The City Purchasing Agent may terminate this contract at any time upon (30) days written notice.

This contract was awarded on May 14, 2008, by Ordinance No. 2008-0428 for a two-year term, with three one-year options to extend, in the amount of \$1,147,000. Expenditures as of August 25, 2009 totaled \$811,000.00. As part of this contract, ARA is proceeding with Phase II of the current One-Stop Licensing and Permitting System to include four additional Departments: Health & Human Services, Houston Police, Houston Airport System and the Solid Waste Management Departments. The \$190,000 requested will fund the new modules of the online processing and payment portal for the four departments. This Citywide One-Stop permitting solution will be managed by each department for their specific permits.

The scope of work on this contract requires the contractor to provide all equipment and services necessary to complete a hosted license and permit system for compliance investigations, permit processing, fee-collections and the ability to transact these fees online.

Buyer: Greg Hubbard

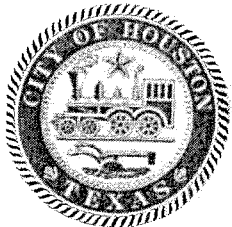
Attachment: M/WBE zero-percent document approved by the Affirmative Action Division

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Greg Hubbard

Date: February 20, 2008

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S10-T22795 Estimated Dollar Amount: \$300,000.00

Anticipated Advertisement Date: 2/15/2008 Solicitation Due Date: 3/7/2008

Goal On Last Contract: N/A Was Goal met: Yes ☐ No ☐

If goal was not met, what did the vendor achieve: N/A

Name and Intent of this Solicitation:
Hosted Licensing and Permits System.

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

It is recommended that the MWBE subcontracting goal be waived for the Hosted Licensing and Permitting System. The services requested in this RFP are to be provided through the Internet using hardware and software sourced by and located at the Proposer's data center; therefore, there is no known MWBE capacity. The limited customized services that will be provided by the selected Proposer will be for system-configuration and training, all which must be performed by personnel with existing knowledge of the hosted solution.

Concurrence:

SPD Initiator

Division Manager

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

RECEIVED

FEB 21 2008

City of Houston
Affirmative Action

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8420

Subject: Approve an Ordinance Awarding a Contract for Biosolids Transportation and Land Disposal/Application for the Public Works & Engineering Department
S37-L23341

Category #
4

Page 1 of 2

Agenda Item
44

FROM (Department or other point of origin):

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

Origination Date

August 24, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (713) 238-5241
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Terra Renewal LLC on its low bid in an amount not to exceed \$16,257,820.00 for biosolids transportation and land disposal/application for the Public Works & Engineering Department.

Maximum Contract Amount: \$16,257,820.00

Finance Budget

\$16,257,820.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Terra Renewal LLC on its low bid, in an amount not to exceed \$16,257,820.00, for biosolids transportation and land disposal/application services for the Public Works & Engineering Department (PWE). The PWE Director may terminate this contract at any time upon 30-days written notice to the contractor.

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

<u>Company</u>	<u>Total Amount</u>
1. Terra Renewal LLC	\$16,257,820.00
2. Merrell Bros., Inc.	\$21,875,634.25
3. G.I. Environmental Vacuum Svc. Inc.	\$22,964,000.00
4. Synagro-CDR of Texas, Inc.	\$32,537,215.00

The scope of work requires the contractor to provide all labor, materials, parts, equipment, supervision, and transportation necessary to provide services for the hauling and disposal of biosolids produced at the City of Houston's 41 wastewater treatment facilities. These services must meet or exceed all requirements of the Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality (TCEQ) (formerly the Texas Natural Resources Conservation Commission (TNRCC)) as well as local regulations governing these activities.

M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contract with a 12% goal for M/WBE participation level. Terra Renewal LLC has designated the below-named companies as its certified M/WBE subcontractors:

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MD

Date: 8/24/2009	Subject: Approve an Ordinance Awarding a Contract for Biosolids Transportation and Land Disposal/Application for the Public Works & Engineering Department S37-L23341	Originator's Initials JH	Page 2 of 2
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Name of Company	Type of Work	Dollar Amount	Pct.
Pulido Trucking LP	Truck Hauling	\$1,087,500.00	6.7%
Oil Products Distribution, Ltd.	Fuel	\$1,500,000.00	9.2%
Total		\$2,587,500.00	15.9%

The Affirmative Action Division will monitor this contract.

Pay or Play Program:

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

Buyer: Joyce Hays

Estimated Spending Authority

Department	FY10	Out Years	Total Amount
Public Works & Engineering	\$3,438,045.90	\$12,819,774.10	\$16,257,820.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8450

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. C57113 for Security System Maintenance Services for the General Services Department/LC-R-0769-027-20592-A2

Category #
4

Page 1 of 1

Agenda Item
45

FROM (Department or other point of origin):

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

Origination Date

August 18, 2009

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

For additional information contact:

Jacquelyn L. Nisby
Douglas Moore

Phone: (832) 393-8023
Phone: (832) 393-8724

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

Ord. 05-833 on 6/29/05 & Ord. 08-1134 on 12/10/08

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and Security Integrators & Consulting, Inc. from \$924,322.50 to \$1,035,241.20 for security system maintenance services for the General Services Department.

Maximum Contract Amount Increased by: \$110,918.70

Finance Budget

\$110,918.70 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and Security Integrators & Consulting, Inc. from \$924,322.50 to \$1,035,241.20 for security system maintenance services for the General Services Department.

This contract was awarded on June 29, 2005, by Ordinance No. 2005-833 for a three-year term, with two one-year options to extend, in the amount of \$739,458.00. On December 10, 2008, by Ordinance No. 2008-1134, the maximum contract amount was increased to \$924,322.50. Expenditures as of August 10, 2009 totaled \$899,236.89. The expansion of the security system maintenance to include additional Houston Police Department facilities has increased expenditures on the contract. The additional funds requested will allow for completion of the expansion and sustain the Department through the end of the contract term.

The scope of work requires the contractor to provide all necessary supervision, labor, equipment, supplies, parts and materials required to perform preventative and remedial maintenance 24 hours a day, 365 days a year, on the electronic inmate security systems, including exit doors, surveillance cameras, intercoms, electronic door locks, key pads and computer systems.

