AGENDA

CITY OF HOUSTON ■ CITY COUNCIL

February 2 & 3, 2010

MAYOR
ANNISE D. PARKER

CONTROLLER
RONALD C. GREEN

DISTRICT COUNCIL MEMBERS

Brenda Stardig
District A

Mike Sullivan
District E

Jarvis Johnson
District B

Al Hoang
District F

Anne Clutterbuck
District C

Oliver Pennington
District G

Wanda Adams
District D

Edward Gonzalez
District H

James G. Rodriguez
District I

AT-LARGE COUNCIL MEMBERS

Stephen C. Costello
Position 1

Melissa Noriega
Position 3

Sue Lovell
Position 2

C. O. "Brad" Bradford
Position 4

Jolanda "Jo" Jones
Position 5

Martha Stein
Director - City Council Agenda

Anna Russell
City Secretary

In accordance with the Texas Open Meetings Act the agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located on the exterior wall of the City Hall building at 901 Bagby.

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To reserve time to appear before Council call 832-393-1100 or come to the Office of the City Secretary, City Hall Annex, Public Level at least 30 minutes prior to the scheduled public session shown on the agenda.

AGENDA - COUNCIL MEETING - TUESDAY - FEBRUARY 2, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Gonzalez

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 - FEBRUARY 3, 2010 - 9:00 A. M.

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

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 38

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Director Department Public Works & Engineering to accept the January 2010 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of $4,586,807.70 for Revenue Bond Debt Service as recommended in the Report

DAMAGES - NUMBER 2

2. RECOMMENDATION from City Attorney for settlement of lawsuit styled **STACEY HOLLAND**, Individually and as next friend of Stanley Holland vs. Clinton Mitchell and the City of Houston; Cause No. 2007-45917; in the 281st Judicial District Court of Harris County, Texas - $500,000.00 Property and Casualty Fund

ACCEPT WORK - NUMBERS 3 through 9

3. RECOMMENDATION from Interim Director Houston Airport System for approval of final contract amount of $20,993,618.64 and acceptance of work on contract awarded to **CONTRACTOR TECHNOLOGY, LTD.** and completed by **W. W. WEBBER, LLC on behalf of the Surety, ST. PAUL FIRE AND MARINE** for Terminal A/B Ramp Widening at George Bush Intercontinental Airport/Houston (IAH) Project No. 558B) - 5.78% under the original contract amount - **DISTRICT B - JOHNSON**

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of $188,514.00 and acceptance of work on contract with **INLAND ENVIRONMENTS, LTD.**, for Asbestos and Lead Abatement, Demolition, Soil Removal, Backfill and Compaction at HPD Mounted Patrol Facility - 17.22% under the original contract amount - **DISTRICT G - PENNINGTON**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $4,329,314.41 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, CO.** for City Overlay Package 12 - 1.23% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; F - HOANG; G - PENNINGTON and I - RODRIGUEZ**

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $1,066,353.89 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Woodway No. 1 Lift Station Replacement - 17.18% under the original contract amount - **DISTRICT G - PENNINGTON**

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $1,554,500.95 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Fontaine Place Area - 1.68% over the original contract amount - **DISTRICT B - JOHNSON**

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $873,841.89 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Distribution System Rehabilitation and Renewal - 30.9% under the original contract amount

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of $1,752,016.18 and acceptance of work on contract with **ALSAY, INCORPORATED** for Rehabilitation of Existing Water Wells - 0.40% under the original contract amount

PROPERTY - NUMBER 10

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Vicente Alonso, on behalf of Vicente L. Alonso and Maria C. Alonso, for abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147, Parcels SY10-027 and LY10-035 - **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 12

11. ORDINANCE appropriating $177,741.35 out of Solid Waste Consolidated Construction Fund for Construction of Loading Dock for Solid Waste Management Department

a. **TREMCO INCORPORATED** for Construction Services to complete the construction of a Loading Dock from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department - $169,277.48 and contingencies for a total amount not to exceed $177,741.35

12. **RR DONNELLEY** for Barcoded Traffic, Non-Traffic and Parking Citations for Various Departments $585,852.78 - General and Parking Management Operating Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 38

13. RESOLUTION designating certain properties within the City of Houston as Historic Landmarks:

Lackner House	2002 Bolsover Street	**DISTRICT C - CLUTTERBUCK**
Stokes-Farnsworth House	1407 Kirby Drive	**DISTRICT G - PENNINGTON**
Wilson G. Saville House	3207 Groveland Lane	**DISTRICT G - PENNINGTON**

14. ORDINANCE **AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES**, **HOUSTON**, **TEXAS**, relating to Coin-Operated Machines; providing for severability, providing for an effective date

15. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; amending and restating Ordinance No. 2010-27 as it relates to the City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2010A, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of Certain Combined Utility System Commercial Paper Notes; authorizing a Bond Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency

16. ORDINANCE approving Lease Agreement with option to purchase between **STAGES, INC, a Texas Non-profit Corporation, as tenant**, and the City of Houston, Texas, as Landlord, concerning the Houston Center for the Arts (3201 Allen Parkway) - **DISTRICT I - RODRIGUEZ**

17. ORDINANCE approving and authorizing contract between the City of Houston and **THE CENTER SERVING PERSONS WITH MENTAL RETARDATION** to provide $180,276.00 in Community Development Block Grant Funds for Vocational Training and Medical and Dental Services to persons with mental illness - **DISTRICT D - ADAMS**

RESOLUTIONS AND ORDINANCES - continued

18. ORDINANCE approving and authorizing application to the **HOUSTON-GALVESTON AREA COUNCIL** for a Hurricane Ike Recovery Assistance Grant (The "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and expend the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - $4,610,243.00 - Grant Fund

19. ORDINANCE approving and authorizing various agreements between the City of Houston, the **HOUSTON POLICE OFFICERS UNION** (as exclusive Bargaining Agent for all Houston Police Officers) and **DAILY ACCESS CORPORATION** for HPD Section 457 Eligible Deferred Compensation Plan Administration Services

20. ORDINANCE approving and authorizing various agreements between the City of Houston, the **HOUSTON POLICE OFFICERS UNION** (as exclusive Bargaining Agent for all Houston Police Officers) and **RELIANCE TRUST COMPANY** for Custodial Account, Investment and related services for HPD Section 457 Eligible Deferred Compensation Plan

21. ORDINANCE consenting to the addition of 13.0024 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, of Harris County, Texas, for inclusion in its district

22. ORDINANCE consenting to the addition of 13.3574 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, of Harris County, Texas, for inclusion in its district

23. ORDINANCE consenting to the addition of 1.8855 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district

24. ORDINANCE establishing the north and south sides of the 800 block of Le Green Avenue within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GONZALEZ**

25. ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code

26. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **NATIONAL ECONOMIC RESEARCH ASSOCIATES, INC** for a Disparity Study of City-wide Public Works Construction Contracts - $595,800.00 - General, Enterprise and CIP Salary Recovery Funds

27. ORDINANCE amending City of Houston Ordinance No. 2009-580 to increase the maximum contract amount for the contract between the City of Houston and **MERCER(US) INC** for Financial Resource Consulting Services - $125,000.00 - General Fund

28. ORDINANCE appropriating $130,517.00 out of Tax Increment Fund for **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET/MARKET SQUARE ZONE)** for Administrative Expenses and payment to the Redevelopment Authority as provided herein **DISTRICT I - RODRIGUEZ**

29. ORDINANCE approving and authorizing Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - 2 Years - $4,000,000.00 - Enterprise Fund **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

30. ORDINANCE appropriating $1,000,000.00 out of Airports Improvement Fund for supplemental allocation to contract for Professional Consulting Services by and between the City of Houston and **HNTB CORPORATION** for Planning Services for the Houston Airport System (Project No. 616; Contract 56374) - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

31. ORDINANCE amending Ordinance No. 2008-951 (Passed by City Council October 22, 2008) to increase the maximum contract amount for the contract between the City of Houston and **MCGLINCHEY STAFFORD, P.L.L.C.** for Legal Services relating to Cause No. 2008-51588; City of Houston v. Candlelight Condo Investments, LLC, et al.; in the 270th Judicial District Court of Harris County, Texas - $80,000.00 - Property and Casualty Fund

32. ORDINANCE approving and authorizing Maintenance and Obligations Agreement between the City of Houston and **MONTGOMERY COUNTY** for Traffic Signal at Intersection of North Park Drive and Russell Palmer Road in Kingwood, Texas - **DISTRICT E - SULLIVAN**

33. ORDINANCE appropriating $204,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Houston Heritage Corridor East Trail Segment 1 Bikeway Project (Approved by Ordinance 1995-1290) - **DISTRICT H - GONZALEZ**

34. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath a tract of land containing 12.3663 acres commonly known as 1025 Lockwood Drive, and a portion of the Texas Avenue right of way, Houston, Harris County, Texas; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality **DISTRICT H - GONZALEZ**

35. ORDINANCE appropriating $236,022.08 out of Water & Sewer System Consolidated Construction Fund and $245,428.28 out of Water & Sewer Contributed Capital Fund as an additional appropriation to the contract between the City of Houston and the **WACKENHUT CORPORATION** (Approved by City Council Ord. No. 09-0572) for Site Security Services at the Southeast Water Purification Plant (SEWPP) located at 3100 Genoa-Red Bluff Rd.

36. ORDINANCE appropriating $4,574,707.00 out of Street & Bridge Consolidated Construction Fund and $462,293.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project 457; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**

37. ORDINANCE deappropriating $197,311.00 out of Water & Sewer System Consolidated Construction Fund appropriated by Ordinance No. 2008-477 which approved contract between the City of Houston and Metro City Construction, L.P. for FY08 Water Distribution System Rehabilitation and Renewal; appropriating $1,197,311.00 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **RWL CONSTRUCTION, INC** for FY10 Fire Hydrant Replacement; 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

RESOLUTIONS AND ORDINANCES - continued

38. ORDINANCE appropriating $385,462.00 out of Fire Consolidated Construction Fund; awarding construction contract to **PEMCO, INC** for Underground Storage Tank Remediation, Removal and Installation at Fire Station 18 and Fire Station 42; 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 materials testing, project management and construction oversight, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 39 through 41

39. ORDINANCE approving and authorizing contract between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION, A Texas Nonprofit Corporation**, to provide $3,000,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 144 Unit Affordable Family Housing Apartment Complex to be located in the Near Northside on an approximately 5.72 acre tract on Irvington Boulevard, of which 27 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT H - GONZALEZ**
TAGGED BY COUNCIL MEMBER GONZALEZ
This was Item 15 on Agenda of January 27, 2010

40. ORDINANCE approving and authorizing contract between the City of Houston and **ORCHARD COMMUNITIES, INC, A Texas Nonprofit Corporation**, to provide $3,540,000 Performance-Based Loan of Federal "HOME" Funds to assist in the Development of a 118 Unit Affordable Senior Housing Apartment Complex on an approximately 5.6965 acre tract at the northeast corner of Brinkman and West 34th Street, of which 30 units will be designated as Home Affordable Floating Units for a 20-year affordability period - **DISTRICT A - STARDIG**
TAGGED BY COUNCIL MEMBER STARDIG
This was Item 16 on Agenda of January 27, 2010

41. ORDINANCE appropriating $60,000.00 out of Public Health Consolidated Construction Fund; awarding Construction Management At Risk Contract to **SPAWMAXWELL COMPANY, LLC** for Bureau of Animal Regulation and Care Facility Expansion/Renovation & Ann Slemons Young Animal Center - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
TAGGED BY COUNCIL MEMBER RODRIGUEZ
This was Item 39 on Agenda of January 27, 2010

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

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

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

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

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
FEBRUARY 2, 2010 – 2:00 PM

NON-AGENDA

1MIN 1MIN 1MIN

2MIN 2MIN 2MIN

MS. OZELL TAYLOR JOHNSON – 3337 Parkwood - 77021 – 713-748-6594 – Burglarizing my home

MR. KHEN LY - 1005 St. Emmanuel – 77003 – 832-236-6428 – Dynamo Stadium

3MIN 3MIN 3MIN

MR. WILBERT JOHNSON – 5818 Southtown – 77033 – 281-706-2413 – Itinerant vendors

MS. CAROL HARRISON – 2725 Reed Road – 77051 – 713-734-4794 – The Spouses of Texas

MR. STANISLAW PAWLOWSKI – 8011 Shiner Ln. – 77072 – 832-275-8455 – Ticket for fallen fence after Hurricane

MR. GERRY BALDWIN – 13955 Bendt Path – 77014 – 281-583-7456 – Metro – concerns about my job

MR. RUBEN ROSAS – 902 ½ Jewett – 77009 – 832-891-6606 – Animal control

MS. EVELYN GARNER – 1616 Hazard – 77019 – 713-524-5072 - Water Department

MR. JOSEPH BALLARD – 6302 Rocky Nook – Humble – TX – 77396 – 281-850-0388 – My water bill

MS. LORENZO BUTLER, SR. – 4542 N. Rippleridge Dr. – 77053 – 281-416-0794 – Biodegradable garbage bags

MR. ALAN OWENS – 5324 Briar Dr. - 713-304-6881 – Creating jobs and reduce crime proposal

MR. ANDY GARDEN – 9825 Stella Link – 77096 – 832-228-6708 – Cell phones use near school

MR. DEAN BECKER – 9639 Railton – 77080 – 713-462-7981 – Over crowded Jail

MS. LORUGENE YOUNG – 3614 Trace Ct. – Humble – TX – 77396 – 281-794-1014 (cell) 281-454-4840 (hm) – Why I received a bill after 20yrs.

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 - Behavior; Fiesta Ballroom, 200 Jackson Street, Houston, disgracing Parents/Children

MS. LISA SQUIERS – 1126 Kinley – 77018 – 832-851-6720 – Social Contracts

MS. DIANE LIPTON – 550 Gulfgate Center Mall – 77087 – 713-926-3305 – Dynamo Stadium Site

MR. JASON BAXTER – 3911 Spring Meadows – 77080 – 713-416-3216 – Wants to get paid for Hurricane Work

MR. BARRY HONEYCUTT – 824 Colgate – 77061 – 713-824-2919 – Demolishing in the City of Houston

PREVIOUS

1MIN 1MIN 1MIN

MR. JOHN JOHNSON – 7102 Wendemere – 77088 – 832-453-1900 – Code Enforcement mislead the Mayor

MR. JAMES PARTSCH-GALVAN – 1611 Holman – 77004 – 713-528-2607 – I support granting Subpoena powers to the citizen review board

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – President USA w/H/County v-Deputy Representative/ US Gov't Overthrown – ER-Protection

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Investigation on Stuebner Airline Park 26.82 acres and other

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Acceptance of the Semiannual Report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transfer of revenues and interest generated by water and wastewater impact fees in the amount of $4,586,807.70 to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service.	**Page** 1 of 1	**Agenda Item #**

FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE 1/26/10 **Michael S. Marcotte, P.E., D.WRE, BCEE, Director**	**Council District affected:** All	
For additional information contact: **Ann Marie Stone Sheridan, P.E.** AMS **713-837-9142**	**Date and identification of prior authorizing Council action: CM 2009-0580 / 08-05-2009**	

RECOMMENDATION: (Summary)

Approval of a motion accepting the January 2010 semiannual report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transferring impact fee revenues and interest generated by the program to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service as recommended in the report.

Amount and Source of Funding: $4,586,807.70 (revenue)

SPECIFIC EXPLANATION:

Pursuant to Chapter 395 of the Local Government Code and the rules of procedures adopted by City Council, the Capital Improvement Advisory Committee (CIAC) must file semiannual reports on the implementation of the impact fee program and its supporting components. The Planning Commission, acting as the CIAC, approved the January 2010 semiannual report at its meeting on January 21, 2010. The Committee hereby now conveys the report to Council for consideration. This report contains documentation of impact fee administration from May 1, 2009 through October 31, 2009. The Committee recommends that City Council accept the report and authorize the transfer of revenues and interest generated by water and wastewater impact fees, **$4,586,807.70**, to revenue bond debt service.

Attachment:

cc: Arturo G. Michel, City Attorney
Marty Stein, Agenda Director
Michael S. Marcotte, Director, Public Works and Engineering
Andrew F. Icken, Deputy Director, Public Works and Engineering

	REQUIRED AUTHORIZATION	**20UPA41**
Finance Director	**Other Authorization:** **Andrew F. Icken, Deputy Director**	**Other Authorization:** **Susan Bandy, Deputy Director**

January 2010

Semiannual Report of the

Capital Improvements Advisory Committee

On Impact Fees

Planning Commission
Acting as the
Capital Improvements Advisory Committee

Dr. Carol A. Lewis, Chair

City of Houston
Planning and Development Department
Planning Services Division

JANUARY 2010 SEMIANNUAL REPORT OF THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE ON IMPACT FEES

A. Purpose of this Review

Cities imposing impact fees on new development must comply with Chapter 395 of the Texas Local Government Code. In accordance with Chapter 395, City Council adopted Ordinances 90-675 and 90-676 to establish procedures to administer the City's water and wastewater impact fees programs, respectively. Approval of Motion 90-0614 by the City Council appointed the Planning Commission as the Capital Improvements Advisory Committee. Under State law, the Committee is charged with the following responsibilities:

- Assisting and advising the City in adopting land-use assumptions;
- Reviewing the IFCIP and filing written comments;
- Monitoring and evaluating the implementation of the IFCIP;
- Filing semiannual reports on the progress of the plan;
- Reporting actual or perceived inequities in plan implementation or the application of impact fees; and
- Recommending updates or revisions to the plan or any impact fees

This documentation fulfills the State requirement of the semiannual report on the progress of the plan. Preparation and conveyance of this report complies with City Council Motion 90-0614 to file a report by January and July of each year. This report documents changes that occurred between the period of **May 1, 2009 and October 31, 2009**, of the 2000-2010 Impact Fees Program.

I. FINDINGS AND RECOMMENDATIONS

The Planning Commission, acting in its capacity as the Capital Improvements Advisory Committee, finds the following for the **2000-2010 Impact Fee Program:**

- A total of **513** single -family residence (SFR) building permit application exemptions (from paying impact fees) were granted to single-family residences below the median housing price for the City of Houston between **May 1, 2009 and October 31, 2009**. The unit cost range for considering residences below the median housing price was from **$148,166 - $148,541.** The range is published by **the Real Estate Center at Texas A & M University.** A total of **19,692** exemptions have been applied for since the ordinance was adopted in 1997.

- A total of **$4,586,807.70** generated from revenues and interest for water and wastewater impact fees accrued in the impact fees accounts between **May 1, 2009 and October 31, 2009,** the **second** half of the **ninth** year of the 2000-2010 Impact Fees Program. The program has an all-time total income of **$221,320,344.36.**

Based on these findings, the CIAC recommends the following actions:

- The total amount of the revenues and interest generated from water and wastewater impact fees during the reporting period in the sum of **$4,586,807.70** should be authorized for appropriation to debt retirement.

B. Background

The City of Houston established an impact fees program in June 1990 and adopted an update in June 2000 in compliance with State legislative requirements. The Planning Commission, acting in the capacity of the Capital Improvements Advisory Committee, oversees the program. The program institutes a method to collect fees for new development applications for water and/or sanitary sewer service. The fees offset a portion of costs associated with capital improvements for providing water and wastewater facilities to meet the new demand.

According to State legislation, estimates of new demand and needed facilities must be based on approved land-use assumptions. Maximum chargeable impact fees, the maximum fees the City can charge, are calculated from the estimated cost of the facilities and the capacity of the system. City Council determines the impact fees collection rates, which cannot exceed the maximum chargeable fees. These are the actual rates paid by the developer upon request for service. The City applies collected fees to the cost of the capacity needed by new development for designated water and wastewater capital improvements. These capital improvements are identified in the IFCIP. (Note that the IFCIP is not the City's five year Capital Improvement Plan.)

II. EVALUATION OF IMPACT FEE PROGRAM COMPONENTS

A. Land Use Assumptions

Review of the Land Use Assumptions (LUA) consists of monitoring the following components: population and employment, and water and wastewater service units. Population and employment projections were distributed among census tracts, followed by calculation of water demand and wastewater generation for the projected growth within each census tract.

1. Population and Employment

Population and employment projections provide the foundation to develop forecasts of future land use. The 2000-2010 impact fees are based on population and employment projections published by the University of Houston, Center for Public Policy in *Population and Employment Projections: Houston Five County Regions* (1995). In January 2006, the City of Houston Planning Department confirmed that the total population and employment projections in the land-use assumptions are within acceptable tolerances when compared to actual growth between the 1990 and 2000 Census figures. Projected growth for this period ranged from 1.2% - 1.4% per year; actual growth was 1.2% per year. The Planning Department's current population projection for 2010 is 2,365,525, which is approximately 3% higher than the 2000 program projection of 2,292,625.

2. Service Units

The second method of analysis involves a comparison of service units projected in IFCIP to service units generated by actual development. Service units provide a method for converting demand from different land uses to a common unit of measure. Adopted units of measure are based on the average daily demands for a single-family residence, 420 gallons for water and 315 gallons for wastewater. Service unit analysis compares prorated ten-year growth projections in service units with service units generated by actual development. The number of projected service units was calculated for each ten-year planning period.

2000-2010 Program

Growth projections anticipate citywide demands will increase to 307,143 service units for water and 295,238 service units for wastewater between 2000 and 2010. Using an interpolation of proportionate service unit consumption, **287,925** service units for water and **276,769** service units for wastewater were projected to be consumed through this period of the updated program (**May 1, 2009 and October 31, 2009**). Service unit data were compiled from actual permit applications and totaled for the entire service area. Actual service units generated during this 6-month period totaled **4,524** water service units and **2,561** wastewater service units, for a cumulative total of **154,456** water service units and **132,387** wastewater service units (See Table 1).

Table 1 shows the percentage of cumulative actual growth slower than projected through this reporting period. With current consumption of service units only **54%** for water and **48%** for wastewater, significant capacity remains in these systems for new development. While actual service units are below projected levels, adjustment of projected service units for the ten-year period will have no affect on the maximum impact fees.

The maximum impact fee for each service unit calculated in the IFCIP is based on the prorated cost of projects divided by the capacity of the system. For both water and wastewater, the maximum rate is not time sensitive since it was calculated as the average cost per gallon for the entire system. Without a change to project costs or capacities in that IFCIP, maximum fees per service unit will not change.

TABLE 1
May 1, 2009 and October 31, 2009
Percent of Actual to Prorated Projected Service Units (s.u.)

Semiannual Report	Duration (months)	Water Prorated s.u.	Water Actual s.u.	Water %*	Wastewater Prorated s.u.	Wastewater Actual s.u.	Wastewater %*
January 2001	4.5	11,517	6,965	60	11,071	5,926	54
July 2001	10.5	26,873	16,926	63	25,832	14,018	54
January 2002	16.5	42,229	25,098	59	40,593	20,871	51
July 2002	22.5	57,585	33,269	58	55,354	26,806	48
January 2003	28.5	72,941	41,368	57	70,115	33,738	48
July 2003	34.5	88,297	51,068	58	84,876	46,929	55
January 2004	40.5	103,653	59,756	58	99,637	53,326	54
July 2004	46.5	119,009	67,715	57	114,398	60,024	52
January 2005	52.5	134,365	76,567	57	129,159	67,596	52
July 2005	58.5	149,721	84,594	57	143,920	76,811	53
January 2006	64.5	165,077	93,897	57	158,681	83,839	53
July 2006	70.5	180,433	101,708	56	173,442	90,021	52
January 2007	76.5	195,789	111,448	57	188,203	97,723	52
July 2007	82.5	211,145	121,534	58	202,964	106,216	52
January 2008	88.5	226,501	132,351	58	217,725	116,007	53
July 2008	94.5	241,857	140,562	58	232,486	122,797	53
January 2009	100.5	257,213	145,261	56	247,247	126,616	51
July 2009	106.5	272,569	149,932	55	262,008	129,826	50
January 2010	112.5	287,925	154,456	54	276,769	132,387	48

3. Impact Fees Capital Improvement Plan (IFCIP)

2000-2010 Program

Changes to the original 1990-2000 IFCIP have been made as a result of updates in the years 2000 and 2002. The majority of the facilities were in place at adoption of the impact fees program update. Examination of data regarding service unit consumption from **May 1, 2009 and October 31, 2009,** indicates significant capacity remains in the water and wastewater systems to support future demand. A review of State of Texas procedures regarding Impact Fees has been done. At this time, no update of the plan is necessary.

4. Maximum Chargeable Impact Fees

In its 2001 session, the Texas Legislature approved changes to the method of calculating the maximum impact fee a city is allowed to charge, by allowing certain taxes to be credited against the cost of the IFCIP facilities. As a result, the maximum chargeable impact fees decreased to $2,121.89 for water and $1,495.59 for wastewater beginning June 26, 2002. The maximum fees are derived by using the formula given in Chapter 395 of the Texas Local Government Code. The City of Houston Legal Department has evaluated the changes and determined that although the maximum allowable fees have dropped, the fees the City charges are sufficiently below that maximum that they need not be reduced.

5. Findings:

The 2000 and 2002 impact fees programs are acceptable for continued administration through the next reporting period.

- Review of service unit data indicates excess capacity in both the water and wastewater systems sufficient to accommodate new development through the next scheduled update in 2010.
- Water and wastewater facilities identified in the IFCIP are adequate to meet anticipated demand through **April 30, 2009**, the end of the next reporting period.

III. SUMMARY OF IMPACT FEE ACCOUNTS

A. Impact Fees Rates:

- Table 2 provides a summary of the maximum allowable fees collection rates adopted by City Council for the 2000-2010 planning period and proposed rates.
- The last increase in July 2009 was 3.3% based upon the annual adjustment in the Consumer Price Index (CPI) between the year 2008 and 2009.
- The current Water/Wastewater impact fee of $1,532.55 per service unit for water and wastewater is 42.37% of the maximum fees allowed by current law.

TABLE 2
Maximum and Adopted Impact Fees

2000-2010 Program	**Wastewater**	**Water**	**Total**
Maximum Impact Fee/Residential Equivalent	**$1,495.59**	**$2,121.89**	**$3,617.48**
Adopted Fee	**$1,195.52**	**$337.03**	**$1,532.55**

B. Current Status of Fees:

The City maintains separate accounts for recording revenues received from water and wastewater impact fees. The funds may be expended for design and construction services, and/or retiring debt service. As of **October 31, 2009**, the City has accrued **$221,320,344.36** since implementing the impact fees ordinances in 1990. A total of **$216,733,536.66** has been transferred to the revenue bond debt service fund. The amount of **$4,586,807.70** is available for transfer to the debt service fund from impact fees accounts. Table 3 provides a summary of impact fee revenues and account balances.

TABLE 3
Status of Impact Fees Accounts

	Wastewater	Water	Totals
1990-2000 Program			
Total Income	**$44,115,871.05**	**$19,557,816.07**	**$63,673,687.12**
Transfers to Debt Service:	**$44,115,871.05**	**$19,557,816.07**	**$63,673,687.12**
2000-2010 Program:			
Collections Income through 10/31/2009	$112,989,455.63	$40,437,290.95	$153,426,746.58
Interest Income through 10/31/2009	$3,103,438.54	$1,116,472.12	$4,219,910.66
Total Income	**$116,092,894.17**	**$41,553,763.07**	**$157,646,657.24**
Transfers to Debt Service:			
Transferred	$113,030,653.91	$40,029,195.63	$153,059,849.54
Not transferred	$3,062,240.26	$1,524,567.44	$4,586,807.70
All-Time Total Income (6/1/1990-10/31/2009)	**$160,208,765.22**	**$61,111,579.14**	**$221,320,344.36**
TOTAL AVAILABLE FOR TRANSFER	**$3,062,240.26**	**$1,524,567.44**	**$4,586,807.70**

C. Finding:

- A total of **$4,586,807.70** in the impact fee requires authorization for transfer to the revenue bond debt service fund.

IV. REVIEW OF PROGRAM IMPLEMENTATION

A. Analysis of Inequities

- Implementation: The Committee finds no inequitable implementation of the plan during this reporting period.

- Application of Fees: Impact fees for water and wastewater are based on a uniform usage standard calculated in single-family residential, equivalents, i.e. 420 gallons per day (gpd) for water and 315 gpd for wastewater. City Council adopted a standard conversion table which applies to the majority of land uses.

B. Reporting Period Activity

Provided by Ordinance 97-442, applicants qualify for a single-family residence (SFR) impact fee exemption as approved by the Department of Public Works and Engineering if the purchase price of the house does not exceed the latest available average of median prices for the past twelve months for single-family housing in the city as published by the Real Estate Center at Texas A&M University. The Maximum Exempt Unit Cost for the reporting period ranged from **$148,166 - $148,541.**

C. Findings:

- The Impact Fees Program continues to be implemented in an equitable manner.

- For this reporting period, **513** exemptions from impact fees have been applied for, and **19,692** impact fee exemptions for SFR building permits have been applied for since Ordinance 97-442 was enacted in April 1997.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Settlement of Lawsuit styled: *Stacey Holland, Individually and as next friend of Stanley Holland vs. Clinton Mitchell and the City of Houston*; Cause No. 2007-45917; In the 281st Judicial District Court of Harris County, Texas. L.D. #063-0700174-001	Page 1 of	Agenda Item # 25
FROM (Department or other point of origin): Legal	Origination Date 1-28-10	Agenda Date FEB 03 2010
DIRECTOR'S SIGNATURE:	Council District affected: All	
For additional information contact: Rosemary S. Stuart Phone: 832.393.6472	Date and identification of prior authorizing Council action:	

RECOMMENDATION: (Summary)

Approve the referenced settlement

Amount and Source of Funding:
$500,000.00 - Property and Casualty Fund

(Fund 1004)

SPECIFIC EXPLANATION:

FOR SETTLEMENT PURPOSES ONLY

On October 24, 2006, at the intersection of Atascocita Road and Will Clayton Parkway, Defendant Clinton Mitchell of the Public Works Department was driving a City dump truck. He ran the red light at Atascocita and rear-ended Mr. Stanley Holland's vehicle. He then traveled across the intersection and hit Miguel Lopez, incurring over $176,000.00 in medical damages, and then ran over Adam Knetsar, killing him upon impact. Mr. Mitchell resigned from the City in lieu of being terminated. He was convicted of involuntary manslaughter and is serving six years in jail. Mr. Holland's wife, Stacey Holland, filed this lawsuit. Mr. Lopez and the estate of Adam Knetsar are intervenors in the suit. Mr. Holland has incurred over $1,500,000.00 in medical bills.

Under §101.023 of the Texas Tort Claims Act, recovery is limited to $250,000 per person and $500,000.00 per occurrence. The parties cannot agree upon how this statutory cap should be divided among them. The Legal Department recommends that the City confess judgment as provided under the Texas Rules of Civil Procedure for $500,000 and allow the court to divide the sum among the parties.

It is recommended that a check be made payable to Loren Jackson, District Clerk, for the confession of judgment in Cause No. 2007-45917; *Stacey Holland, I/N/F of Stanley Holland vs. City of Houston and Clinton Mitchell*; in the 281st Judicial District Court of Harris County.

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

G:\DEFENSE\RSW\holland\rca.wpd\01-14-10\st

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept work – Contractor Technology, LTD (St. Paul Fire and Marine and W. W. Webber, LLC) for Terminal A/B Ramp Widening at George Bush Intercontinental Airport/Houston (IAH) Project No. 558B (WBS#A-000392-0003-4-01 ; Contract No. 55718)	Category #	Page 1 of 1	Agenda Item # 3

FROM (Department or other point of origin):	Origination Date	Agenda Date
Houston Airport System	January 21, 2010	FEB 03 2010

DIRECTOR'S SIGNATURE:	Council District affected:
Eric R. Potts	B

For additional information contact:	Date and identification of prior authorizing Council action:
John Silva **Phone:** 281-233-1925 Robert Bielek 281-233-1941	02/25/2004 (O) 2004-140

AMOUNT & SOURCE OF FUNDING:	Prior appropriations:
N/A	02/25/04 ....$24,325,758.00 Arpt Syst Consolidated 2004 NAMT Fund (552)

RECOMMENDATION: (Summary)

Pass a motion to approve the final contract amount of $20,993,618.64 or 5.78 percent less than the original contract amount, accept work, and authorize final payment.

SPECIFIC EXPLANATION:

On February 25, 2004, Contractor Technology, LTD (CTI) was awarded a construction contract in the amount of $22,281,804.57 for Terminal A/B Ramp Widening (Project 558B) at George Bush Intercontinental Airport/Houston (IAH). CTI started work, but left the project incomplete and filed for bankruptcy on June 22, 2005. St. Paul Fire and Marine (Surety), the Bonding Company for this project, reached a Takeover Agreement with the City of Houston, Houston Airport System on February 16, 2006 and hired W.W. Webber, LLC to finish the project.

Webber has completed all the work required. During construction, the Houston Airport System (HAS) inspected the project. The inspection team was led by Mr. Steve Roberts, Mr. Jack Pepper and Mr. Dan Garmon.

The final amount of the contract, including Change Order Nos. 1 and 2 in the amount of $513,849.98 and line item under-runs in the amount of $1,802,035.91, will be $20,993,618.64, which is 5.78 percent less than the original contract amount. The changes were for unforeseen conditions that were undetermined at the time of design and included items such as stabilizing the existing trench drain and removing and properly disposing contaminated, non-hazardous liquid and sludge from existing tanks (glycol storage tank, oil/water storage tank and oil/water separator tank) and replacing them with new ones.

After the takeover by the Surety, W.W. Webber, LLC achieved a 25.08% M/WBE participation on a 20% goal. The combined CTI and W.W. Webber, LLC M/WBE participation on this project is 17.08%. The contract did not fully meet required goals because the original contractor CTI went bankrupt and failed to use all of the committed certified sub-contractors. The Small Business Development and Contract Compliance Office of HAS, and the Office of Affirmative Action and Contract Compliance awarded W. W. Webber, LLC a "Satisfactory" rating.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Inland Environments, Ltd. Asbestos and Lead Abatement, Demolition, Soil Removal, Backfill and Compaction at HPD Mounted Patrol Facility WBS No. G-000117-0003-4	**Page** 1 of 1	**Agenda Item** 4

FROM (Department or other point of origin): General Services Department	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 1/14/10	**Council District affected:** G	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:** Ordinance: 09-0335 Dated: 04/22/2009	

RECOMMENDATION: Pass a motion approving the final contract amount of $188,514.00 accept the work and authorize final payment.

Amount and Source of Funding: No Additional Funding Required **Previous Funding:** **$238,559.00** General Improvements Consolidated Construction Fund (4509)	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of $188,514.00 or 17.22% under the original contract amount, accept the work and authorize final payment to Inland Environments, Ltd. for asbestos and lead abatement, demolition, soil removal, backfill and compaction at HPD Mounted Patrol Facility for the Parks and Recreation Department.

PROJECT LOCATION: 300 North Post Oak Lane
Houston, Texas (Key Map No. 491-H)

PROJECT DESCRIPTION: The project completed asbestos and lead abatement, removed, backfilled and compacted the soil and prepared the site for development of a new park. The work also included saw-cutting the concrete pavement, grading, loading, hauling and proper disposal of debris generated as a result of all activities.

