

**AGENDA - COUNCIL MEETING - TUESDAY - NOVEMBER 29, 2011 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - NOVEMBER 30, 2011 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 26**

**ACCEPT WORK** - NUMBER 1

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,358,089.16 and acceptance of work on contract with **SCOIL CONSTRUCTION SERVICES, L.L.C.** for Water Line Replacement in Link Valley Areas 24.42% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**

**AGENDA - NOVEMBER 30, 2011 - PAGE 2**

**PROPERTY - NUMBERS 2 and 3**

2. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw the City's objections to the Award and settle the case in connection with eminent domain proceeding styled City of Houston v. R. B. Hill, aka Rufus B. Hill and Mary Hill, aka Mary T. Hill, et al., Cause No. 984,306; for acquisition of Parcel AY10-031; for **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT (Little York - W. Gulf Bank) - DISTRICT B - JOHNSON**
3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mark Kirkland, on behalf of Park Memorial Condominium Association, Inc (Sameer Soleja, President), for abandonment and sale of a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642, Parcel SY12-001A - **DISTRICT G - PENNINGTON**

**PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 7**

4. **MD HELICOPTERS, INC** for Professional Training Services for Police Department - \$78,750.00 Police Special Services Fund
5. **APPROVE** spending authority to Address Emergency On-site Water Treatment Sludge Dewatering, Transport and Disposal Services at the Northeast Water Purification Plant in an amount not to exceed \$1,000,000.00 for the Department of Public Works & Engineering to **TERRA RENEWAL WEST, LLC - Enterprise Fund - DISTRICT E - SULLIVAN**
6. **HARTWELL ENVIRONMENTAL CORPORATION** for Emergency Filter Repair Services for Department of Public Works & Engineering - \$330,000.00 - Enterprise Fund
7. **ALL BUSINESS MACHINES, INC** for Gas Chromatograph from the State of Texas Procurement Support Services Contract through the State of Texas Cooperative Purchasing Program for Department of Public Works & Engineering Department - \$59,845.97 - Enterprise Fund

**RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 26**

8. RESOLUTION authorizing loan application to the **TEXAS WATER DEVELOPMENT BOARD**
9. ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration Grant offers up to \$50,000,000.00 for projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport; declaring the City's eligibility for such grants **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
10. ORDINANCE approving and authorizing Updated Carrier Incentive Program for the Houston Airport System; providing a maximum program amount - 2 Years - \$12,000,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
11. ORDINANCE approving and authorizing Amendment No. 3 to Parking Operations and Management Concession Agreement between the City of Houston and **NEW SOUTH PARKING - TEXAS** for the Houston Airport System; providing a maximum contract amount for Amendment No. 3 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
12. ORDINANCE approving the assignment of Lease and Development Agreement between the City of Houston and **IAH LAND PARTNERS, LP**, for certain premises at George Bush Intercontinental Airport/Houston; approving and authorizing Amendment No. 1 to the agreement - **DISTRICT B - JOHNSON**

**RESOLUTIONS AND ORDINANCES** - continued

13. ORDINANCE approving and authorizing submittal of the Community Development Block Grant Disaster Recovery Program 2011 Housing Program Application for General Housing Applicants, setting forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike (Round 2.2); authorizing the acceptance of funds requested in the application
14. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS**, for the purchase of Employee Transit Fare Media; providing a maximum contract amount - 1 Year - \$1,200,000.00 - General, Enterprise and Other Funds
15. ORDINANCE relating to the rental of certain spaces in the Julia Ideson Library for public use; authorizing and approving agreement between the City of Houston and the **JULIA IDESON PRESERVATION PARTNERS**; establishing the fees for the use of the Julia Ideson event spaces and authorizing adjustments thereto; amending Section 7 of Ordinance No. 2009-278 to create an account within the Historic Preservation Fund for the deposit and use of gifts and the net revenue from the rental of certain spaces in the Julia Ideson Library - **DISTRICT I - RODRIGUEZ**
16. ORDINANCE approving and authorizing submission of an application for grant assistance to the **TEXAS DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION** to support a Child and Adult Care Food Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
17. ORDINANCE approving and authorizing the Chief of the City of Houston Police Department to accept grant funds from the National Institute of Justice for funding for Strategic Approaches to Sexual Assault Kit (SAK) Evidence: Phase II Houston SAK Task Force; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
18. ORDINANCE appropriating \$5,500,000.00 out of Equipment Acquisition Consolidated Fund for the Records Management System for the Houston Police Department
19. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to the Run-Off Election to be held on December 10, 2011; providing a maximum contract amount - \$1,600,000.00 - General Fund
20. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause
21. ORDINANCE appropriating \$368,797.00 out of Contribution for Capital Projects Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Brays Path Project - **DISTRICTS D - ADAMS and I - RODRIGUEZ**