Buyer: Eric Alexander

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

REQUIRED AUTHORIZATION

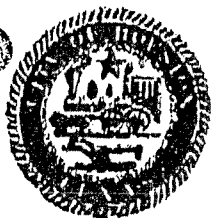
Finance Department:

Other Authorization:

Other Authorization:

ID:

DEC 15 '04 13:25 No.002 P.02



CITY OF HOUSTON
Finance & Administration Department

Interoffice
Correspondence

To: Calvin D. Wells - City Purchasing Agent

From: Richard Morris

Date: December 13, 2004

Subject: MWBE 0% Goal Request
Security System Maintenance
LC-0-0769-027-20592

Is this to establish a goal for advertisement? Yes

Bid Number: LC-0-0769-027-20592

Advertisement schedule Date: January 7, 2005

Bids Due Date: February 10, 2005

Goal on last contract: Zero

Items or Scope of Bid: Police substation inmate facility security system maintenance.

The total dollar value is approximately \$ 650,000.00

I am requesting approval of 0 % goal.

Justification: Maintenance is on the security system that controls building access at Police facilities housing inmates. The computer operated system locks and unlocks doors and controls various building functions including during emergencies. The service includes repair and replacement of existing equipment. Only original manufacturer's component replacement parts are allowed in the system. The components can only be replaced by certified manufacturer's representatives, and all persons allowed to access information about the system must pass criminal background checks. The number of individuals with knowledge of and access to the system is limited for security reasons. A copy of the previous 0% goal approval is attached.

Concur:

Division Manager

Approved:

Contract Compliance Officer

Approved:

Calvin D. Wells
City Purchasing Agent

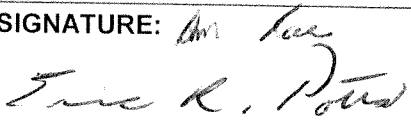

Approved:

Velma Lewis
Director- Affirmative Action

12/20/04

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

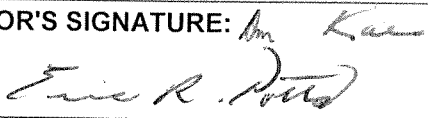

SUBJECT: Lease Agreement between the City of Houston and Tazmanian Freight Forwarding, Inc. – George Bush Intercontinental Airport/Houston (IAH).		Category #	Page 1 of 2	Agenda Item # 46
FROM (Department or other point of origin): Houston Airport System		Origination Date August 18, 2009		Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE: 		Council District affected: B		
For additional information contact: Janet Schafer  Phone: 281/233-1796 Roxane Bustos 281/233-1820		Date and identification of prior authorizing Council action:		
AMOUNT & SOURCE OF FUNDING: REVENUE: \$19,600.00 per year (\$1,633.33 monthly) INW		Prior appropriations: N/A		
RECOMMENDATION: (Summary) Enact an ordinance approving and authorizing the execution of a Lease Agreement between the City of Houston and Tazmanian Freight Forwarding, Inc., for premises located at George Bush Intercontinental Airport/Houston (IAH).				
SPECIFIC EXPLANATION: Tazmanian Freight Forwarding, Inc., has requested to lease from the City of Houston, office and warehouse space for its operations at George Bush Intercontinental Airport/Houston (IAH). The pertinent terms and conditions of this lease agreement are as follows: 1. Premises: Approximately 4,375 square feet of office/warehouse space at 18500 "I" Lee Road, IAH. 2. Term: The term is for three (3) years from the date of countersignature, unless terminated sooner in accordance with the lease. 3. Rental: Approximately \$19,600.00 per year (\$1,633.33 per month). 4. Use: The space will be used for freight services. 5. Maintenance and Utilities: Lessee shall assume the entire responsibility, cost and expense for all maintenance of the leased premises and shall be responsible for all utilities or service to the leased premises. 6. Indemnification: Lessee shall indemnify and hold the City harmless and shall provide the required insurance in the limits as stated in the lease.				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

Date August 18, 2009	Subject: Lease Agreement between the City of Houston and Tazmanian Freight Forwarding, Inc.– George Bush Intercontinental Airport/Houston (IAH).	Originator's Initials	Page 2 of 2
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7. Environmental: Lessee shall comply with all federal, state and local environmental laws and airport policies and procedures.
8. Other: Lessee agrees to comply with all rules and regulations adopted by the airport and/or TSA and/or the FAA, and to comply with all federal, state and local statutes, ordinances, regulations and polices.



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Supplemental Agreement No. 1 – (TSA) Lease No. GS-07B-15513 – George Bush Intercontinental Airport/Houston (IAH).		Category #	Page 1 of 1	Agenda Item # 47
FROM (Department or other point of origin): Houston Airport System		Origination Date September 4, 2009	Agenda Date SEP 16 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: B		
For additional information contact: Janet Schafer  Phone: 281/233-1796 Jeffrey Kelly Phone: 281/233-1827		Date and identification of prior authorizing Council action: 11/18/06 (O) 06-1036		
AMOUNT & SOURCE OF FUNDING: REVENUE: \$511,840.24 per year / \$42,653.35 per month		Prior appropriations:		
RECOMMENDATION: (Summary) Enact an ordinance approving and authorizing the execution of Supplemental Agreement No. 1 to Lease No. GS-07B-15513 (LTX 15513) with the United States of America, Transportation Security Administration (TSA) for premises located at George Bush Intercontinental Airport (IAH).				
SPECIFIC EXPLANATION: On October 18, 2006, the City approved Lease Agreement 70166 with the United States of America (Lessee) for office and breakroom space at IAH. Lessee and the department are now requesting to extend the lease term for additional five years and lease an additional 4,214 sqft of office and breakroom space. The pertinent terms and conditions of this Supplement Agreement No. 1 are as follows: 1. Premises: Approximately 7,220 square feet of total office and breakroom space. 2. Term: Five years from October 1, 2009. 3. Use: TSA office and breakroom space. 4. Rent: The rent will be \$511,840.24 annually (\$42,653.35 per Federal Government fiscal quarter in arrears). All other terms and conditions of lease LTX 15513 will remain in full force and effect.				
REQUIRED AUTHORIZATION				
Finance Department:	Other Authorization:	Other Authorization:		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Supplemental Agreement No. 3 – Federal Aviation Administration (FAA) Lease No. DTFA07-00-L-00920 – William P. Hobby Airport (HOU).		Category #	Page 1 of 1	Agenda Item # 48
FROM (Department or other point of origin): Houston Airport System		Origination Date September 2, 2009	Agenda Date SEP 16 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: I		
For additional information contact: Janet Schafer  Phone: 281/233-1796		Date and identification of prior authorizing Council action: 09/22/99 (O) 99-0984 09/01/04 (O) 04-0906		
AMOUNT & SOURCE OF FUNDING: REVENUE: \$28,406.32 per year (\$7,101.58 per Federal Government Fiscal quarter in arrears)		Prior appropriations:		
RECOMMENDATION: (Summary) Enact an ordinance approving and authorizing the execution of Supplemental Agreement No. 3 to Lease No. DTFA07-00-L-00920 with the United States Department of Transportation, Federal Aviation Administration (FAA) for premises located at William P. Hobby Airport (HOU).				
SPECIFIC EXPLANATION: On September 22, 1999, the City approved Lease Agreement 50836 with the Federal Aviation Administration (Lessee) for the office space at 8800 Paul B. Koonce, William P. Hobby Airport (HOU) for the System Support Center and Contract Weather Observer Center. Supplemental Agreement No 1, effective April 15, 2001, reduced the leased premises to 2,203 square feet. On September 1, 2004, Council approved Supplemental Agreement No. 2, extending the term of the lease until September 30, 2009. Lessee and the department are now requesting to extend the lease term for additional five years. The pertinent terms and conditions of this Supplement Agreement No. 3 are as follows: 1. Premises: Approximately 2,203 square feet of office space. 2. Term: Five years from October 1, 2009. Lessee may terminate, in whole or in part, at any time by giving at least 30 days notice in writing. 3. Use: Federal Aviation Administration System Support Center and Contract Weather Observer Center. 4. Rent: Effective October 1, 2009, the rent will be \$28,406.32 annually (\$7,101.58 per Federal Government fiscal quarter in arrears). All other terms and conditions of the Supplemental Agreement will remain in full force and effect.				
REQUIRED AUTHORIZATION				
Finance Department:		Other Authorization:		Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Architectural Services Contract with Osborn & Vane Architects, Inc. for Construction Administration Services for Hurricane Ike Related Repairs and Design/Construction Phase Services for Terminal A Restrooms for the Houston Airport System; Project No. 615M (WBS# A-000138-0019-3-01)