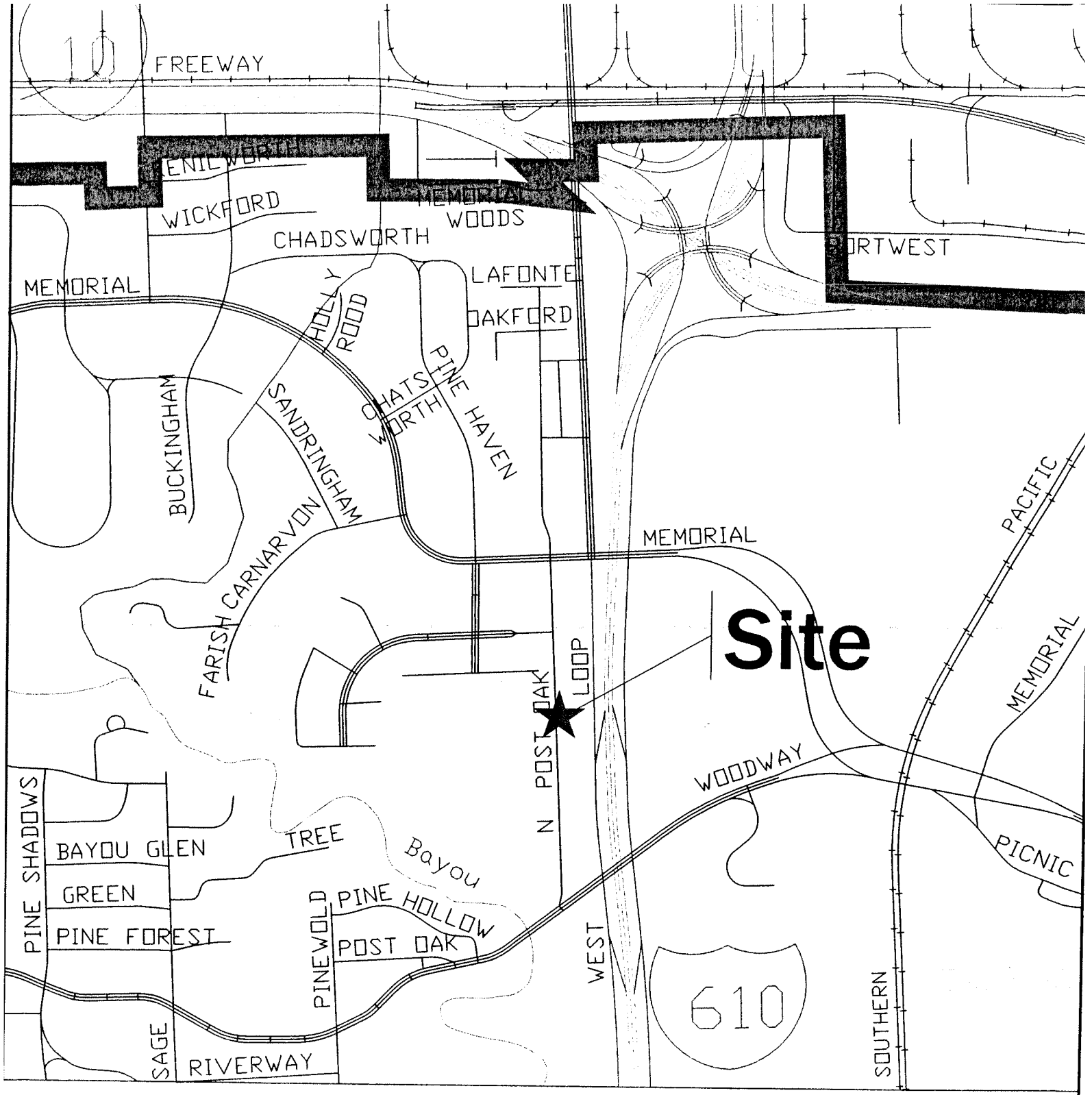
CONTRACT COMPLETION AND COST: The contractor completed the project within 55 days from the original contract duration of 60 days. The final cost of the project, including Change Order 1, is $188,514.00, a decrease of $39,213.00 from the original contract amount.

PREVIOUS CHANGE ORDER: Change Order 1 provided a credit to the contract price for 3,408 cubic yards of remaining soil found to be in good condition and not required to be removed.

IZD:HB:JLN:GM:MCJ:fk
c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Calvin Curtis, Gabriel Mussio, File.

REQUIRED AUTHORIZATION CUIC ID # 25GM199

General Services Department: Humberto Bautista, P.E. Chief of Design & Construction Division	**Other Authorization:**	**Parks and Recreation Department:** Joe Turner Director



Asbestos and Lead Abatement, Demolition,
Soil Removal, Backfill and Compaction at

HPD Mounted Patrol Facility

300 North Post Oak Lane
Houston, TX 77024

COUNCIL DISTRICT "G"

KEYMAP No. 491H

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

SUBJECT: Accept Work for City Overlay Package 12; WBS No. N-001037-0052-4.	**Page** 1 of 1	**Agenda Item** # 5
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE., Director	**Council District affected:** A, B, D, F, 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. # 2008-508 dated 06/11/2008	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $4,329,314.41 or 1.23% 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 $5,223,571.70 from Metro Project Commercial Paper Series E Fund, Fund No. 4027.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City Wide Overlay Program and was required to improve and maintain a safe road surface and accessibility.

DESCRIPTION/SCOPE: This project consisted of base repair of flexible and rigid pavement; construction of approximately 3.5 inches of hot mix asphaltic concrete pavement; curb ramp repair/ replacement, etc. This was a work order contract where projects had been assigned as they were engineered. In-House Engineers designed the project with 365 calendar days allowed for construction. The project was awarded to Durwood Greene Construction, Co. with an original contract amount of $4,276,557.00.

LOCATION: The project area is located in Council Districts A, B, D, F, G, I. The project is located in Key Map Grids 571S,W, 611A, E, 450V, 451S, T, U, 494F, B, 455X, Y, 574Q, U, Y, 492P, Q, 533B, C, H, 528C, G, L, 534M, R, 535N, S.

CONTRACT COMPLETION AND COST: The Contractor, Durwood Greene Construction, Co., completed the work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is $4,329,314.41. This is an increase of $52,757.41 or 1.23% over the original Contract Amount.

The increased cost is a result of difference between planned and measured quantities. This increase is primarily the result of an overrun in various bid items include Full Depth Repair and Spot Repair of Concrete Pavement Surface or Subsurface, HMAC Type "D" (Surface or Level-up), Grind Concrete (including saw cutting), which were necessary to complete the contract.

M/WBE PARTICIPATION: The M/WBE goal established for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 19.06%. Contractor's M/WBE performance evaluation was rated Unsatisfactory.

MSM:DRM:JTL:RJM:DO:ha

Z:\E&C Construction\North Sector\PROJECT FOLDER\N-001037-0052-4(Overlay Package 2) On-call\21.0 Closeouts\RCA\RCA - Closeout.doc

c: Velma Laws Craig Foster Marty Stein File No.: N-1037-52/21.0

REQUIRED AUTHORIZATION **20HA81** MOT

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

SUMMARY OF MWDBE ACTIVITIES

Project #/Description: Overlay #2252 Package 12-Citywide Overlay Program, N-001037-0052-4, 4600008704

Prime Contractor: Durwood Greene Construction, L.P.

Contract Amount: $4,276,557.00

Final Amount: $4,329,314.41

Change Orders: $52,757.41

MWDBE Goal 22.00%

Actual Utilization: 19.06%

Amount of Goal after Change Orders: $952,449.17

Original MWDBEs listed on RCA & Letter of Intent	MWDBEs used:	List of original MWDBE, that were not used
Anderson Dump Trucking, Inc.	Anderson Dump Trucking, Inc.	Erosion Control, Inc.
Contractors Source, Inc.	Contractors Source, Inc.	
Curb Planet, Inc.	Curb Planet, Inc.	
Erosion Control, Inc.	L.O. Materials & Trucking, Inc.	
L.O. Materials & Trucking, inc.	R & A Transport, Inc.	
R & A Transport, Inc.		

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

Durwood Greene was short 3.91% of the 22% goal. The Prime Contractor stated that not all MWBE contractors were used to the maximum extent because the project's work orders did not specify work for them to perform. The Prime Contractor communicated the expected shortfall in MWBE utilization to AAD in September 2009.

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

Erosion Control, Inc. did not return request for information. Contractors Source, Inc. (CSI) stated that their proposed contract amount was generated without knowing how much material would actually be needed. CSI was satisfied they were utilized to the maximum extent. Curb Planet, Inc., likewise, was satisfied they were used to the maximum extent possible.

Approved by:

P. A

Pat Amezcua
Contract Compliance Officer

Morris M Scott

Morris M. Scott, Division Manager
Contract Compliance Section

12/14/09

Date

Durwood Greene Construction Company, Inc.
Contract History Report

As of January 28, 2010

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	Overlay #247-98 - Meadowcreek overlay project, tier VI. Q-1147-01-3	$830,027.95	0%	0.00%	11/30/00	No goal
2	Overlay #253-99 - Overlay projects in Third Ward completion. Q-1153-01-3	$1,404,799.75	17%	23.95%	02/12/01	Oustanding
3	Overlay #249-99 - Oak Forest and Mangum Manor overlay project, Tier VI. Q-1149-0	$345,057.31	0%	0.00%	02/16/01	No goal
4	Overlay #244-99 - Montie Beach: Link Road, North Main Street, Q-1144-01-3	$375,354.08	0%	0.00%	02/20/01	No goal
5	Overlay #251-98 - Reveille/Park Place overlay project, tier VI. Q-1151-01-3	$1,264,466.27	17%	24.88%	08/13/01	Outstanding
6	Overlay #2008 - Northline Park asphalt overlay, phase II, pacakage 1. N-1037-08-3	$1,772,327.26	17%	30.07%	08/21/01	Outstanding
7	Overlay #2009 - Northline Park, phase II, package 2. N-1037-09-3	$1,647,811.72	17%	18.56%	11/29/01	Outstanding
8	Overlay #2006 - Asphalt overlay project in Third Ward completion. N-1037-06-3	$1,958,645.25	17%	18.76%	02/28/02	Outstanding
9	Overlay #2033 - Asphalt overlay project in Council District I, Tier VIII. N-1037-33-3	$1,852,075.80	17%	17.45%	01/23/03	Satisfactory
10	Overlay #2032 - Asphalt overlay project in Council District H. N-1037-32-3	$3,510,914.78	17%	18.29%	01/29/03	Satisfactory
11	Overlay #2026 - Generic Overlay project, package II. N-1037-26-3	$1,354,714.65	17%	16.67%	09/30/03	Satisfactory
12	Overlay #2244 - Generic Citywide overlay, package 7. N-1037-44-3	$2,873,310.47	17%	17.73%	01/09/06	Satisfactory
13	Overlay #2240 - Generic City Wide overlay, package #5. N-1037-40-3	$3,027,090.09	17%	15.13%	07/27/06	Satisfactory
14	Overlay #2248 - Generic Citywide overlay, package #8. N-001037-0048-4	$3,713,941.03	17%	20.55%	01/09/08	Outstanding
15	Overlay #2249 - Generic Citywide overlay, package #9. N-001037-49-4	$3,770,266.82	17%	16.81%	01/09/08	Satisfactory
16	Overlay #2251 - Citywide Overlay Package #11. N-001037-0051-4	$4,347,151.52	20%	22.12%	06/03/09	Outstanding
17	Overlay #2252 - Overlay Package #12. N-001037-0052-4	$4,329,314.41	22%	19.06%	12/14/09	Unsatisfactory
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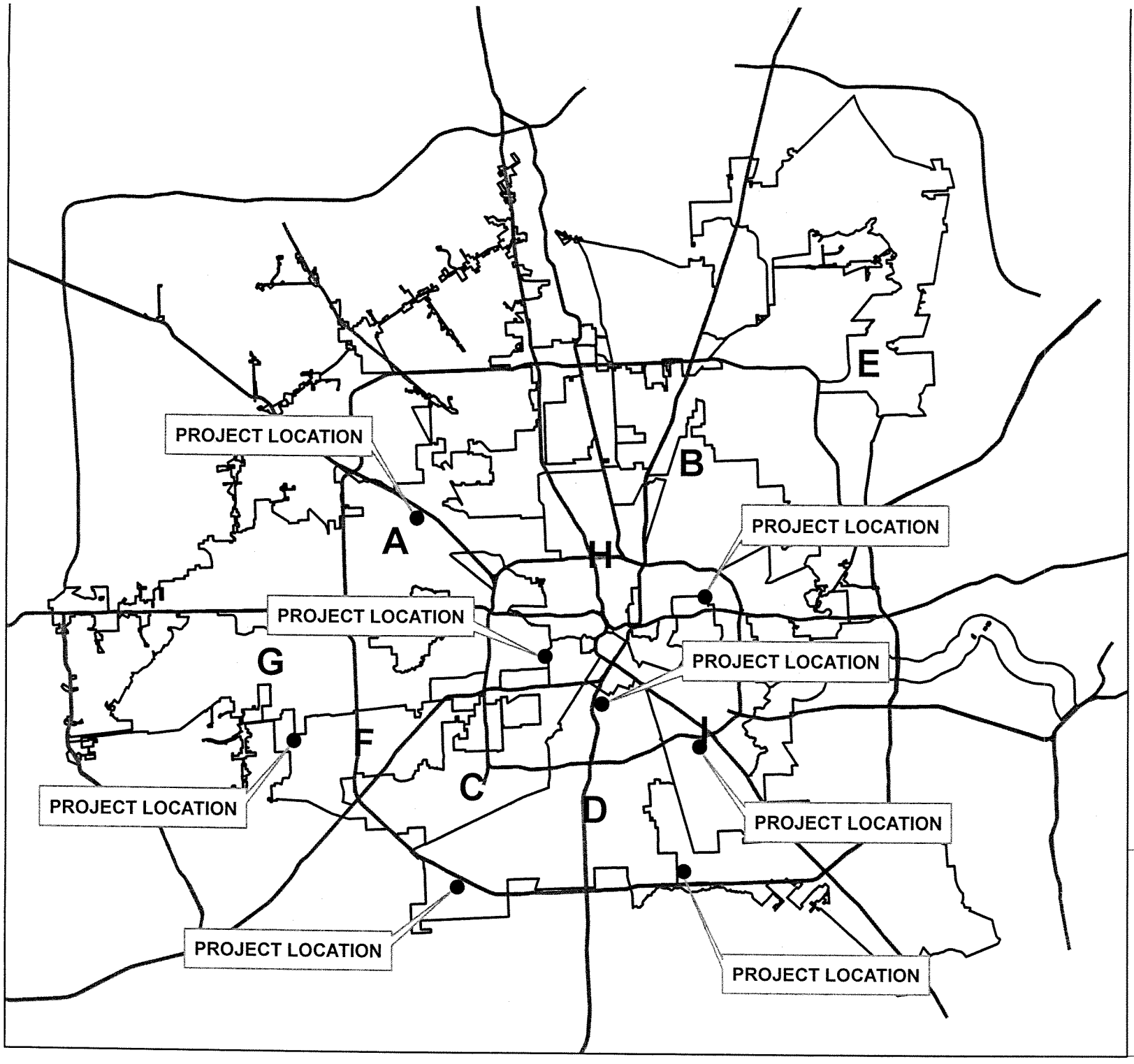

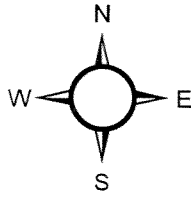

GENERIC OVERLAY
WBS # N-001037-0052-4
COUNCIL DISTRICTS
"A,B,D,F,G,I"

CITY OF HOUSTON

Department of Public Works & Engineering

Street and Bridge/Stormwater Engineering and Construction Branch

PROJECT STREET LIST

Project Name :

Contractor : Durwood Greene Construction, L.P.

Project No. : **N-001037-0052-4**

Contract No. : 4600008704

Street	From Street	ToStreet	KEY MAP	Council District	Start Date	Comp Date	Status	Comments
Blue Ridge Dr	Hilcroft Rd	McHard RD (FM 2234)	571S,571W,611A,611E	D	8/18/08	2/18/09	Complete	
Long Point Road	Bingle Road	Hempstead Hwy	450V,451S,451T,451U	A	6/11/09	8/18/09	Complete	
McCarty Rd	I-10 Feeder Rd	North IH-610 East	494F,494B,455X,455Y	B	4/29/08	6/19/09	Completed	
S.Wayside Blvd	Almeda-Genoa Rd	Beltway 8	574Q,574U,574Y	D	10/13/08	2/18/09	Complete	
San Felipe Blvd	Claremont Ln	Willowick Rd	492P,492Q	G	8/18/08	6/19/09	Completed	
Southmore	IH-288 Feeder Rd	Scott Street	533B,533C,533H	D	6/11/09	8/18/09	Complete	
Synott Rd	Alief-Clodine	Wilde Glen	528C,528G,528L	F	8/18/08	6/19/09	Completed	
Telephone Rd	IH-610 Service Rd	Bellfort Rd	534M,534R,535N,535S	I	10/13/08	6/19/09	Complete	

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

SUBJECT: Accept Work for Woodway No. 1 Lift Station Replacement. WBS No. R-000267-0089-4.	**Page 1 of 1**	**Agenda Item #** 6
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: 11210 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. #2006-0458 dated 05/10/2006	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $1,066,353.89, which is 17.18% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
(Original appropriation of $1,459,200.00 from Water and Sewer System Consolidated Construction Fund No. 755.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's lift station rehabilitation/replacement program.

DESCRIPTION/SCOPE: The project consisted of construction and replacement of existing Woodway No.1 wastewater lift station and installation of 1,570 feet of 8-inch sanitary sewer and service leads. Chiang, Patel & Yerby, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Jimerson Underground, Inc. with an original Contract Amount of $1,287,555.00.

LOCATION: The project is generally bound by Pine Hollow St. on the north, Woodway Dr. on the south, West Loop South on the east and Pinewood Street on the west. The project is located in the Key Map Grid 491-M.

CONTRACT COMPLETION AND COST: The Contractor, Jimerson Underground, Inc. has completed the Work under subject Contract. The project was completed beyond the established completion date and Liquidated Damages in the amount of $16,800.00 for 21 days at $800.00 per day have been assessed and are reflected in the final payment to the Contractor. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order Nos. 1, 2, and 3 and Liquidated Damages is $1,066,353.89, a decrease of $221,201.11 or 17.18% under the original Contract Amount.

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

M/WBE PARTICIPATION: The M/WBE goal set for this project was 17%.According to Affirmative Action and Contract Compliance Division, the actual participation was 9.73%. The Contractor was awarded an "Unsatisfactory" rating for M/WBE compliance.

MSM:DRM:JTL:CWS:WR:mq
Z:\E&C Construction\Facilities\Projects\R-0267-89-3 Woodway #1 WW4861-02\Closeout\RCA\RCA.DOC

/c: File No. R-000267-0089-4 – Closeout

REQUIRED AUTHORIZATION **CUIC ID# 20MZQ0136**

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

Jimerson Underground, Inc.
Contract History Report

As of October 30, 2009

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	WW #4634-02 - Sagemont sludge transfer facility. R-0181-04-3	$1,817,269.45	13%	10.63%	08/29/00	Satisfactory
2	WW #4275-36 - Interwood MUD lift station diversion. R-0536-04-3	$638,768.55	17%	11.99%	11/13/00	Satisfactory
3	Martin Luther King Drainage improvements. M-1000-01-3	$288,390.87	0%	0.00%	12/11/00	No goal
4	WW #4718 - Sims Bayou SS improvements: Rockhill & Dover, etc. R-2011-08-3	$446,880.69	0%	0.00%	07/26/01	No goal
5	WW #4741 - Julia, Liberty, Starkey, and Wylie relief sewers. R-2011-11-3	$673,398.91	0%	0.00%	03/27/02	No Goal
6	Winsow Place storm sewer relief. M-0224-WP-3	$1,181,277.96	17%	12.74%	05/22/02	Unsatisfactory
7	IRA Street storm sewer outfall. M-0126-13-3	$598,021.51	0%	0.00%	09/09/02	No goal
8	WW #4275-24 - Hidden Echo lift station. R-0267-36-3	$1,052,765.34	17%	N/A	11/17/03	Unsatisfactory
9	WW #4809-02 - WL and SS in Vernon Place. R-002011-0032-4	$539,894.26	0%	0.00%	04/23/04	No goal
10	DPC #031 - Northwest Place Estates. S-0800-94-3/R-0800-94-3	$690,914.63	0%	0.00%	06/23/05	No goal
11	WW #4717-01 - Sims Bayou Siphon. R-0270-02-3	$223,660.36	0%	0%	04/03/06	No goal
12	WW #4745 - East Lake Houston Unserved Areas. Hidden Echo Subdivision. R-000801-0005-4	$910,586.21	0%	0%	08/10/09	No goal
13	WW #4275-25 - Goodson Drive Sewer. R-0267-37-3	$110,974.46	0%	0.00%	09/07/99	No goal
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SUMMARY OF MWDBE ACTIVITIES

Project #/Description: WW 4861-02, Woodway No. 1 Lift Station Replacement, R-000267-0089-4, 4600004260
Prime Contractor: Jimerson Underground, Inc.
Contract Amount: $1,287,555.00
Final Amount: $1,066,353.89
Change Orders: ($221,201.11)

MWDBE Goal 17.00%
Actual Utilization: 9.73%
Amount of Goal after Change Orders: $181,280.16

Original MWDBEs listed on RCA & Letter of Intent	MWDBEs used:	List of original MWDBE, that were not used
El Dorado Paving Company, Inc.	El Dorado Paving Company, Inc.	Paradigm Outdoor Supply, LLC
J A. Gamez, Trucking Services	J.A. Gamez, Trucking Services	Texas Fluid Products
Macauly Controls Company	Macauly Controls Company	
Paradigm Outdoor Supply, LLC	Paradigm Outsourcing Services	
Paradigm Outsourcing Services	Kuita's Landscape Company	
Texas Fluid Power Products, Inc		

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

Jimerson achieved 9.73 % of 17% goal. The prime contractor stated that once the scope of project changed from open cut to augering it reduced opportunities for MWBE subs to participate. The project manager of this project confirmed that the change affected the ability of the original set of subs to participate. Jimerson was asked to produce proof that they made an effort to include other MWBE contractors. Jimerson submitted that R & A Boring was a minority owned business but did not get certified because of the amount of paper work involved. Jimerson provided no other [illegible] that they sought participation from other certified MWBEs.

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

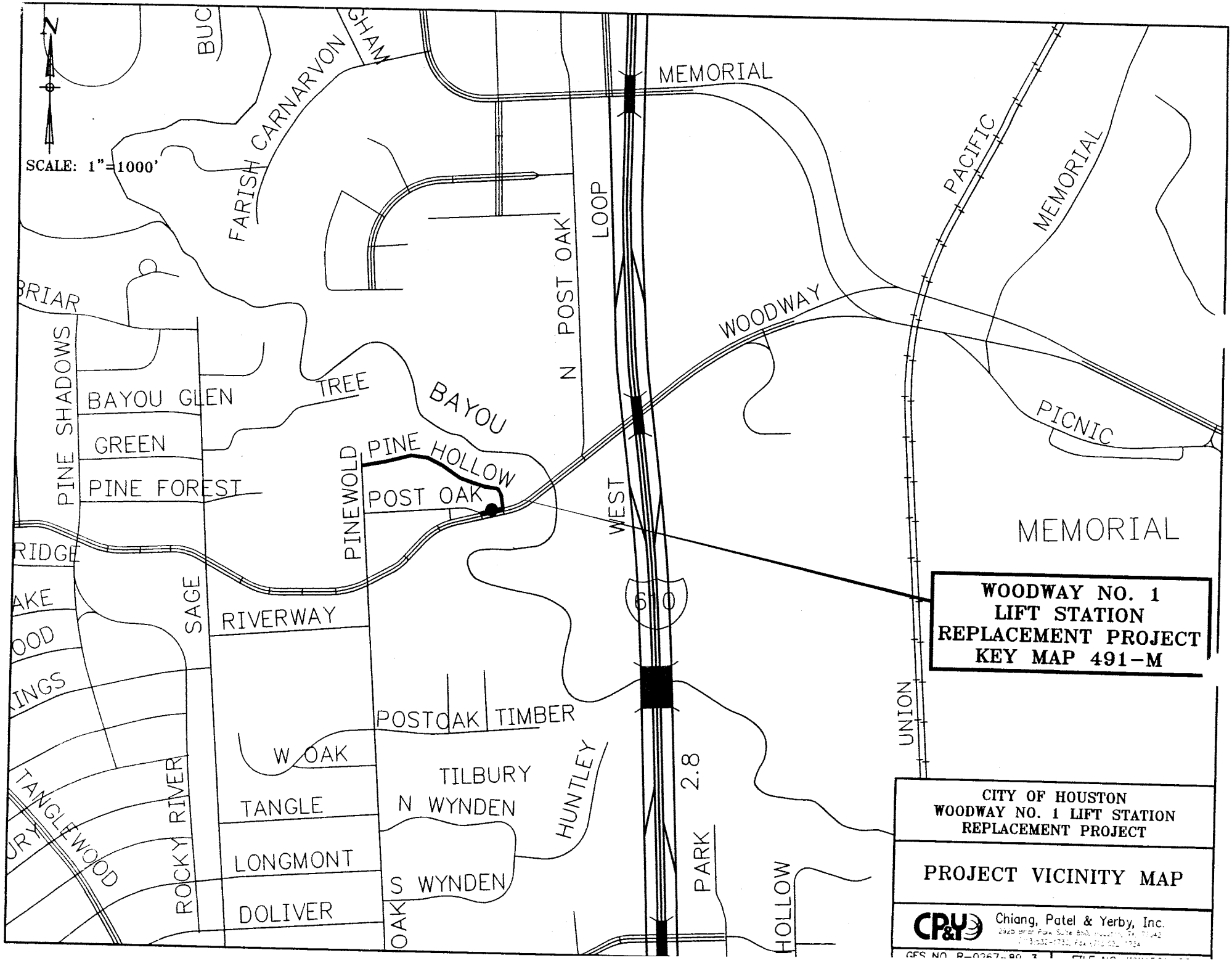
The subs that could be reached agreed that with the change in scope, their services were no longer needed in the same amount. Texas Fluid Products' phone line was no longer connected.

Approved by:

Pat Amezcua
Contract Compliance Supervisor

Morris M. Scott, Division Manager
Contract Compliance Section

10-29-2009
Date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TANGLEWOOD
ROCKY RIVER
LONGMONT
S WYNDEN
PARK
DOLIVER
OAK
HOLLOW
UNION
WOODWAY NO. 1
LIFT STATION
REPLACEMENT PROJECT
KEY MAP 491-M
CITY OF HOUSTON
WOODWAY NO. 1 LIFT STATION
REPLACEMENT PROJECT
PROJECT VICINITY MAP
CP&Y
Chiang, Patel & Yerby, Inc.

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

SUBJECT: Accept Work for Water Line Replacement in Fontaine Place Area. WBS. No. S-000035-00M1-4.	**Page 1 of 1**	**Agenda Item #** 7
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1/28/10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D. WRE, BCEE, Director	**Council Districts affected:** B	
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. #2008-0814 dated 09/10/2008	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $1,554,500.95, which is 1.68% over the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
(Original appropriation of $1,752,000.00 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: The project consisted of 27,042 linear feet of 6-inch, 8-inch, and 12-inch diameter water lines, valves, and appurtenances. ARCADIS, Inc. and KIT Professionals, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to D. L. Elliott Enterprises, Inc. with an original Contract Amount of $1,528,813.24.

LOCATION: The project area is generally bound by Knightwood on the north, Bretshire Drive on the south, Homestead Road on the east, and Hirsh Road on the west. The project is located in the Key Map Grids 414-U, V, Y & Z.

CONTRACT COMPLETION AND COST: The Contractor, D. L. Elliott Enterprises, Inc. has completed the Work under the subject Contract. The project was completed within the Contract Time with additional 3 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is $1,554,500.95, an increase of $25,687.71 or 1.68% over the original Contract Amount.

The increased cost is primarily a result of an overrun in Base Unit Price Item No. 22 - 3/4-inch to 1-inch Diameter Water Taps and Copper Service Lines with Meter Box, Long Side

M/WBE PARTICIPATION: The M/WBE goal for this project was 22.00%. According to Affirmative Action and Contract Compliance Division, the actual participation was 29.09%. The Contract was awarded an "Outstanding" rating for M/WBE Compliance.

MSM:DRM:JTL:JLS:EK:mq
Z:\E&C Construction\East Sector\PROJECTS\S-000035-00M1-4 Fontaine Place\Closeout\RCA\RCA_Closeout-revised.DOC

,c: File No. S-000035-00M1-4 - Closeout

REQUIRED AUTHORIZATION **CUIC ID# 20MZQ140**

Finance Department:	**Other Authorization:** 01/06/10 FOR Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division	**Other Authorization:** Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

ENGINEERING & CONSTRUCTION DIVISION

FONTAINE PLACE AREA

COUNCIL DISTRICT: B

KEY MAP No.: 414 - U,V,Y,Z

GIMS MAP No.: 5561 A, 5562 C & D

STREET	START STREET	END STREET	NEW SIZE	LENGTH IN FEET
Langley	Wicklowe	Royal Oaks	8	2,360
Calgary (2)	Onslow	Homestead	12	2,705
Onslow	Bretshire	Langley	8	2,325
Bucknell (1)	Bretshire	Langley	8	2,260
Castleton (1)	Bretshire	Briarwick	8	2,680
Wolbrook	Colton	Langley	8	2,210
Envoy	Bretshire	Langley	8	2,970
Bretton	Calgary	Langley	8	990
Royal Oaks	Calgary	Langley	8	985
Rockaway	Royal Oaks	Calgary	8	885
Bucknell (2)	Briarwick	Knightwood	6	530
Castleton (2)	Briarwick	Knightwood	6	465
Barnham	Briarwick	Knightwood	6	500
Knightwood (1)	Caxton	Bainbridge	8	790
Knightwood (2)	Onslow	Wolbrook	8	910
Knightwood Court	Knightwood	End	6	405
Noldale	Hirsch	Nold	8	610
Noldridge	Hirsch	Nold	8	700
Calgary (1)	Hirsch	Nold	8	1,000
Hirsch	Noldridge	Noldale	8	300
Nold	Calgary	Noldale	8	630
TOTAL				27,210

PROJECT VICINITY MAP

WATER LINE REPLACEMENT IN
FONTAINE PLACE AREA
WBS NO. S-000035-00M1-4

KIT Professionals, Inc.

ARCADIS

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Distribution System Rehabilitation and Renewal WBS No. S-000035-0V12-4, File No. WA 10855-04	**Category**	**Page** 1 of 1	**Agenda Item #** 8
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010	
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE	**Council District affected:** ALL		
For additional information contact: A. James Millage Senior Assistant Director **Phone:** (713) 641-9566	**Date and identification of prior authorizing Council action:** 05/28/08, Ordinance No. 2008-477		

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of $873,841.89 or 30.9% under the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding is required. (Original appropriation of $1,397,504.50 from the Water and Sewer System Consolidated Construction Fund No. 8500).

PROJECT NOTICE/JUSTIFICATION: This project provided for the replacement of water mains and ancillary work.

DESCRIPTION/SCOPE: This project consisted of repairs of main water lines and service lines. The main lines range in diameter up to 16 inches and the water service lines range in size from ¾-inch to 2-inches in diameter. The project was awarded to Metro City Construction, L.P. with an original contract amount of $1,264,290.00. The Notice to Proceed date was 06/11/08 and the project had 365 calendar days for completion.

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

CONTRACT COMPLETION AND COST: The contractor, Metro City Construction, L.P., has completed the work under the contract within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities and previous approved Change Order No. 1, will be $873,841.89, a decrease of $390,448.11 or 30.9% under the original contract amount.

M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 18.52%. The contractor was awarded a "Satisfactory" rating from the Affirmative Action and Contract Compliance Division.

MSM:JC:AJM:OS:TC:tc
Attachments
cc: Marty Stein, Waynette Chan, Mark Loethen, P.E., Velma Laws, Gary Drabek, File No. WA 10855-04, Craig Foster, A. James Millage, Orin Smith, P.E., Carol Ellinger, P.E.

REQUIRED AUTHORIZATION CUIC ID# 20AJM220

Finance Department:	**Other Authorization:** FOR: JAMES MILLAGE	**Other Authorization:** Jun Chang, P.E., Deputy Director Public Utilities Division

3-00

CONTRACT COMPLIANCE SECTION
MWDBE Participation Report
Justification for Satisfactory Rating

Project Closed Date	November 16, 2009
Project # or Description	Water # 10855-04 FY08 Water Distribution System Rehabilitation & Renewal 4600008716 S-000035-0V12-4
Prime Contractor	Metro City Construction
Final Contract Amount	$873,841.89
MWDBE Goal	22%
Goal Achieved	18.52%
Rating	Satisfactory

Summary of MWDBE Evaluation

RCA MWDBE's	MWDBE Used
D.G.I. Contracting	D. Solis Trucking
D. Solis Trucking	R.P. Construction
El Dorado Paving Company	
P.P. Construction	

Explanation from Prime

Metro City stated all work orders were not issued so some work authorized was not completed. Of the work authorized he provided the trucking firm the maximum opportunity to participate and contacted El Dorado paving who did not want to participate because they felt the project was not large enough to be worth their time.

Explanation from Subcontractor

El Dorado did not want to perform the work because it was not cost effective for her to do the smaller projects. DGI went out of business and was replaced by RP Construction.

Final Comments

The contractor was 3.48% short of meeting the original goal but a "Satisfactory" rating is authorized because of efforts put forth by the prime to utilize the subs originally listed and to provide them with a maximum opportunity participate on the project. The prime replaced one sub and provided 17% of the work to the new company and fell short because the paving sub chose not to participate and their was not an adequate amount of work in the work orders issued for the trucking company to meet the 3% goal .

Donald W. Black
Contract Compliance Officer

Note: This form is used only when the Contractor failed to reach the MWDBE goal but you still give a Satisfactory rating.

Metro City Construction, L. P.
Contract History Report

As of January 28, 2010

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	DPC #045 - Post Oak Place, Sectin Seven. S-0800-A6-3	$244,617.16	0%	0.00%	06/02/05	No goal
2	WW #4869-01 - Woodhead Street Sewer Replacement. R-002011-0044-4	$205,390.21	0%	0%	03/01/07	No goal
3	Water #10673-02 - WL extensions and crossings at Willowbrook Service Area. S-000100-0012	$895,201.36	0%	0%	04/13/07	No goal
4	Water #10863 - Water line relocation and replacement. S-000035-00V2-4	$1,544,057.88	0%	0%	07/17/08	No goal
5	WW #4898 - Sanitary sewer line relocation and replacement. R-000266-00U2-4	$1,682,956.60	0%	0%	09/04/08	No goal
6	Safe Sidewalk Program - E2 Project. N-00610A-00E2-4	$1,370,626.74	22%	24.57%	05/18/09	Outstanding
7	Water #10877-04 - Water line construction in Garden City Park Area. S-000035-00N7-4	$1,175,214.81	20%	21.24%	05/20/09	Outstanding
8	Safe Sidewalk Program - D1. N-00610A-00D1-4	$887,029.49	0%	0%	07/17/09	No goal
9	Water #10871-02 - WLR in Del Monte. S-000035-00L2-4	$2,603,469.54	22%	22.30%	07/27/09	Satisfactory
10	WW #4892-01 - Sampson & Eastwood Subdivision Sewer Relocation. R-002011-0048-4	$4,035,829.83	22%	22.85%	11/03/09	Satisfactory
11	Water #10855-04 - FY08 Water Distribution System Rehabilitation/Renewal. S-000035-0V12-4	$1,264,290.57	22%	18.52%	11/17/09	Satisfactory
12	Water #10860-03 - WLR in the Magnolia Park Area. S-000035-00D9-4	$2,607,605.31	17%	16.92%	12/09/09	Satisfactory
13	Water #10868 - WL Grid Extensions at various locations. S-000700-0063-4.	$2,575,657.33	22%	6.97%	12/14/09	Unsatisfactory
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Rehabilitation of Existing Water Wells. WBS No. S-000200-0017-4.	**Page 1 of 1**	**Agenda Item #** 9
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE, Director	**Council Districts affected:** All	
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. #2008-204 dated 03/12/2008	

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of $1,752,016.18, which is 0.40% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.
Original appropriation of $1,990,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500.

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's program to upgrade and rehabilitate groundwater production facilities. This project will meet the area's water demands and also ensure compliance with the Texas Commission on Environmental Quality's (TCEQ) regulation.

DESCRIPTION/SCOPE: The project consisted of providing construction services associated with rehabilitation program for existing water wells in the City of Houston. Chiang, Patel, & Yerby, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Alsay, Incorporated with an original Contract Amount of $1,759,124.00.

LOCATION: The project area is located throughout the City:

CONTRACT COMPLETION AND COST: The Contractor, Alsay, Incorporated has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is $1,752,016.18, a decrease of $7,107.82 or 0.40% under the original Contract Amount.