**RESOLUTIONS AND ORDINANCES** - continued

22. ORDINANCE appropriating \$165,485.00 out of Contribution for Capital Projects Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Cullen Park Path Project - **DISTRICTS A - STARDIG and G - PENNINGTON**
23. ORDINANCE appropriating \$401,569.00 out of Contribution for Capital Projects Fund; approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the IMD (International Management District) Bikeway Project - **DISTRICT F - HOANG**
24. ORDINANCE appropriating \$6,346,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING, LTD.** for Sewer Service to Unserved Areas Package 1: - Shared Facilities (Regional) Sanitary Sewer Improvements - Magnolia Point Lift Station, Force Main and Trunk Main; Strange's Camp Lift Station and Force Main; 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, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN**
25. ORDINANCE appropriating \$490,163.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS REEXCAVATION, L.C.** for New Front Easement Reconnections; 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
26. ORDINANCE granting to **CELESTINE HOLCOMB d/b/a HOLCOMB ENVIRONMENTAL WASTE OIL SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBERS 27 and 28

**MISCELLANEOUS**

27. RECEIVE nominations for the City of Houston representative of the **HARRIS COUNTY APPRAISAL DISTRICT BOARD OF DIRECTORS**, for a two year term
28. **SET A PUBLIC HEARING DATE** to consider amendments to Chapter 42, Code of Ordinances **SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - DECEMBER 7, 2011**

**MATTERS HELD** - NUMBERS 29 through 31

29. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive towing and storage; containing findings and other provisions relating to the foregoing subject; providing for severability  
**POSTPONED BY MOTION #2011-817, 11/9/11**  
This was Item 30 on Agenda of November 9, 2011
30. WRITTEN MOTION by Council Member Pennington to amend Item 30A below by amending Section 28-34 (a) to read as follows:  
A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 180 ~~90~~ or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred  
**POSTPONED BY MOTION #2011-818, 11/9/11**
- a. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability  
**POSTPONED BY MOTION #2011-818, 11/9/11**  
This was Item 31 on Agenda of November 9, 2011
31. RECOMMENDATION from Purchasing Agent to award to **COBURN SUPPLY COMPANY, INC** for Boxes, Plastic Meter and Covers for the Department of Public Works & Engineering - 5 Years \$956,246.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBER JONES**  
This was Item 9 on Agenda of November 16, 2011

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Stardig 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

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

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Link Valley Areas. WBS No. S-000035-00W4-4.	<b>Page 1 of 2</b>	<b>Agenda Item #</b>  1
--	--------------------	-------------------------------

<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b>  NOV 30 2011
--	-------------------------	---------------------------------------

<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council Districts affected:</b> C, D <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">ASP</span>
---	--

<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director   <b>Phone:</b> (832) 395-2355	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2010-64 dated 01/27/2010
--	---

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,358,089.16, which is 24.42% 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 \$2,250,550.00 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 and to increase availability of water, improve circulation and fire protection.

**DESCRIPTION/SCOPE:** This project consisted of 22,064 linear feet of 6-inch, 8-inch, and 12-inch diameter water lines, including valves, fittings, connections, fire hydrants, and appurtenances. Isani Consultants designed the project with 240 calendar days allowed for construction. The project was awarded to Scohil Construction Services, L.L.C., with an original Contract Amount of \$1,796,775.00.