Category
7

Page
1 of 2

Agenda Item
49

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

Origination Date
September 2, 2009

Agenda Date
SEP 16 2009

DIRECTOR'S SIGNATURE: *Ann Kae*
Eric R. Potter

Council District affected:
B, E & I

For additional information contact:
John Silva Phone: 281-233-1925
Robert Bielek Phone: 281-233-1941

Date and identification of prior authorizing Council action:
None

AMOUNT & SOURCE OF FUNDING:

CIP No. A-0138.79 \$216,000.00 Arpt Improvemt Fd (8011)
CIP No. A-0422.79 \$ 3,780.00 Arpt Improvemt Fd (8011) *EW*
Total \$219,780.00 *INW*

Prior appropriations:
None

RECOMMENDATION: (Summary)

Enact an ordinance to approve a Contract for Professional Architectural Services with Osborn & Vane Architects, Inc. and appropriate the necessary funds to finance the cost of these services.

PROJECT LOCATION: George Bush Intercontinental Airport/ Houston (IAH)

SPECIFIC EXPLANATION: A Contract for Professional Architectural Services has been prepared with Osborn & Vane Architects, Inc. Services to be provided under this contract include design/construction phase services for the renovation of public restrooms in Terminal A in conformance with ADA requirements and construction administration services for repair of Hurricane Ike damages at IAH. The Hurricane Ike repair work consists of miscellaneous siding and roof repairs, a new roof at Terminal A North Concourse, replacement of millwork and drywall at the International Arrivals Building, miscellaneous ceiling and soffit repairs, masonry repair, and a new roof at the Receiving and Distribution warehouse. Architectural services for other miscellaneous projects may be performed on an as needed basis.

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.

PROJECT COSTS: The total amount to be appropriated for this contract is as follows:

Basic Services	\$200,000.00
Special Services	\$ 10,000.00
Reimbursable Expenses	\$ 6,000.00
Civic Art Appropriation	\$ 3,780.00
Total Appropriation	\$219,780.00

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date September 2, 2009	Subject: Professional Architectural Services Contract with Osborn & Vane Architects, Inc. for Construction Administration Services for Hurricane Ike Related Repairs and Design & Construction Phase Services for Terminal A Restrooms for the Houston Airport System; Project No. 615M (WBS# A-000138-0019-3-01)	Originator's Initials RLN	Page 2 of 2
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M/WBE PARTICIPATION: The MWBE goal for this contract is seven and one half percent (7.5%) and will be met by the following certified firms:

Firm	Type of Work	Amount	%
MEPIT Engineers	MEP Engineering	\$12,183.50	5.64%
Concept Engineers, Inc.	Structural Engineering	\$ 4,016.50	1.86%
	Total	\$16,200.00	7.5 %

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: De-appropriate \$3,750,000 of HAS - FAA Grants (8000) for WBS# A-000565-0001-3-02 and appropriate \$3,750,000 of Airports Improvement Fund (8011) for WBS# A-000565-0001-3-05 for Project No. 643 (Contract No. 4600008879)	Category #2	Page 1 of 1	Agenda Item # 50
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FROM (Department or other point of origin): Houston Airport System	Origination Date September 4, 2009	Agenda Date SEP 16 2009
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DIRECTOR'S SIGNATURE: <i>Eric R. Pons</i>	Council District affected: B
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For additional information contact: John Silva <i>JS</i> Phone: 281-233-1925 Ian Wadsworth <i>IW</i> 281-233-1682	Date and identification of prior authorizing Council action: 06/18/2008 (O) 2008-541
--	--

AMOUNT & SOURCE OF FUNDING: CIP A-0565.21 (\$3,750,000.00) HAS - FAA Grant (8000) <i>IW</i> CIP A 0565.21 \$3,750,000.00 Airports Improvement Fund (8011) <i>CP</i> 0.00	Prior appropriations: 06/18/2008.....\$5,000,000.00
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RECOMMENDATION: (Summary) Approve an ordinance de-appropriating \$3,750,000 of the original HAS - FAA Grants (8000) appropriation for Project 643 - Professional Consulting Services with Post, Buckley, Schuh & Jernigan, Inc. and appropriating \$3,750,000 from the Airports Improvement Fund (8011) in lieu thereof.
--

On June 18, 2008, Council approved a Contract for Professional Consulting Services with Post, Buckley, Schuh & Jernigan, Inc. for Terminal B south apron reconstruction at George Bush Intercontinental Airport/Houston (Project 643). The original appropriation for Project 643 included Airport Improvement Program FAA Grant No. 3-48-0111-069-08 ("AIP") in the amount of \$3,750,000.

Due to changes in the construction schedule of Project 643, the AIP funding has been cancelled so that the grant funds can be reassigned to another project in order to expend it within the FAA required timeframe. It is now requested that Council approve the de-appropriation of \$3,750,000 of originally allocated AIP funding for Project 643 and appropriate \$3,750,000 from Airports Improvement Fund (8011) in lieu thereof.