The decreased cost is a result of quantity underrun of several Base Unit Price Items.

M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to Affirmative Action and Contract Compliance Division, the actual participation was 9.20%. The Contractor achieved a "Satisfactory" rating for M/WBE compliance.

MSM:JTL:CWS:SKF:mq
Z:\E&C Construction\Facilities\Projects\S-000200-0017-4\Closeout\RCA\RCA.DOC

c: Velma Laws File No. S-000200-0017-4 – Closeout

REQUIRED AUTHORIZATION **CUIC ID# 20MZQ132**

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

Alsay Incorporated
Contract History Report

As of October 1, 2009

#	Project Number/Description	Final Contract Amount	MWDBE Goal	Goal Achieved	Date Cleared	MWDBE Rating
1	Water #10562 - Rehabilitation of existing water wells FY 1999. S-0200-10-3	$3,479,880.98	17%	18.96%	03/16/01	Outstanding
2	Water #10562-01 - Rehabilitation of existing water wells - FY2001. S-0200-11-3	$3,075,215.00	17%	17.45%	05/10/02	Satisfactory
3	P. O. #PC20-00020012083 - Abandoned water wells plugging for PWE	$838,530.00	0%	0.00%	04/07/03	No goal
4	Water #10562-02- Rehabilitation of existing water wells. S-0200-12-3	$3,327,933.36	17%	17.18%	01/05/04	Satisfactory
5	Water #10562-04 - Rehabilitation of Existing Water Wells. S-000200-0015-4	$1,857,015.30	17%	13%	01/04/08	Satisfactory
6	Water #10223-01 - Rehabilitation of Existing water wells. S-0200-01-3	$3,359,977.89	12%	14.09%	07/01/99	Outstanding
7	Water #10223-02 - Rehabilitation of existing water wells. S-0200-04-3	$5,795,102.00	17%	21.07%	11/18/99	Outstanding
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CONTRACT COMPLIANCE SECTION
MWDBE Participation Report
Justification for Satisfactory Rating

Project Cleared Date	September 22, 2009
Project Name and Number	4600008657 Water # 10888-01 Rehabilitation of Existing Water Wells S-000200-0017-4
Prime Contractor	Alsay, Inc.
Final Contract Amount	$1,752,016.18
MWDBE Goal	22%
Goal Achieved	9.20%
Rating	Satisfactory

Summary of MWDBE Evaluation

RCA MWDBE's	MWDBE's Used
5M Rope & Supply, LLC	Energy Electric Supply, Inc.
A & A Trucking, LLC	Escalante Construction, Inc.
Energy Electric Supply, Inc.	
Escalante Construction, Inc.	
Vikki's Service and Supply	

Explanation from Prime

Prime did not achieve the goal. Prime achieved 9.20 of the 22% goal. (12.79% below the goal) Jim Caldwell, Alsay Incorporated, stated that out of the bid items that were identified for the project, only a few were selected for completion to be utilized by minority contractors which led to the low participation of minority contractors used on this project. Only two of the five minority contractors were used on this project. Jack Alexander, Project Manager, PWE, concurred with Mr. Caldwell's statements regarding the Prime's failure to achieve the goal for the project. Ricky Mai, 5M Rope & Supply stated they contacted Alsay on several occasions, however, they never received a response regarding their participation on this project. Antonio and Ricky Rodriquez, A & A Trucking, both concurred that they tried to contact Alsay regarding the project; however, they never received any communication from Alsay after the initial contact that they were selected for the project. Both Contractors were not used because there was no work available for them on this project. Vikki Byrnes, Vikki's Service and Supply, stated that she contacted Alsay to inform them that she would not be able to participate in the project because of health reasons.

Affirmative Action Division Comments

Per Jack Alexander and Tom Fung, PWE, COH, the items Alsay expressed concern about were not utilized during the project. The representatives from Public Works confirm that since work orders for a number of items were not issued, the Prime did not have an opportunity to use the services of the remaining sub contractors to complete the work scheduled for the project.

Donald W. Black
Contract Compliance Officer

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

SUBJECT: Abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. **Parcels SY10-027 and LY10-035**	**Page** 1 **of** 2	**Agenda Item #** 10
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE, Director	**Council District affected:** D TP for BOM Key Map 571L	
For additional information contact: Nancy P. Collins (npc) **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 a council motion authorizing the abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. **Parcels SY10-027 and LY10-035**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Vicente Alonso, 13480 and 13504 S. Post Oak Road, Houston, Texas 77045, on behalf of Vicente L. Alonso and Maria C. Alonso, requested the abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. Vicente L. Alonso and Maria C. Alonso, the abutting property owners, plan to use the subject area to enlarge and provide additional security for their adjacent used car business. The excess portion of South Post Oak Road being sold and abandoned in this transaction is an unpaved right-of-way which remained after South Post Oak Road was rerouted to the east side of the applicant's property. Signs notifying the public of the pending street abandonment application were posted for at least 30 days.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the conveyance to the City of a 20-foot-wide storm drainage easement. Therefore, it is recommended:

1. The City abandon and sell ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147;

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

3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the right-of-way being abandoned and sold;

s:\bam\sy10-027.rc1.doc

CUIC #20BAM9101

REQUIRED AUTHORIZATION

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

F&A 011.A Rev. 3/94
7530-0100403-00

Date:	Subject: Abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. **Parcels SY10-027 and LY10-035**	Originator's Initials tp for BAM	Page 2 of 2

4. The applicant be required to secure the consent of CenterPoint Energy, the adjacent property owner to the north of the subject property;

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

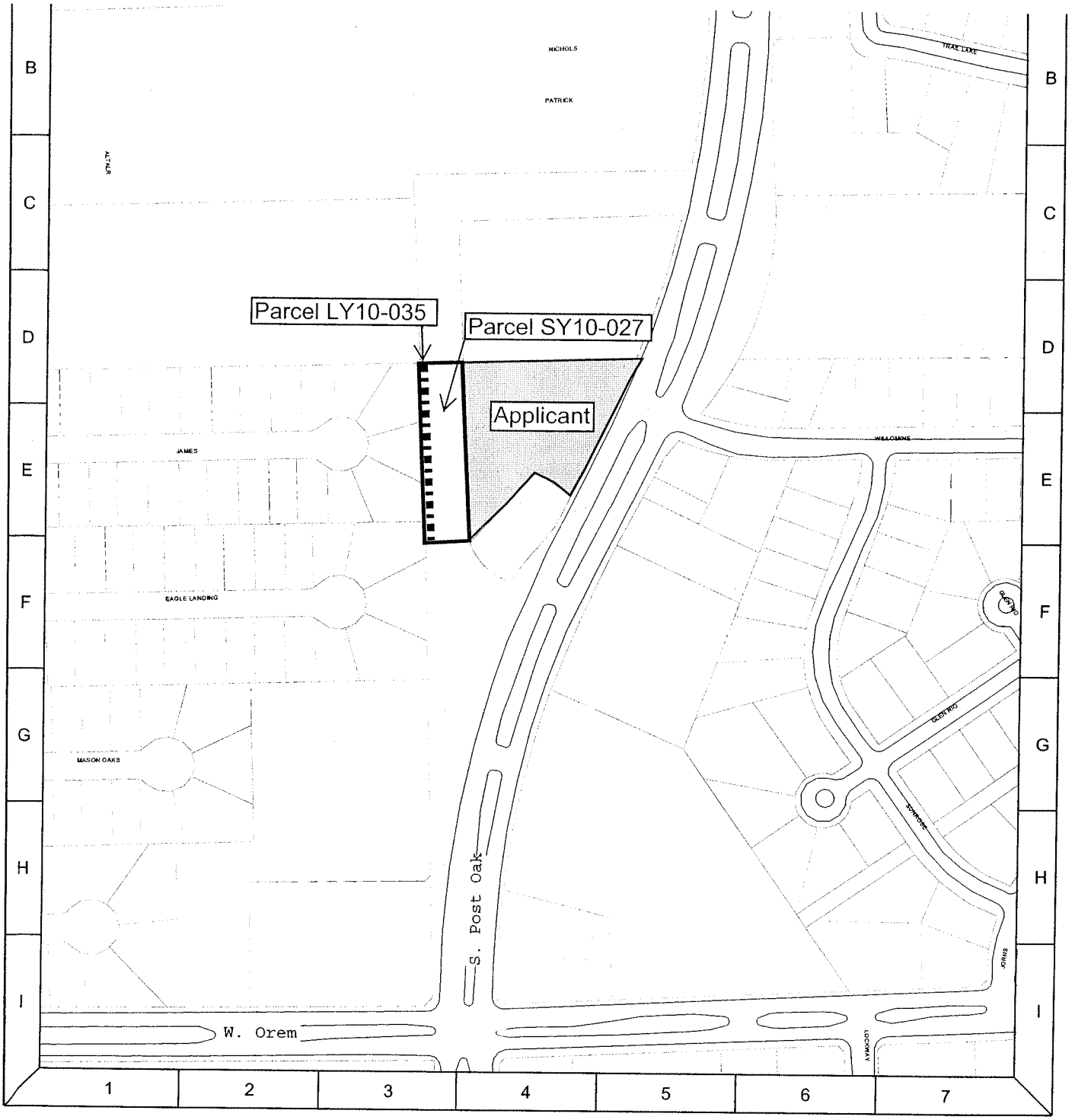
6. Inasmuch as the value of the property interests is not expected to exceed $50,000.00, that the value be established by staff appraisal, according to City policy.

NPC:WSB:bam

c: Rick Flanagan, Acting Chief HFD
Marlene Gafrick
Daniel Menendez, P.E.
Arturo G. Michel
Marty Stein
Jeffrey Weatherford, P.E., PTOE

PARCEL MAP

SUBJECT: Abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. Parcels SY10-027 and LY10-035



1 inch equals 250 feet

0 30 60 90120

Feet

N

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.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8592

Subject: Purchase of Construction Services to Complete the Construction of a Loading Dock from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department - S45-Q23513-S	Category # 4	Page 1 of 1	Agenda Item 11-7-A

FROM (Department or other point of origin):	**Origination Date**	**Agenda Date**
Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	January 11, 2010	FEB 03 2010
DIRECTOR'S SIGNATURE	**Council District(s) affected** C	
For additional information contact: Vic Ayres **Phone:** (713) 837-9131 Ray DuRousseau **Phone:** (832) 393-8726	**Date and Identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of $177,741.35 out of the Solid Waste Consolidated Construction Fund (Fund 4503) and approve the purchase of construction services to complete the construction of the loading dock at the Westpark Recycling Center in the amount of $169,277.48 and contingencies (5% for unforeseen changes within the scope of work) in the amount of $8,463.87 for a total amount not to exceed $177,741.35 from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department.

Award Amount: $177,741.35	**Finance Budget**

$177,741.35 - Solid Waste Consolidated Construction Fund (4503) WBS-L-0000NA-0005-4-01-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of $177,741.35 out of the Solid Waste Consolidated Construction Fund (Fund 4503) and approve the purchase of construction services to complete the construction of the loading dock at the Westpark Recycling Center in the amount of $169,277.48 and contingencies (5% for unforeseen changes within the scope of work) in the amount of $8,463.87 for a total amount not to exceed $177,741.35 from the State of Texas Procurement and Support Services Contract for the Solid Waste Management Department and that authorization be given to issue purchase orders, as necessary, to the State contractor, Tremco Incorporated. The new loading dock will allow much more efficient loading of departmental service vehicles and will allow for uninterrupted customer traffic flow through the facility.

The scope of work requires the construction contractor to furnish all labor, equipment, materials, tools, supervision and transportation necessary to complete construction of the loading dock at the Westpark Recycling Center, located at 5900 Westpark. This is Phase II of a two-phase project. Phase I consisted of demolition, dirt removal, installation of an overhead door, construction of a retention pond and associated services and was funded by a grant from the Houston Galveston Area Council. During Phase I, unforeseen utilities and deficient building footing construction were discovered. This resulted in additional architectural, engineering and construction services to be performed under Phase II. Phase II consists of architectural, engineering and construction services to complete construction of the loading dock and related work such as lime stabilization, select fill, furnish and installation of #3 rebar at 16" O.C.E.W (on center, each way), 3,575 square feet of 7" thick concrete, 127 linear feet of new 8" retaining wall and 220 linear feet of 8" expansion joints.

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

Buyer: Sandy Yen

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8609

Subject: Formal Bids Received for Barcoded Traffic, Non-Traffic and Parking Citations for Various Departments S36-S23310	Category # 4	Page 1 of 2	Agenda Item 12

FROM (Department or other point of origin): Calvin D. Wells, City Purchasing Agent, Administration & Regulatory Affairs Department	**Origination Date** January 22, 2010	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE	**Council District(s) affected** All	
For additional information contact: Sahira Abdool, **Phone:** (713) 247-4105; Desiree Heath, **Phone:** (832) 393-8742	**Date and Identification of prior authorizing Council Action:**	

RECOMMENDATION: (Summary)

Approve an award to RR Donnelley on it low overall bid in an amount not to exceed $585,852.78 for barcoded traffic, non-traffic and parking citations for various departments.

Estimated Spending Authority: $585,852.78	**Finance Budget**

$426,210.78 General Fund (1000)
$159,642.00 Parking Management Operating Fund (8700)
$585,852.78 Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to RR Donnelley on its low overall bid in an amount not to exceed $585,852.78 for barcoded traffic, non-traffic and parking citations for various departments. It is further requested that authorization be given to make purchases, as needed, for a 24-month period, with three 1-year options to extend. This award consists of approximately 1,960,800 traffic violation tickets, 655,640 traffic violation ticket inserts, 345,600 non-traffic violation tickets, 230,400 non-traffic violation ticket inserts, 48,000 Spanish traffic violation ticket inserts, 250,000 parking tickets, 1,000,000 handheld parking violation tickets for handheld traffic printer, 25,000 volunteer parking violation tickets, and 1,000,000 ticket remittance envelopes. The traffic, non-traffic, parking citations and inserts will be used by the Municipal Courts Administration and General Services Departments to provide citations for law enforcement representatives to issue traffic, non-traffic and parking violations citywide.

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

Company	Total Amount
1. **RR Donnelley**	**$ 585,852.78**
2. The Relizon Company dba Workflowone	$1,194,141.89

- Due to the disparity between the bids, Strategic Purchasing spoke with a representative of RR Donnelley to discuss and review the specifications for this project. RR Donnelley's representative stated that its bid includes all cost associated with providing the items in the bid specifications. Based on the aforementioned, Strategic Purchasing and the departments are confident that the recommended company can provide the specified items for the price bid.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

NDT

M/WBE Subcontracting:

This bid was issued with a 3% goal for M/WBE participation. **RR Donnelley** has designated the below-named company as its certified M/WBE subcontractor.

Name	Type of Work	Amount
Tread On Transportation	Delivery Service	$17,575.58

Buyer: Valerie Player-Kaufman

Estimated Spending Authority

Department	FY10	Out Years	Total
Municipal Courts Administration	$10,000.00	$416,210.78	$426,210.78
General Services	$31,928.00	$127,714.00	$159,642.00
Total	$41,928.00	$543,924.78	$585,852.78

CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence –
Affirmative Action &
Contract Compliance
Division

To: Valerie Player-Kaufman – SPD

From: Robert Gallegos,
Assistant Director – AAD

Date: January 21, 2010

cc: Velma Laws,
Director – AAD

Subject MWBE Goal Waiver
Barcoded Traffic, Non-Traffic and
Parking Citations

We have reviewed the request to lower the 3% MWBE goal to 2% on the Barcoded Traffic, Non-Traffic and Parking Citations contract. A 3% MWBE goal is attainable by subcontracting the delivery component of the contract.

The City of Houston MWBE Directory has fourteen (14) vendors that are certified to provide delivery services.

Contact information is available on the S/MWBE Directory website at:

https://houston.mwdbe.com/FrontEnd/VendorSearchPublic.asp

Therefore, we are recommending a 3% MWBE goal for the Barcoded Traffic, Non-Traffic and Parking Citations contract.

If you have any questions regarding this matter, please contact Ricardo (Ric) Garza at 713-837-9008

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

Reso

SUBJECT: Approval of a resolution designating three Landmarks in accordance with Chapter 33, Code of Ordinances	Category #	Page 1 of 1	Agenda Item # 13
FROM (Department or other point of origin): Planning and Development	Origination Date January 8, 2010	Agenda Date FEB 03 2010	
DIRECTOR'S SIGNATURE: Marlene R. Gafrick	Council District affected: C, G		
For additional information contact: Courtney Spillane Phone: (713) 837-7894	Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary)
Approval of a resolution designating three Landmarks

Amount and Source of Funding: N/A	Finance Budget:

SPECIFIC EXPLANATION:
A property owner may initiate an application for the designation of a Landmark. These applications for Landmark designation were initiated by the owners.

Public hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission and there were no objections to the designations. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark designations.

Photos of the proposed landmarks can be found by going to the following on the Planning Department's website: http://www.houstontx.gov/planning/historic_pres/pending.htm.

	LANDMARK AND PROTECTED LANDMARK NAME/ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1	Lackner House 2002 Bolsover Street	Owner	C	12-10-09	12-17-09
2	Stokes-Farnsworth House 1407 Kirby Drive	Owner	G	12-10-09	12-17-09
3	Wilson G. Saville House 3217 Groveland Lane	Owner	G	12-10-09	12-17-09

MG: rp

Attachments: Applications and Staff Reports

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department
C.A. McClelland, Acting Chief, Police Department
Phil Boriskie, Chief, Fire Department

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:

F&A 011.A REV. 3/94
7530-0100403-00

CITY OF HOUSTON

Archaeological & Historical Commission **Planning and Development Department**

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Lackner House
OWNER: Charles E. Burgess
APPLICANT: Same
LOCATION: 2002 Bolsover Street – Southampton
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: III.a
HPO FILE NO: 09L221
DATE ACCEPTED: Jun-18-09
HAHC HEARING: Dec-10-09
PC HEARING: Dec-17-09

SITE INFORMATION

Lot 8, Block 10, Southampton Place, City of Houston, Harris County, Texas. The site includes a two-story wood frame residence with brick veneer.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Lackner House at 2002 Bolsover was built in 1932 for Laura and Fred Lackner, and designed by noted Houston architect, Joseph W. Northrop, Jr. Northrop got his start in Houston overseeing the construction of the Rice University campus, and went on to a successful independent career in which he designed numerous public buildings, including First Evangelical Church on Holman Street and St. Matthew Lutheran on Main Street. Northrop laid out the Houston subdivision of West Eleventh Place, and is perhaps best known for designing many residences in Houston's more affluent early 20th century neighborhoods, such as Shadow Lawn, River Oaks, and Boulevard Oaks.

The Lackner House at 2002 Bolsover is one of three designed by Joseph Northrop for the Lackner family. The house is unusual in that the main floor of the house is elevated approximately seven feet above ground. This floorplan was made at the request of Laura Lackner, who wanted the house's living space to be all on one floor but also wanted her new home to fit in with the two-story houses in its Southampton neighborhood. Laura Lackner was a descendant of the Reinermann family, early German pioneers to Harris County who immigrated to Texas in 1834. The Reinermann family land grant encompassed much of the territory north and east of Memorial Park. Portions of this land were later used to develop the Shady Acres and Timbergrove neighborhoods.

The Lackner House will be the first City of Houston landmark in Southampton, and meets Criteria 1, 3, 5, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

The Lackner House was built in 1932 for Laura and Fred Lackner, both of whom were descendants of early German immigrants to Texas. Laura Lackner was born Laura Quensell in Houston in 1871 or 1872, and lived in Harris County her entire life. She was the great-granddaughter of John and Anna Reinermann, who immigrated to Texas from Oldenburg, Germany, in 1834 with their sons, John, Jr., and Henry. The Reinermanns were on board the schooner 'Sabine' from New Orleans when it wrecked near Galveston Island on December 22, 1834. The family settled along the north side of Buffalo Bayou near Memorial Park, where they established a farm, built a log cabin, planted orchards, and cultivated a few small fields. Within a year of landing in Galveston, John Reinermann died and was buried in the

family cemetery on the farm. John's death in 1835 brought hardships to the family, but they were determined to remain in the area.

In an effort to secure title to their farmland, John's widow, Anna, applied for a land grant from the State of Texas on the grounds that John qualified for the grant since he was an immigrant to the area before the Texas Revolution. On April 28, 1847, a league (4,338 acres) and a labor (177 acres) of land were granted by the State of Texas to the heirs of John Reinermann. The boundaries of the John Reinermann league were Buffalo Bayou on the south, the west edge of the John Austin league on the east (i.e., Reinerman Street), what is now Post Oak Blvd. on the west, and approximately 15th Street on the north. Henry Reinermann was granted one third of a league immediately to the north of his father's league. Its northern boundary was 26th Street, just south of the North Loop, and its western boundary was Mangum Road. Loosely speaking, the two Reinermann surveys contain much of the land inside the Loop west of the John Austin survey.

On December 19, 1840, John's son, Henry Reinermann, married Louisa Margerethe Agnes Schiermann. The couple had two children, including Louisa Reinermann, Laura Lackner's mother. After Henry's untimely death in 1844, his widow married Joseph Sandman on April 27, 1845. They had a son, Joseph Sandman, Jr., in 1846. After Joseph's death, Louisa married Christian Lodovic Bethje, another German immigrant, with whom she had a daughter in 1850. Christian Bethje, 28 years old, listed himself as a farmer in the 1850 census and his household included his 34-year-old wife Louisa and their combined family of four children. They had property valued at $5,250, which indicated that they were prospering. By the 1860s, their farm in the Memorial Park area had its own sawmill, several cultivated fields, three hundred head of cattle and various farm animals.

In 1869, members of the Reinermann family bought a house on fifteen acres in the Brunner Addition located along the Washington Road, near today's Shepherd Drive. Some of the heirs continued to live on the original property near Memorial Park, but by 1883, that property was abandoned. The heirs sold off tracts from the north and west part of the original Reinermann grant to various timber operators. Later, they sold out to land speculators, although as late as 1915, they retained a tract that became the eastern part of Camp Logan. In the early 1920s, 100 acres were sold to the Shadyacres Investment Company from the Henry Reinermann Original Grant in Harris County. The Reinermann home, which was located a few blocks northwest of the modern intersection of Washington Avenue and Shepherd Drive, was demolished in the 1920s. The Reinermann name is perpetuated by Reinerman (sic) Street that runs south from White Oak Bayou to Buffalo Bayou, five streets west of Shepherd Drive.

Louisa Reinermann, Henry's daughter and mother to Laura Lackner, married William Quensell on September 4, 1853. Carl Wilhelm Adolph Quensell (aka William) was born in 1829 in Hanover, Germany. In Germany, William worked for the forest service, but he left his job and his homeland due to political unrest. While on board the ship that brought him to the United States, William kept a diary detailing his experience. Later, his grandson Edgar Lackner (Laura and Fred Lackner's son) taught himself German, translated the diary, and in 1975 published it under the title "From Tyranny to Texas: A German Pioneer in Harris County" (out of print). William Quensell served in the Civil War in "Mechling's-Haldemann's Battery, Texas Light Artillery" with which he fought in the battles of Mansfield and Pleasant Hill. He died in 1890 in Houston. Louisa Reinermann Quensell died on March 18, 1916, in Houston.

When Louisa and William were first married, they resided on the family farm in what is now Shady Acres. The Quensell family was listed in the Houston City Directory as living at 219 Dallas, corner of Caroline, from 1882-1891. Louisa and William had ten children together, but only two girls, including Laura, lived past infancy. Each of the eight deceased children were buried on the family farm.

Fred Lackner was born in July 1873 in Texas. He was the oldest of five children. His father, Carl Lackner, was born in 1830 in Germany and immigrated to the United States in 1848. Fred's mother, Minnie Lackner, was born in 1848 in Germany and moved to the United States in 1849. Carl and Minnie were married in 1870. Minnie was the mother of ten children, six of whom were living in 1910, according to the Federal Census of the same year. The 1900 Federal Census lists Fred Lackner as living with his parents and four siblings on East 8th Ave, Temple City, Texas.

Fred and Laura Lackner were married in Temple City, Texas, in 1901. Fred was employed by Southern Pacific Railroad as a ticket agent at Houston's Grand Central Station from 1905 until 1940. In 1905, the couple resided at 1304 Crawford Street, where they lived for 26 years, until 1931. Fred and Laura had three sons: Fred W. Lackner, Jr. (wife Beulah O. Lackner), Edgar E. Lackner (wife Pauline Lackner), and Adolph Q. Lackner.

Laura established the Lackner Realty Company in 1929 with the sole purpose of selling and leasing the land she inherited from the Reinermann land grant of 1847. The real estate company's office was located at 1026 West 19th Avenue in Shady Acres. Lackner Realty Company was listed in the Houston City Directory until 1954. Some of the real estate transactions of the Lackner Realty Company were listed in the Galveston Daily News. For example, on September 26, 1928: Laura Lackner transferred to John W. Beall Lot 371 of the Shadyacres Third section for $1,575. The same day she transferred to Mrs. Rosa Albe Lot 344 of Shadyacres Third addition for $1,650.

In the early 1920s, 100 acres were sold to the Shadyacres Investment Company from the Henry Reinermann land grant in Harris County. The acreage was sold in lots of one acre or smaller. The John Beall Realty Company and the W. T. Helberg Realty Company were two of the realtors who advertised property. The advertisements offered oversized lots and "an acre for the same price as a city lot." They boasted that the land was "close in" and that a gas line was being laid. The Shady Acres Civic Club was founded in 1938. The group's main concerns at that time were getting bus service, dealing with oil drillers and requesting city postal services be extended to the neighborhood.

On July 16, 1932, the Lackners purchased the corner lot at Bolsover and Hazard Streets from Euphemia G. Hull for $2,500. The parcel of land was originally part of a 4,606 acre parcel of land on the southern and western edges of Houston that was granted to Obedience Smith in 1838. The Lackners hired architect, Joseph W. Northrop, Jr., to design a house to meet their particular requirements. Laura Lackner wanted a house that would fit in with the two-story homes being built in Southampton, but that had its living space on one level. Northrop accommodated this wish by building a 'raised' bungalow, with its main floor elevated over six feet above ground. The Bolsover house was owned and occupied by Fred and Laura Lackner from 1932 until the time of both their deaths. The 'Inventory and Appraisement of the Estate of Laura Lackner' (Oct 1954) valued the house at $17,500. The Lackners subsequently had Northrop design the house next door at 2006 Bolsover for their son, Fred Lackner Jr., and the house at 2114 Bolsover was designed by Northrop for another Lackner son, Edgar. These two houses are in the more traditional Colonial Revival style for which Northrop is perhaps best known.

Fred Lackner died in Houston on June 4, 1952. Laura Lackner died at her residence on July 23, 1954, and was buried at Washington Cemetery. Her separate estate was worth over $2 million at her death, and her will set aside money to provide her cemetery lot with flowers at Easter and Christmas.

Joseph W. Northrop, Jr.

Joseph Walter Northrop, Jr., was born on July 21, 1886, at Bridgeport, Connecticut, the son of an architect. He attended Bridgeport public schools and earned an A.B. degree from Wesleyan University in 1907. He received a B.S. in architecture at Massachusetts Institute of Technology in 1910, and that same year went to work for the Boston architectural firm of Cram, Goodhue, and Ferguson. In 1911, the firm sent him to Houston to serve as clerk-of-the-works for construction of the initial buildings at Rice Institute (now Rice University), which Cram, Goodhue, and Ferguson had designed. Although formally associated with the firm until 1919, Northrop embarked upon an independent architectural career in Houston in 1914. From the 1920s through the 1950s he was responsible for the design of a number of public buildings. These included a series of warehouse and retail buildings for Jesse L. Jones; the First Evangelical Church (1927, COH Protected Landmark) at 1311 Holman Street; the First Congregational Church (1927, now St. Matthew Lutheran) at 5315 Main Street; the San Jacinto Trust Company Building (1927-28), and Houston Title Guaranty Building (1952). Northrop laid out the Houston subdivision of West Eleventh Place (COH Historic District) in 1920, and designed four of the eight houses built there. He also designed two of the earliest houses in Shadow Lawn (COH Historic District), including one for John H. Crooker (1923-24), the developer of the subdivision.

Northrop was best known, however, for his single-family houses, especially those designed in the Colonial Revival and Federal styles. Northrop worked extensively in the affluent 'South End' neighborhoods of Houston and was one of the first architects commissioned by the Hogg family to design houses for the exclusive new River Oaks subdivision. George F. Howard, President of the San Jacinto Trust Company and developer of Ormond Place, commissioned Northrop to design a number of houses in Boulevard Oaks (COH Historic District, pending). One of the most expensive and well-conceived houses in Boulevard Oaks was Howard's own, designed by Northrop at 1707 South Boulevard on a large corner lot.

In 1941-42, Northrop served as chief architect for the Federal Housing Administration in Houston. His designs were published in several professional journals, including *Architect*, *American Architect*, and *Architectural Forum*. His Mediterranean-style First Evangelical Church in Houston, which recalls the architecture of Rice Institute, received honorable mention in 1930 in a nationwide competition sponsored by the Christian Herald. In 1931, *American Architect* awarded Northrop a certificate of merit for the Henry M. Holden residence (1924). Two houses he designed on South Boulevard in the West Edgemont subdivision of Boulevard Oaks were written up in *House & Garden* in the early 1930s.

Northrop was a member of Phi Beta Kappa and of the River Oaks Country Club. He joined the American Institute of Architects in 1923 and served two consecutive terms as president of the South Texas Chapter, from 1927 to 1929. He was a parishioner of Trinity Church. He married Mary Harris in Houston in 1915. They were the parents of three sons, the second of whom, Page Harris Northrop, joined his father in the firm of Northrop and Northrop in 1942. Joseph Northrop died in Houston on September 26, 1968, and was buried in Glenwood Cemetery.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Lackner House was designed in 1932 by Joseph W. Northrop, Jr., in a raised brick bungalow style. The main living space of the house is located on the second level, elevated approximately seven feet above ground on top of an above-ground 'basement' and accessed by the front staircase. The house has a raised front partial porch, which features three brick "true" ellipses over brick rail with stone caps. The porch retains the original 6" by 6" tile floor. The porch is accessible via a 6'10" stairway; the steps are clad in tile and the rail is of masonry construction.

The wood-frame house with 4-inch brick veneer is approximately 2,260 square feet and features an asymmetrical floor plan. The home rests on a pier-and-beam foundation upon which rests the above-ground basement. The home retains the majority of the original one-over-one windows, accentuated by brick sills and flanked by the original, wood-hinged shutters. The house features a low pitched, hipped roof with ridge and two intersecting gables on the front facade and east elevation. The two cross gables feature louvres at the gable ends. The roof is clad in green Spanish clay tile and features wide, boxed eaves with wood frieze below.

The basement floor features a record storage room, two separate storage rooms, recreation and game room, laundry room, powder room, and a three-car garage. The floors are cement and the walls and ceilings are shiplap. The main 'second' floor of the house features a formal floor plan with living and dining room, kitchen, two bedrooms, two bathrooms, and a sleeping porch in the rear. The living room fireplace has a decorative wooden mantel and tile hearth and surrounds. Circulation between the rooms occurs via a long hallway in the center of the house that forms a long north-south axis that runs between the rooms. The hallway begins at a vestibule, preceded by the front entrance, and leads to a cedar lined closet at the north end of the home, between the kitchen and sleeping porch. The second floor walls are shiplap, canvas, paper, and plaster.

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

BIBLIOGRAPHY

Aulbach, Louis F., 'Buffalo Bayou: An Echo of Houston's Wilderness Beginnings,' http://users.hal-pc.org/~lfa/BB20.html.

Estate of F.W. Lackner, Deceased, in Probate Court, Harris County, Texas. Recorded: Volume 93, Page 406 P/M.

Estate of Laura Lackner, Deceased, in Probate Court, Harris County, Texas. Recorded: Volume 176, Page 398 P-2.

Deed #552628, Volume 905, Page 510 from Euphemia G. Hull to Laura Lackner.

WWI Draft Card of 1918-ticket agent at "S.P. Lines."

Conversation with Beulah Lackner, daughter-in-law of Laura Lackner. December 2, 2009.

Conversation with Linda Wheeler, daughter of Beulah Lackner. December 2, 2009.

Katherine Brash Jeter. Reviewed work(s): *The C.S.S. Florida: Her Building and Operations* by Frank Lawrence Owsley, Jr. *Louisiana History: The Journal of the Louisiana Historical Association*, Vol. 29, No. 3 (Summer, 1988), pp. 306-308 Published by: Louisiana Historical Association. Stable URL: http://www.jstor.org/stable/4232677

West End History, http://www.ricemilitary.org/documents/history.htm

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

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

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

S - satisfies D - does not satisfy NA - not applicable

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

STAFF RECOMMENDATION

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Lackner House at 2002 Bolsover Street.