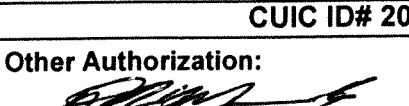
**LOCATION:** The project areas are generally bound by:

<u>Area No.</u>	<u>Bounded by</u>	<u>Key Map Grids</u>	<u>Council District</u>
1.	Dunstan Street on north, Rice Boulevard on the south, Ashby Street on the east and Greenbriar Street on the west.	532-C & D	C
2.	IH 610 on the north, Link Valley Street on the south, Main Street (US Hwy. 90) on the east and Stella Link Road on the west.	532-S & T	C
3.	Green Park Manor Lane on the north and Pinnacle Point on the south. The Project area is along the Croquet Power Transmission Easement.	571-K	D

**CONTRACT COMPLETION AND COST:** The Contractor, Scohil Construction Services, L.L.C., has completed the Work under subject Contract. The project was completed with an additional 65 days approved by Change Order Nos. 1 and 2. The final cost of the project, including previously approved Change Order Nos. 1 and 2 and overrun and underrun of estimated bid quantities is \$1,358,089.16, a decrease of \$438,685.84 or 24.42% under the original Contract Amount.

The decreased cost is a result of the differences between planned and measured quantities of Base Unit Price Items and the Work not requiring use of most of the Extra Unit Price Items. In the Link Valley Area, bore pits were relocated from under the existing roadway to the back of curb. This significantly reduced the amount of pavement needing to be replaced on the project.

**REQUIRED AUTHORIZATION** **CUIC ID# 20MZQ231**

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


Date

**SUBJECT:** Accept Work for Water Line Replacement in Link Valley Areas.  
WBS No. S-000035-00W4-4.

**Originator's  
Initials**

**Page  
2 of 2**

**M/WBE PARTICIPATION:** The M/SBE goal for this project was 20.00%. According to Mayor's Office of Business Opportunity, the actual participation was 20.76%. The Contractor was awarded a "Satisfactory" rating for the M/SBE compliance.

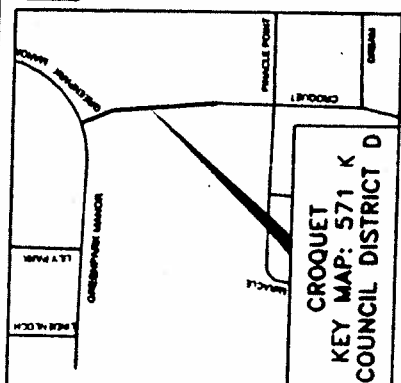
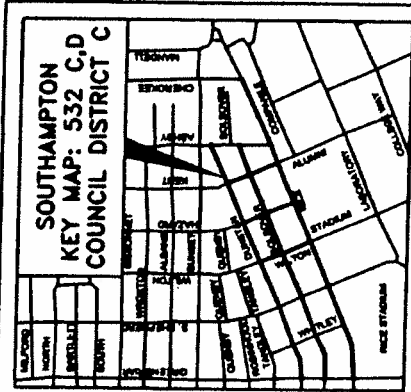
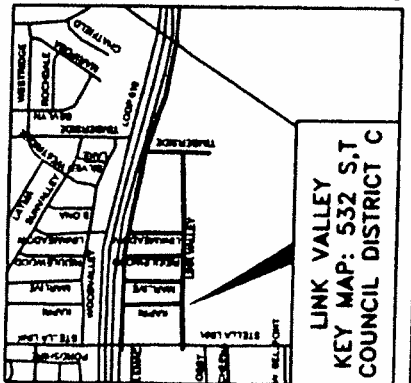
  
DWK:DRM:JTL:JAK:AJK:mq

Z:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-00W4-4 (Link Valley)\21.0 Close-Out Documentation\RCA\RCA.DOC.

c: File No. S-000035-00W4-4 – 21.0

**WATER LINE REPLACEMENT IN LINK VALLEY AREAS**  
**WBS NO. S-000035-00W4-4**

**DEPARTMENT OF PUBLIC WORKS AND ENGINEERING**  
**ENGINEERING AND CONSTRUCTION DIVISION**



STREET NAME	FROM	TO	SIZE (inch)		LENGTH (feet)
			OLD	NEW	
<b>SOUTHAMPTON</b>					
DUNSTAN	ASHBY	GREENBRIAR	6	8	3,274
BOLSOVER	ASHBY	GREENBRIAR	6	8	3,344
RICE	CHEROKEE	GREENBRIAR	6	8	3,095
WILTON	DUNSTAN	RICE	8	8	737
HAZARD	DUNSTAN	RICE	8	8	742
KENT	DUNSTAN	RICE	8	8	743
<b>LINK VALLEY</b>					
LOOP 610	MAIN	STELLA LINK	8, 16	8, 12	3,801
LINK VALLEY	TIMBERSIDE	STELLA LINK	8	8, 12	2,463
KAPRI	LOOP 610	LINK VALLEY	8	8	729
MARLIVE	LOOP 610	LINK VALLEY	8	8	758
RIDDLEWOOD	LOOP 610	LINK VALLEY	8	8	723
LINKMEADOW	LOOP 610	LINK VALLEY	8	8	677
TIMBERSIDE	LOOP 610	END	8	8, 12	825
<b>CROQUET POWER TRANSMISSION EASEMENT</b>					
CROQUET	PINACLE POINT	GREENPARK MANOR	2	8	574
TOTAL					22,485