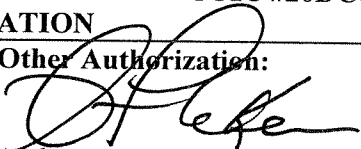
Project 643 may be eligible for future federal funding through the FAA's AIP program. Appropriate funding source adjustments will be made if AIP funding becomes available.

REQUIRED AUTHORIZATION

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Recommendation that an ordinance for the NORTH WAYSIDE DRIVE BRIDGE AT HALLS BAYOU PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. WBS N-000611-0050-2		Page 1 of 1	Agenda Item # 51
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/10/09	Agenda Date SEP 16 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: H Key Map 455B	
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate 		Date and identification of prior authorizing Council Action: Ordinance 2008-0701, passed August 6, 2008	
RECOMMENDATION: (Summary) An ordinance for the NORTH WAYSIDE DRIVE BRIDGE AT HALLS BAYOU PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.			
Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2008-0701 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)			
SPECIFIC EXPLANATION: The Department of Public Works and Engineering is requesting that an ordinance for the NORTH WAYSIDE DRIVE BRIDGE AT HALLS BAYOU PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project is to replace the existing two-lane North Wayside Bridge at Halls Bayou with two parallel bridges that match the existing four-lane divided section of the existing alignment. This action authorizes payment for costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Parcels with a consideration that exceed the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the NORTH WAYSIDE DRIVE BRIDGE AT HALLS BAYOU PROJECT. MSM:NPC:dc z:\reales\WPDATA\LANDACQ\Charleston\NWaysideDriveBridgeatHallsBayouRCABlanket.doc cc: Marty Stein			
CUIC #20DC05			
REQUIRED AUTHORIZATION			
Finance Director:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division	

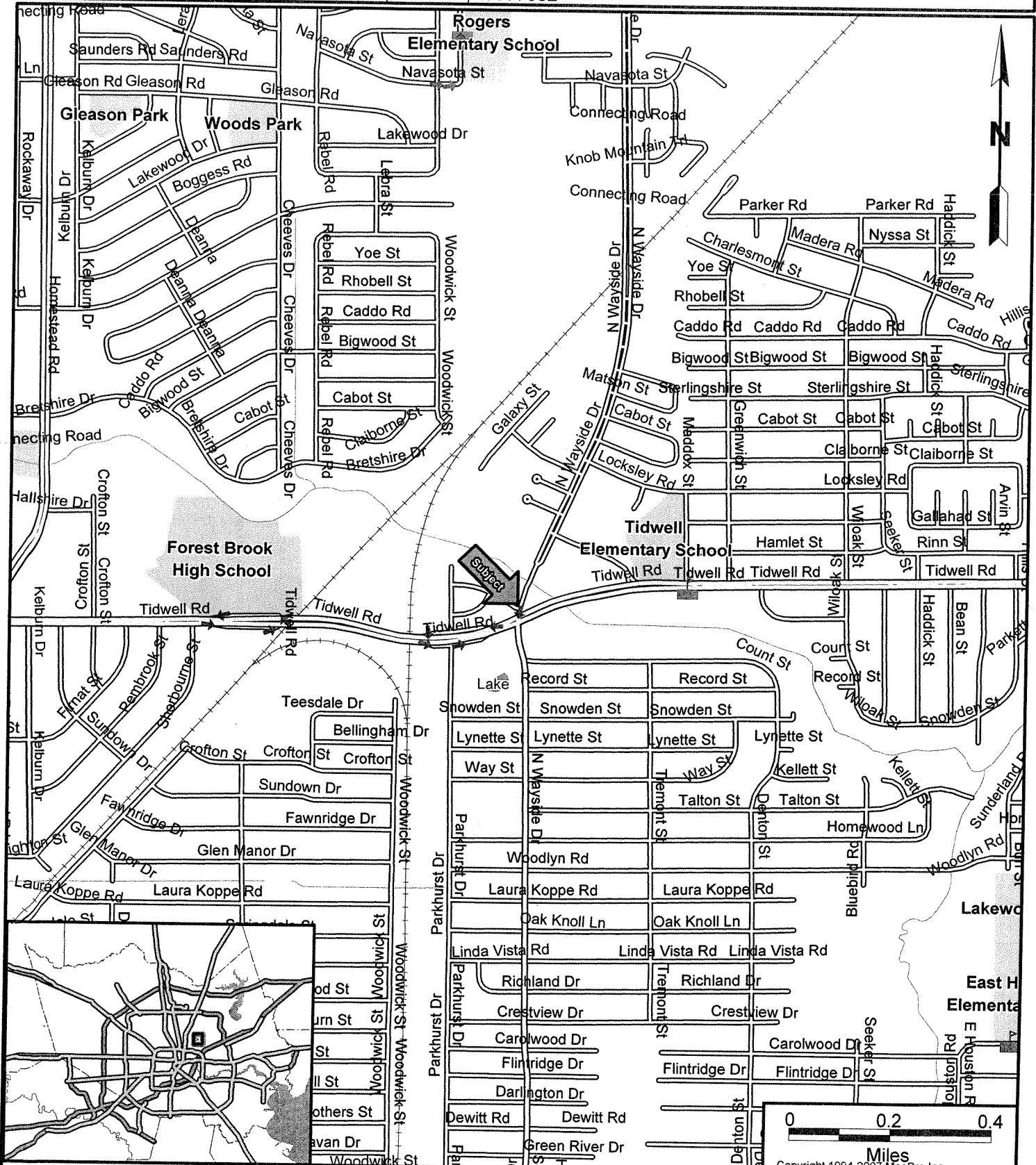
LOCATION MAP

Description: NORTH WAYSIDE DRIVE BRIDGE AT HALLS BAYOU PROJECT

WBS N-000611-0050-2

North Wayside between Hamlet Street and Venida Street

Prepared by: City of Houston, 611 Walker, Houston, TX 77002



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.

Prepared by City of Houston using MapPro Service. MapPro Inc., 5353 West Alabama St, Suite 303, Houston, TX 77056 (713)789-1406

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Wastewater Collection System
Rehabilitation and Renewal
WBS# R-000266-0129-4

Page
1 of 2

Agenda Item
#

52

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/26/09

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE

Michael S. Marcotte 8/20/09

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

Council District affected:

All

For additional information contact:

Dannelle H. Belhateche, P.E.

Senior Assistant Director

Phone: (713) 641-9182

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

N/A

RECOMMENDATION: (Summary)

Accept low bid, award construction contract, and appropriate funds. *M.P. 8/13/09*

Amount and Source of Funding: \$2,049,215.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II.