EXHIBIT A
LACKNER HOUSE
2002 BOLSOVER STREET

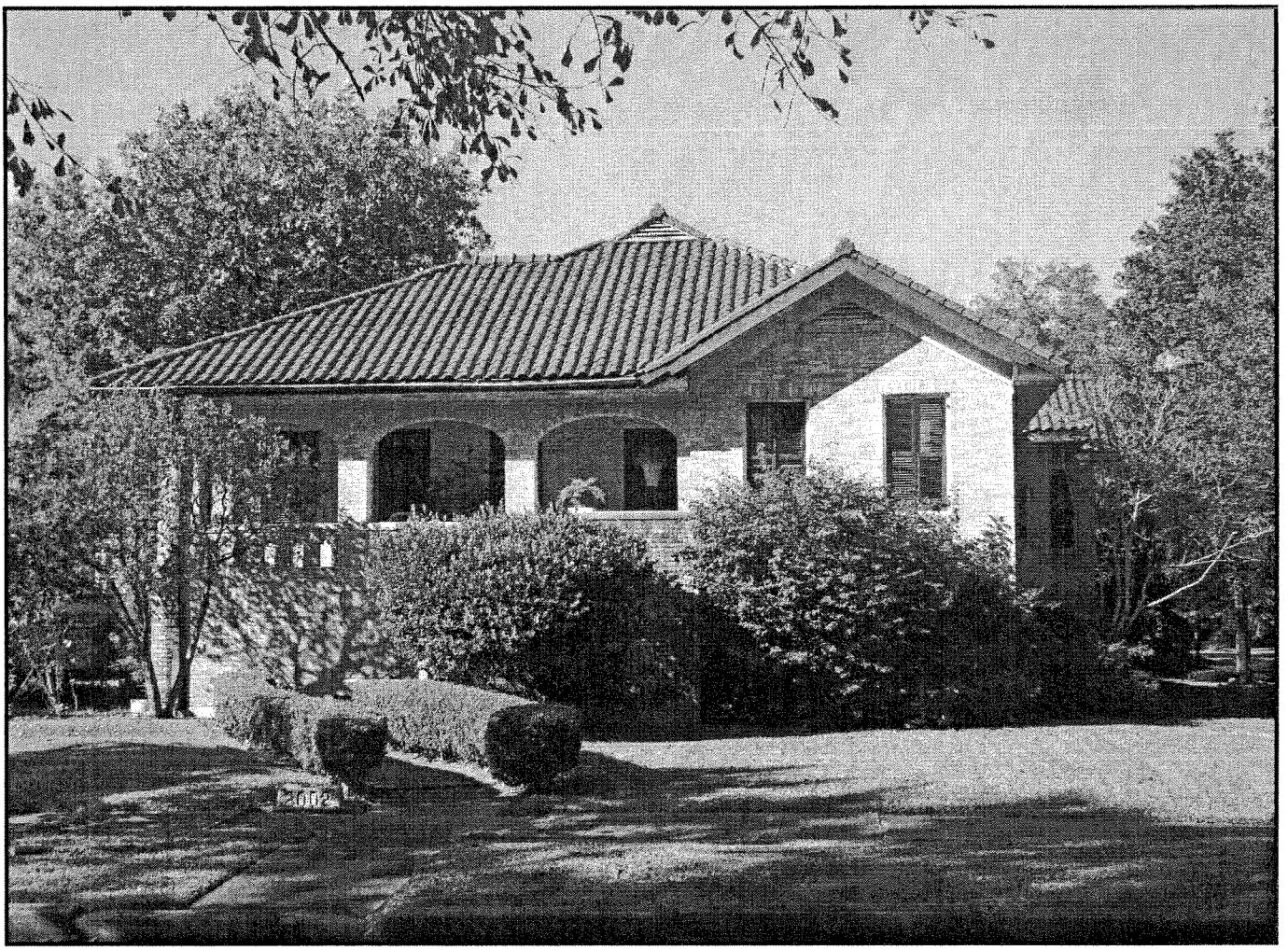
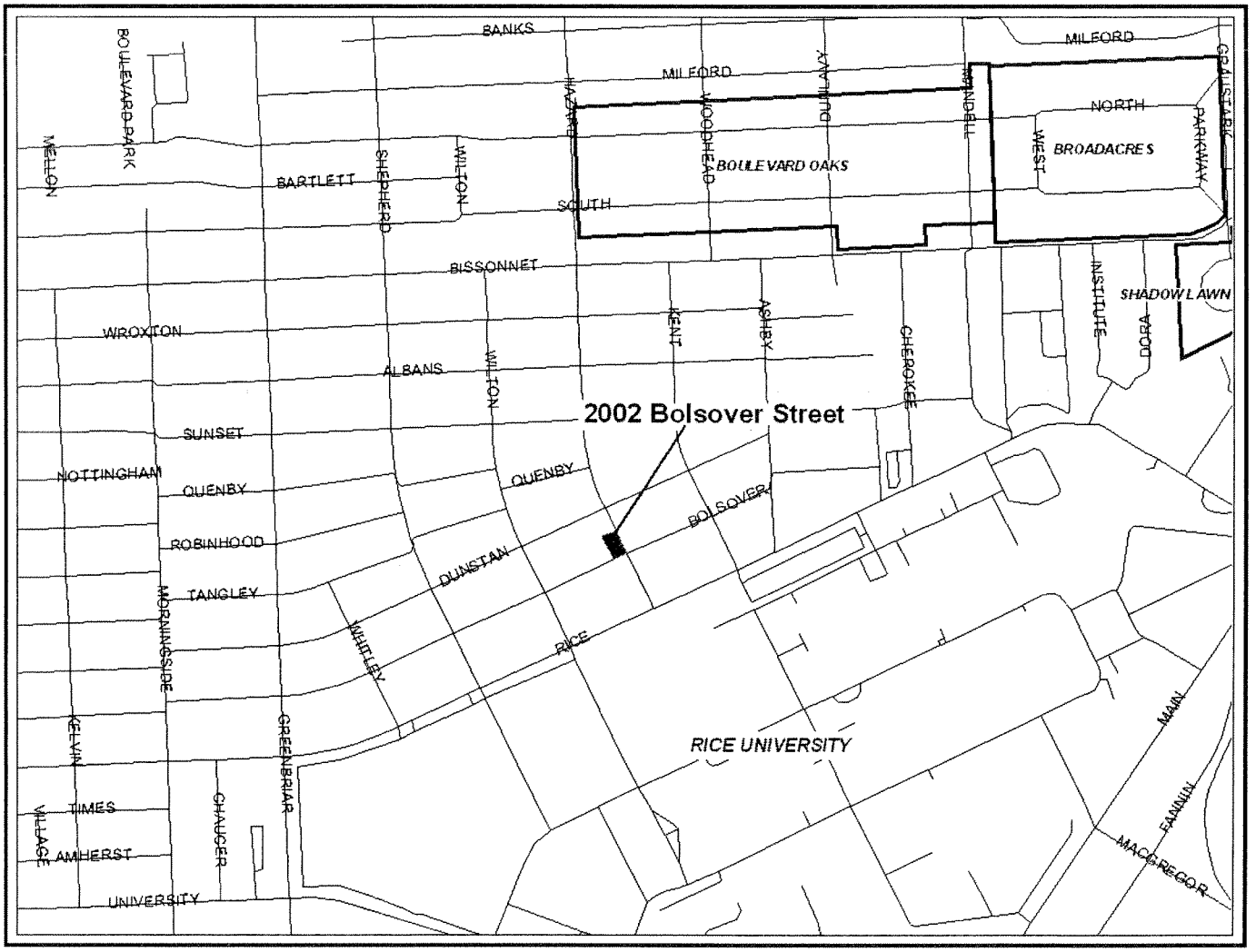


EXHIBIT B
SITE LOCATION MAP
LACKNER HOUSE
2002 BOLSOVER STREET
NOT TO SCALE



CITY OF HOUSTON

Archaeological & Historical Commission **Planning and Development Department**

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Stokes-Farnsworth House
OWNER: Charles Sanders
APPLICANT: Anna Mod, SWCA Environmental Consultants
LOCATION: 1407 Kirby Drive – River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: III.b
HPO FILE NO: 09L222
DATE ACCEPTED: Nov-25-09
HAHC HEARING: Dec-10-09
PC HEARING: Dec-17-09

SITE INFORMATION

Lot 3 and a portion of Lot 4, Block 34, River Oaks Section 1, City of Houston, Harris County, Texas. The site includes a two-story brick single-family house and detached garage.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Stokes-Farnsworth House at 1407 Kirby Drive, completed in 1928, was designed by Charles Oliver, who at the time was staff architect for the River Oaks Corporation. Oliver designed over 75 River Oaks houses and was a master at early twentieth-century eclectic styles including Louisiana plantation, French, Tudor Revival, English Manorial, and Spanish Colonial. The River Oaks neighborhood, developed in the early 1920s by Hugh Potter and Will and Mike Hogg as a beautiful garden suburb removed from the haphazard development of booming Houston, remains the city's most prestigious neighborhood.

Notable residents of the house at 1407 Kirby include the first owner, Dr. Merle Benefield Stokes, and Richard Farnsworth, partner in the successful Houston-based construction company, Farnsworth and Chambers. Farnsworth and Chambers built many buildings in Houston and the Southwest, including the Farnsworth and Chambers headquarters at 2999 South Wayside, a City of Houston Protected Landmark, which housed NASA in the early 1960s and has been home to the City of Houston Parks and Recreation Department for many years.

The Stokes-Farnsworth House is one of the best examples of the Tudor Revival style of architecture in River Oaks, as well as one of the remaining original River Oaks Corporation spec houses in the neighborhood, and retains its integrity of materials, design, setting, and workmanship. The Stokes-Farnsworth House at 1407 Kirby meets Criteria 1, 3, 5, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

Architect Charles W. Oliver, AIA, designed the two-story house and garage at 1407 Kirby Drive in 1928 as a spec house for the River Oaks Corporation, where he served as staff architect from 1926-1931. The Tudor Revival style house is one of the original spec houses built by the Corporation, which created deed restrictions for the new neighborhood that specified that houses along Kirby Drive (formerly Reynolds Ave.) be designed in the English Tudor or Colonial Revival styles.

Charles Oliver designed numerous houses in River Oaks, including 1903 Bellmeade, 1915 Bellmeade (Hal and Iley Nunn Davis House, COH Landmark), 2011 Bellmeade, 3217 Inwood Drive, 3358 Inwood Drive, 1708 River Oaks Blvd, 2970 Lazy Lane, 2149 Pine Valley Dr, and 3223 Chevy Chase. The house he built for himself and his family at 2508 Pelham Drive in 1927 received a Good Brick Award from the Greater Houston Preservation Alliance in 2008, and the tree in its front yard is a neighborhood favorite.

The River Oaks neighborhood was developed in the early 1920s by Houston businessmen Hugh Potter and brothers Will and Mike Hogg, who purchased 1,000 acres with a vision to create a model suburban neighborhood. Houston's explosive growth in the early twentieth century, following its new stature as the headquarters of several new and soon-to-be-large oil companies following the discovery of oil at Spindletop and the growth of the Port of Houston, led the men to consider a well-planned and deed-restricted oasis separate from the haphazard development of the city. Landscape architects Hare and Hare of Kansas City were hired to design the master plan, which took advantage of the existing trees and imported thousands more, and laid out the neighborhood with curving streets and a northernmost section that hugged Buffalo Bayou. Because access roads into the neighborhood were unpaved and thus hindered sales, the developers convinced the city to pave thoroughfares from downtown to the eastern edge of their development. Hare and Hare designed the landscaped parkway completed in 1926 from Sam Houston Park to River Oaks, originally called Buffalo Drive and now known as Allen Parkway.

Deed restrictions in the new neighborhood included guidelines on the construction and renovation of buildings. The design for each house had to be approved by the River Oaks Association and meet a minimum price requirement of $7,000. These deed restrictions are the parameters under which Oliver worked and crated successful house designs and sales for his employer.

The house at 1407 Kirby was purchased from the River Oaks Corporation by Dr. Merle Benefield Stokes (1880-1953) and his wife Eva Blanche (née Van Nuys). Dr. Stokes was born in Lebanon, Indiana, and attended high school there and Wabash College in Crawfordsville, Ind. He received his medical degree from Rush Medical College in Chicago in 1909. Following his externship at Presbyterian Hospital in Chicago and an internship at City Hospital in Akron, Ohio, he moved to Houston in 1910. He served in the U.S. Army Medical Corps at the base hospital at Camp Travis in 1918-1919. His wife, Eva Blanche, was also from Lebanon, Indiana. Dr. Stokes was certified by the American Board of Surgery and served as secretary of the Harris County Medical Society (1934-35) and president in 1936. The couple lived in the house until the mid 1930s when they sold it to Fry L. Luckel, an oil man, and his wife Eber.

In the mid 1940s, Richard and Dorothy Farnsworth purchased the house from the Luckels. Farnsworth was vice-president and partner with Dunbar Chambers in the successful Houston-based construction company, Farnsworth and Chambers. Farnsworth and Chambers worked on large-scale projects throughout the Southwest and Louisiana. Notable buildings built by Farnsworth and Chambers are found on higher-education campuses throughout the region, such as Tulane University in New Orleans, Austin College in Sherman, Texas, and the University of New Mexico in Albuquerque. In Houston, the company's most notable building may be its namesake building, the Farnsworth and Chambers Building at 2999 South Wayside Drive. This building was designed

by architects MacKie and Kamrath and built by Farnsworth and Chambers in 1957 as the company's own headquarters in Houston.

The Farnsworth and Chambers Building was built on 46 acres of undeveloped land near the Gulf Freeway and in the midst of the suburban development growing up around Gulfgate Mall and Palms Center. Long and low, with modern horizontal lines that seemed to stretch forever, the building's stonework is an almost otherworldly green. Farnsworth and Chambers did not enjoy their new building for long. In the fall of 1956, partner Dunbar Chambers, who was also one of the investors in the Sharpstown development in Southwest Houston, was accidentally killed while hunting in South Dakota. In 1961, the building was bought by W.D. York and Gragg Drilling and renamed the Gragg Building. NASA's Manned Spacecraft Center (MSC) was located in the building from 1962 to 1964 while the Johnson Space Center was being built in Clear Lake. When the MSC moved into the Farnsworth and Chambers Building, NASA's Mercury Program was already underway, and the remaining Mercury flights were planned by the engineers and scientists at the Farnsworth and Chambers Building. The building has served for many years as the headquarters for the City of Houston Parks and Recreation Department, and was designated as a City of Houston Protected Landmark on February 18, 2009.

Although the Farnsworth and Chambers firm is now dissolved, many of the young men who got their start there went on to establish their own construction and contracting firms throughout the city and state. For example, Rice alumnus and former trustee Al Jensen began his career as a carpenter's helper for Brown and Root on the construction of the Rice Stadium. Upon graduation from Rice University, he began working for Farnsworth and Chambers. In 1957, he became one of the founders of H. A. Lott, Inc., a Houston-based construction company whose significant buildings include the Astrodome, The Summit (Compaq Center, now Lakewood Church), and San Antonio's Riverwalk.

The Farnsworths remained in the house at 1407 Kirby until the mid-1950s when they sold the house to Richard D. Rickett, the vice-president of Fish Engineering. In the early 1970s, the Ricketts sold to John and Emily Kilgore, and in 1976 the house was purchased by the current owner.

Charles Wesley Oliver

Charles Wesley Oliver was born in 1893 in Arkansas. By the age of three, his family moved to Dallas where he attended school. He graduated with an architectural degree from the University of Texas where he also played on the varsity baseball team that won the Southwest championship. During WW I, he was a captain in the 58th field artillery regular army and served at Fort Stanley in San Antonio and later Camp Jackson. At Camp Jackson, Oliver met Louise Hampton and they married. The couple had three children, Charles W. Oliver, Jr., Wade Hampton Oliver, and Eloise Oliver.

In 1916, Oliver joined the Russell Brown Company, a home building and contracting enterprise, and worked there for seven years before moving to Houston to manage the office here. After three years in Houston, he changed jobs and on May 1, 1926, Oliver became the chief architect and head of the department of architecture and building for County Club Estates, the first subdivision in the newly

created River Oaks neighborhood. His consulting services were free of change for any River Oaks property owner. Prior to Oliver's employment, this complimentary consulting service was limited to gardening. Once a property owner was ready to move forward with architectural plans and construction supervision, a fee was charged.

Oliver designed over 75 River Oaks houses and was a master at early twentieth-century eclectic styles including Louisiana plantation, French, Tudor Revival and English Manorial and Spanish Colonial. He was widely published in architectural magazines including *The Architect*, *Western Architect*, and the *Houston Gargoyle*. He left the River Oaks job in 1932 to open his own office in the Second National Bank Building. During this time he became the supervisor of home reconditioning for the Home Owners Loan Corporation and in 1935 was transferred to Dallas.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The house at 1407 Kirby Dr. is a two-story, modified L-plan building with the primary façade facing west onto Kirby Dr. The base stroke of the modified "L" plan is parallel to Kirby Dr. and the stem of the "L" juts out to the northeast at an unusual 45 degree angle. This plan was realized to take full advantage of the prevailing breezes and to stay on the high side of the small ravine on the northern part of the lot. The house remains in its original configuration with no changes, other than a screened porch being enclosed with sheet glass. Only the garage has been altered with an ell addition added to the north in the 1950s.

The Tudor Revival style house includes character and stylistic defining elements including the corbelled chimneys and cornice returns, half timbering, the mix of stone and brick on the main façade, the steeply sloping roof line of the front gable, the cast stone trim surrounding the entry, diamond-paned casement windows and the crenulated parapet roofline to the northeast of the entry.

The house is wood-framed on a pier-and-beam foundation and is clad with a mixture of brick laid up in a Flemish bond and coursed rusticated limestone. The limestone is prominent on the asymmetrical main façade on the steeply pitched projecting front gable. The windows are metal casement type with eight lights each and are typically paired. On the main façade, the metal framed windows have diamond panes with lead cames. The roof is slate shingles and the gutters and downspouts are copper. There is a stunning brick chimney on the northeast façade with a large corbelled cap detailed with a brick chevron pattern. The limestone of the main façade wraps around on the first floor onto the northeast façade where it then transitions to brick. There are a few haphazardly placed stones set into the brick near the crenellated parapet. On the ground floor end of the northeast wing there is a former screened porch that has been converted into interior space with single sheet glass inserted into the former screened openings. Upstairs, there are paired eight light casement windows with four light transoms set into the half-timbered and plaster exterior of the gable end. The rear of the house faces a terraced garden designed by C. C. "Pat" Fleming and has flagstone walkways outlined in brick. There is a small fountain with a semicircular basin with spiraled edges. Set in the rear intersection of the "L" is projecting, two-story bay window with a gabled roof.

The garage is set far back on the lot and faces west towards Kirby Dr. The original two-car garage was front gabled and almost square in plan with a small apartment above. An addition was added to the north and the upstairs apartment living space expanded. The original front gabled portion of the garage mimics the architectural detailing of the house, including the wooden clapboards in the gable, the limestone detailing at the cornice return, and the Flemish bond brick cladding. The side gabled addition was sensitively done and continues the wooden clapboards and the metal casement windows.

The interior plan is one room deep with oak flooring, nine foot ceilings and plastered walls. The former downstairs porch, converted into interior space, has the marble flooring and exposed brick walls. The original Tudor arched front door was replaced by a former owner and is in storage on site.

The information and sources provided by Anna Mod, SWCA Environmental Consultants, have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

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"Oliver Opens Office Here," *Houston Press*, 9 January 1932.

"C.W. Oliver, Architect, To Take Dallas Position." *Houston Press*, 14 Feb 1935.

Web sites

Preservation River Oaks, http://preserveriveroaks.com/homes.shtml

River Oaks Property Owners, Inc. http://www.ropo.org/neighbor.html

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

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

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

S - satisfies D - does not satisfy NA - not applicable

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

STAFF RECOMMENDATION

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Stokes-Farnsworth House at 1407 Kirby Drive.

EXHIBIT A
PHOTO
STOKES-FARNSWORTH HOUSE
1407 KIRBY

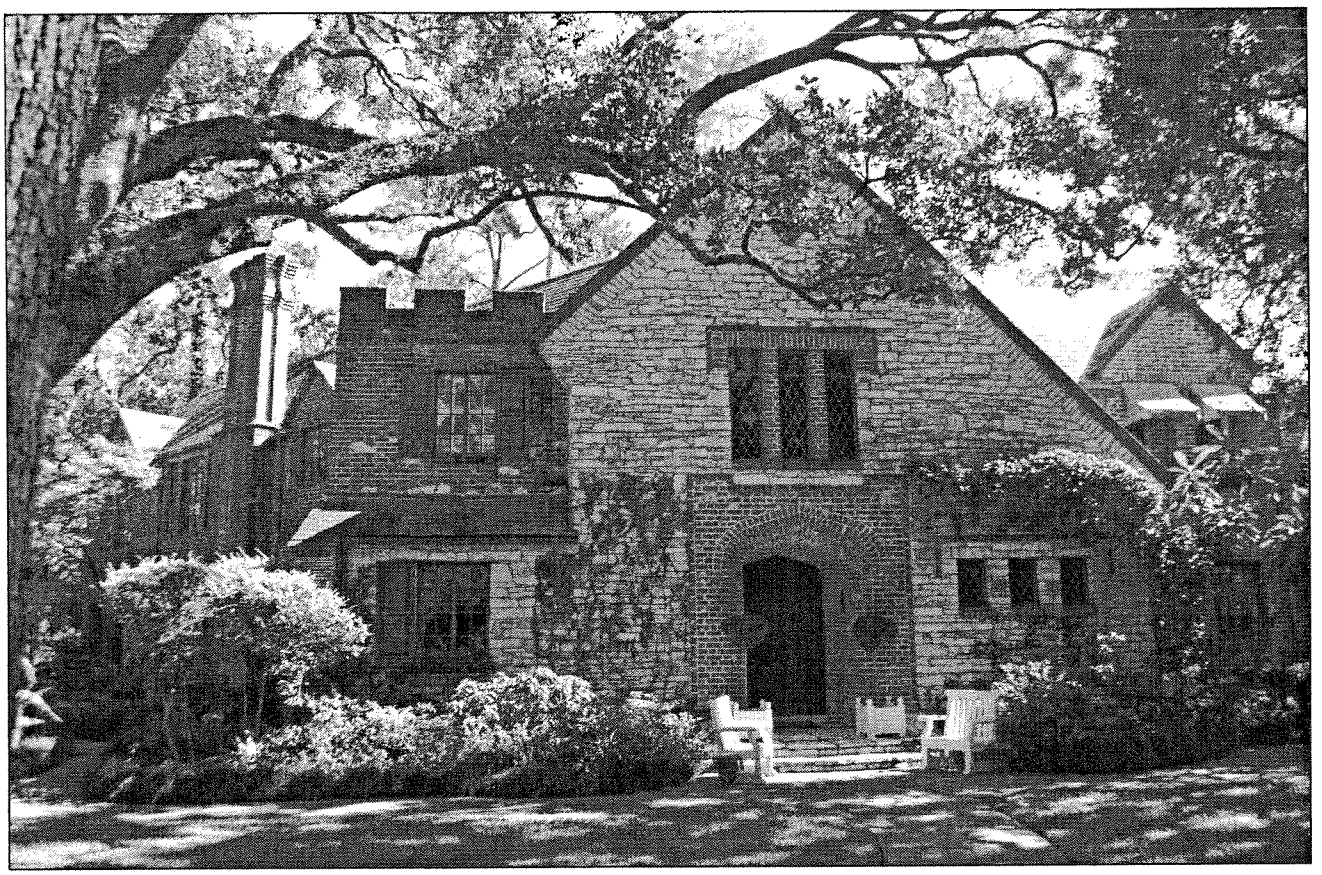
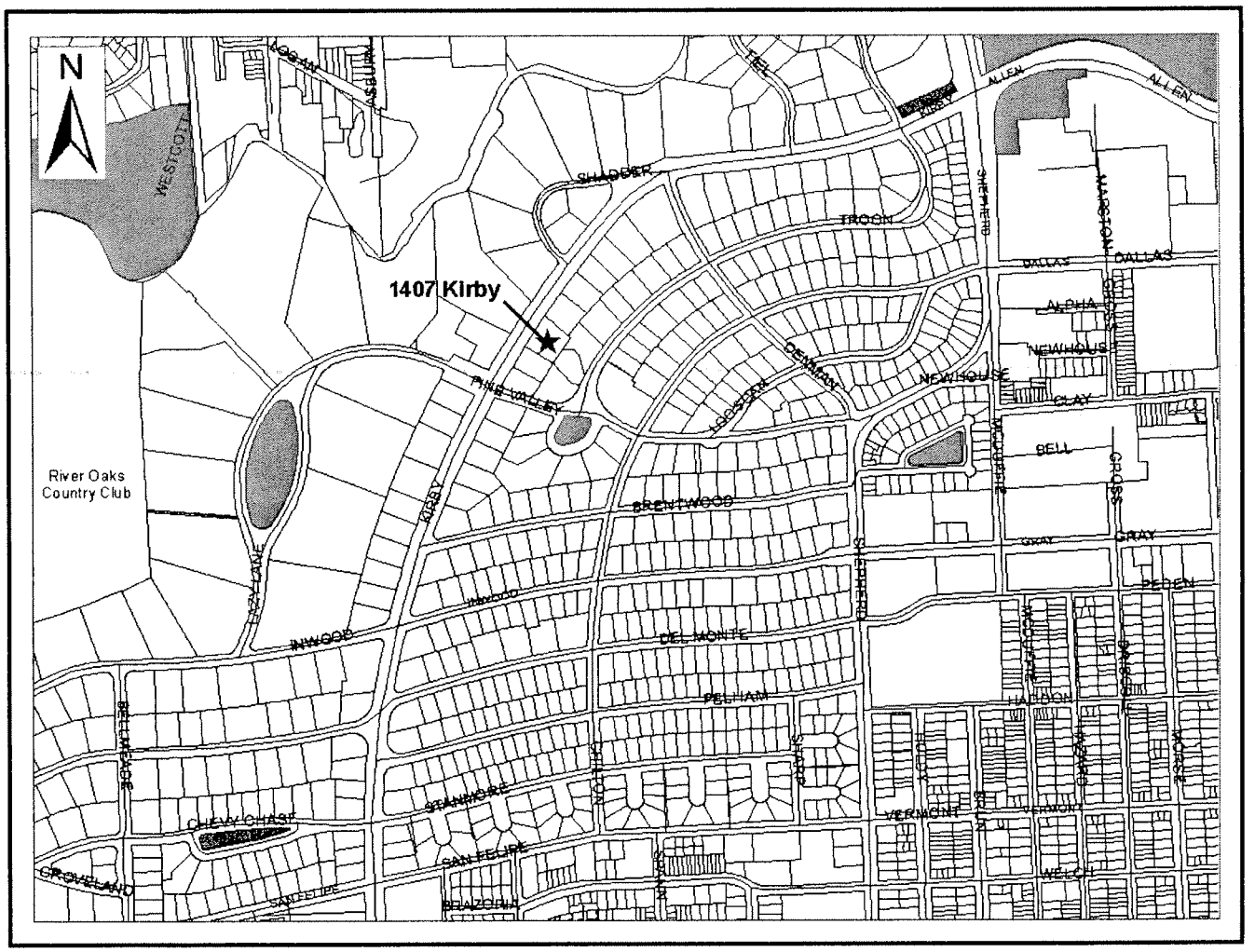


EXHIBIT B
SITE LOCATION MAP
STOKES-FARNSWORTH HOUSE
1407 KIRBY
NOT TO SCALE



CITY OF HOUSTON

Archaeological & Historical Commission **Planning and Development Department**

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Wilson G. Saville House
OWNERS: Christopher and Genevieve O'Sullivan
APPLICANT: Kelley Trammel
LOCATION: 3217 Groveland Lane – River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: III.c
HPO FILE NO: 09L223
DATE ACCEPTED: Nov-4-09
HAHC HEARING: Dec-10-09
PC HEARING: Dec-17-09

SITE INFORMATION

Lot 6, Block 12, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The site includes a two-story, wood frame residence with brick veneer.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

The Wilson G. Saville Home was constructed in 1933 and designed by prolific Houston architects Hiram A. Salisbury and T. George McHale. The substantial body of work created by these architects includes many homes in River Oaks, Southampton, Boulevard Oaks, and Shadow Lawn, as well as St. John's School and St. John's Chapel, which were designed in association with MacKie and Kamrath Architects.

Wilson G. Saville was a West Point graduate and served in the army in World War I before starting a career as a geologist and mining engineer. In 1925, he established the Torsion Balance Exploration Company which, according to the Houston Chronicle, was "one of the earliest geophysical consulting companies in America." Saville also served the Army as district engineer in Galveston during World War II and was later assigned to the operational engineering branch of Supreme Headquarters, Allied Expeditionary Forces. Saville served two terms as Chairman of the Port of Houston Board from 1946 to 1950. Under Chairman Saville's stewardship, the Port of Houston became the second largest port in the United States in tonnage in 1948, a year when the value of cargo exceeded $1 billion for the first time.

The Wilson G. Saville House meets Criteria 1, 3, and 6 for Landmark designation.

HISTORY AND SIGNIFICANCE

Wilson G. Saville was born on May 20, 1897, in Fort Sill, Oklahoma Territory, when it was an Apache Indian reservation. Wilson's father, Second Lieutenant Matthew E. Saville, was the army officer in charge of the reservation at Fort Sill. Matthew Saville established a close relationship with the famed Apache warrior, Geronimo, who was captured as a prisoner of war and taken to Fort Sill in 1894. Matthew appointed Geronimo the godfather to young Wilson Saville.

Like his father, Wilson Saville attended the United States Military Academy at West Point. After graduating from West Point in 1918, Wilson served in the army during World War I. His career in the

army was brief; he retired in 1920 to pursue a career as a geologist and mining engineer. He was employed by Phelps Dodge Copper Company in Bisbee, Arizona, in 1920 and then by Rycade Oil Corporation in Houston beginning in 1921. He stayed with Rycade Oil for four years and, in 1925, left to establish his own company, Torsion Balance Exploration Company, with which he enjoyed tremendous success. According to the *Houston Chronicle*, Torsion Balance Exploration Company was "one of the earliest geophysical consulting companies in America."

In 1922, while he was building his career in Houston, Wilson Saville married Floy Barnhart, the daughter of Colonel and Mrs. George Barnhardt, the Colonel being a World War I army hero. The wedding took place on December 27, 1922, at the Church of the Covenant in Washington, D.C. Their wedding announcement was covered by the *New York Times*.

When the Savilles moved into 3217 Groveland Lane in December 1933, the event was documented in an article in the River Oaks Corporation magazine, "Homes for All Times." The article read, "Mr. and Mrs. W.G. Saville are now at home in their new residence at 3217 Groveland Lane. They have an unusually large site, there being frontage of 142 feet and a depth of approximately 200 feet. The house was designed by H.A. Salisbury and associate T. George McHale."

Wilson Saville enjoyed a productive career as a business and civic leader in Houston. He was asked to serve the Army as district engineer in Galveston during World War II and was later assigned to the operational engineering branch of Supreme Headquarters, Allied Expeditionary Forces. Saville served two terms as Chairman of the Port of Houston Board between 1946 and 1950. The post-war years were particularly tumultuous for the Port of Houston. During the war, shipping had decreased from 28 million tons in 1939 to 15 million tons in 1943, a drop of almost 46 percent. Then, as the government acted to rebuild the "war-shattered economy," the Port of Houston's tonnage figures increased to 31 million tons in 1946 and nearly 39 million tons in 1948. This heightened demand created logistical problems as the Great Depression and World War II had postponed new construction and capital expenditure at the Port of Houston. The record tonnage overburdened the underdeveloped facilities of the Port, and authorities worked under extreme pressure to meet the immediate as well as long-term needs.

In 1946, as the newly-appointed Port of Houston Chairman, Wilson Saville outlined a bold plan calling for the expenditure of approximately $37 million for Port of Houston improvements, including the widening and deepening of the channel by the federal government; the construction of two tunnels under the channel, in cooperation with local and state governments; the construction of wharves and other facilities in the amount of $2.3 million; and the improvement of the publicly owned railway system. Despite the efforts of the Port of Houston, the program was impeded by a post-war building boom that drove up the cost for construction materials and labor, thereby making many of the proposed plans cost prohibitive.

Although the plan was not fully realized, many significant changes were made to the Port of Houston based on Saville's original proposal. First, in 1947, the army engineers recommended that the channel be deepened to 36 feet for its entire length. Two tunnels were dug under the channel to handle increasing traffic. Once the two tunnels opened, two ferry boat services along the channel were eliminated. In 1950, a new fire boat was constructed in reaction to the 1947 explosion onboard the French-registered vessel, *S.S. Grandcamp*, in the port at Texas City, Texas, that killed hundreds of people. Most notably, under

Chairman Saville's stewardship, the Port of Houston became the second largest port in the United States in tonnage in 1948, a year when the value of cargo exceeded $1 billion for the first time.

Wilson Saville died at the age of 56 in his home at 3217 Groveland Lane on February 14, 1954. Following his death, a feature article appeared in the *Houston Chronicle* entitled, "Col. Saville, Ex-Port Chief Dies." The article listed a range of associations, including River Oaks Country Club, American Society of Exploration Geophysicists, Houston Club, Ramada Club, Episcopal Church, and Eagle Lake Rod and Gun Club.

In 1989, Wilson's widow, Floy Saville, sold the house at 3217 Groveland Lane to Alan and Ellen Gover. Mrs. Saville passed away in 1990 at the age 93. The current owners, Genevieve and Christopher O'Sullivan, purchased the home in 2006 from the Govers.

Salisbury and McHale

Hiram A. Salisbury (1892-1973), one of the architects of the Wilson G. Saville House at 3217 Groveland Lane, was born in Omaha, Nebraska. Salisbury studied architecture under a fellowship from the American Institute of Architects and later graduated from the School of Architecture at New York's Columbia University (1913-1914). He worked as a draftsman for Thomas R. Kimball from 1910-1923 and George B. Prinz from 1923-1926. Salisbury established his own architectural firm in Houston in 1926, and he is first listed in the 1927 Houston City Directory with an office in the Post-Dispatch Building (later, the Shell Building) until 1937. Beginning in 1930, Salisbury and his wife lived at 3412 Yupon between Hawthorne and Harold, in Houston. By 1953, the Salisburys were living at 610 Saddlewood Lane. Salisbury continued his practice in Houston until approximately 1962, when he retired and moved to Medford, Oregon.

The second architect of the Wilson G. Saville House, Thomas George McHale (1903-1975,) was also born in Omaha, Nebraska, and attended school at the University of Notre Dame. After receiving his architecture degree, McHale became a draftsman for John Latenzer & Sons, where he worked from 1919 until 1923. In 1924, he worked for James A. Allen and Leo A. Daly. Starting in 1925, he worked for George B. Prinz for several years before joining Salisbury. Both Salisbury and McHale left Prinz's firm to form their own firm in 1927. McHale was married to Inez P. McHale, a celebrated Houston interior decorator. The McHales lived at 1106 Palm Street, Houston before moving to 2 Courtlandt Place.

Beginning in 1928, Salisbury and McHale collaborated on many projects together. Salisbury and McHale's projects included residential, commercial, and church buildings. Among their more notable projects are St. Stephen's Episcopal Church at 1805 W. Alabama (1941); St. John's School at 2401 Claremont (1945-49); and many of the homes located in River Oaks, Southampton, and other affluent Houston neighborhoods. Salisbury and McHale relocated their offices to the River Oaks Community Center at 2017 W. Gray in 1938-39, and moved to 3501 Allen Parkway in 1945.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Wilson G. Saville House at 3217 Groveland Lane is a two-story, wood-frame brick veneer residence with an asymmetrical floor plan. The house was designed by Hiram Salisbury and George McHale in

1933. The front façade features an entryway framed by square pilaster surround and an entry porch. The home retains its original wood sash windows on both the upper and lower floors. The front façade windows are comprised of double hung wood sash windows with 6/6 glass lites and recently added arched bay windows, two of which enclose the partial width porch. The window lintels and sills feature a vertical brick pattern. The building features a steep pitch cross-gabled roof with medium shake shingles. Each gable end features brick that continues to roof ridge.

The house was not altered until it was purchased by the Govers in 1989. The Govers expanded the size of the house by approximately one third. The majority of the rear wing of the house is new space: the den and the master bedroom closet area, about half the kitchen and half the master bath, and the front hallway to the right of the front door, extending all the way to the wall, is new space, which expanded the front façade.

Additionally, the front porch was enclosed; the outside of the original house was substantially re-bricked and otherwise restructured and reinforced; the interior was substantially recreated, including installing new wiring, plumbing, flooring, and plastering. A porte-cochere was constructed which connects to the garage; the garage apartment was rebuilt; new landscaping was installed, including pools, decks, patios and porches. There was in effect no landscaping and little original yard when purchased by the Govers in 1989.

The current owners, who purchased the house in 2006, have completed a restoration that includes replacing the composite roof with medium shake shingle and the wooden fence along San Felipe with a brick wall; renovating the kitchen and adjoining family room, bedrooms and bathrooms; raising the ceiling in the front hallway; and replacing the heating and cooling systems. Although the house has undergone renovations, it retains the original massing and scale of the River Oaks neighborhood.

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

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Houston Chronicle, Obituary of Wilson Saville, February 15, 1954.

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Home for All Times, December 1933.

Houston City Directories.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION

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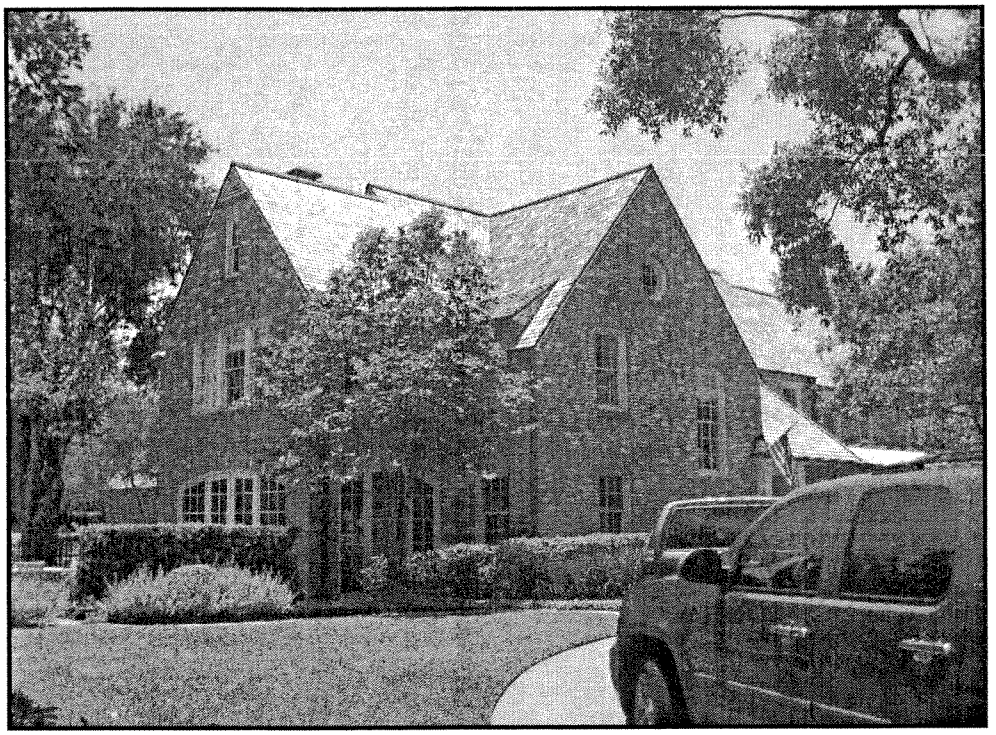
☒	☐	(1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
☐	☒	(2) Whether the building, structure, object, site or area is the location of a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

STAFF RECOMMENDATION

Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Wilson G. Saville House at 3217 Groveland Lane.