**CITY OF HOUSTON**  
**DEPARTMENT OF PUBLIC WORKS AND ENGINEERING**  
**WATER LINE REPLACEMENT**  
**IN LINK VALLEY AREAS**  
**WBS NO. S-000035-00W4-4**


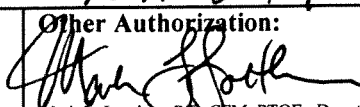
**PROJECT LOCATION MAP**

SCALE: NTS      DATE: 09/21/09

**Sonic**  
 3143 YELLOWSTONE BLVD  
 HOUSTON, TX 77054  
 TEL: (713) 261-8888 FAX: (713) 261-8888



**REQUEST FOR COUNCIL ACTION**

SUBJECT: Parcel AY10-031; City of Houston v. R. B. Hill, aka Rufus B. Hill and Mary Hill, aka Mary T. Hill, et al., Cause No. 984,306; Ella Boulevard (Wheatley) Paving Project (Little York - W. Gulf Bank) WBS/CIP No. N-000533-0002-2-01; Legal Department File No. 052-1000010-050.		Page 1 of 2	Agenda Item # <i>2</i>
FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney		Origination Date 10/24/11	Agenda Date NOV 30 2011
DIRECTOR'S SIGNATURE: 		Council District affected: "B" Jarvis Johnson; Key Map#412T	
For additional information contact: <b>Ondrea U. Taylor</b> <i>OUT</i> Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: BAO#2009-0720, psd. 08/05/09 Authorizing Ord#2010-253, psd. 04/07/10	
<b>RECOMMENDATION:</b> (Summary) Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter, withdraw the City's objections to the Award of Special Commissioners, and settle the case for the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$78,041.27; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2009-0720, psd. 08/05/09. Street & Bridge Consolidated Construction Fund <i>M.P. 11/10/2011</i>			
<b>SPECIFIC EXPLANATION:</b> <p>The Ella Boulevard (Wheatley) Paving Project (Little York - W. Gulf Bank) provides for the right-of-way acquisition, design and construction of a four lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project includes crossings over Harris County Flood Control ditches. The project will replace and widen a street that has deteriorated beyond economic repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. The improvements will upgrade the existing roadway to Major Thoroughfare Standards.</p> <p>This eminent domain proceeding involves the acquisition of a irregularly shaped permanent easement containing 19,744 square feet (0.4533 acre) of land out of a parent tract containing 34,959 square feet of land. The property is located at 9011 Wheatley Street and is owned by R.B. Hill and Mary Hill. The property is improved with the 1,166 square-foot single family dwelling and related appurtenances. Situated within the City's taking are the single family residence, 250 lf of chain link fencing with two gates, and a portion of a detached garage. The City's final offer of \$61,742.00 to purchase the needed property was withdrawn due to unresolved title issues, and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The Legal Department retained a different appraiser to appraise the property and testify at the Special Commissioners' Hearing.</p> <p><b>City's Testimony Before the Special Commissioners:</b> \$61,718.00 (i.e. \$1.10 psf for the land being acquired; \$40,000.00 as damages in the form of costs to cure to relocate the residence and related improvements)</p>			
h:\mark\rbhillrca.wpd		REQUIRED AUTHORIZATION <i>90AH247</i>	
Other Authorization:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services Division, PWE	

Date 10/24/11	SUBJECT: Parcel AY10-031; City v. R.B. Hill & Mary Hill, et al; Cause No. 984,306; Ella Blvd. (Wheatley) Paving Project; L.D. File No. 052-1000010-050;	Originator's Initials OUT/JNQ	Page 2 of 2
------------------	---	-------------------------------------	----------------

**Award of Special Commissioners:** \$70,000.00. The Legal Department filed Objections to the Award of Special Commissioners in order to preserve the City's legal and procedural options pending City Council's review and consideration of the subject matter.