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by point repair method. The contract duration for this project is 730 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Five (5) bids were received on May 14, 2009 for this project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Texas ReExcavation, L.C.	\$1,937,347.20
2. PM Construction & Rehab, L.P.	\$2,214,309.91
3. Reliance Construction Services, L.P.	\$2,511,538.18
4. Metro City Construction, L.P.	\$3,010,230.00
5. Huff & Mitchell, Inc.	\$3,963,903.60

File/Project No. WW 4235-42

REQUIRED AUTHORIZATION

CUIC# 20DHB286

Finance Department

Other Authorization:

[Signature]

Other Authorization:

[Signature]
Jun Chang P.E., Deputy Director
Public Utilities Division

MDT

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0129-44	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Texas ReExcavation, L.C., with a low bid of \$1,937,347.20.

PROJECT COST: The total cost of this project is \$2,049,215.00 to be appropriated as follows:

- Bid Amount \$1,937,347.20
- Contingencies \$96,867.80
- Engineering Testing Services \$15,000.00

Engineering Testing Services will be provided by Austin-Reed Engineers, LLC under a previously approved contract.

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

M/WSBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the City of Houston. The bidder has proposed an MBE participation of 12.00% and SBE participation of 9.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Rudy's Contracting, Inc.	Excavation & Pipe Installation	\$232,481.66	12.00%
	TOTAL	\$232,481.66	12.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Advantage Manhole & Concrete Services, Inc.	Excavation & Pipe Installation	\$174,361.25	9.00%
	TOTAL	\$174,361.25	9.00%

All known rights-of-way and easements required for this project have been acquired.

MSM:JC:DHB:RK:JI:DR:mf

cc: Marty Stein
Jun Chang, P.E.
Susan Bandy, CPA
Velma Laws
Hamlet Hovsepian, P.E.
File No. WW 4235-42

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Wastewater Collection System
Rehabilitation and Renewal
WBS# R-000266-0131-4

Page
1 of 2

Agenda Item
#

53

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/26/09

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE


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

Council District affected:

All

For additional information contact:

Dannelle H. Belhateche, P.E.

Senior Assistant Director

Phone: (713) 641-9182

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

N/A

RECOMMENDATION: (Summary)

Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: \$2,012,283.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II. *M.P. 8/13/09*

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by point repair method. The contract duration for this project is 730 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Five (5) bids were received on June 18, 2009 for this project as follows:

Bidder	Bid Amount
1. Reliance Construction Services, L.P.	\$1,897,412.12
2. Huff & Mitchell, Inc.	\$1,917,081.64
3. PM Construction & Rehab, L.P.	\$2,001,720.17
4. SER Construction Partners, LTD	\$2,414,184.00
5. Metro City Construction, L.P.	\$2,493,656.80

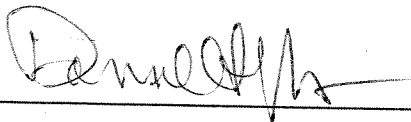
File/Project No. WW 4235-44

REQUIRED AUTHORIZATION

CUIC# 20DHB291

Finance Department

Other Authorization:



Other Authorization:


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

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0131-44	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Reliance Construction Services, L.P., with a low bid of \$1,897,412.12.

PROJECT COST: The total cost of this project is \$2,012,283.00 to be appropriated as follows:

- Bid Amount \$1,897,412.12
- Contingencies \$94,870.88
- Engineering Testing Services \$20,000.00

Engineering Testing Services will be provided by Bandy & Associates, Inc. under a previously approved contract.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

M/WSBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the City of Houston. The bidder has proposed an MBE participation of 12.00% and SBE participation of 9.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Rudy's Contracting, Inc.	Excavation & Pipe Installation	\$227,690.00	12.00%
	TOTAL	\$227,690.00	12.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Advantage Manhole & Concrete Services, Inc.	Excavation & Pipe Installation	\$170,768.00	9.00%
	TOTAL	\$170,768.00	9.00%

All known rights-of-way and easements required for this project have been acquired.

MSM:JC:DHB:RK:JI:DR:mf

cc: Marty Stein
Jun Chang, P.E.
Susan Bandy, CPA
Velma Laws
Hamlet Hovsepian, P.E.
File No. WW 4235-44

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by
Sliplining and Pipe Bursting Methods
WBS# R-000266-0142-4

Page
1 of 2

Agenda Item
#

54

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

8/26/09

Agenda Date

SEP 16 2009

DIRECTOR'S SIGNATURE



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

Council District affected:

All

For additional information contact:

Dannelle H. Belhateche, P.E.

Senior Assistant Director

Phone: (713) 641-9182

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

N/A

RECOMMENDATION: (Summary)

Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: \$774,437.00 from Water and Sewer System Consolidated
Construction Fund No. 8500. This project is eligible for low interest funding through the State
Revolving Fund (SRF), Tier II. *M.P. 8/13/09*

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to
renew/replace deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The
contract duration for this project is 540 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Five (5) bids were received on June 11, 2009 for this project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. PM Construction & Rehab, L.P.	\$718,511.30
2. Huff & Mitchell, Inc.	\$727,745.30
3. Portland Utilities Construction Co., LLC	\$765,623.55
4. North Houston Pole Line, L.P.	\$805,668.96
5. Reliance Construction Services, Inc.	\$943,236.73

File/Project No. WW 4257-112

REQUIRED AUTHORIZATION

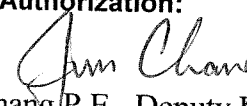
CUIC# 20DHB290

Finance Department

Other Authorization:



Other Authorization:


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

53

Date	Subject: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0142-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to PM Construction & Rehab, L.P., with a low bid of \$718,511.30.

PROJECT COST: The total cost of this project is \$774,437.00 to be appropriated as follows:

- Bid Amount \$718,511.30
- Contingencies \$35,925.70
- Engineering Testing Services \$20,000.00

Engineering Testing Services will be provided by HVJ Associates, Inc. under a previously approved contract.

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

M/WSBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board. No City M/WSBE participation goal has been established for this project.