EXHIBIT A
WILSON G. SAVILLE HOUSE
3217 GROVELAND LANE



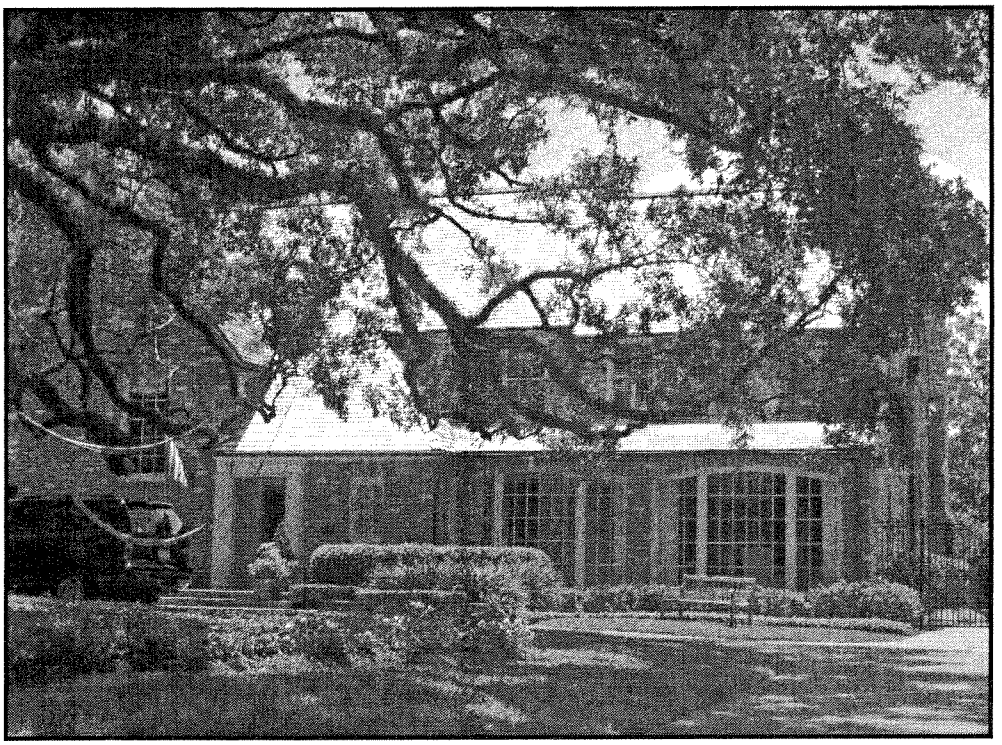
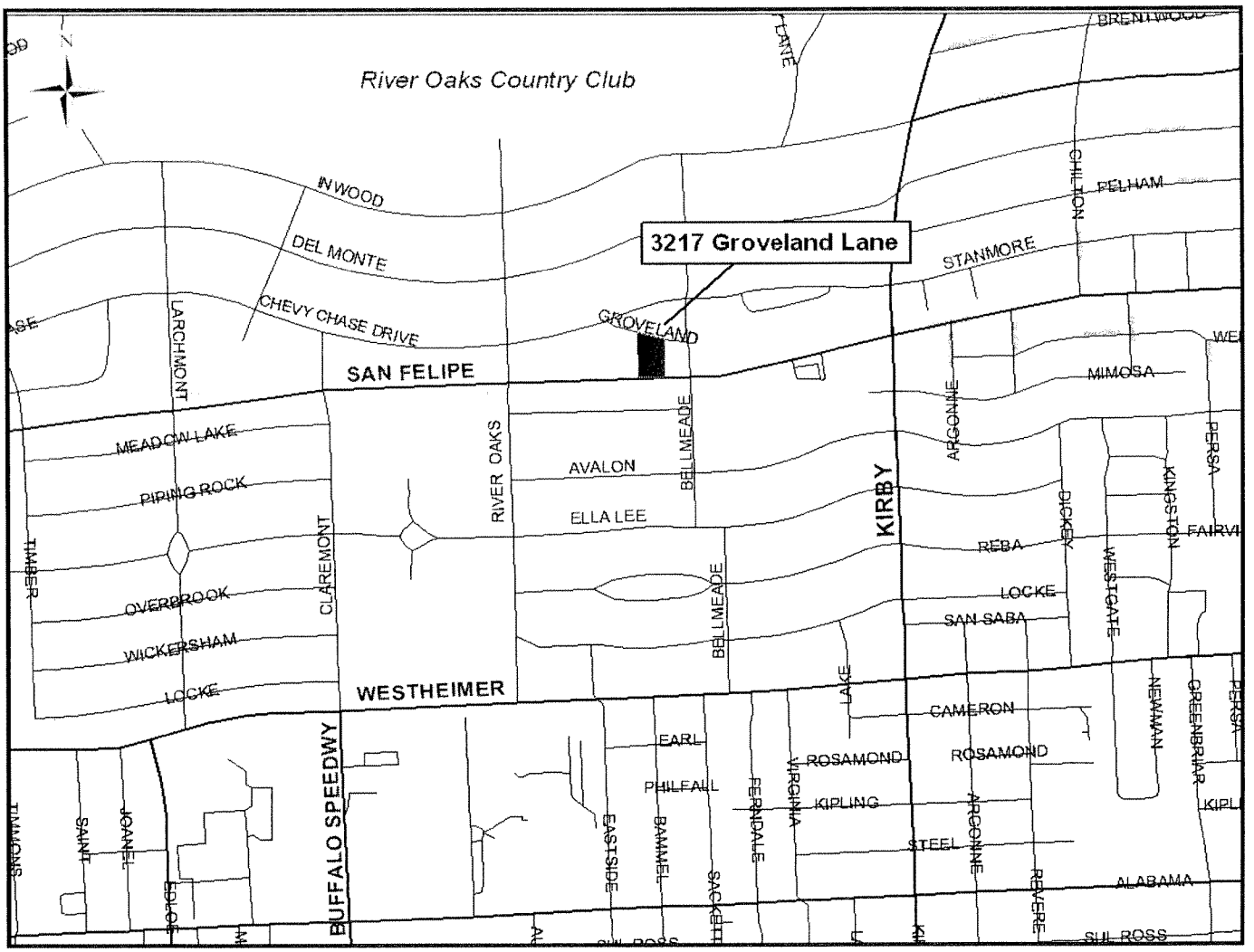


EXHIBIT B
SITE LOCATION MAP
WILSON G. SAVILLE HOUSE
3217 GROVELAND LANE
NOT TO SCALE



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
An Ordinance Amending Chapter 44 of the Code of City Ordinances Relating to Coin-Operated Machines

Category #

Page 1 of 1

Agenda Item# 14

FROM: (Department or other point of origin):
Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

Origination Date
January 28, 2010

Agenda Date
FEB 03 2010

DIRECTOR'S SIGNATURE:

Council Districts affected:
All

For additional information contact:
Tina Paez **Phone:** (713) 837-9630
Kathryn Bruning **Phone:** (713) 837-9873

Date and identification of prior authorizing Council Action: Ord. No. 08-188, 3/5/08; Ord. No. 08-1145, 12/10/08; Ord. No. No. 09-867, 9/23/09

RECOMMENDATION: (Summary)
Approve an Ordinance amending Chapter 44 of the Code of Ordinances relating to Coin-Operated Machines, to clarify and distinguish the issuance of decals for amusement redemption machines and the issuance of decals for other types of coin-operated machines.

Amount of Funding: N/A

FIN Budget:

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

SPECIFIC EXPLANATION:

The Director of the Administration and Regulatory Affairs (ARA) Department recommends City Council approval of an Ordinance that would amend Chapter 44 of the Houston Code of Ordinances relating to Coin-Operated Machines, to clarify and distinguish the issuance of decals for amusement redemption machines and the issuance of decals for other types of coin-operated machines.

In determining whether a coin-operated machine is eligible for operation within the City limits, ARA's Commercial Permitting staff looks to two areas in the Code of Ordinances – Chapter 44 and Chapter 5. Specifically, Section 44-85 (b) of the Code of Ordinances requires operators of coin-operated machines to pay an annual occupation tax per machine and register each machine with the City of Houston. Upon payment, ARA issues the operator a decal to be displayed on each machine as proof of payment of the occupation tax. Chapter 5 creates additional requirements for the issuance of these decals when the coin-operated machines are also amusement redemption machines subject to a game room permit.

The recommended amendments to Chapter 44 will be more explicit as to the circumstances under which compliance with Chapter 5 and a game room permit are prerequisites to the issuance of the decal evidencing payment of the occupation tax. Specifically, the proposed amendments state that only coin-operated machines that are **also** amusement redemption machines will be subject to the requirements of Chapter 5, and will be required to obtain a game room permit. All other coin-operated machines do not need to comply with the requirements of Chapter 5 prior to the issuance of a decal.

These amendments will also clarify issues that have been raised in litigation regarding the City's regulation of these activities.

REQUIRED AUTHORIZATION

FIN Director:

Sec. 44-85. Display and issuance of decal evidencing payment; penalties for noncompliance.

(b) During the period commencing on October 1 and ending on December 31 of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January 1, provided that in the instance of a machine that is also an amusement redemption machine as defined in Section 5-181 of this Code, the building where the machine is located meets the requirements of Article VI of Chapter 5 of this Code and has a game room permit issued under section 5-171 of this Code. Any failure of a building to meet all requirements set forth in the said Article VI shall be grounds for denial of a decal for any amusement redemption machine located therein. Prior to moving a registered machine to a new location, the owner shall submit in person a change of street address location form to the director.

City of Houston, Texas, Ordinance No. 2009-_____

AN ORDINANCE AMENDING CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO COIN OPERATED MACHINES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the requirements for issuing decals for coin-operated machines need clarification; and

WHEREAS, a distinction needs to be made between the issuance of a decal for amusement redemption machines and the issuance of a decal for other types of coin-operated machines; **NOW, THEREFORE,**

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

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

Section 2. That Section 44-85(b) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

> "(b) During the period commencing on October 1 and ending on December 31 of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January 1, provided that in the instance of a machine that is also an amusement redemption machine as defined in Section 5-181 of this Code, the building where the machine is located meets the requirements of Article VI of Chapter 5 of this Code and has a game room permit issued under section 5-171 of this Code. Any failure of a building to meet all requirements set forth in the said Article VI shall be grounds for denial of a decal for any amusement redemption machine located therein. Prior to moving a registered machine to a new location, the owner shall submit in person a change of street address location form to the director."

Section 3. That the various former ordinance provisions that are amended in this Ordinance are saved from repeal for the limited purpose of their continuing application to any violation committed before the effective date of this Ordinance, as applicable. For this purpose, a violation is deemed to have been committed before the effective date of this Ordinance, as applicable, if any element of the offense was committed prior to the effective date of this Ordinance, as applicable.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2010.

APPROVED this ___ day of _____, 2010.

_____
Mayor of the City of Houston

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

_____
City Secretary

Prepared by Legal Dept.
YC:asw 1/26/10 Assistant City Attorney
Requested by Alfred Jay Moran, Jr., Director, Department of Administration and Regulatory Affairs
L.D. File No. _

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

SUBJECT: Approve an amended and restated ordinance authorizing City of Houston Combined Utility System First Lien Revenue Bonds, Series 2010A which includes authorization of the Issuing/Paying Agent Agreement and other related documents with respect to the CUS Series 2010A Bonds.	**Category #**	**Page 1 of 1**	**Agenda Item#** 15

FROM (Department or other point of origin): Department of Finance and Office of the City Controller	**Origination Date:** 1-28-10	**Agenda Date** 03 2010
DIRECTOR'S SIGNATURE: Michelle Mitchell Ronald C. Green	**Council District Affected:** All	
For additional information contact: James Moncur **Phone:** 832-393-1009 Shawnell Holman-Smith **Phone:** 832-393-3513	**Date and identification of prior authorizing Council action:** January 20, 2010 - Ordinance 2010-0027 December 9, 2008 - Ordinance No. 2008-1148	

RECOMMENDATION: (Summary) Approve an amended and restated ordinance authorizing City of Houston Combined Utility System First Lien Revenue Bonds, Series 2010A which includes authorization of the Issuing/Paying Agent Agreement and other related documents with respect to the CUS Series 2010A Bonds, in an amount not to exceed $16 million. These bonds will be privately placed with the Texas Water Development Board (the "TWDB").

Amount of Funding: **Not Applicable**	**Finance Budget:**

Source of Funding: [ ] **General Fund** [ ] **Grant Fund** [ ] **Other (Specify)** [ ] **Enterprise Fund**

SPECIFIC EXPLANATION:

A Request for Council Action recommending that the City issue the CUS Series 2010A Bonds in a private placement with the TWDB was approved by Council on January 20, 2010.

Since that approval, the EPA has revised its criteria for certain project costs and timing of expenditures. As a result, the amount of the loan is reduced from up to $30 million to up to $16 million. The FWG recommends Council approve the corresponding changes to the documents associated with the private placement.

Recommendation:

The Finance Working Group recommends the approval of this item.

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Ordinance approving and authorizing a Lease Agreement between the City of Houston and Stages, Inc. for space at the Houston Center for the Arts.	**Category #**	**Page** 1 of 2	**Agenda Item#** 16
FROM: (Department or other point of origin): Dawn R. Ullrich, Director Department of Convention and Entertainment Facilities	**Origination Date** January 22, 2010		**Agenda Date** FEB 03 2010
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:** 93-247, 95-1280, 97-1041		

RECOMMENDATION: (Summary)

That City Council approve and authorize a Lease Agreement with Stages, Inc. for space at the Houston Center for the Arts, 3201 Allen Parkway.

Amount of Funding: N/A	**F &A Budget:**

SPECIFIC EXPLANATION:

In 1993, under Ordinance No. 93-247, Stages, Inc. entered into a Lease Agreement for space in the Houston Center for the Arts, 3201 Allen Parkway, with the City of Houston. In 1995, the original Lease Agreement was amended and restated under Ordinance No. 95-1280. The Lease Agreement was further amended in 1997 under Ordinance No. 97-1041. The 1995 Lease Agreement, as amended, expired on November 17, 2009.

Stages is currently occupying the premises on a month to month basis under the Lease Agreement's holdover clause and owes a balance of approximately $350,000 in past due rent. As with many other performing arts groups, Stages has struggled financially in recent years and, with the current recession, has found fund raising very challenging. CEFD has monitored Stages financial situation closely in recent years, placing a CEFD employee on the Stages board, and determined that Stages has made meaningful efforts to obtain grant funds to pay the back rent. Eviction for unpaid rent would likely have resulted in the demise of this locally important and award winning theater group. With the expiration of the original lease, it became necessary to insist that rental arrearages be paid in connection with any new lease. Negotiations began on the proposed lease more than a year ago, and Stages has aggressively pursued grant funds for the past due rent during that time.

Stages has been successful in obtaining a grant from the Meadows Foundation to pay the City the past-due rental and the proposed lease provides that Stages must pay all such amounts to the City within sixty (60) days after passage of an ordinance approving a new lease agreement. If Stages fails to timely pay the past due rent, the new lease agreement with Stages is voided. The sixty (60) days allows processing time for the Meadows Foundation to confirm that a new lease is in place and that it contains an option to purchase the property (a condition of the grant), plus additional time to process and forward the check.

The proposed ordinance approves a new lease agreement with Stages with a five year term. Under the new lease, if Stages ever fails to pay its rent for ninety days after invoice, the lease shall automatically terminate on the 91st day.

REQUIRED AUTHORIZATION

Finance Department	Other Authorization	Other Authorization

The lease also provides Stages with an option to purchase the Houston Center for the Arts building and land. In 1995, the Texas Historical Commission entered the Star Engraving Company Building, 3201 Allen Parkway, (now known as the Houston Center for the Arts) in the National Register of Historic Places. The lease provides that the City will seek designation of the building as a City protected historic landmark under Article VII of Chapter 33 of the Code of Ordinances prior to any sale of the property. Promptly following the commencement date of the new lease, the City has agreed to obtain two commercial real estate appraisals, by appraisers approved by the City Council, to determine the fair market value option price for the property. Appointment of the appraisers is expected to be presented to City Council shortly. The property shall be appraised, and any conveyance shall be subject to a subsequent 15 year restriction on the continuing use of the property as an arts and entertainment venue, designation of the building as a City protected historic landmark under Article VII of Chapter 33 of the Code of Ordinances, and subject to restrictions, if any, inherent in the National Register listing. The option price shall increase on each anniversary of the commencement date of the lease based upon the change in the Consumer Price Index.

The Convention and Entertainment Facilities Department recommends approval of the new Lease Agreement with Stages, Inc. for the facility located at 3201 Allen Parkway. The new Lease Agreement will continue the City's tradition of promoting the arts and arts organizations.

SWL:dr

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION HCD09-207

10- TheCenter

SUBJECT: An ordinance approving and authorizing a contract between the City of Houston and The Center Serving Persons with Mental Retardation to provide funding for vocational training and medical and dental services to persons with mental illness.	**Category #**	Page 1 of 1	**Agenda Item #** 17
FROM (Department or other point of origin): Richard S. Celli, Director, Housing and Community Development Department	**Origination Date:** 1/22/10	**Agenda Date:** FEB 03 2010	
DIRECTOR'S SIGNATURE:	**Council District affected:** D		
For additional information contact: Keith W. Bynam, Division Manager **Phone:** 713-868-8396	**Date and identification of prior authorizing Council action:** None		

RECOMMENDATION: (Summary)

The Department recommends approval of an ordinance approving and authorizing a contract between the City of Houston and The Center Serving Persons with Mental Retardation to provide funding for vocational training and medical and dental services.

Amount of Funding: **$180,276** | **Finance Budget:**

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

[] Other (Specify) Community Development Block Grant Fund

SPECIFIC EXPLANATION:

The Housing and Community Development Department recommends approval of a Contract between the City of Houston and The Center Serving Persons with Mental Retardation (The Center).

This contract provides for an array of services to assist individuals with developmental disabilities in the City of Houston. The Center will provide vocational work skills training, employment services, support services and health/dental services to persons with a diagnosis of mental retardation. The Center will provide 300 – plus adults per day participating in the program the opportunity to develop their vocational and employment skills and receive 10 hours essential dental services and 10 hours of medical care.

The Contract will enable adults to acquire the skills and health care they need to be contributing members of the community and maximize personal independence by providing training in daily living skills and community exposure.

The Housing and Community Development Department recommends approval of a Contract for services in the amount of $180,276 for a performance period beginning January 1, 2010 – October 31, 2010, with a 2-month pre-contract service period of November 1, 2009 – December 31, 2009.

RC:KB:MA

Cc: Mayor's Office
City Secretary
Legal Department
City Controller

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:

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

SUBJECT: An ordinance approving and authorizing the application to the Houston Galveston Area Council for a Hurricane Ike Recovery Assistance Grant	Category #	Page 1 of 1	Agenda Item # 18
FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 1/19/10	Agenda Date FEB 03 2010	
DIRECTOR'S SIGNATURE: Stephen L. Williams	Council District affected: All		
For additional information contact: Kathy Barton Telephone: 713-794-9998; pgr 713-826-5801	Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary)
Approval of an ordinance approving and authorizing the application to the Houston Galveston Area Council for Social Services Block Grant Hurricane Ike Recovery Assistance Grant

Amount of Funding: $4,610,243.00 Federal State Local – Pass Through Fund (5030)	Finance Department:

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

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance approving and authorizing the application to the Houston Galveston Area Council for a Hurricane Ike Recovery Assistance Grant. HDHHS also requests City Council to authorize the Director to accept and expend approved funding and accept supplemental awards offered by HGAC during the entire grant period. The total grant period is from December 1, 2009 through September 30, 2010 in the amount of $4,610,243.00.

Recovery from Hurricane Ike has been a tremendous challenge for many citizens in the Houston area. Many individuals who seek services at HDHHS sustained damage to their homes, loss of electrical power, increased anxiety, diminished coping abilities and disruption in their employment. The Hurricane Ike Assistance funds will provide HDHHS the resources to expand its capacity to provide public health, housing, mental health and social services.

The Hurricane Ike Recovery Assistance funds will be used to provide increased congregate meal services, respite services to caregivers, mental health counseling, substance abuse prevention and intervention, education and training, disease self management and transportation services. The funds will be disbursed by HDHHS and administered by the Bureau of Human Services.

cc: Agenda Director
Legal Department
Finance Department

REQUIRED AUTHORIZATION

Finance Department	Other Authorization:	Other Authorization:

F&A 011.C REV. 12/94
7530-0100403-00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Various Agreements between the City of Houston, the Houston Police Officers Union (as Exclusive Bargaining Agent for All Houston Police Officers) and (1) Daily Access Corporation for HPD Section 457 Eligible Deferred Compensation Plan administration services, and (2) Reliance Trust Company for Custodial Account, investment and related services.	Category #	Page 1 of 1	Agenda Item 19+20

FROM (Department or other point of origin): Michelle Mitchell, Director Finance	Origination Date: 1-29-10	Agenda Date FEB 03 2010
DIRECTOR'S SIGNATURE	Council District(s) affected: All	
For additional information contact: Sherry Mose Phone: (713) 837-9664	Date and Identification of prior authorizing Council Action: 2004-1122; 2009-1036; 2010-38	

RECOMMENDATION: (Summary)

Approving and authorizing various agreements between the City, the Houston Police Officers Union, and Daily Access Corporation and Reliance Trust Company regarding the HPD/HPOU Section 457 Eligible Deferred Compensation Plan Third Party Administration Services

Amount of Funding: N/A	FCN Budget:

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

[ ] Other (Specify)

SPECIFIC EXPLANATION:

The City and the Houston Police Officers Union (as Majority Bargaining Agent "MBA") recommend that City Council award a three-year professional services contract with two one-year renewal options for third-party administration services to Daily Access Corporation and approve various agreements, including a custodial account agreement, with Reliance Trust Company.

In September 2004, City Council, by approving the 2004 Amendments to 2001 Meet and Confer Agreement, authorized the MBA to develop the details for implementation and rules for participation in one or more 457(b) deferred compensation plans. This authorization included allowing the MBA to select the vendor to provide third party administrative services to the plan. The MBA selected Mass Mutual. Mass Mutual will provide a wide selection of investment options and Daily Access Corporation will perform recordkeeping services.

The Request for Proposal (RFP) was issued by HPOU July 22, 2009 and as a result, proposals were received from five (5) firms; AIG VALIC, Edward Jones, Lincoln Financial, Mass Mutual Financial Group, and Nationwide. The evaluation committee consisted of members of the Houston Police Officers Union. The proposals were evaluated based upon the following criteria:

- Advisor support
- Competitive fees
- Scope of services, i.e., recordkeeping, reporting
- Company ratings and experience

There is a 12% MWBE goal in the administrative service agreement.

As of December 31, 2009, there are 1, 089 participants in the Plan with a total assets under management of approximately $47 million. The assets will be transferred to the new company no later than June 30, 2010.

The HPOU Section 457 Eligible Deferred Compensation Plan will be available to all classified police officers and no other employee groups. The City of Houston Section 457 Eligible Deferred Compensation Plan will remain open to all City of Houston employees.

The purpose of the custodial agreement with Reliance Trust Company is to hold the plan assets in trust for the sole benefit of participants and their beneficiaries as required in Section 457(b).

REQUIRED AUTHORIZATION

~~Exec~~ Director: Finance	Other Authorization:	Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 13.0024 acres of land to Harris County Municipal Utility District No. 23 (Key Map No. 410-U)	**Page** 1 of 1	**Agenda Item #** 21
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 5-19-09	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., D.WRE, BCEE	**Council District affected:** "ETJ"	
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 addition of 13.0024 acres of land to Harris County Municipal Utility District No. 23 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 23 has petitioned the City of Houston for consent to add 13.0024 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of West Little York, Fairbanks North Houston Road, Fairbanks White Oak Road, and Flintlock Road. The district desires to add 13.0024 acres, thus yielding a total of 418.9454 acres. The district is served by a regional plant, Harris County Municipal Utility District No. 23 Wastewater Treatment Plant. The other district served by this plant is Harris County Municipal Utility District No. 220. The nearest major drainage facility for Harris County Municipal Utility District No. 23 is White Oak Bayou which flows to Buffalo Bayou and then into the Houston Ship Channel.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

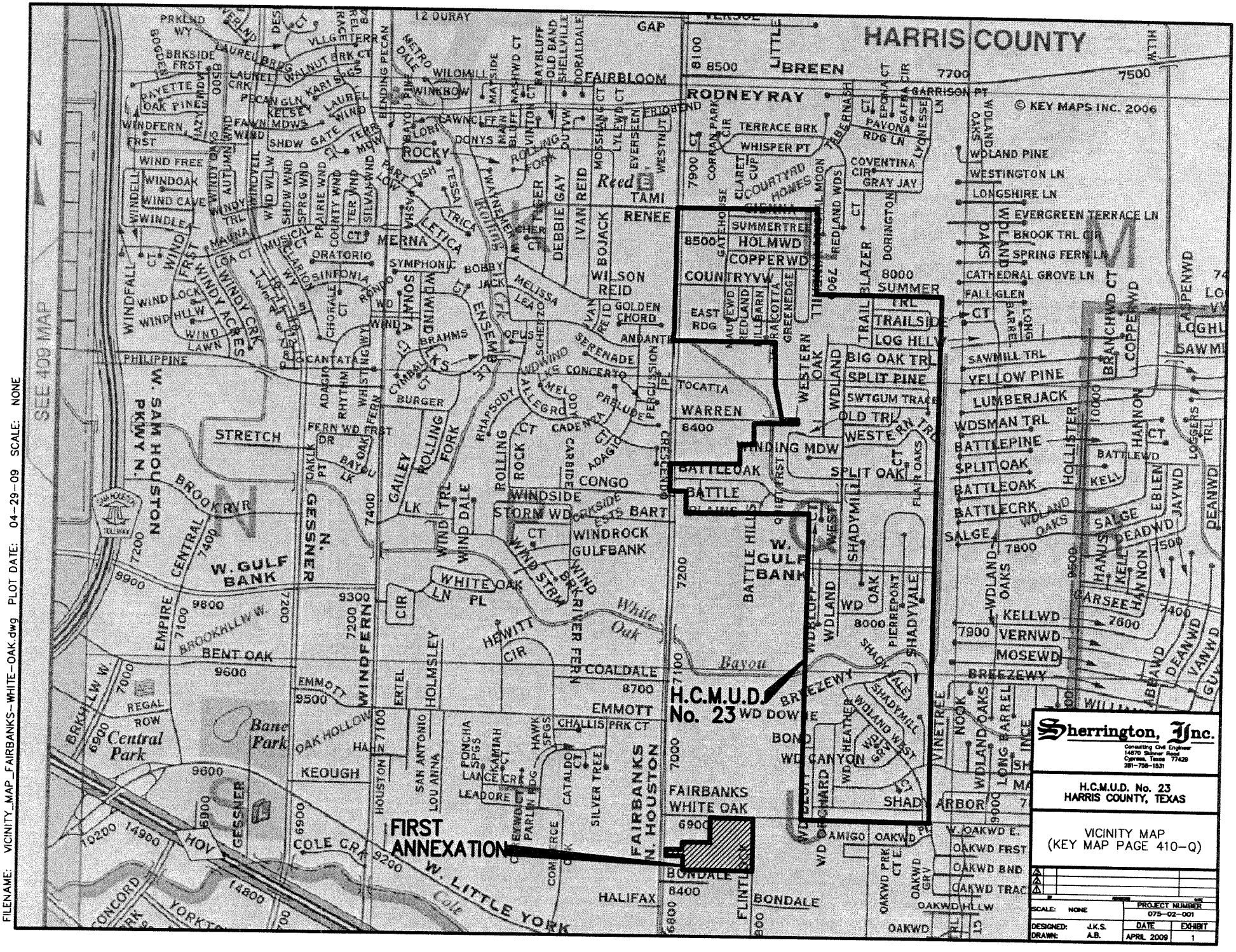
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee

REQUIRED AUTHORIZATION 20JZC543

Finance Department	**Other Authorization:** Andrew F. Icken, Deputy Director, Planning & Development Services Div.	**Other Authorization:**



FILENAME: VICINITY_MAP_FAIRBANKS-WHITE-OAK.dwg PLOT DATE: 04-29-09 SCALE: NONE

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

received 4/23/09

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 13.0024 acres to HCMUD No. 23 under the provisions of Chapters 49 and 54 Texas Water Code.

Attorney for the District

Attorney: Michael a. Cole, Esq.

Address: 5120 Bayard Lane, Houston, Texas Zip: 77006 Phone: 713-880-3800

Engineer: Sherrington, Inc.

Address: 14870 Skinner Road, Cypress, Texas Zip: 77429 Phone: 281-758-1531

Owners: Joga, LLC

Address: 8845 Long Point Road, Suite B, Houston, Texas Zip: 77055-3031 Phone: 713-547-4600

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

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒ NAME OF COUNTY (S) Harris

Survey Joseph Bays Survey Abstract No. 127

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

North of: West Little York East of: Fairbanks North Houston Road

South of: Fairbanks White Oak Road West of: Flintlock Road

WATER DISTRICT DATA

Total Acreage of District: 405.943 Existing Plus Proposed Land 418.9454 ac.

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

Single Family Residential 0 Multi-Family Residential 0

Commercial 100% Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: Harris County Municipal Utility Dist. No. 23 WWTP

NPDES/TPDES Permit No: WQ0011485001 TCEQ Permit No: TX0062235

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.75 Ultimate Capacity (MGD): 0.75

Size of treatment plant site: 11.622 acres 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: 0.75 MGD of (Regional Plant).

Name of District: Harris County MUD No. 220 MGD Capacity Allocation 0.13

or property owner(s)

Name of District: _____ MGD Capacity Allocation _____

Water Treatment Plant Name: Harris County MUD No. 23 Water Plant

Water Treatment Plant Address: 7314 Shady Mill Road

Well Permit No: 134081 & 134082

Existing Capacity:

Well(s): 2,000 GPM

Booster Pump(s): 3,200 GPM

Tank(s): 0.84 MG

Ultimate Capacity:

Well(s): 2,000 GPM

Booster Pump(s): 3,200 GPM

Tank(s): 0.84 MG

Size of Treatment Plant Site: 1.610 Ac. & 0.625 Ac. square feet/acres.

Comments or Additional Information: N/A

_____

_____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 13.3574 acres to Harris County Municipal Utility District No. 23 (Key Map No. 410-Q)	Page 1 of 1	Agenda Item # 22
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 12/3/09	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., D.WRE, BCEE	**Council District affected:** "ETJ"	
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 addition of 13.3574 acres of land to Harris County Municipal Utility District No. 23 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District No. 23 has petitioned the City of Houston for consent to add 13.3574 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of West Little York, Breen, Fairbanks North Houston Road and North Houston Rosslyn. The district desires to add 13.3574 acres, thus yielding a total of 432.3028 acres. The district is served by the Harris County Municipal Utility District No. 23 Wastewater Treatment Plant. The other district served by this plant is Harris County Municipal Utility District No. 220. The nearest major drainage facility for Harris County Municipal Utility District No. 23 is White Oak Bayou which flows to Buffalo Bayou and then into the Houston Ship Channel.

Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

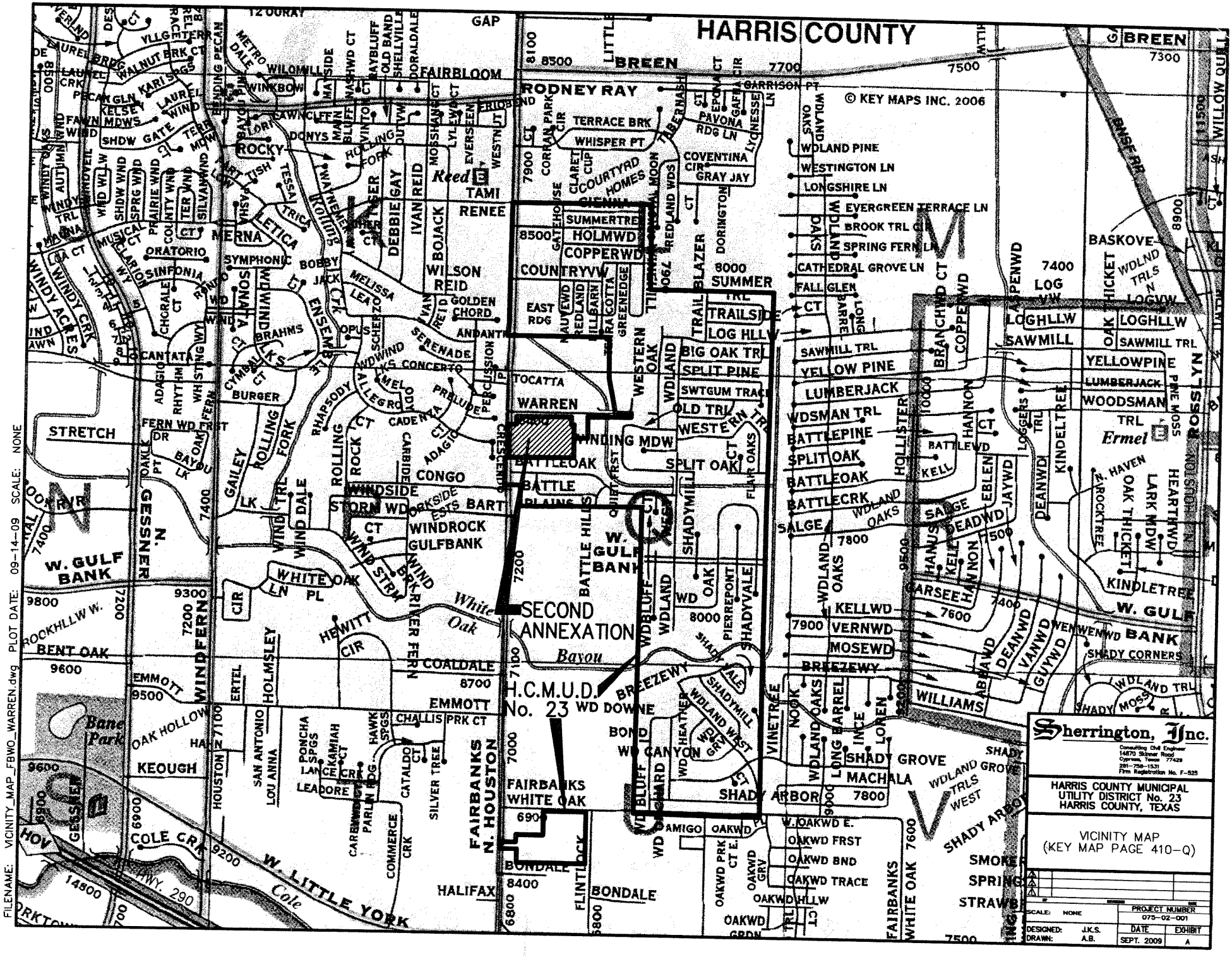
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen
Bill Zrioka Waynette Chan Deborah McAbee

REQUIRED AUTHORIZATION 20UPA19

Finance Department	**Other Authorization:** Andrew F. Icken, Deputy Director, Planning & Development Services Div.	**Other Authorization:**



FILENAME: VICINITY_MAP_FBWO_WARREN.dwg PLOT DATE: 09-14-09 SCALE: NONE

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

received 9/16/09 JRC

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 13.3574 acres to HCMUD No. 23 under the provisions of Chapters 49 and 54 Texas Water Code.

Attorney for the District

Attorney: Michael a. Cole, Esq.

Address: 5120 Bayard Lane, Houston, Texas Zip: 77006 Phone: 713-880-3800

Engineer: Sherrington, Inc.