The "**Costs of Court**" are: \$187.00 filing fee; \$250.00 Service of process fee; \$1,800.00 Special Commissioners' fees (i.e. \$600.00 x 3); \$900.00 Publication fee; \$275.19 Court Reporter's fee; \$1,629.08 Attorney Ad Litem's fee; \$3,000.00 Appraiser's fee; **Total:** \$8,041.27. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter, withdraw the City's Objections to the Award of Special Commissioners, and settle the case for the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.

SURVEY OF SUBJECT TRACT

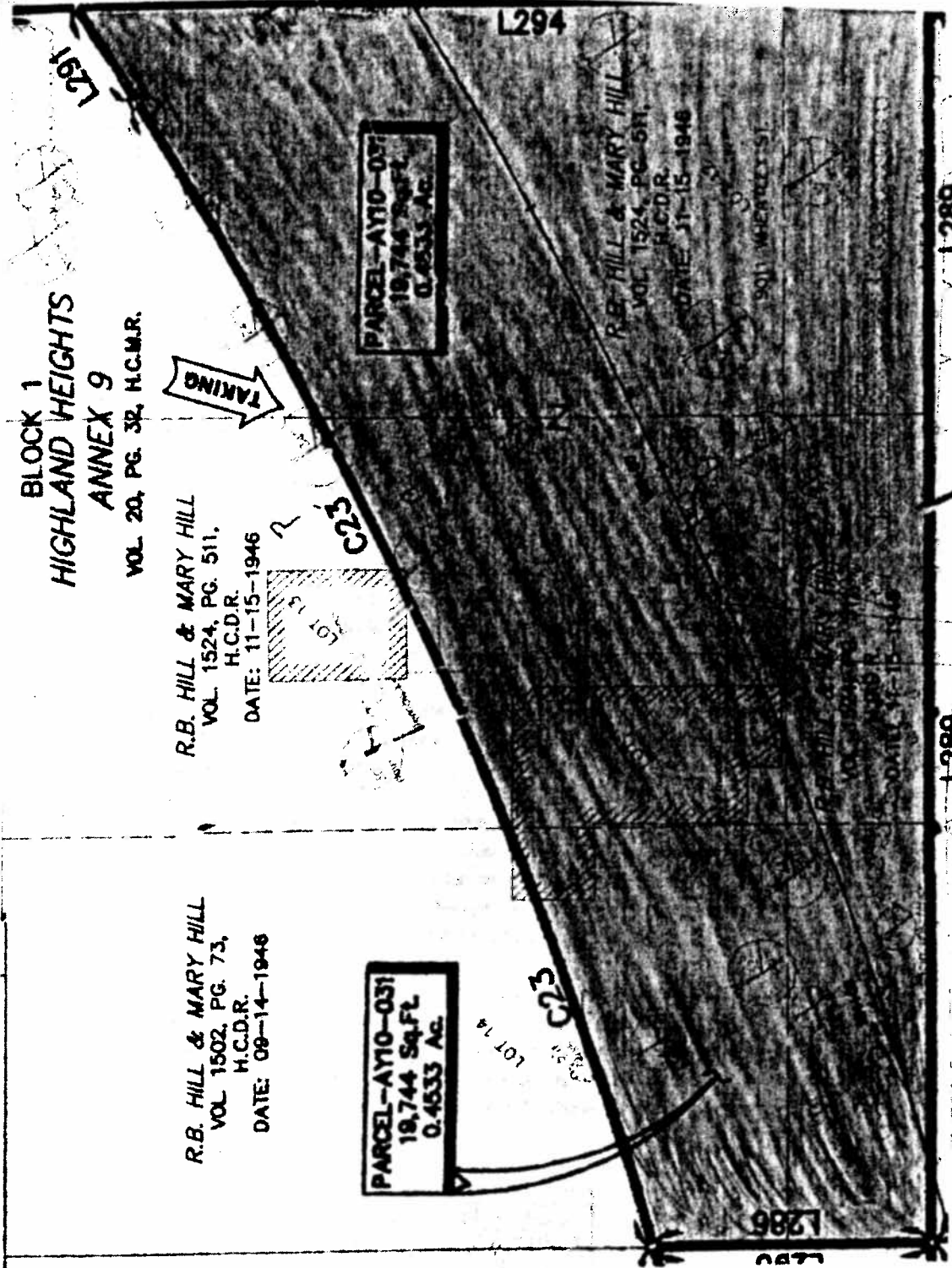
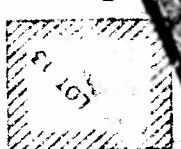
BLOCK 1  
HIGHLAND HEIGHTS  
ANNEX 9  
VOL. 20, PG. 32, N.C.M.R.