All known rights-of-way and easements required for this project have been acquired.

pk JDR

MSM:JC:DHB:RK:JI:DR:mf

cc: Marty Stein
Jun Chang, P.E.
Susan Bandy, CPA
Velma Laws
Hamlet Hovsepian, P.E.
File No. WW 4257-112

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date
August 19, 2009

Agenda Date

~~AUG 26 2009~~

DIRECTOR'S SIGNATURE:

Council Districts affected:

ALL

~~SEP 09 2009~~
SEP 16 2009

For additional information contact:

Juan Olguin *JO* 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 an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. A-GAIA America

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

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

REQUIRED AUTHORIZATION

Finance Director:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD09-88

SUBJECT: The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Projected Use of Funds Budget for the Thirty-First Program Year for the Community Development Block Grant (CDBG) under the 2005 Consolidated Plan (Plan) to decrease funds allocated to Public Facilities and Improvements in the amount of \$71,283.12; decrease Public Services by \$118,361.85; decrease Planning by \$7,180.17; decrease Program Administration by \$335,940.77; decrease Clearance by \$222,934.50 for a total decrease of \$755,700.41 and to increase Housing by \$755,700.41 under the same budget.		Category # 1,2	Page 1	Agenda Item # 56 25
FROM (Department or other point of origin): Richard S. Celli, Housing and Community Development Department		Origination Date May 7, 2009	Agenda Date SEP 02 2009	
DIRECTOR'S SIGNATURE: <i>Richard S. Celli</i>		Council District affected: All		
For additional information contact: Brenda Scott Phone: 713-868-8484		Date and identification of prior authorizing Ordinance No. 2005 – 607, May 11, 2005 Ordinance No. 2005 – 1240, November 16, 2005 Ordinance No. 2006 – 243, March 8, 2006 Ordinance No. 2006 – 898, August 30, 2006 Ordinance No. 2007 – 423, March 28, 2007 Ordinance No. 2007 – 474, April 11, 2007 Ordinance No. 2008 – 1065, December 3, 2008		
RECOMMENDATION: (Summary) The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Projected Use of Funds Budget for the Thirty-First Program Year for the Community Development Block Grant (CDBG) under the 2005 Consolidated Plan (Plan) to decrease funds allocated to Public Facilities and Improvements in the amount of \$71,283.12; decrease Public Services by \$118,361.85; decrease Planning by \$7,180.17; decrease Program Administration by \$335,940.77; decrease Clearance by \$222,934.50 for a total decrease of \$755,700.41 and to increase Housing by \$755,700.41 under the same budget.				
Amount of Funding: N/A		F&A Budget:		
SOURCE OF FUNDING		[] General Fund [X] Grant Fund [] Enterprise Fund		
[] Other (Specify)				
SPECIFIC EXPLANATION: The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the Projected Use of Funds Budget for the Thirty-First Program Year of the Community Development Block Grant (CDBG) Program under the 2005 Consolidated Plan (Plan) as amended. The 2005 Consolidated Annual Plan for the CDBG Grant for the 31 th program year is amended as follows: <ul style="list-style-type: none">Decrease funds allocated to the Public Facilities and Improvements by \$71,283.12Decrease Public Services by \$118,361.85Decrease Planning by \$7,180.17Decrease Program Administration \$335,940.77Decrease Clearance \$222,934.50 Total Decrease of \$755,700.41 <ul style="list-style-type: none">Increase Housing by \$755,700.41 In accordance with HUD regulations, the City is required to amend components of the Grant Agreement when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location or beneficiaries of an activity. By this amendment fund reallocations are decreased and others increased by more than 25% Through a Notice published in the Houston Chronicle on Thursday, May 7, 2009 the public was notified of these proposed changes to the CDBG Grant. The public has thirty days to comment on these proposed changes. The comment period extends from Thursday, May 7, 2009 through Monday, June 8, 2009 Therefore, approval of an ordinance is recommended. RC: GV/BS cc: City Secretary Legal Department Mayor's Office Finance and Administration				

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8455

Subject: Ordinance Appropriating Funds for the Detail Design of a New Houston Municipal Courts Case Management System and Authorizing Contract with Sogeti USA, Inc. for Software Design and Development Services

Category #
9

Page 1 of 3

Agenda Item

57 38

FROM (Department or other point of origin):

Richard Lewis
Chief Information Officer
Information Technology

Origination Date

August 28, 2009

Agenda Date

SEP 16 2009

SEP 02 2009

DIRECTOR'S SIGNATURE

Richard Lewis

Council District(s) affected
All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Adopt an ordinance appropriating \$6,560,000.00 for the Detail Design of a new Houston Municipal Courts Case Management System and approve a contract with Sogeti USA, Inc. in an amount not to exceed \$15,000,000.00 for professional services related to software design and development.

Maximun Contract Amount: \$15,000,000.00

Finance Budget

Michelle
St. Pierre

\$6,560,000.00 - FY10 Equipment Acquisition Consolidated Fund (1800) WBS: X-160017

\$7,250,000.00 - FY11 Equipment Acquisition Consolidated Fund (1800)

SPECIFIC EXPLANATION:

Background

The City of Houston has to implement a new system to manage the 1.2 million new cases processed by the Houston Municipal Courts on an annual basis. The Information Technology Department (ITD) has determined that there are no "off-the-shelf" software packages that can meet the Courts' requirements and it is necessary to build a system that meets the specific needs of the Houston Municipal Courts operation. The new System will be developed based on a Service Oriented Architecture and use Microsoft development tools.

ITD, working directly with both the Municipal Court Judicial and Administrative Departments, developed a Conceptual Design for the new Case Management System and selected a professional services firm to assist with the development of the new Case Management System through a Request for Qualifications process.

During the development of the Conceptual Design, ITD led an analysis of the existing Court processes and identified significant opportunities to streamline operations and expedite the adjudication of cases. The proposed design for the new Case Management System focuses on automating many of decisions that currently require millions of manual actions each year. Also, it envisions eliminating much of the manual work performed by the judges and the multiple steps involved in case resets. The new design should enhance the services provided by the Courts to the defendants' attorneys and bonding companies. Finally, it defines significant changes in the interfaces between the systems used by HPD and the new Courts System. These changes should address many of the issues around warrant verification, posting bonds for individuals that have been arrested, providing timely processing of the jail dockets, and handling the subpoena process.

Procurement

In March of this year, ITD issued a Request for Qualifications (RFQ) for professional services firms with the skills required to develop large, complex business applications. Thirty-one firms responded to the RFQ. Nine of the submissions were selected for a detail review by the evaluation team and four of the nine were invited to make

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

Date: 8/28/2009	Subject: Ordinance Appropriating Funds for the Detail Design of a New Houston Municipal Courts Case Management System and Authorizing Contract with Sogeti USA, Inc. for Software Design and Development Services	Originator's Initials FR	Page 2 of 2
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presentations to demonstrate their qualifications. Based on the results of the written proposals and presentations, Sogeti USA, Inc. was selected for the final evaluation process. Over the past two months, Sogeti has demonstrated its capabilities by interviewing key court personnel to better understand the Courts' requirements, developing an in-depth task plan for the Detail Design Phase, and preparing the Statement of Work for this project.