Address: 14870 Skinner Road, Cypress, Texas Zip: 77429 Phone: 281-758-1531

Owners: Burke Real Estate, LLC - Lucky Burke

Address: 1201 Naylor Street Zip: 77002 Phone: 713-224-8300

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

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒ NAME OF COUNTY (S) Harris

Survey James Clarkson Abstract No. 188

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

North of: West Little York East of: Fairbanks North Houston Road

South of: Breen West of: No. Houston Rosslyn

WATER DISTRICT DATA

Total Acreage of District: 418.9454 ✓ Existing Plus Proposed Land 432.3028 ac ✓

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

Single Family Residential 0 Multi-Family Residential 0

Commercial 100% Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: Harris County Municipal Utility Dist. No. 23 WWTP

NPDES/TPDES Permit No: WQ0011485001 TCEQ Permit No: TX0062235

Rev. 6/2006

2010PA19

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.75 Ultimate Capacity (MGD): 0.75

Size of treatment plant site: 11.622 acres 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: 0.75 MGD of (Regional Plant).

Name of District: Harris County MUD No. 220 MGD Capacity Allocation 0.13

or property owner(s)

Name of District: _____ MGD Capacity Allocation _____

Water Treatment Plant Name: Harris County MUD No. 23 Water Plant

Water Treatment Plant Address: 7314 Shady Mill Road

Well Permit No: 134081 & 134082

Existing Capacity:

Well(s): 2,000 GPM

Booster Pump(s): 3,200 GPM

Tank(s): 0.84 MG

Ultimate Capacity:

Well(s): 2,000 GPM

Booster Pump(s): 3,200 GPM

Tank(s): 0.84 MG

Size of Treatment Plant Site: 1.610 Ac. & 0.625 Ac. square feet/acres.

Comments or Additional Information: N/A

_____

_____

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 1.8855 acres of land to Harris County Municipal Utility District 230 (Key Map No. 369-C, D)	**Page** 1 of 1	**Agenda Item #** 23
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-21-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE Michael S. Marcotte, P.E., D.WRE, BCEE	**Council District affected:** "ETJ"	
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 addition of 1.8855 acres of land to Harris County Municipal Utility District 230 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Harris County Municipal Utility District 230 has petitioned the City of Houston for consent to add 1.8855 acres of land, located in the city's extraterritorial jurisdiction, to the district.

The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.

The district is located in the vicinity of Cypresswood, Mandolin Drive, Grant Road, and State Highway 249. The district desires to add 1.8855 acres, thus yielding a total of 519.5279 acres. The district is served by the Harris County Municipal Utility District 230 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal District 230 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

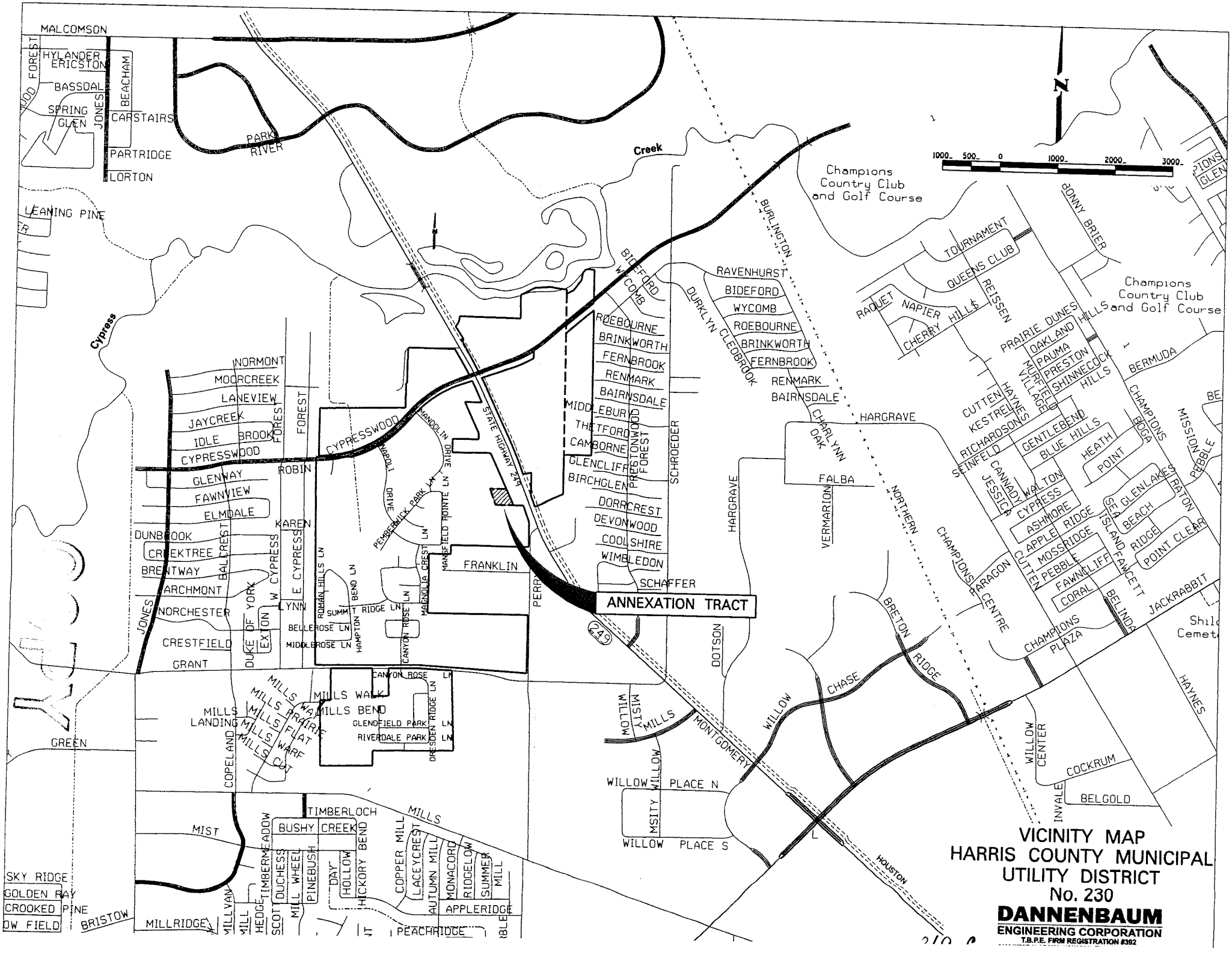
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.

The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jun Chang Mark Loethen Daniel Menendez
Bill Zrioka Deborah McAbee

	REQUIRED AUTHORIZATION	20UPA37
Finance Department	**Other Authorization:** Andrew F. Icken, Deputy Director, Planning & Development Services Div.	**Other Authorization:**



VICINITY MAP
HARRIS COUNTY MUNICIPAL
UTILITY DISTRICT
No. 230

DANNENBAUM
ENGINEERING CORPORATION
T.B.P.E. FIRM REGISTRATION #392

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

[illegible] A10:22 IN MK

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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 1.8855 acres to Harris County MUD No. 230 under the provisions of Chapters 49 and 54 Texas Water Code.

Attorney for the District

Attorney: **Nancy K Carter, Allen Boone Humphries Robinson LLP**

Address: 3200 Southwest Freeway, Suite 2600 Houston, TX Zip: 77027 Phone: 713-860-6466

Engineer: **Dannenbaum Engineering Corp.**

Address: 3100 West Alabama, Houston, TX Zip: 77098 Phone: 713-527-6462

Owners: **VEC Investors, LLC**

Address: 14655 Champion Forest Drive #1704, Houston, TX Zip: 77069 Phone: 281-537-1004

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

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒ NAME OF COUNTY (S) HARRIS

Survey A. Lewis Abstract 506

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

North of: Grant East of: Mandolin

South of: Cypresswood West of: SH 249

WATER DISTRICT DATA

Total Acreage of District: 517.6424 Existing Plus Proposed Land 519.5279

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

Single Family Residential 0 Multi-Family Residential 0

Commercial 100 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: Harris County MUD 230

NPDES/TPDES Permit No: 12877-001 TCEQ Permit No: _____

COPY

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.76 Ultimate Capacity (MGD): 1.04

Size of treatment plant site: 1.73 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.76 MGD.

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

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

Total permitted capacity: _____ MGD of (Regional Plant).

Name of District: _____ MGD Capacity Allocation _____

or property owner(s)

Name of District: _____ MGD Capacity Allocation _____

Water Treatment Plant Name: Harris County MUD 230

Water Treatment Plant Address: Mandolin Drive

Well Permit No: 101,358

Existing Capacity:

Well(s): 1000 GPM

Booster Pump(s): 3-1500; 1-250 GPM

Tank(s): 2-0.25 MG

Ultimate Capacity:

Well(s): _____ GPM

Booster Pump(s): _____ GPM

Tank(s): _____ MG

Size of Treatment Plant Site: 1 square feet/acres.

Comments or Additional Information: _____

_____

_____

CITY OF HOUSTON

Department of Public Works and Engineering
Water District Consent Application Form

CHECKLIST

- ☐ The attorney for the district signed the application.
- ☐ The rounding of the acreage is consistent throughout the metes and bounds, petition, application, survey, and vicinity map, if listed.
- ☐ All documents are scanned electronically including survey and vicinity maps and copies submitted by e-mail or cd-rom (the original with original signature must be delivered in hard copy).

Attachments

- ☐ Petition to the state.
- ☐ Exhibit A metes and bounds.
- ☐ Exhibit B Consent Conditions, either ETJ (2006 version) or in-city. If this is an in-city mud, exhibit must state bonds must be approved by the city.
- ☐ The sealed survey plat is included.
- ☐ An 8 ½ inches by 11 inches vicinity map is attached and shows nearby roads and depicts the original boundary of the district (East West South and North direction delineated correctly on maps). If this is an annexation, also highlight the area to be annexed.
- ☐ Letters from adjacent districts and municipalities stating availability of utility service are attached. (This is for creation petitions and is applicable only if there is not an existing regional plant.)
- ☐ Certificates of Authority from lien holders.
- ☐ An application fee of $425 per each non-contiguous tract included.

Please submit a complete original with all attachments to:
City of Houston, Planning & Development Services Division, Attention: Veronica Osegueda, 611 Walker St., 21st Floor; Houston, TX 77002.

An electronic copy of the entire consent application, including all attachments, will expedite processing and is encouraged. Please submit the electronic copy to mudreview@cityofhouston.net.

PLEASE NOTE, APPLICATION WILL NOT BE ACCEPTED AS COMPLETE FOR PROCESSING UNLESS ALL ITEMS ARE INCLUDED. INCOMPLETE APPLICATIONS ARE SUBJECT TO RETURN.

The applicant may be contacted at anytime during the review process for additional information, even after the application is accepted as complete.

Please direct any questions regarding consent applications to mudreview@cityofhouston.net.

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

SUBJECT: Ordinance designating the 800 block of Le Green Avenue, north and south sides, between Beverly Street and Studewood Boulevard as a Special Minimum Lot Size Area	**Category #**	**Page 1 of ____**	**Agenda Item #** 24
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	**Origination Date** December 4, 2009	**Agenda Date** FEB 03 2010	
DIRECTOR'S SIGNATURE: Marlene L. Gafrick	**Council District affected:** H		
For additional information contact: Kevin Calfee **Phone:713.837.7768**	**Date and identification of prior authorizing Council action:N/A**		

RECOMMENDATION: (Summary) Approval of an ordinance designating the 800 block of Le Green Avenue, north and south sides, between Beverly Street and Studewood Boulevard as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:	**Finance Budget:**

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of of Lot 59, of the Ridgewood Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 70% of the area. Notification was mailed to the 20 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000 sf.

MLG:kw

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

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

Finance 011.A REV. 3/94
753O-0100403-00

Special Minimum Lot Size Area No. 315
Planning Director's Approval

Planning Director Evaluation:

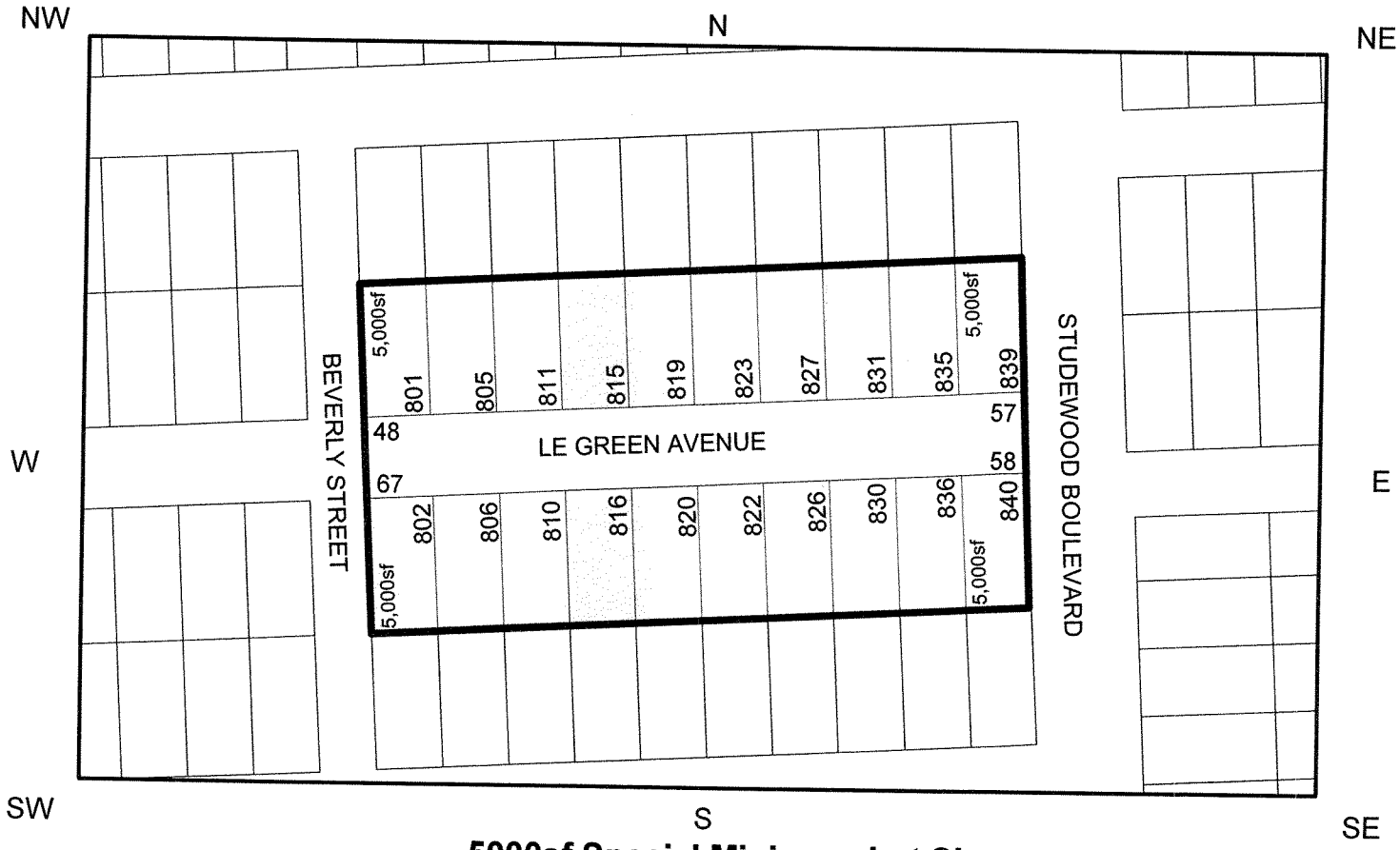
Satisfies	Does Not Satisfy	Criteria
X		*SMLSA includes all property within at least one block face and no more than two opposing block faces;* **The application is for the 800 block of Le Green Avenue, north and south sides.**
X		*At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;* **100% of the proposed application area is developed with not more than two SF residential units per property.**
X		*Demonstrated sufficient evidence of support;* **Petition signed by owners of 70% of the SMLSA.**
X		*Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,* **A minimum lot size of 5,000 sq ft exists on twenty (20) lots in the blockface.**
X		*The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.* **The subdivision was platted in 1922. The houses originate from the 1920's. The establishment of a 5,000 sf minimum lot size will preserve the lot size character of the area.**
The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area. **Twenty (20) out of twenty (20) lots (representing 100% of the application area) are at least 5,000 square feet in size.**		

The Special Minimum Lot Size Area meets the criteria.

Marlene L. Gafrick 12/4/09

Marlene L. Gafrick, Director Date

RIDGEWOOD



5000sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 315

	Properties that meet the 5,000sf Special Minimum Lot Size
MF	
COM	**Commercial**
VAC	**Vacant**
EXC	**Excluded**

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance Adopting an Annexation Plan for the City of Houston, 2010-2012	Category #	Page 1 of 1	Agenda Item # 25

FROM (Department or other point of origin): Planning and Development Department	Origination Date January 8, 2010	Agenda Date FEB 03 2010
DIRECTOR'S SIGNATURE: Marlene K. Gafrick	Council District affected: ALL	
For additional information contact: Margaret Wallace Phone: 713-837-7826	Date and identification of prior authorizing Council action:	

RECOMMENDATION: (Summary)

It is recommended that the City Council pass the ordinance adopting the Annexation Plan for the City of Houston for the years 2010 through 2012

Amount and Source of Funding:	Finance Budget:

SPECIFIC EXPLANATION:

Section 43.052 of the Texas Local Government Code requires that a municipality identify areas the municipality intends to annex during the following three years in an annexation plan. Through adoption of the Plan, the City makes public its intent regarding annexation of property within the next three years.

This proposed plan makes the following declarations:

- The City of Houston does not propose to annex any territory for general purposes except that it will consider the annexation of territory if requested by property owners.
- The City will continue to consider SPAs with utility districts within the City's ETJ.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:

City of Houston Annexation Plan
2010 – 2012

Introduction

In the State of Texas, the Local Government Code defines a city's rights and responsibilities regarding properties within its boundaries and the area immediately surrounding its boundaries (called extraterritorial jurisdiction). This Code is where cities are given authority to change their boundaries either by annexation or disannexation.

Houston's extraterritorial jurisdiction (EJT) is essentially a five-mile band around the City's general-purpose boundaries, with the exception of instances when that band intersects another municipality or its ETJ. Within its ETJ, Houston has limited regulatory authority. Two notable examples are the imposition of Chapter 42 of the Code of Ordinances, a chapter relating to the development and subdivision of land, and the City's authority to consent to the creation and expansion of other governmental entities such as municipal utility districts (often referred to as MUDs).

Annexation is the other key authority a city has within its ETJ. Recent sessions of the Legislature have modified and expanded the manner in which Houston may annex property. The different types include:

General Purpose annexation: This type of annexation is the most commonly known. All of Houston's historically significant annexations have occurred in this manner. For general-purpose annexation, a city must meet a strenuous public notification requirement. Upon annexation, all affected property becomes part of the general-purpose boundaries and is effectively subject to all regulations, taxes and services provided by the City. Residents within this property are residents of the City of Houston and have all the rights and responsibilities afforded thereby. Property considered for general-purpose annexation must be included in a City's annexation plan at least three years prior to the annexation. One instance where the three-year requirement is waived is if the property owner requests annexation.

Limited Purpose annexation: This type of annexation, authorized in the 1999 Legislature, may be conducted as part of a Strategic Partnership Agreement (SPA) with a utility district. It carries less stringent public notice requirements. The annexation typically includes commercial property only. Property (ad valorem) taxes are not levied on properties included in this type of annexation, but the City may levy a sales tax on retail sales conducted in the area. Properties annexed as part of a SPA do not carry the three-year requirement.

The SPA identifies which regulations and services, if any, are imposed in the area annexed. It also identifies the amount of sales tax to be levied and how much, if any, will be shared with the district. Finally, the SPA identifies the length of the agreement and the City's options for when and if the City might make the property subject to general-purpose annexation.

The Annexation Plan

For the years 2010–2012, the City of Houston does not propose to annex any territory for general purposes, except that it will consider the annexation of territory if requested by property owners. The City will continue to consider SPAs with utility districts within the City's ETJ.

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

SUBJECT: Professional Services Contract Between the City of Houston and National Economic Research Associates, Inc. for a Disparity Study of City-Wide Public Works Construction Contracts	**Page** 1 of 2	**Agenda Item #** 26
FROM (Department or other point of origin): City of Houston - Legal Department	**Origination Date** 1-29-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Arturo Michel, City Attorney	**Council District affected:** N/A	
For additional information contact: Velma Laws Phone: (713) 837-9015; Jo Wiginton Phone: (832) 393-6435; Augustus Campbell Phone: (832) 393-6486	**Date and identification of prior authorizing Council action:** Ord. No. 2009-280 (March 31, 2009)	

RECOMMENDATION: Approve the ordinance authorizing a Professional Services Contract Between the City of Houston and National Economic Research Associates, Inc.

Amount and Source of Funding: $395,800 – General Fund (1000)
$100,000 – CIP Salary Recovery Fund (1001)
$100,000 – HAS Revenue Fund (8001)
Total: $595,800

SPECIFIC EXPLANATION: Under this agreement, National Economic Research Associates, Inc. ("NERA") will conduct for the City a disparity study pertaining to Minority and Women Business Enterprise participation and policy in City Construction Contracts (the "Study"). City Council approved a settlement agreement between the City of Houston and Kossman Contracting Co. in Ordinance No. 2009-280, which required the City, among other things, to obtain the Study.

The City Attorney recommends the selection of National Economic Research Associates, Inc. ("NERA") based on NERA's sound methodology and legal approach as well as NERA's proven results and reputation on a national level. NERA is the only proposer who has prevailed in every strict scrutiny challenge before a federal court of appeals, whether appearing as a government contractor conducting the study or an expert witness. NERA has conducted post-*Croson* related research for over 60 public sector clients, none of which have been successfully challenged.

The City has sought to involve stakeholders throughout the proposal selection process. Stakeholders participated in the pre-proposal conference, proposer questionnaire review, live proposal presentations, and informational meetings.

Pay or Play Information: The proposed contract requires compliance with the City's Pay or Play ordinance regarding health benefits to employees of City contractors. In this case, NERA has elected to provide health benefits to eligible employees.

MWBE/SBE Information: The MWBE Goal for the contract is 15%. NERA has proposed the following subcontract to meet this goals:

Name of Firm	Work Description	Percent of Contract:	Amount:
Armand Resource Group, Inc.	Data Analysis and Services	10%	$59,574.30
A.O. Phillips & Associates	Anecdotal Data Collection	5%	$29,787.15

C: Marty Stein

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
	Velma Laws, Director Affirmative Action Department	Jo Wiginton, Division Chief Contracts

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance raising maximum contract amount with Mercer (US) Inc. for professional human resources consulting services – Contract No. 460009757	**Page 1 of 1**	**Agenda Item #** 27

FROM (Department or other point of origin): Finance Department	**Origination Date:** January 27, 2010	**Agenda Date:** FEB 0 8 2010
DIRECTOR'S SIGNATURE: Michelle Mitchell, Director *Michelle Mitchell*	**Council District affected:** All	
For additional information contact: **Michelle Mitchell – 713-221-0935**	**Date and identification of prior authorizing Council action:** Ord. No. 2009-0580 June 24, 2009	

RECOMMENDATION:

Adopt ordinance approving raising the maximum contract amount with Mercer (US) Inc. for professional consulting services

Amount and source of funding: (Previous Funding: $125,000)	**Additional funding: $125,000** General Fund (1000)	**Finance Dept.**

EXPLANATION:

The Finance Department requests Council approve an ordinance raising the maximum contract amount from $125,000 to $ 250,000 on the contract with Mercer (US) Inc., approved by Council on June 24, 2009. This contract is a professional consulting contract to perform various finance and human resource related services including analysis relating to employee compensation, including salary, wages and benefits. The Finance Department anticipates requiring further services due to upcoming meet and confer contracts including police officers, firefighters and those employees represented by HOPE.

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance appropriating: (a) $130,517.00 in tax increment revenue from Harris County Hospital District and Port of Houston Authority and authorizing the transfer of tax increment revenues from the various TIRZ Funds pursuant to Tri-Party Agreements and Interlocal Agreements to the Main Street Market Square Redevelopment Authority and the City for administrative costs.	**Category** # 1	**Page** 1 of 1	**Agenda Item #** 28
FROM: (Department or other point of origin): Michelle Mitchell, Director Finance Department	**Origination Date** January 20, 2010		**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE:	**Council Districts affected:** District "I"		
For additional information contact: Tim Douglass **Phone:** (713) 837-9857 Randell Naquin **Phone:** (713) 837-9646	**Date and identification of prior authorizing Council Action:**		

RECOMMENDATION: (Summary)

An ordinance appropriating: (a) $130,517.00 in tax increment revenue from Harris County Hospital District and Port of Houston Authority and authorizing the transfer of tax increment revenues from the various Tax Increment Funds pursuant to Tri-Party Agreements and Interlocal Agreements.

Amount of Funding: $130,517.00 | Finance Budget

Source of Funding:) [ ] **General Fund** [ ] **Grant Fund** [ ] **Enterprise Fund** [X] **Other (Specify)** Tax Increment Reinvestment Zone Funds (TIRZ) (see attached analysis)

Specific Explanation:

The appropriation of $130,517.00 results from tax increment revenue (Tax Year 2008) from Harris Hospital District and Port of Houston Authority received in January 2010

As set forth in the attached analysis:

- $ 6,525.85 will be transferred to the General Fund for TIRZ Administrative costs;
- $123,991.15 will be paid to Main Street Market Square Redevelopment Authority (see attached).

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:**

F&A 011.A Rev. 3/94

7530-0100403-000

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Carrier Incentive Program for the Houston Airport System	Category #	Page 1 of 2	Agenda Item # 29

FROM (Department or other point of origin): Houston Airport System	Origination Date: January 25, 2010	Agenda Date: FEB 03 2010
DIRECTOR'S SIGNATURE: Eric R. Potts	Council District affected: B	
For additional information contact: Ian Wadsworth Phone: 281/233-1682; Genaro J. Peña Phone: 281/233-1808	Date and identification of prior authorizing Council action: 1/23/07 (O) 2007-92	
AMOUNT & SOURCE OF FUNDING: Out years $4,000,000.00 HAS Revenue Fund (8001)	Prior appropriations: $5,000,000.00 HAS Revenue Fund (8001)	

RECOMMENDATION: (Summary)

Enact an ordinance approving and authorizing a Carrier Incentive Program for the Houston Airport System

SPECIFIC EXPLANATION: As part of its efforts to remain competitive and attract new international passenger and air cargo service, the Houston Airport System (HAS) developed and launched its first Carrier Incentive Program on January 17, 2007. The program was created in response to a growing number of airports that have implemented such programs to attract new air service since 2000. It provided a financial incentive for airlines establishing new international commercial routes through landing fee rebates. The program has been successful in attracting new air service and HAS is now recommending a new two-year Carrier Incentive Program to continue competing against other airports that are also seeking to attract and increase valuable international passenger and cargo operators.

The details of the proposed new Carrier Incentive Program are as follows:

Program Terms:

- Length of program: two years
- One year rebated landing fees for a new scheduled, commercial international route (passenger or all-cargo) by a new or incumbent carrier at George Bush Intercontinental Airport/Houston (IAH)
- One year rebated landing fees for a 100% increase in capacity on an existing scheduled, commercial international route (passenger or all-cargo) at IAH
- The 12 months of landing fees will be rebated after completion of 12 months of service
- Benefit applies to city specific markets, not airport specific
- Provided on a first-come, first-served basis (based on the start date of service)
- Maximum annual program payout for all new routes: $2,000,000
- Maximum annual benefit to any one carrier: $800,000
- Eligibility period will start on the first day of the month following the inaugural flight date
- The carrier must be current on all accounts before the rebate payment is made

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

Minimum Requirements:

- Aircraft size/capacity: passenger service – 40 seats; all-cargo service – 20 metric tons
- 12 continuous months of service
- Minimum of eight flights per month

Non-qualifying Items

- Start up of air service before or after program inception/termination
- Scheduled or non-scheduled charter operations
- An airline, including its affiliates, that terminates a route would have to wait a minimum of 12 months to qualify for this program before re-introducing the service to the Houston market
- An airline that has received the Carrier Incentive Program benefit for the same route in the past under this carrier incentive program or under the carrier incentive program authorized by Ordinance 2007-92

This program complies with the FAA's airport revenue standards, which restrict the amount, duration and terms of the incentives that airports may offer to attract new air service.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Supplemental Allocation to the Professional Consulting Services Contract with HNTB Corporation for Aviation On-Call Planning Services for the Houston Airport System; Project No. 616 (WBS#A-000368-0002-3-01; Contract No. 4600004495)	**Category #**	**Page** 1 of 2	**Agenda Item #** 30
FROM (Department or other point of origin): Houston Airport System	**Origination Date** January 14, 2010	**Agenda Date** FEB 03 2010	
DIRECTOR'S SIGNATURE: Eric R. Potter	**Council District affected:** B, E & I		
For additional information contact: John Silva Phone: 281-233-1925; Monica Newhouse-Rodriguez 281-233-1973	**Date and identification of prior authorizing Council action:** 10/06/2004 (O) 2004-1045; 05/09/2007 (O) 2007-572; 10/22/2008 (O) 2008-945		
AMOUNT & SOURCE OF FUNDING: CIP A-0368.10 $1,000,000.00 Airports Improvement Fund (8011)	**Prior appropriations:** 10/06/04.....$4,250,000.00 Airports Improvement Fund (8011); 05/09/07.....$2,000,000.00 Airports Improvement Fund (8011); 10/22/08.....$2,000,000.00 Airports Improvement Fund (8011); Total.....$8,250,000.00		

RECOMMENDATION: (Summary)

Enact an Ordinance to approve supplemental allocation to the professional consulting services contract with HNTB Corporation and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION: On October 6, 2004, Council approved a three-year contract with HNTB Corporation for aviation on-call planning services. Services performed under this contract include a wide range of aviation planning services and other supporting analyses as required at facilities owned and operated by the City of Houston, including George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), Ellington Airport (EFD), and other Houston Airport System (HAS) properties to assess current and future development needs, the options available for meeting these needs, and the actions required to implement development recommendations. It was anticipated, at that time, that based on the performance of the consultant and the amount of work to be utilized, future amendment(s) may be required to increase the term or the funding.

On May 9, 2007, Council approved Amendment No. 1, which provided a continuation of work already underway by extending the contract through October 2010 and appropriating part of the funding for the extended term. On October 22, 2008, Council approved Amendment No. 2 to appropriate additional funding for continuation of services.

It is now requested that Council approve a supplemental allocation which will provide continued planning services, enable continuation of work already underway and broaden HAS's ability to address complex airport planning issues that transcends its airports' boundaries.

This project may be eligible for federal funding through the FAA's AIP program. Appropriate fund source adjustments will be made in the future if additional AIP funding becomes available.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:

DBE PARTICIPATON: The Disadvantaged Business Enterprise (DBE) goal for this contract is twenty-four percent (24%) and will be met by the following certified firms:

Firm	Type of Work
ESC Polytech Consultants, Inc.	Airport Planning Services
KM Chng Environmental, Inc.	Environmental Services, Air Quality
Quadrant Consultants, Inc.	Civil Engineering, Environmental Svcs.
The Lentz Group, Inc.	Required Public Meetings (Conducted per FAA Regulations)
Planning & Development Services, Inc., DBA Knudson	Urban and Comprehensive Planning
TransSolutions, LLC	Airfield and Traffic Simulations
USA Shelco, Inc.	Professional Engineering Services
Nathelyne A Kennedy & Associates, LP	Civil and Structural Engineering
HVJ Associates, Inc.	Geotechnical Testing Services
4B Technology Group, LLC	Computer System Design Consulting Services
Graphics One Design	Graphic, Print, and Sign Design
Gunda Corporation, Inc.	Cost Management
Rey De La Reza Architects, Inc., DBA RdlR Architects, Inc.	Architecture

The amount of work for each proposed sub-consultant will be determined as the project progresses and the services required by each sub-consultant are defined.

Currently, HNTB Corporation is achieving 25.47% DBE participation on a 24% goal.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance amending Ordinance No. 2008-951 to increase the maximum contract amount by $80,000 for representation of the City by McGlinchey Stafford, P.L.L.C., in Cause No. 2008-51588, City of Houston v. Candlelight Condo Investments, et al. (270th District Court of Harris County) (the "Litigation").	**Page** 1 of 1	**Agenda Item #** 31
FROM (Department or other point of origin): Legal	**Origination Date** 1/28/10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE:	Council District affected: District B	
For additional information contact: Tom Allen, First Assistant City Attorney, **Phone:** DD: 832-393-6411	**Date and identification of prior authorizing Council action:** Ord. No. 2008-951 (passed 10-22-08)	

RECOMMENDATION: (Summary)

Adopt an ordinance amending the maximum contract amount for a contract with McGlinchey Stafford, P.L.L.C., for legal services related to the City's lawsuit seeking judicial authorization to demolish the Candlelight Trails condominium project.

Amount and Source of Funding:
Additional funding = $80,000.00
Legal Department – Property and Casualty Fund (1004)
Amended maximum contract amount = $400,000.00

SPECIFIC EXPLANATION:

The proposed Ordinance amends Ordinance No. 2008-951 to increase the maximum contract amount by $80,000 for a contract between the City and McGlinchey Stafford, P.L.L.C. ("McGlinchey") for legal services related to the City's lawsuit seeking judicial authorization to demolish the Candlelight Trails condominium project (the "Project"). The Project consists of multiple buildings on approximately 11 acres of land in the 5500 and 5600 blocks of DeSoto. The Project has been vacant since August 2007 by order of the Building Official. In August 2008, citizens from the surrounding neighborhood complained to Council during public session that the Project was providing shelter for drug users and other criminals; visits to the Project by HPD confirmed the substance of the complaints. Notwithstanding the Building and Standards Commission's November 2007 Order to secure the Project from unauthorized entry, the Project remained unsecured until Neighborhood Protection fenced the property at the City's expense. Owing in part to the Project's large size, demolition of Candlelight Trails is likely to be the only means to remove this significant danger from the community. Accordingly, the City filed a civil lawsuit pursuant to Chapter 54 of the Texas Local Government Code seeking judicial authorization to demolish the Project. The lawsuit is believed to be the first use of Chapter 54 by a municipality seeking demolition of a condominium project.

The legal nature of a condominium project requires that every owner of a condominium unit, and every holder of a lien against a unit, be a defendant in the Litigation. For this reason, the City has sued more than 150 individuals and business entities to obtain court authorization to demolish the Project. In October 2008, Council passed Ord. No. 2008-951 approving the City's contract with McGlinchey, which the Legal Department selected for its expertise in both real estate and complex litigation. The case is set for trial on March 1, 2010, although the City expects to request a postponement, owing in part to the recent discovery of approximately five additional owners or lienholders who must be added to the City's pleadings and served with process.

The original contract provided for a maximum contract amount of $320,000. The lawsuit, however, has proved to be substantially more complicated than expected, especially with regard to service of process on absentee unit owners and to various motions filed by defendants, some of whom are pro se. The proposed amended maximum contract amount ($400,000) is less than 50% of the total of fees and expenses accrued by McGlinchey as of January 20, 2010.

REQUIRED AUTHORIZATION

Other Authorization:	**Other Authorization:**	**Other Authorization:**

LGL rcaform.wcm 04/2008

CITY OF HOUSTON
Legal Department

Interoffice
Correspondence

To: Mayor Annise Parker
Members of City Council
Via Marty Stein

From: Arturo G. Michel, City Attorney

Date: January 27, 2010

Subject: Cause No. 2008-51588; City of Houston v. Candlelight Condo Investments, et al.; In the 270th Judicial District Court of Harris County, Texas

The referenced lawsuit concerns the Candlelight Trails condominium complex ("Candlelight"), which consists of 310 units in multiple buildings on approximately eleven acres of land in the 5500 and 5600 blocks of DeSoto.[1] Candlelight has been vacant since August 2007 by order of the City's Building Official. In November 2007, the Building and Standards Commission ordered that Candlelight be secured from unauthorized entry. The property owners, however, failed to comply with the order.

Citizens from the surrounding neighborhood complained repeatedly to Council that Candlelight was providing shelter for drug users and other criminals, allegations that HPD confirmed. In response, the City filed suit in August 2008 against the owners of Candlelight requesting judicial authorization to demolish the complex, as authorized by Chapter 54 of the Texas Local Government Code. The case is set for trial on March 1, 2010, although the City expects to request a 60-day postponement to address remaining service issues.

The legal nature of a condominium project[2] requires that every owner of a unit be made a defendant in the Litigation. Chapter 54 requires the City to prove (a) the defendant's "relationship ... to the real property ... involved in [a] violation" of an ordinance "relating to dangerously damaged or deteriorated structures" and (b) the property's "substantial danger of injury or an adverse health impact to any person." To obtain authorization to demolish Candlelight, the City has sued more than 130 individuals and business entities.

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[1] DeSoto is part of the problematic "Antoine Corridor," which includes the apartment complex where HPD Officer Tim Abernethy was murdered in December 2008.

[2] Generally speaking, each owner of a condominium unit owns (a) an individual interest in the space inside his particular unit and (b) an undivided interest in all of the structures and common areas that make up the complex. For example, the owner of one unit in a 300-unit condominium complex owns an undivided 1/300th interest in the structures, the common areas, and the land on which the complex is located.

Significantly, to obtain judicial authorization to "remove the structure and recover removal costs," the municipality need not prove any wrongful act by a defendant.[3]

As noted above, the statute authorizes a municipality to recover "removal costs" from the defendant. The City is prepared to offer expert testimony at trial that the demolition will cost at least $455,000. If the Court enters a judgment awarding "removal costs" in this amount, and if the judgment provides that the City may collect the removal costs from each defendant pro rata to the number of units owned,[4] the owner of one unit in the complex may expect to be liable for $1,468, plus civil penalties. With regard to the latter, the Court already has entered several interlocutory default judgments assessing civil penalties exceeding $200,000 against certain owners of single units.[5]

In the fall of 2008, several defendants asked how they could settle the City's claims and, if so, on what terms. In response to these requests, the City developed a uniform settlement offer pursuant to which the City would release its claims in exchange for a cash payment of $4,000 for each condominium unit owned or $2,000 for a unit lawfully claimed as a homestead during 2007. At that time, COH Legal recommended that the City not "customize" any settlement offer to account for a unit owner's personal circumstances, however compelling, in part because of the difficulty in determining an individual owner's responsibility (if any) for Candlelight's decline. To date, twelve of the approximately 130 defendants[6] have accepted the City's uniform settlement offer. The twelve defendants, who

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[3] In addition to recovering removal costs, a municipality also may recover civil penalties up to $1,000 per day from a defendant who "was actually notified of the provisions of the ordinance" and after receiving such notice "failed to take action necessary for compliance with the ordinance."

[4] Chapter 54 is silent with regard to judgments against multiple owners of a dangerous building. In theory, the Court could enter a judgment making all defendants jointly and severally liable for the removal costs.

[5] During the fall of 2009 a number of Candlelight owners addressed Council during public session, stating that they have been victims of fraud perpetrated by the management of the complex, that they had lost their respective investments in the complex, and that the City should not add to their misfortune by seeking to recover demolition expenses or civil penalties from them. The City is amending its pleadings to delete all claims for civil penalties.

[6] Not all of the defendants are unit owners. The statute requires the City to sue any person or entity with a legal interest in the property, which includes all holders of liens against units in the complex. Almost certainly, any judgment against the lienholders will be declaratory only; the City does not expect to recover monetary judgments against the lienholders.

collectively own 25 units of the complex, have tendered cashier's checks payable to the City in a total amount of $100,000, a sum equal to approximately 20% of the anticipated cost of demolition).[7]

Even before filing suit under Chapter 54, the City was aware of serious allegations of fraud and breach of fiduciary duty related to Candlelight. At a minimum, there is circumstantial evidence that certain persons and entities obtained control of the unit owners' association, which, as is typical for a condominium complex, was responsible for maintenance and security. Anecdotal (but persuasive) evidence indicates that the association collected dues from the owners but failed to maintain the complex or to provide security. As a result, conditions at the property declined precipitously, which in turn led many owners to sell their units at very low prices to the same (or related) entities that controlled the association. It will be difficult to distinguish the owners who were victims of this conspiracy from the owners who participated in it. It is clear, however, that the victims far outnumber the participants.

The City will attempt to settle as many claims as possible prior to trial. If the City proceeds to trial and prevails, monetary judgments will be entered against the remaining defendants. After obtaining the judgments, the City plans to evaluate its post-judgment remedies on a defendant-by-defendant basis. Those remedies may include (a) abstracting and recording the judgment and requesting a writ of execution (the usual procedure for a judgment creditor); (b) releasing the judgment in exchange for an assignment of all claims related to Candlelight;[8] and (c) releasing the judgment in exchange for nominal consideration. **Of course, the City's plans regarding post-judgment settlements are highly confidential and should not be shared with any person not employed by the City.**

COH Legal does not recommend that the City settle its claims by accepting title to any defendant's interest in the condominium complex. As noted above, in addition to the "air" inside his or her residential unit, each unit owner holds title to a proportionate, undivided interest in every foundation, roof, and structural support of the complex, together with the same undivided interest in the land on which the complex is located. No entity – including

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[7] Unfortunately, Chapter 54 does not provide for the recovery of attorney's fees or other litigation expenses. At this juncture, COH Legal expects the City's outside counsel fees, attorney ad litem fees, and related expenses to approach, and perhaps to exceed, $400,000.

[8] The City will attempt to retain outside counsel on a contingency basis to pursue the assigned claims, with the goal of collecting funds to recoup all or part of the City's demolition and legal expenses. Certain of the assigned claims, however, may be subject to affirmative defenses, including limitations.

the City – can make use of the property unless it obtains title to every owner's interest in the complex. Almost certainly, the City will not be able to obtain 100% ownership of the property through negotiation, in part because in some instances the City has no one with whom to negotiate; owners of approximately thirty units disappeared after the complex was vacated in August 2007.[9]

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[9] The "disappeared" unit owners have been served by publication. As required by Texas law, the Court has appointed an attorney ad litem to represent all Defendants served by publication who have failed to file a response. The attorney ad litem, however, is not authorized to convey a Defendant's title to the property. COH Legal plans to draft a bill for the next session of the Texas Legislature to provide a means to clear title to abandoned condominium properties.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving and authorizing an Interlocal Agreement between the City of Houston and Montgomery County to maintain, repair and operate the traffic signal at the intersection of North Park Drive and Russell Palmer Road in Kingwood, Texas. WBS No. N-000662-0035-3	**Category**	**Page** 1 of 1	**Agenda** Item # 32
FROM (Department or other point of origin): Public Works and Engineering Department	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010	
DIRECTOR'S SIGNATURE: 1/27/10 Michael S. Marcotte, P.E., D.WRE, BCEE, Director	**Council Districts affected:** E		
For additional information contact: Jeffrey Weatherford, P.E., PTOE (713) 837-0125 Interim Deputy Director, Traffic and Transportation	**Date and Identification of prior authorizing Council Action:**		

RECOMMENDATION: (Summary) It is recommended that City Council pass an Ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and Montgomery County to maintain, repair and operate the traffic signal at the intersection of North Park Drive and Russell Palmer Road in Kingwood, Texas.

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

SPECIFIC EXPLANATION:

The agreement calls for the City of Houston to be the sole provider of maintenance, repair, and operation of the traffic signal at the intersection of North Park Drive and Russell Palmer Road in Kingwood, Texas.

This intersection is currently the only traffic signal operated by Montgomery County in the Kingwood Area surrounded by signals within the City and operated by PWE. As a result its operation primarily impacts citizens of the City of Houston. By maintaining and operating this signal, PWE will be able to provide better coordination and operations along North Park Drive providing for a smoother commute for citizens.

cc: Marty Stein
Jeffrey Weatherford, P.E., PTOE
LaVerne Hollins-McGlothen
Keti Hristova

REQUIRED AUTHORIZATION — **CUIC ID# 20JSW29**

Finance Department:	**City Attorney's Office:**	**Other Authorization:** 1/26/10 Jeffrey Weatherford, P.E., PTOE, Interim Deputy Director Traffic and Transportation Division

F & A 011.A REV. 3/94
7530-01O0403-00

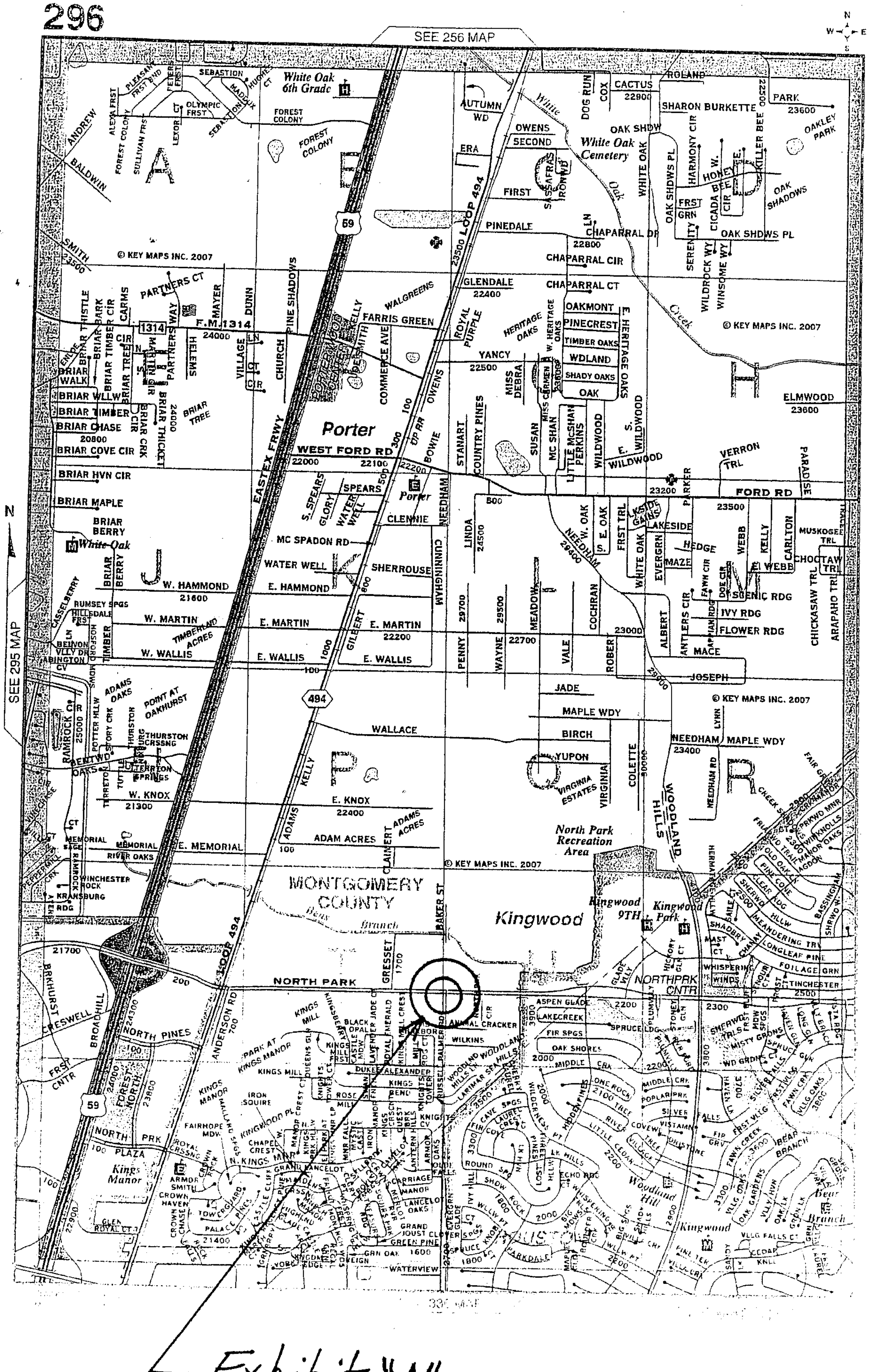

296
SEE 256 MAP
SEE 295 MAP
© KEY MAPS INC. 2007
White Oak 6th Grade
White Oak Cemetery
White Oak
Creek
Porter
EASTEX FRWY
LOOP 494
59
494
F.M. 1314
WEST FORD RD
FORD RD
NORTH PARK
MONTGOMERY COUNTY
Kingwood
North Park Recreation Area
Kingwood 9TH
Kingwood Park
NORTHPRK CNTR
Kings Manor
Woodland Hill
Bear Branch
PINEDALE
CHAPARRAL CIR
CHAPARRAL CT
GLENDALE
FARRIS GREEN
YANCY
ELMWOOD
W. HAMMOND
E. HAMMOND
W. MARTIN
E. MARTIN
W. WALLIS
E. WALLIS
JOSEPH
WALLACE
W. KNOX
E. KNOX
ADAM ACRES
E. MEMORIAL
ANDERSON RD
GRESSET
BAKER ST
NORTH PINES
BROADHILL
CRESWELL
BRKHURST
WATERVIEW

Exhibit "A"

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation to the local match funds for the construction of a City of Houston and Texas Department of Transportation Bikeway Project: Houston Heritage Corridor East Trail – Segment I WBS No. N-000420-017A-4, TxDOT CSJ 0912-71-822	**Page 1 of 2**	**Agenda Item #** 33
From: (Department or Other Point of Origin) Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
Director's Signature: Michael S. Marcotte, P.E., D.WRE, BCEE	**Council District affected:** H	
For additional information contact: Ravi Kaleyatodi 1/21/10 Ravi Kaleyatodi, P.E., CPM **Phone:** (713) 837-0452 Senior Assistant Director	**Date and identification of prior authorizing Council action:** Ord. No. 05-852 Dated: 06/29/2005 Ord. No. 09-500 Dated: 06/10/2009	

Recommendation:
Approve an ordinance appropriating additional funds.

Amount and Source of Funding: $204,000.00 from the Street and Bridge Consolidated Construction Fund No. 4506. (Original appropriation of $188,750.00 from Street and Bridge Consolidated Construction Fund No. 437 and subsequent appropriation of $37,119.40 from Street and Bridge Consolidated Construction Fund No. 4506.) M.P. 1/21/10

PROJECT NOTICE/JUSTIFICATION: This project is a part of the Houston Bikeway Program and is funded jointly by the City and Texas Department of Transportation. The Houston Bikeway Program provides design and construction of approximately 339 miles of bikeways and trails in the City of Houston. To date 316 miles of "On-street" bikeways and "Off-street" trails have been completed. Another 23 miles mostly of "off-street" trails are currently under design. The Houston Bikeway Program was implemented to develop a citywide network of bicycle facilities projected to be integrated into an overall transportation network for the Houston area. The eligible costs of the projects are 80% funded by the Federal Highway Administration under the Intermodal Surface Transportation Efficiency Act under the Transportation Enhancement, Congestion Mitigation and Air Quality Programs. The 20% local match funding is provided by the City of Houston. In addition to the local match, the City is responsible for paying 100% of the costs in excess of federal participation.

DESCRIPTION/SCOPE: This project consists of constructing approximately 1,600 feet of hike and bike trail and rehabilitating an approximate 400 foot long bridge deck. The trail is partly reinforced concrete and partly asphaltic concrete. Besides the trail and modifications to the railroad bridge, the project includes utility adjustments, accessibility ramps, signage, pavement markings, lighting conduit and landscaping.

LOCATION: The trail is generally bounded by IH10 on the north, Buffalo Bayou on the south, Elysian on the east, and Main on the west. Key Map grid: 493M.

REQUIRED AUTHORIZATION **CUIC ID #20BB163**

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

PREVIOUS HISTORY AND SCOPE: The City Council approved the local match cost funds of $188,750.00 by Ordinance No. 05-0852 on June 29, 2005. This appropriation was based on a total project cost of $657,775.00, which included construction, TxDOT construction management, force account, construction contingencies and review cost. Then the City Council approved the review cost funds of $37,119.40 by Ordinance 09-500 to cover 3 projects including this project; the amount assigned for this project was $14,939.42. To date, the project has been bid for construction by TxDOT and the low bid is $1,323,204.25. Reasons for the increase in the total cost of the project between 2005 and 2009 include, but are not limited to, architectural upgrades (full painting of the bridge versus spot touch ups), enhancement of American Disabilities Act provisions requiring more railing, providing irrigation system for tree maintenance during construction and substantial increase in unit prices due to an inflation index of 4.5% per year.

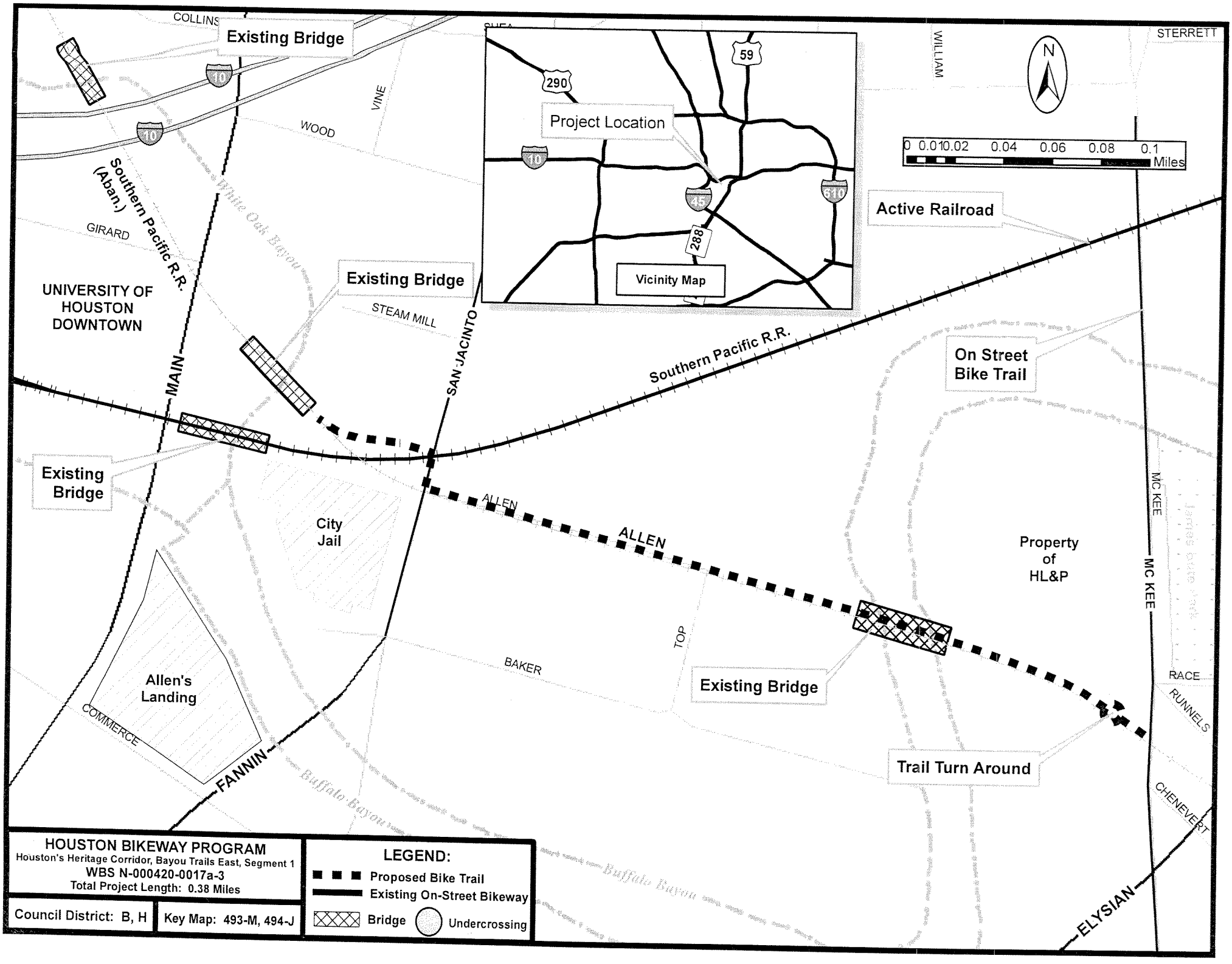
PROJECT COST: These changes have caused the City's cost to increase to $356,898.77. Previously, the City appropriated $188,750.00 for local match paid as follows: $171,551.00 to TxDOT for local match and $17,199.00 for City project management. Therefore, the remaining local match is $204,000.00 to be appropriated as follows: $185,347.77 to TxDOT and $18,652.23 for City project management.

ACTION RECOMMENDED: It is recommended that City Council approve an ordinance authorizing an additional appropriation of $204,000.00.

M/WDBE INFORMATION: The project was bid for construction according to TxDOT's M/WBE requirements.

MSM:DRM:RK:FOS:BB:mg
Z:\design\A-NP-DIV\Bikeway Files\Ben\N-0420-17A Herritage Corridor Bayou Trail East, Segment I\1.0 Design Contract\1.2 RCA\Construction\RCA # 20BB163.doc

c: Marty Stein
Velma Laws
Susan Bandy
Craig Foster
File No. N-000420-017A-4 (1.2 RCA\Construction)


Existing Bridge
COLLINS
WOOD
VINE
Southern Pacific R.R. (Aban.)
GIRARD
UNIVERSITY OF HOUSTON DOWNTOWN
Existing Bridge
STEAM MILL
MAIN
SAN JACINTO
Southern Pacific R.R.
Existing Bridge
City Jail
ALLEN
ALLEN
Allen's Landing
COMMERCE
FANNIN
BAKER
TOP
Existing Bridge
Buffalo Bayou
Buffalo Bayou
Trail Turn Around
Property of HL&P
On Street Bike Trail
Active Railroad
WILLIAM
STERRETT
MC KEE
MC KEE
RACE
RUNNELS
CHENEVERT
ELYSIAN
Project Location
Vicinity Map
290
59
10
45
610
288
N
0 0.01 0.02 0.04 0.06 0.08 0.1 Miles
HOUSTON BIKEWAY PROGRAM
Houston's Heritage Corridor, Bayou Trails East, Segment 1
WBS N-000420-0017a-3
Total Project Length: 0.38 Miles
Council District: B, H
Key Map: 493-M, 494-J
LEGEND:
Proposed Bike Trail
Existing On-Street Bikeway
Bridge
Undercrossing

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: A Municipal Setting Designation Ordinance prohibiting the use of designated groundwater for Annie D. Adams Family Partnership, Ltd. for the site located at 1025 Lockwood Dr., Houston, TX 77020. (MSD # 2009-017-FRM)	**Page** 1 of 1	**Agenda Item #** 34
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: MS Michael S. Marcotte, P.E., D.WRE, BCEE, Director	**Council District affected:** H	
For additional information contact: Carol Ellinger Haddock, P.E. CEH Senior Assistant Director (713) 837-7658; Richard J. Chapin, RJC Senior Project Manager (713) 837-0421	**Date and identification of prior authorizing Council action:** 8/22/2007 – 2007-0959; 12/9/2009 – 2009-0896	

RECOMMENDATION: (Summary)
It is recommended that City Council adopt a Municipal Setting Designation (MSD) Ordinance prohibiting the use of designated groundwater at the Annie D. Adams Family Partnership, Ltd. site located at 1025 Lockwood Dr., Houston, TX 77020, and support issuance of an MSD by the Texas Commission on Environmental Quality (TCEQ). (MSD # 2009-017-FRM)

Amount and Source of Funding: N/A

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSDs), which would designate an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the TCEQ and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting the public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State. The ordinance requires a written public notice to be mailed to property owners within 2,500 feet of a proposed MSD site and owners/operators of potable water wells within 5 miles of a proposed MSD site. In addition, a public meeting and a public hearing are required to be held prior to City Council's consideration of support.

ANNIE D. ADAMS FAMILY PARTNERSHIP, LTD. APPLICATION: Annie D. Adams Family Partnership, Ltd. is seeking an MSD for 12.36-acres of land located at 1025 Lockwood Dr., Houston, TX 77020. The contamination consists of tetrachloroethene (PCE), trichloroethene (TCE), cis-1-2-dichloroethene (cis-1,2-DCE), and vinyl chloride (VC). The property was formerly owned by Rheem Manufacturing, a cold steel container and drum manufacturer. These operations were conducted at the site from the 1930s until the property was sold in 1986. Groundwater monitoring has occurred at the site since 1990. The area of contamination is stable and in some areas shrinking in both size and concentration. There is no sign of any significant remaining source materials at the site that would contribute to the groundwater concentrations.

Annie D. Adams Family Partnership, Ltd. is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. In addition, a public meeting (held on 12/16/2009) and a public hearing (held on 1/27/2010) have been held prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt a Municipal Setting Designation Ordinance prohibiting the use of designated groundwater at the Annie D. Adams Family Partnership, Ltd. site located at 1025 Lockwood Dr., Houston, TX 77020, and support issuance of an MSD by the Texas Commission on Environmental Quality.

MSM:AFI:CAE
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C: Marty Stein, Gary Drabek, Ceil Price

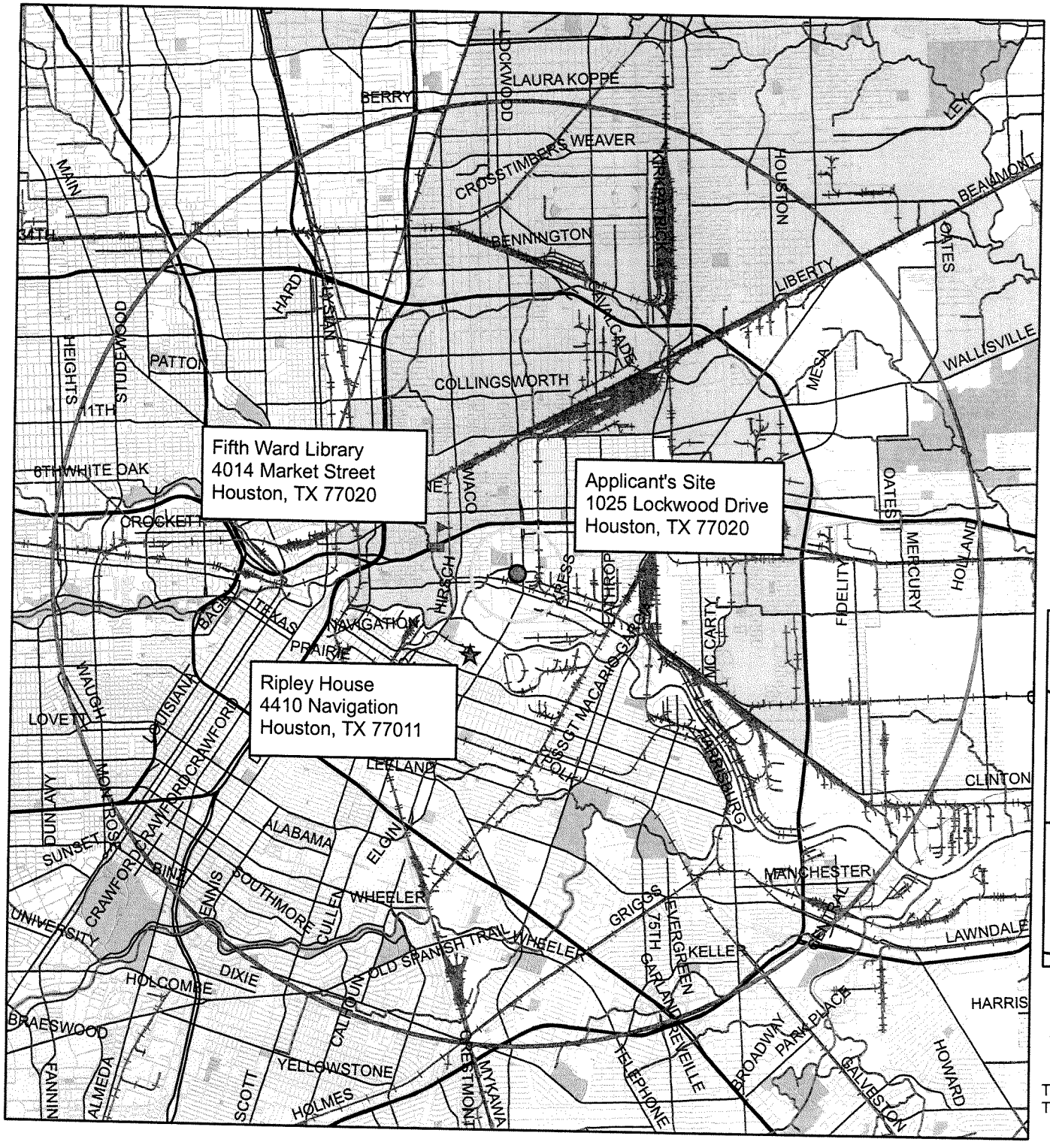
REQUIRED AUTHORIZATION **CUIC ID# 20CAE70**

Other Authorization:	Authorization: Andrew F. Icken, Deputy Director, Planning & Development Services Division	Other Authorization:

F&A 011.A REV. 3/94
7530-0100403-00

Municipal Settings Designation Application

2008-017-FRM
Vicinity Map

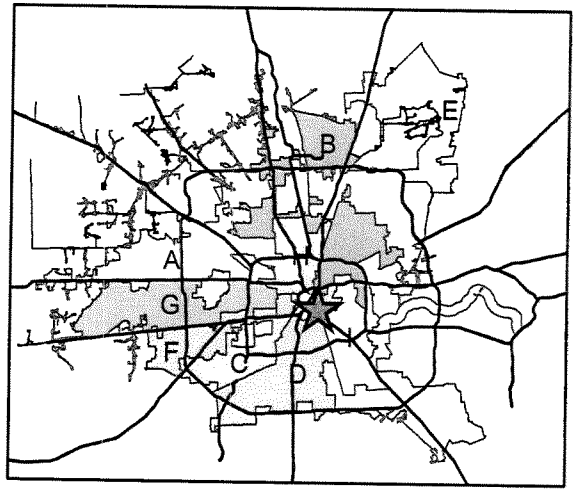


Legend

- MSD Application
- Community Center
- Library
- 5 Mile Notification Area
- 1/2 Mile Notification Area

0 0.4 0.8 1.6 Miles

N W E S



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.

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

SUBJECT: Ordinance appropriating funds for of site security guard services for the Public Works and Engineering Department	**Category #**	**Page 1 of 2**	**Agenda Item #** 35
FROM (Department or other point of origin): Department of Public Works and Engineering	**Origination Date** 1-29-10	**Agenda Date** FEB - 3 2010	
DIRECTOR'S SIGNATURE 12910 Michael S. Marcotte, P.E., DWRE, BCEE, Director	**Council District affected:** All		
For additional information contact: Jun Chang, P.E. Deputy Director Phone: 713/837-0448	**Date and identification of prior authorizing Council action:** 3/5/08 Ord #2008-186		

RECOMMENDATION: (Summary)
Approve appropriation of funds to existing contract with Wackenhut Corporation for construction site security guard services at the Southeast Water Purification Plant (SEWPP) located at 3100 Genoa-Red Bluff Rd.

Amount and Source of Funding:	**Finance Budget**
$236,022.08 - Water and Sewer System Consolidated Construction Fund 8500 (WBS No. S-000012-0020-4). $245,428.28 - Water and Sewer Contributed Capital Fund 8319 (WBS No. S-000012-0020-4).	

SPECIFIC EXPLANATION:

The Public Works and Engineering Department requests that City Council appropriate an additional $481,450.36 of CIP Funds to a contract with the Wackenhut Corporation approved by Ordinance 09-0572, using funds that were not expended under an expired security guard contract with Securitas, Inc. This additional appropriation is for site security guard services required for the construction site located at 3100 Genoa-Red Bluff Rd. The site location is a separate security gate only for vendor vehicle and equipment access during construction at the SEWPP.

City Council approved the Wackenhut contract with a maximum contract amount of $42,718,060 to be allocated from the Water and Sewer System Operating Fund. The additional appropriation of CIP funds is necessary to keep accurate accounting and ensure appropriate use of City funds for construction purposes.

The original appropriation of $600,000 was approved by Ordinance 2008-186 to Securitas, Inc. This contract expired on June 30, 2009 and a new contract with The Wackenhut Corporation for security services began on July 1, 2009 but did not contemplate the CIP funds obligated to Securitas. Of the $600,000 appropriation, $118,549.64 was expended, leaving a balance of $481,450.36 for the separate construction security gate, which will be provided by Wackenhut.

The MWBE goal for the contract is 25%, and Wackenhut is exceeding this goal.

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.

REQUIRED AUTHORIZATION NDT 20PUD10B

Finance Department:	**Other Authorization:**	**Other Authorization:**
		Jun Chang **Jun Chang, P.E. Deputy Director Public Utilities Division**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Neighborhood Street Reconstruction (NSR) Project 457. W.B.S. Nos. N-000392-0001-4, S-000500-0075-4 and R-000500-0075-4.	**Page** 1 of 2	**Agenda Item #** 36

FROM: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date:** 1-28-10	**Agenda Date:** FEB 03 2010
DIRECTOR'S SIGNATURE: 12510 Michael S. Marcotte, P.E., D.WRE, BCEE	**Council District affected:** C, D, I	
For additional information contact: Ravi Kaleyatodi, P.E., CPM **Phone:** (713) 837-0452 Senior Assistant Director	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:

$4,574,707.00	Street and Bridge Consolidated Construction Fund No. 4506.
$ 462,293.00	Water and Sewer System Consolidated Construction Fund No.8500.
$5,037,000.00	Total Cost

M.P. 1/20/10

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Street Reconstruction Program and is required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhood.

DESCRIPTION/SCOPE: This project consists of the complete reconstruction of several neighborhood streets. The proposed improvements consist of concrete roadways with curb and gutter, sidewalks and underground utilities. The Contract duration for this project is 390 calendar days. This project was designed by Claunch & Miller, Inc.

LOCATION: The proposed street limits and Key Map grid locations are as follows:

Street	Limits	Key Map Grid	District
Dryden	Morningside to Greenbriar	532G	C
Browncroft	Lisa to Beekman	534J,K	D
Cavanaugh	Beekman to Browncroft	534J,N	D
Dewberry	Cavanaugh to Beekman	534N,P	D
Dewberry	MLK to Cavanaugh	534J,N	D
Enyart	MLK to Beekman	534N	D
Keystone	Lisa Lane to Beekman	534J,K, & P	D
Lisa Lane	Browncroft to Perry	534J	D
Longmeadow	Southbank to Crestmont	534T	D
Odin	La Salette to La Salette	533G	D
Leonora	Broadview to 123.68' north of Pecan Villa Drive	535W	I
Sylvania	Brock to Griggs	534G,L	I

REQUIRED AUTHORIZATION CUIC#20MXB10

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

REV. 3/06

Date	Subject: Contract Award for Neighborhood Street Reconstruction (NSR) Project 457. W.B.S. Nos. N-000392-0001-4, S-000500-0075-4 and R-000500-0075-4.	Originator's Initials	Page 2 of 2
		MB	

BIDS: Bids were received on September 17, 2009. The nine (9) bids are as follows:

	Bidder	Bid Amount
1.	Total Site, Inc.	$4,253,523.65
2.	JFT Construction, Inc.	$4,334,091.22
3.	Conrad Construction Co., Ltd.	$4,486,291.05
4.	SER Construction Partners, Ltd.	$4,579,086.10
5.	Reytec Construction Resources, Inc.	$4,954,358.30
6.	Texas Sterling Construction Co.	$4,974,038.45
7.	Total Contracting Limited	$4,992,477.21
8.	Metro City Construction, L.P.	$5,198,974.42
9.	Triple B Services LLP	$5,286,551.10

AWARD: It is recommended that this construction Contract be awarded to Total Site, Inc. with a low bid of $4,253,523.65 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is $5,037,000.00 to be appropriated as follows:

- Bid Amount $4,253,523.65
- Contingencies $212,676.00
- Engineering and Testing Services $210,000.00
- Construction Management $297,000.00
- Project Management $63,800.35

Engineering and Testing Services will be provided by Aviles Engineering Corporation under a previously approved contract. Construction Management will be provided by Jacobs Engineering Group, 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/DBE/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 9% M/DBE goal and 7% SBE goal for this project.