Recommendation

The City's Chief Information Officer recommends that Council:

- 1) Appropriate \$6,560,000 from the Equipment Acquisition Fund for development of the detail design for the new Courts System
- 2) Approve a contract with Sogeti, USA, Inc in an amount not to exceed \$15,000,000.00 for professional services required to design and develop the new Courts Case Management System. The scope of services with Sogeti covers:
 - a. Configuration of a Service Oriented Architecture (SOA) development platform that will significantly increase programmer productivity for this project, as well as future software development projects initiated for other City departments.
 - b. Provide maintenance services for the SOA Development Platform, as required by ITD.
 - c. Provide professional services related to software design, development, implementation, and support for the Houston Municipal Courts Case Management System and future software development project initiated by the City.

Approach

City personnel will play a major role in the management and performance of this project. The Project Steering Committee is comprised of the CIO, Presiding Judge, Chief Clerk, Chief Prosecutor, an HPD Captain, and a private attorney. The Steering Committee's role has been structured to provide executive oversight for the project, make key project decisions, and approve key deliverables to ensure that the Project achieves its objectives.

City IT employees will perform over 35% of the technical work on this project and six dedicated Court Specialists will commit over 7,600 hours of effort focused on ensuring that the technical staff understands the Courts' requirements and delivers an effective solution. The significant participation by City Personnel will help foster the development of the "institutional knowledge" required to support complex computer systems. However, this approach requires the City to assume a share of the risk in managing large IT projects, but ITD believes that this risk is manageable.

Capturing electronic images of documents (e.g. citations, compliance requests, petitions, and motions) and attaching them to the appropriate cases requires specialized software for document management, workflows processes required to attach documents to cases, and document generation for creating court documents. We anticipate that we will engage the appropriate professional services firm through a separate Request for Council Action (RCA).

Project Budget

The project budget for the detail design phase was developed through the preparation of an in-depth Statement of Work (SOW) that identifies the major deliverables for the detail design phase, assumptions used to develop the estimate, staffing requirements, and staffing schedules. The following table provides a summary of the budget for this Project:

Date: 8/28/2009	Subject: Ordinance Appropriating Funds for the Detail Design of a New Houston Municipal Courts Case Management System and Authorizing Contract with Sogeti USA, Inc. for Software Design and Development Services	Originator's Initials FR	Page 3 of 3
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Detail Design Budget	Capital	General Fund	
Salaries & Benefits for City Personnel	\$ 1,270,000	-	19.4%
Professional Services	2,525,000	-	38.5%
Hardware / O/S Licenses	140,000	-	2.1%
Software Development Products	783,000	155,000	11.9%
Office Space, Furniture, & Supplies	392,000	-	6.0%
Contingency	<u>1,450,000</u>	<u>50,000</u>	<u>22.1%</u>
Total	\$ 6,560,000	\$ 205,000	100.0%

The Development Phase for this Project will be funded through a subsequent appropriation process. An estimate of \$7.25 million for the Development Phase, which includes project related cost for staff, hardware, etc., is included in the FY11 Technology Investment Plan. However, the Development Phase budget cannot be finalized until the Detail Design is completed.

MWBE Participation:

The Sogeti role on the project includes a goal of at least 15% and Sogeti has identified (1) Precision Task Group, Inc. and (2) Jefferson Associates Inc. to fulfill their good faith participation obligation, which will provide software development skill.

Pay or Play:

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

Public Safety & Homeland Security Committee Review:

A detailed presentation regarding this initiative was given to the Public Safety and Homeland Security Committee on July 21, 2009. Additionally, The IT Department has committed to provide the committee with status update reports on a quarterly basis.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care

Category #

Page 1 of 1

Agenda Item#

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FROM: (Department or other point of origin):

Origination Date

Agenda Date

8/12/09

AUG 26 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:

ALL

~~SEP 09 2009~~

SEP 16 2009

For additional information contact:

Elena Marks – 832-393-1081

Kathy Barton – 713-794-9998 or 179-286-5801

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

RECOMMENDATION: (Summary)**Approval of an ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care (BARC)**

Amount of Funding:

Total Maximum Contract Amount: \$135,000.00
General Fund - General Government (1000)

Finance Budget:

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

City Council is requested to approve an ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at BARC in an amount not to exceed \$135,000.00. The agreement will be effective on September 5, 2009 and end on January 25, 2010 with an optional extension of 30 days at the Director's discretion. The consultant has been working on this engagement under a purchase order with spending authority up to \$49,500.00.

Under the proposed contract, Mr. Fusco will continue to focus on the comprehensive analysis and redesign of all aspects of the organization. Some of the objectives the consultant will be responsible for assisting the BARC staff to achieve include: 1) improving quality of veterinary services; 2) reducing the euthanasia rate; 3) increasing the adoption rate; 4) increasing the number of active foster homes; 5) enhancing and improving the volunteer program; and 6) developing communication mechanisms for marketing and community outreach. The priorities are to achieve process and personnel improvements, infrastructure that facilitates compliance and communication, and to develop field and marketing strategies to increase the live release rate.

The Administration and Regulatory Affairs Department assisted in identifying potential candidates to perform these services. Four finalists were interviewed by an advisory panel, each of whom were highly qualified and experienced in turnaround and process re-engineering. Gerald A. Fusco was chosen as the optimal candidate as his specific experience best fits the City's needs. He is making progress. He has made a presentation to all BARC employees to convey the philosophy and expectation that animals will be treated as the City's customers. He has been conducting leadership assessments of supervisors and is in the process of identifying personnel for key supervisory positions as well as mid-level managers. Mr. Fusco is also assisting with the development of a recruitment strategy for the Bureau Chief position and continues to meet with volunteers and representatives of the media to ensure transparency in his activities.

Mr. Fusco has agreed to decrease his fee by \$25,000 to defray the City's cost for leadership development training that will be provided to help improve BARC operations.

The Council Committee on Human Services and Technology Access considered Mr. Fusco's engagement at BARC on August 3, 2009.

REQUIRED AUTHORIZATION

Date	Subject: An ordinance authorizing a professional services agreement with Gerry Fusco Consulting for turnaround services at the Bureau of Animal Regulation and Care	Originator's Initials	Page 2 of 2
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Pay or Play:

The proposed award requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor is a sole proprietor and does not have any employees, thus, the Pay or Play Program does not apply to this contract.

cc: Agenda Director
Finance Department
Legal Department

SCOPE OF SERVICES
Gerry Fusco Consulting

Contractor shall be responsible for all aspects of the day to day operations at BARC as allowed by law and will be supported in his efforts by the Director and staff identified below.