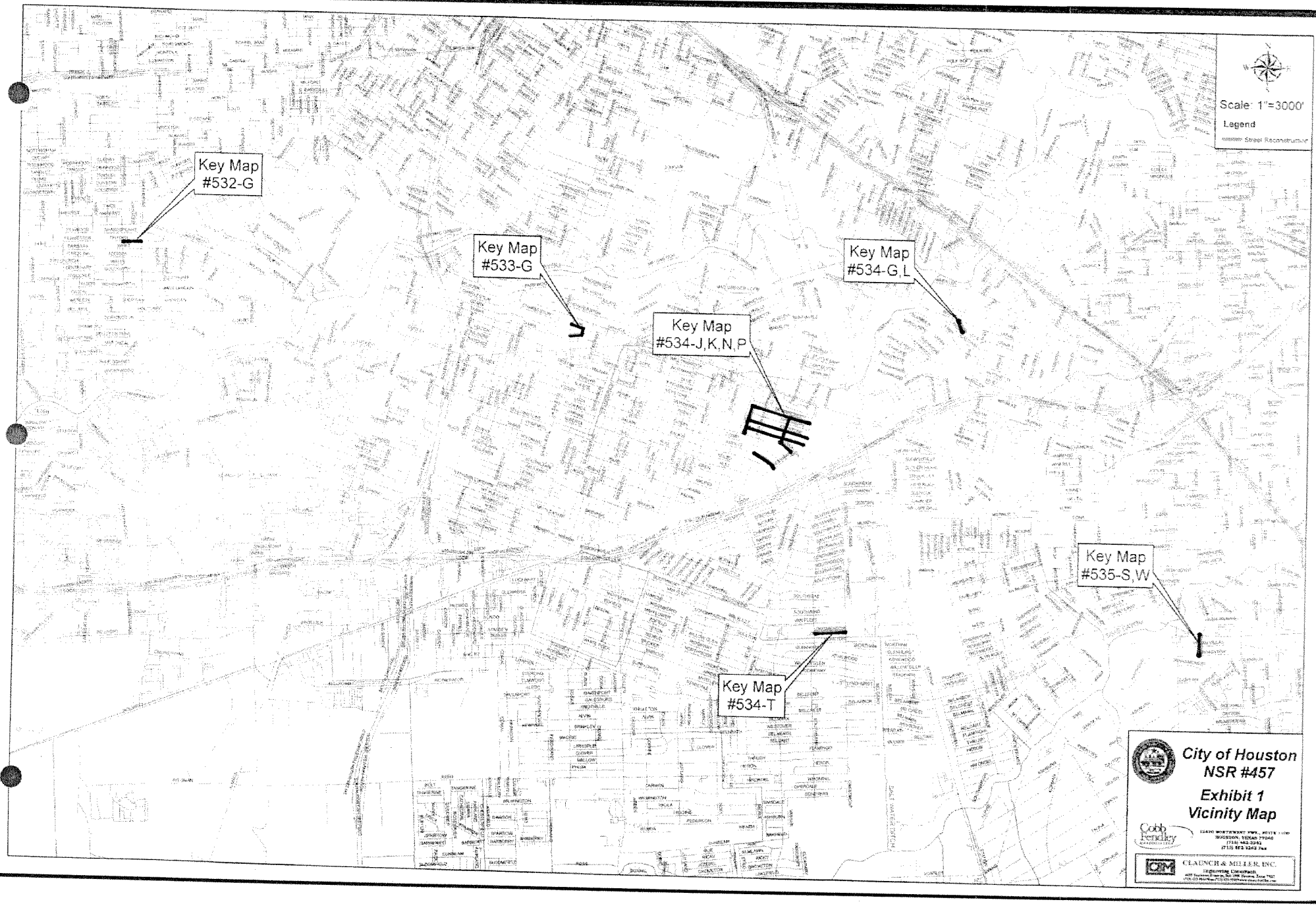
	M/DBE - Name of Firms	Work Description	Amount	% of Contract
1.	Statewide Services, Inc	Sanitary Sewer/Water Line	$399,987.25	9.40%
		TOTAL	**$399,987.25**	**9.40%**

	SBE - Name of Firms	Work Description	Amount	% of Contract
1.	Environmental Allies, L.P.	Stormwater Pollution Prevention Plan Fence, Sod, Hydromulch	$46,526.90	1.09%
2.	El Dorado Paving Company, Inc.	Asphalt Paving	$19,597.50	0.46%
3.	Certified Traffic & Flagger Solutions of Texas	Certified Flaggers	$110,000.00	2.59%
4.	Semarck Landscape Services, Inc.	Tree Protection, Removal/ Replacement	$203,136.25	4.78%
		TOTAL	**$379,260.65**	**8.92%**

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

MSM:DRM:RK:FOS:MB

c: Marty Stein
Velma Laws
Susan Bandy
Mike Pezeshki, P.E.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Street Reconstruction
Key Map #532-G
Key Map #533-G
Key Map #534-G,L
Key Map #534-J,K,N,P
Key Map #535-S,W
Key Map #534-T
City of Houston
NSR #457
Exhibit 1
Vicinity Map
Cobb Fendley
CLAUNCH & MILLER, INC.
Engineering Consultants

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for FY10 Fire Hydrant Replacement WBS No. S-000035-0136-4, File No. 10866-04	**Page 1 of 2**	**Agenda Item #** 37
FROM: (Department or other point of origin): Department of Public Works and Engineering	**Origination Date:** Jan. 14, 2010	**Agenda Date:** FEB 03 2010
DIRECTOR'S SIGNATURE: 1/12/10 Michael S. Marcotte, P.E. D.WRE, BCEE	**Council District affected:** All	
For additional information contact: A. James Millage Phone: 713-641-9566 Senior Assistant Director	**Date and identification of prior authorizing Council action:** 05/28/08, Ordinance No. 2008-477	

RECOMMENDATION: (Summary)
Approve an ordinance de-appropriating funds from a previous contract with Metro City Construction, L.P.; accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:
De-appropriating:
$197,311.00 from Water and Sewer System Consolidated Construction Fund No. 8500
Appropriating:
$1,197,311.00 from Water and Sewer System Consolidated Construction Fund No. 8500

SPECIFIC EXPLANATION: The Public Works and Engineering Department recommends that the City Council de-appropriate $197,311.00 from a closed construction contract with Metro City Construction, L.P. hese funds were originally appropriated to Metro City Construction, L.P. for the Water Distribution System Rehabilitation and Renewal contract of which the one year term expired without fully utilizing the allotted funds.

The de-appropriated funds are needed to fund this new FY10 Fire Hydrant Replacement project.

PROJECT NOTICE/JUSTIFICATION: This project is required to replace damaged or irreparable fire hydrants throughout the City.

DESCRIPTION/SCOPE: This project will provide for the replacement of fire hydrants and valves, the height correction of fire hydrants, and the relocation of fire hydrants and ancillary work. The Contract duration for this project is 365 calendar days.

LOCATION: The project area is generally bound by the City limits. The project is located in various Key Map Grids.

BIDS: Bids were received on 12/03/09. The seven (7) bids are as follows:

	Bidder	Bid Amount
1.	RWL Construction, Inc.	$1,130,772.35
2.	McKinney Construction, Inc.	$1,176,169.60
3.	Reytec Construction Resources, Inc.	$1,185,249.05
4.	D. L. Elliott Enterprises, Inc.	$1,221,566.85
5.	Huff & Mitchell, Inc.	$1,230,646.30
6.	Metro City Construction, L.P.	$1,276,043.55
7.	Reliance Construction Services, L.P.	$1,321,940.80

REQUIRED AUTHORIZATION

CUIC#20AJM214

Finance Department:	**Other Authorization:** A. James Millage 12/28/09	**Other Authorization:** Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division

REV. 3/06

AWARD: It is recommended that this construction Contract be awarded to RWL Construction, Inc. with a low bid of $1,130,772.35.

PROJECT COST: The total cost of this project is $1,197,311.00 to be appropriated as follows:

- Bid Amount $1,130,772.35
- Contingencies $56,538.65
- Engineering and Testing Services $10,000.00

Engineering and Testing Services will be provided by Tolunay-Wong Engineers, 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/WBE PARTICIPATION: The low bidder has submitted the following proposed M/WBE participation to satisfy the 11% MBE goal and 9% SBE goal for this project.

Name of Firms	Work Description	Amount	% of Contract
1. Angel's Security & Associates	Flagmen Services	$124,384.92	11.00%
2. Gama Contracting Services	Pipes/Fittings Supplier	$91,769.49	8.12%
3. Mickie Service Company, Inc.	Taps Installation	$5,000.00	0.44%
4. Deanie Hayes, Inc.	Sand Supplier	$5,000.00	0.44%
	TOTAL	**$226,154.41**	**20.00%**

MSM:AJM:OS:TC:tc

cc: Marty Stein
Mark Loethen, P.E.
Velma Laws
Craig Foster
Gary Drabek
Carol Ellinger, P.E.
File No. WA 10866-04

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract Pemco, Inc. Underground Storage Tank Remediation, Removal and Installation at Fire Station18 and Fire Station 42 WBS No. C-000170-0014-4	**Page** 1 of 2	**Agenda Item** 38

FROM (Department or other point of origin): General Services Department	**Origination Date** 1-28-10	**Agenda Date** FEB 03 2010
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 1/4/2010	**Council Districts affected:** B, I	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: **$385,462.00** Fire Consolidated Construction Fund (4500)	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to Pemco, Inc. on the low bid amount of $262,692.00 to provide construction services at Fire Station18 and Fire Station 42 for the Houston Fire Department.

PROJECT LOCATIONS: Fire Station 18 - 619 Telephone Road (Key Map 494-X) District "I"
Fire Station 42 - 8675 Clinton Drive (Key Map 495-T) District "B"

PROJECT DESCRIPTION: The scope of work is as follows:

Fire Station 18: Remove one 1,000 gallon gasoline underground storage tank (UST) and one 1,000 gallon diesel UST with associated lines, observation wells, manholes and ancillary equipment and install one 3,000 gallon gasoline double wall Fiberglass Reinforced Plastic (FRP) single compartment UST and one 3,000 gallon diesel UST along with associated appurtenances.

Fire Station 42: Remove two 1,000 gallon UST and one 6,000 gallon UST, which includes disposal of aqueous liquid, saw-cutting, demolition and removal of concrete paving over the USTs, backfilling and compaction and concrete replacement, waste classification, loading, hauling and proper disposal.

The contract duration for this project is 120 calendar days.

BIDS: The following five bids were received on November 19, 2009:

	Bidder	Bid Amount
1.	**Pemco, Inc.**	**$262,692.00**
2.	USA Environment, LP	$342,265.00
3.	AIA General Contractors, Inc	$348,886.00
4.	Columbia Environmental Services, Inc.	$390,080.00
5.	Eagle Construction and Environmental Services, LLC	$392,826.76

REQUIRED AUTHORIZATION CUIC ID # 25GM210

General Services Department: Humberto Bautista, P.E. Chief of Design & Construction Division	**Other Authorization:**	**Houston Fire Department:** Phil Boriskie Chief

AWARD: It is recommended that City Council award the construction contract to Pemco, Inc. and appropriate funds for the project, including additional appropriations of $11,500.80 for materials testing under the existing contract with Geotest Engineering, Inc., and $85,000.00 for project management and construction oversight under the existing contract with SKA Consulting, Inc. which includes, but is not limited to soil and groundwater sampling, analytical testing, sample evaluation in accordance with regulatory requirements and submitting the appropriate Release Determination Report, if required, to the Texas Commission on Environmental Quality (TCEQ).

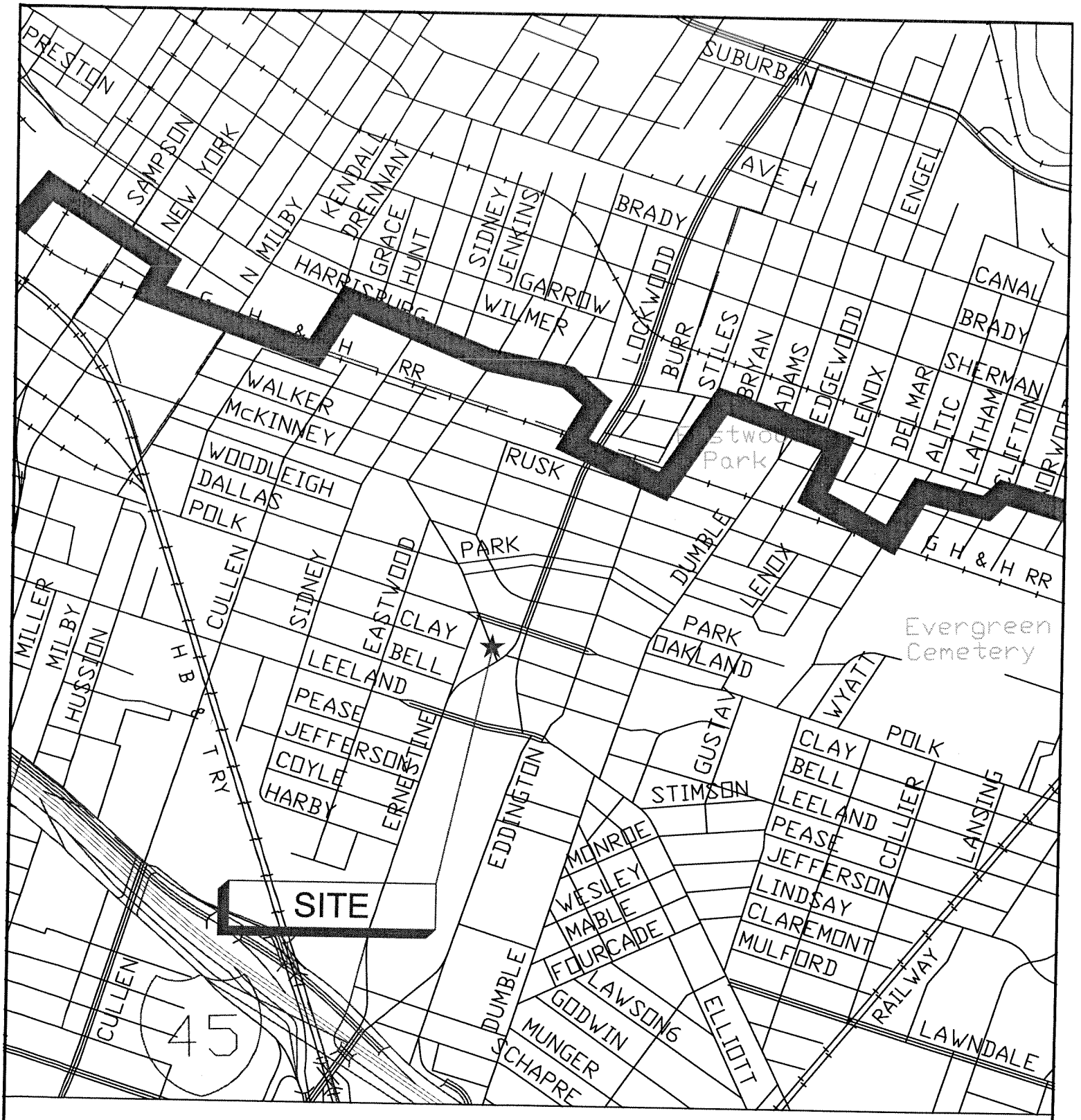
FUNDING SUMMARY:

$	262,692.00	Construction Contract Services
$	26,269.20	10% Contingency
$	**288,961.20**	**Total Contract Services**
$	11,500.80	Materials Testing
$	85,000.00	Project Management and Construction Oversight.
$	**385,462.00**	**Total Funding**

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.

IZD:HB:JLN:GM:FK:fk

c: Marty Stein
Jacquelyn L. Nisby
Velma Laws
Calvin Curtis
Jack Williams
Gabriel Mussio
Yvette Burton
File



Underground Storage Tank Remediation, Removal and Installation:

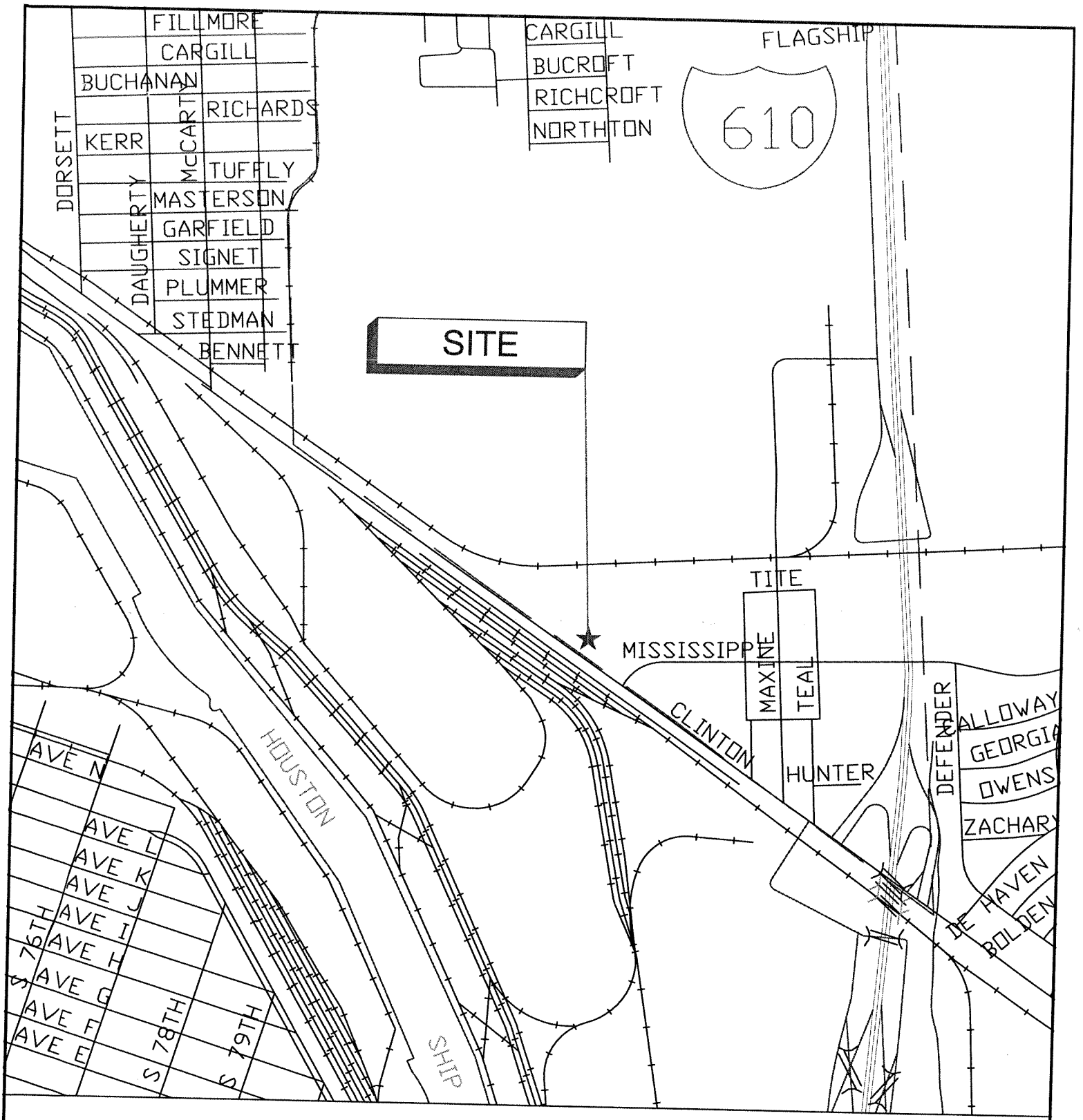
Fire Station 18

619 Telephone Rd.

Houston, TX 77023

COUNCIL DISTRICT "I"

KEY MAP NO. 494X



Underground Storage Tank Remediation, Removal and Installation:

Fire Station 42

8675 Clinton

Houston, TX 77029

COUNCIL DISTRICT "B"

KEYMAP No. 495T

HCD 10-06 R

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10- Irvington Court

SUBJECT: An ordinance approving and authorizing a $3,000,000 contract between the City of Houston and Avenue CDC using Federal HOME funds to assist in the development of a 144-unit affordable family housing apartment complex.	**Category #**	Page 1 of 2	**Agenda Item #** 39
FROM (Department or other point of origin): **Richard S. Celli,** Director Housing and Community Development Department	**Origination Date:** 01/15/10	**Agenda Date:**	
DIRECTOR'S SIGNATURE:	**Council District affected:** District "H"		
For additional information contact: Donald Sampley, Asst. Director **Phone:** 713-868-8458	**Date and identification of prior authorizing Council action:** None		

RECOMMENDATION: (Summary)

The Department recommends approval of an ordinance authorizing a $3,000,000, contract between the City of Houston and Avenue CDC, using Federal HOME funds to assist in the development of a 144-unit affordable family housing apartment complex.

Amount of Funding: **$3,000,000** | **Finance Budget:**

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

[X] Other (Specify) HOME FUND

SPECIFIC EXPLANATION:

The applicant of the City Performance Based Loan for the construction of the 144-unit Irvington Court Apartments is Avenue Community Development Corporation, (Avenue), a Texas nonprofit corporation founded in 1991. Avenue is the sole member of the General Partner of Irvington Court, L.P., the proposed owner of the proposed Irvington Court Apartments. Irvington Court, L.P., has been awarded a tax-credit commitment from Texas Department of Housing and Community Affairs, from which $8,939,231 in equity proceeds will be obtained. The tax credits will be purchased by Hudson Housing Capital, a national tax-credit syndicator. Additional financing will be provided by City HOME funds and Capital One Bank.

The apartments will be located in the Near Northside on a 5.72 acre tract, at 4004 Irvington Boulevard, the location of the former FedEx freight terminal. Housing will be targeted to low-income families earning less than 50%, and 60% of area median income. Approximately 19% or 27 units are to be designated as HOME Affordable Floating Units for a 20-year affordability period. The mix of the 27 units will be as follows: Six (6) units for families whose annual income does not exceed 50% of AMI, and twenty-one units for families whose annual income does not exceed 60% of AMI.

Avenue will make a loan to Irvington Court, L.P., secured by a lien on the property. As collateral for the simultaneous HOME loan from the City, Avenue will grant a security interest in all of Avenue's rights and interest in the note from the partnership, (Irvington Court), and the lien against the property. Avenue will include all the restrictions and obligations the City requires in the security agreement securing the lien between the partnership and Avenue. The covenants ensure that the property will be restricted in such a way as to fulfill HOME compliance. After the end of the tax credit compliance period (15 years), Avenue will purchase the development from the partnership under the minimum price rules of Section 42 (i) (7) of the IRS Code.

A first mortgage loan from Capital One Bank in the amount of $3,400,000 will be used to assist in funding this project. The City Performance Based Loan (PBL) will have an interest rate of 0% with a term of 20 years. The PBL will be forgiven at the end of the 20-year period so long as the Borrower complies with the terms and

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:

conditions of the loan agreement, and the property is in full compliance with HUD and the City of Houston. The City note will be secured by a 2nd lien on the subject property. The City Land Use Restriction Agreement will be superior to the Capital One Bank 1st lien. The affordability period will be 20 years.

The Executive Director of Avenue CDC, is Mary Lawler.

Sources of Funds:

Tax Credit Equity	$ 8,939,231
Capital One Bank Loan	3,400,000
City of Houston Loan	3,000,000
Houston Endowment Grant	400,000
Deferred Developer Fee	279,848
TOTAL:	$16,019,079

Uses of Funds:

Hard Costs	$ 9,442,688
Soft Costs	2,062,159
Land Acquisition Costs	1,961,950
Developer Fee	1,716,953
Reserves	661,000
Off-Site Utilities/Engineering	174,329
TOTAL:	$16,019,079

The Project is consistent with the City's Consolidated Plan to provide affordable housing for low-Income families.

The Department recommends approval of an ordinance approving and authorizing a $3,000,000 contract between the City of Houston and Avenue CDC, using Federal HOME Housing Funds to assist in the development of a 144-unit affordable family housing apartment complex.

RC:DS:JR
Attachment

Cc: Mayor's Office
City Secretary
Legal Department
City Controller
Finance Department

HCD10-04

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10- Orchard Oak Forest

SUBJECT: An ordinance approving and authorizing a $3,540,000 contract between the City of Houston and Orchard Communities, Inc. using Federal HOME funds to assist in the development of a 118-unit affordable senior housing apartment complex.	**Category #**	Page 1 of 2	**Agenda Item #** 40 #6
FROM (Department or other point of origin): **Richard S. Celli,** Director Housing and Community Development Department	**Origination Date:** 01/15/10	**Agenda Date:** ~~JAN 27 2010~~ FEB 03 2010	
DIRECTOR'S SIGNATURE:	**Council District affected:** District "A"		
For additional information contact: Donald Sampley, Asst. Director **Phone:** 713-868-8458	**Date and identification of prior authorizing Council action:** None		

RECOMMENDATION: (Summary)

The Department recommends approval of an ordinance authorizing a $3,540,000, contract between the City of Houston and Orchard Communities, Inc., using Federal HOME funds to assist in the development of a 118-unit affordable senior housing apartment complex.

Amount of Funding: $3,540,000	**Finance Budget:**

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

[X] Other (Specify) HOME FUND

SPECIFIC EXPLANATION:

The applicant of the City Performance Based Loan for the development of the 118-unit Orchard at Oak Forest is Orchard Communities, Inc., (Orchard), a Texas nonprofit corporation formed to develop service-enriched affordable senior communities. Orchard is the sole member of the General Partner of Orchard Oak Forest, L.P., the proposed owner and developer of the proposed Orchard at Oak Forest. Orchard Oak Forest, L.P., has been awarded a tax-credit commitment from Texas Department of Housing and Community Affairs, from which $10,552,802 in equity proceeds will be obtained. The tax credits will be purchased by Hudson Housing Capital LLC, a national tax-credit syndicator. Additional financing will be provided by City HOME funds and Capital One Bank.

The apartments will be located, in District "A" on a 5.6965 acre tract, at the northeast corner of Brinkman and West 34th Street, Houston, Texas. Housing will be targeted to low-income seniors earning less than 50%, and 60% of area median income. Approximately 25% or 30 units are to be designated as HOME Affordable Floating Units for a 20-year affordability period. The mix of the 30 units will be as follows: Six (6) units for families whose annual income does not exceed 50% of AMI, and twenty-four (24) units for families whose annual income does not exceed 60% of AMI.

Orchard will make a loan to Orchard Oak Forest, L.P., secured by a lien on the property. As collateral for the simultaneous HOME loan from the City, Orchard will grant a security interest in all of Orchard's rights and interest in the note from the partnership, (Orchard Oak Forest), and the lien against the property. Orchard will include all the restrictions and obligations the City requires in the security agreement securing the lien between the partnership and Orchard. The covenants ensure that the property will be restricted in such a way as to fulfill HOME compliance. After the end of the tax credit compliance period (15 years), Orchard will purchase the development from the partnership under the minimum price rules of Section 42 (i) (7) of the IRS Code.

A first mortgage loan from Capital One Bank in the amount of $1,910,000 will be used to assist in funding this project. The City Performance Based Loan (PBL) will have an interest rate of 0% with a term of 20 years. The PBL will be forgiven at the end of the 20-year period so long as the Borrower complies with the terms and

REQUIRED AUTHORIZATION

Finance Director:	**Other Authorization:**	**Other Authorization:**

conditions of the loan agreement, and the property is in full compliance with HUD and the City of Houston. The City note will be secured by a 2nd lien on the subject property. The City Land Use Restriction Agreement will be superior to the Capital One Bank 1st lien. The affordability period will be 20 years.

The key principal of Orchard Communities, Inc., is Stephan Fairfield, President and CEO.

Sources of Funds:

Tax Credit Equity:	$10,552,802
City of Houston Loan:	3,540,000
Capital One Bank:	1,910,000
TOTAL:	$16,002,802

Uses of Funds:

Hard Costs:	$ 8,799,966
Soft Costs:	2,456,130
Land:	2,536,928
Developer Fee:	1,675,131
Reserves:	534,647
TOTAL:	$16,002,802

The Project is consistent with the City's Consolidated Plan to provide affordable housing for low-Income seniors.

The Department recommends approval of an ordinance approving and authorizing a $3,540,000 contract between the City of Houston and Orchard Communities, Inc., using Federal HOME Housing Funds to assist in the development of a 118-unit affordable senior housing apartment complex.

RC:DS:JR
Attachment

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Management at Risk Contract SpawMaxwell Company LLC Bureau of Animal Regulation and Care (BARC) Facility Expansion/Renovation and Ann Slemons Young Animal Center WBS Nos.: H-000011-0002-4; H-000075-0001-4	**Page** 1 of 2 41	**Agenda Item** ~~39~~ ~~29~~

FROM (Department or other point of origin): General Services Department	**Origination Date** 1-13-2010	**Agenda Date** ~~JAN 20 2010~~ ~~JAN 27 2010~~ FEB 03 2010
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P. E. 12/15/09	**Council District affected:** B, I	
For additional information contact: Jacquelyn L. Nisby **Phone:** 832-393-8023	**Date and identification of prior authorizing Council action:**	

RECOMMENDATION: Award Construction Management at Risk contract and appropriate funds for the project.

Amount and Source of Funding: **$60,000.00** Public Health Consolidated Construction Fund (4508)	**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a Construction Management at Risk Contract to SpawMaxwell Company LLC to provide pre-construction and construction phase services for the BARC Facility Expansion/Renovation and Ann Slemons Young Animal Center. The requested appropriation will fund pre-construction phase services. City Council will be requested to appropriate funds for construction phase services under a separate Council action.

On October 9, 2009 and October 16, 2009, GSD advertised a Request for Qualifications containing selection criteria that ranked the respondents on experience, technical approach and quality assurance program. The Statements of Qualifications were due on October 29, 2009, and 13 firms responded. GSD evaluated the respondents and interviewed five of the 13 firms. Five firms were requested to submit proposals. SpawMaxwell Company LLC presented the lowest pre-construction and construction phase fees and offers the best value for the City based on the advertised criteria.

PROJECT LOCATIONS: 3200 Carr (Key Map 454W); 2999 S. Wayside in Gragg Park (Key Map 534G)

PROJECT DESCRIPTION: The construction manager will provide pre-construction services during the design phase, which include budgetary estimating, constructability and material selection for both projects. The scope of work is as follows:

BARC Facility: The project will provide a new kennel building with 200 appropriately sized cages; replace the first floor kennels in the North building with cat "condos"; renovate and enlarge the first floor surgical area in the North building to provide a higher volume of spay/neuter services (up to 50/day); and improve public access by adding a new public parking area.

Ann Slemons Young Animal Center: The project will build a 30,000 sf facility on a 5.5-acre tract at Gragg Park. The facility will have a public lobby, public information desk, walk-around animal display glass enclosures and grooming areas, real-life / get-acquainted spaces, kennels, cat condos, training/class rooms, veterinary clinic, sally port, site security office, administrative and support spaces, parking and two dog parks.

REQUIRED AUTHORIZATION CUIC ID # 25CONS105

General Services Department:	Parks and Recreation Department:	Mayor's Office:
Humberto Bautista, P.E. Chief of Design & Construction Division	Joe Turner Director	Elena M. Marks, JD, MPH Director of Health and Environmental Policy

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

AWARD: It is recommended that City Council award a Construction Management at Risk Contract to SpawMaxwell Company LLC and appropriate funds for pre-construction services.

FUNDING SUMMARY:

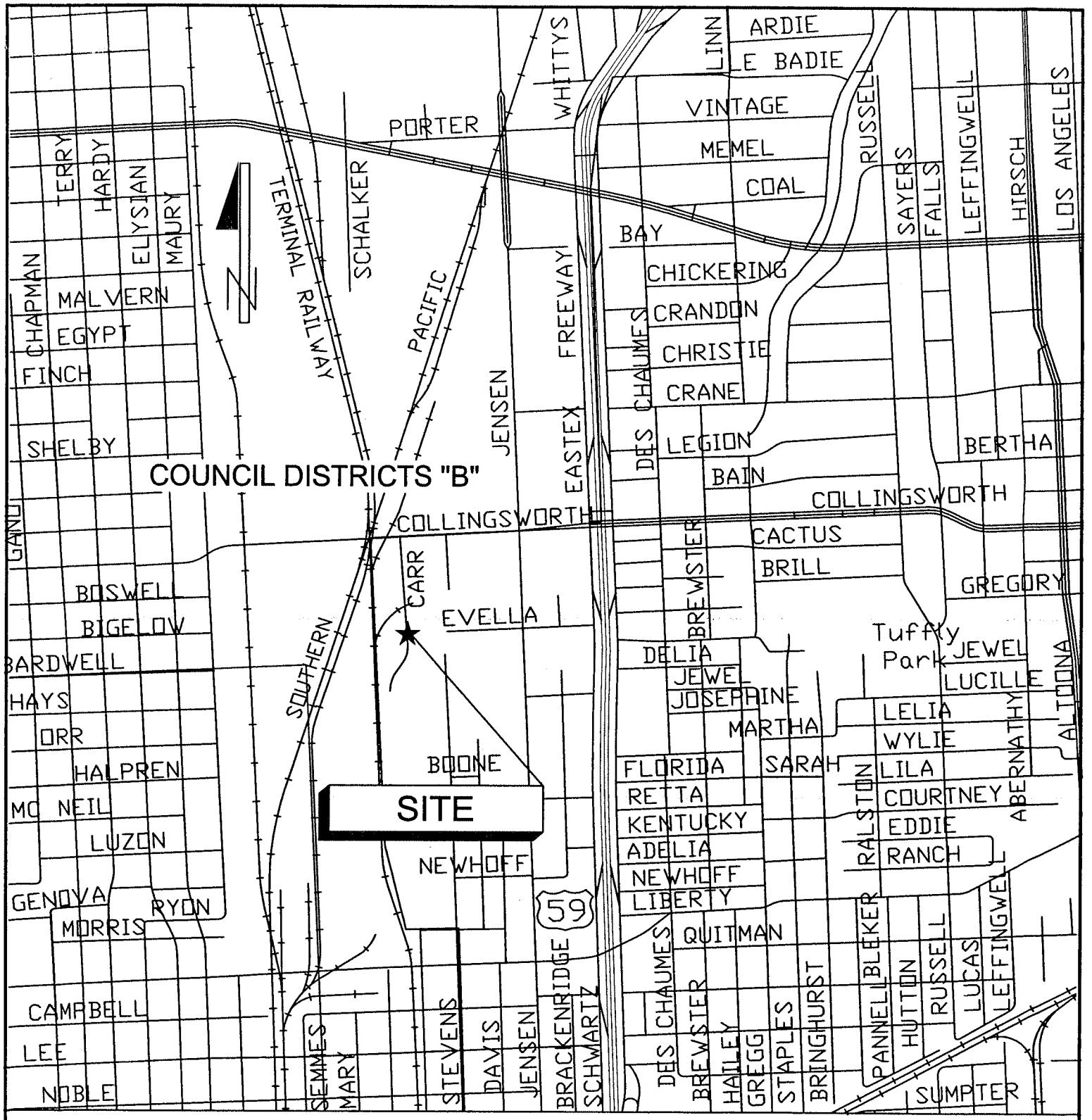
$ 10,000.00	Pre-Construction Services
$ 10,000.00	Pre-Construction Phase Additional Services and Reimbursable Expenses
$ 40,000.00	* Termination Fee
$ 60,000.00	**Total Funding**

* The contract provides for a termination fee of $40,000.00 to be paid to the construction manager if the City elects not to proceed with construction.

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 the case of pre-construction phase services, the contractor provides health benefits to eligible employees in compliance with City policy.

IZD:HB:JLN:MCP:MED:mcp

c: Marty Stein
Jacquelyn L. Nisby
Christopher Gonzales
Calvin Curtis
Yvette Burton
Mark Ross
Dan Pederson
File 813



Bureau of Animal Regulation and Care (BARC)

Facility Expansion / Renovation

3200 Carr

Houston, TX 77026

COUNCIL DISTRICTS "B"

KEY MAP NO. 454W