Contractor's Responsibilities	City Responsibilities	August	September	October	November	December	January
Organizational Structure: Reorganization							
Goal: Reorganize BARC to get the right people with the right skill sets	Provide staff support from HR to handle HR processing (posting, referrals, interview assistance, processing for hire, etc.)						
Make recommendations to the Director to hire Chief Vet	Assist with recruitment activities as mutually agreed upon and within budget						
Make recommendations to the Director to hire New Animal Care Technicians	Noel Pinnock, Tony Harris, Valda						
Make recommendations to the Director to hire Shelter Supervisor	"						
Make recommendations to the Director to hire Rescue Coordinator	"						
Make recommendations to the Director to hire Bureau Chief	"						
Make recommendations to the Director to hire Staff Veterinarian	"						
Organizational Structure: Organizational & Staff Development	The Brooks Group						
Goal: Develop managers and supervisors to increase skills and abilities to effectively lead staff to meet performance standards and achieve unit objectives							
Develop and Implement a Leadership Development plan for Division Manager	Assistance from Noel Pinnock						
Implement development plan for 1st Line Supervisors	Assistance from Noel Pinnock						
Assist managers/supervisors in setting short-term priorities							
Facilitate development of a shared vision, values, goals and objectives for the BARC work unit							
Implement activities to transform culture to demonstrate values in action through performance of daily duties	Director						
	Chief Vet, Lajeane Thompson, Bureau Chief						

SCOPE OF SERVICES
Gerry Fusco Consulting

Programs & Services: Veterinary Services	City Responsibilities	August	September	October	November	December	January
Goal: Improve quality of veterinary services Develop/revise protocols and for new practice standards for veterinary services including the following							
Assessments	Dr. Groemminger, Chief Vet, Vet Techs						
Euthanasia	"						
Adoptability	"						
Veterinary service documentation in Chameleon	Chief Vet, IT support, contract Inventory						
Treatment guidelines	Manager, IT support						
Surgery	Dr. Groemminger						
Isolation	"						
Do projection for costs associated with new standard of practice	"						
Programs & Services: Placement Services	Support from Danielle Joseph-White and Jamie Moody						
Goal: Reduce the euthanasia rate							
Objective: INCREASE LIVE RELEASES							
A. Increase Adoptions							
Develop a marketing plan to promote the adoption program	Chatauqua Allen						
Implement short term plan to advertise adoptions	"						
Set weekly targets for number of adoptions							
Set target for off site adoption events							
Produce weekly progress reports for adoption activities	Chatauqua Allen						
Negotiate and finalize adoption agreements with humane organizations for Director's signature							
B. Increase Fosters							
Increase the number of active foster homes	Chatauqua Allen, other Marketing resources to be determined						
Assess level of support (treatment, supplies, etc.) needed by foster homes	"						
Do projection on costs associated with foster support	"						
Secure resource for fundraising for foster support							
Set weekly targets for number of fosters							
Produce weekly progress reports for adoption activities	Chatauqua Allen						

SCOPE OF SERVICES
Gerry Fusco Consulting

C. Increase releases to rescue groups	City Responsibilities	August	September	October	November	December	January
Increase the number of active rescue groups	TBD - perhaps Earl Travis						
Assess level of support (treatment, supplies, etc.) needed by rescue groups	"						
Do projection on costs associated with foster support	"						
Secure resource for fundraising for foster support	"						
Recommend changes to ordinance to support expansion of rescue groups	TBD						
Set weekly targets for transfers to rescue							
Produce weekly progress reports for adoption activities	Chatauqua Allen						
II. Objective: DECREASE KENNEL INTAKE							
Complete contract with Adopt a Cat	Lajeane Thompson / Earl Travis						
Coordinate implementation of Adopt a Cat services	"						
Develop policy/practices to reduce over the counter intake	"						
Develop program to provide support for owners to retain pets	"						
Develop weekly report to monitor over the counter intake	"						
Programs and Services: Shelter Services							
Goal: Provide high quality, humane care to animals housed at BARC							
1. Objective: Eliminate mistaken euthanasia	Dr Groemmeingerger, Lajeane Thompson. Karen Roman						
Develop a fail-safe process flow diagram and set of procedures	Karen Roman						
Implement procedures	Lajeane Thompson						
Develop and implement compliance monitoring system	Barbara McGill						
II. Objective: Reduce to zero the number of puppies who die in the drains in the North Kennel	Lajeane Thompson						
Install grate sections to fill in gaps in cages	Vernon Hunt						
Set up space for pregnant dogs, nursing mothers & puppies	Vernon Hunt						
Implement monitoring system to check compliance with housing policy	Barbara McGill						

SCOPE OF SERVICES
Gerry Fusco Consulting

	City Responsibilities	August	September	October	November	December	January
III. Objective: 95% of animals are vaccinated within 24 hours of intake	Chief Vet, Dr. Groemminger						
Develop system to monitor compliance with establish protocol	"						
Improve processes that support vaccination compliance	"						
IV. Objective: Reduce the number of puppies who die within 30 days of adoption	"						
Establish puppy ward in South Kennel	Vernon Hunt						
Install mobile building	"						
Establish system to monitor compliance with puppy housing and care protocols	Barbara McGill						
V. Objective: Establish minimum standards of care for shelter operations	Dr. Groemminger						
Develop standards with input from stakeholders	"						
Create documents with standards and criteria	Karen Roman						
Develop quality improvement process for monitoring quality	Karen Roman						
Programs and Services: Volunteer Program							
Goal: Enhance and improve BARC services through the effective use of volunteers	Danielle Joseph-White						
Develop a clear set of on site roles and responsibilities for volunteers and establish a clear defined supervisory reporting structure							
Increase the number of active BARC volunteers	Danielle Joseph-White						
Public Relations: Marketing & Community Outreach							
Goal: Improve the public image of BARC	Chatauqua Allen						
Develop promotional materials to increase public awareness about BARC services	Chatauqua Allen						
Develop effective communication mechanisms and media to mitigate the effects of negative comments and reports about BARC	Chatauqua Allen						
Promote community efforts via mass media channels	Press Corp; Kathy Barton, Frank Michel, etc						

SCOPE OF SERVICES
Gerry Fusco Consulting

	City Responsibilities	August	September	October	November	December	January
Develop an educational campaign to promote responsible pet ownership	Earl Travis, Volunteers, Vets						
Infrastructure							
Generate monthly reports that are useful for evaluation and planning	Vernon Hunt						
Assist department leadership in development of a long term strategic plan to drive design of new facilities	"						