R.B. HILL & MARY HILL  
VOL. 1524, PG. 511,  
H.C.D.R.  
DATE: 11-15-1946

R.B. HILL & MARY HILL  
VOL. 1502, PG. 73,  
H.C.D.R.  
DATE: 09-14-1946

PARCEL-AY10-031  
19,744 Sq.Ft.  
0.4533 AC.

PARCEL-AY10-031  
19,744 Sq.Ft.  
0.4533 AC.



R.B. HILL & MARY HILL  
VOL. 1524, PG. 511,  
H.C.D.R.  
DATE: 11-15-1946

5011 WENTLEY ST

LOT 14

C23

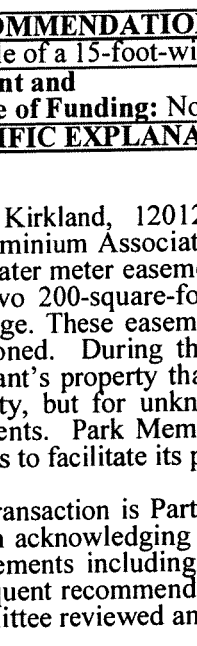
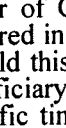
L294

L297

L286

L280

L280

<b>SUBJECT:</b> Request for the abandonment and sale of a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642. Parcel SY12-001A		Page <u>1</u> of <u>2</u>	Agenda Item # <u>3</u>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		Origination Date	Agenda Date NOV 30 2011
<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director		Council District affected: G	
<b>For additional information contact:</b> Nancy P. Collins (740) Phone: (832) 395-3130 Senior Assistant Director-Real Estate		Key Map: 492L 	
		Date and identification of prior authorizing Council Action:	

**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion authorizing the abandonment and sale of a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642. Parcel SY12-001A

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

**SPECIFIC EXPLANATION:**

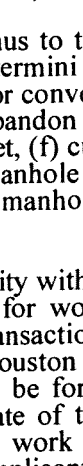
Mark Kirkland, 12012 Wickchester Lane, Suite 500, Houston, Texas, 77079, on behalf of Park Memorial Condominium Association, Inc. (Sameer Soleja, President), requested the abandonment and sale of two 200-square-foot water meter easements and a 15-foot-wide sanitary sewer easement, all out of the John Reinerman Survey, A-642. The two 200-square-foot water meter easements were conveyed to the City by deeds, which contain revisionary language. These easements will be handled by a separate City process after the water meters are cut, plugged, and abandoned. During the Joint Referral Committee review, additional utilities were determined to exist within the applicant's property that are not within easements. These utilities were constructed by a previous owner on private property, but for unknown reasons were maintained by the City; therefore, the City is not claiming prescriptive easements. Park Memorial Condominium Association, Inc., the property owner, must cut, plug and abandon these utilities to facilitate its plan to construct a condominium complex.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized 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 sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:

1. The City abandon and sell a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642;
2. The applicant be required to: (a) cut, plug, and abandon the 6-inch sanitary sewer line, from its terminus to the manhole in Detering Street, (b) cut, plug, and abandon the two 8-inch sanitary sewer lines, from their termini to Memorial Drive, (c) cut, plug, and abandon both water meter taps at the tap, (d) cut, plug, and abandon or convert to private service the 12-inch storm sewer line, from its terminus to Detering Street, (e) cut, plug, and abandon or convert to private service the 18-inch storm sewer line, from its terminus to the manhole in Detering Street, (f) cut, plug, and abandon or convert to private service the 24-inch storm sewer line, from its terminus to the manhole at Detering Street, and (g) pay the depreciated value fee for the abandonment of the sanitary sewer line and manhole. All of the above work is to be done at no cost to the City and under the proper permits;
3. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide an LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;

tj\sy12-001rcl.doc CUIC #20TJ9224

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
----------------------------	-----------------------------	---

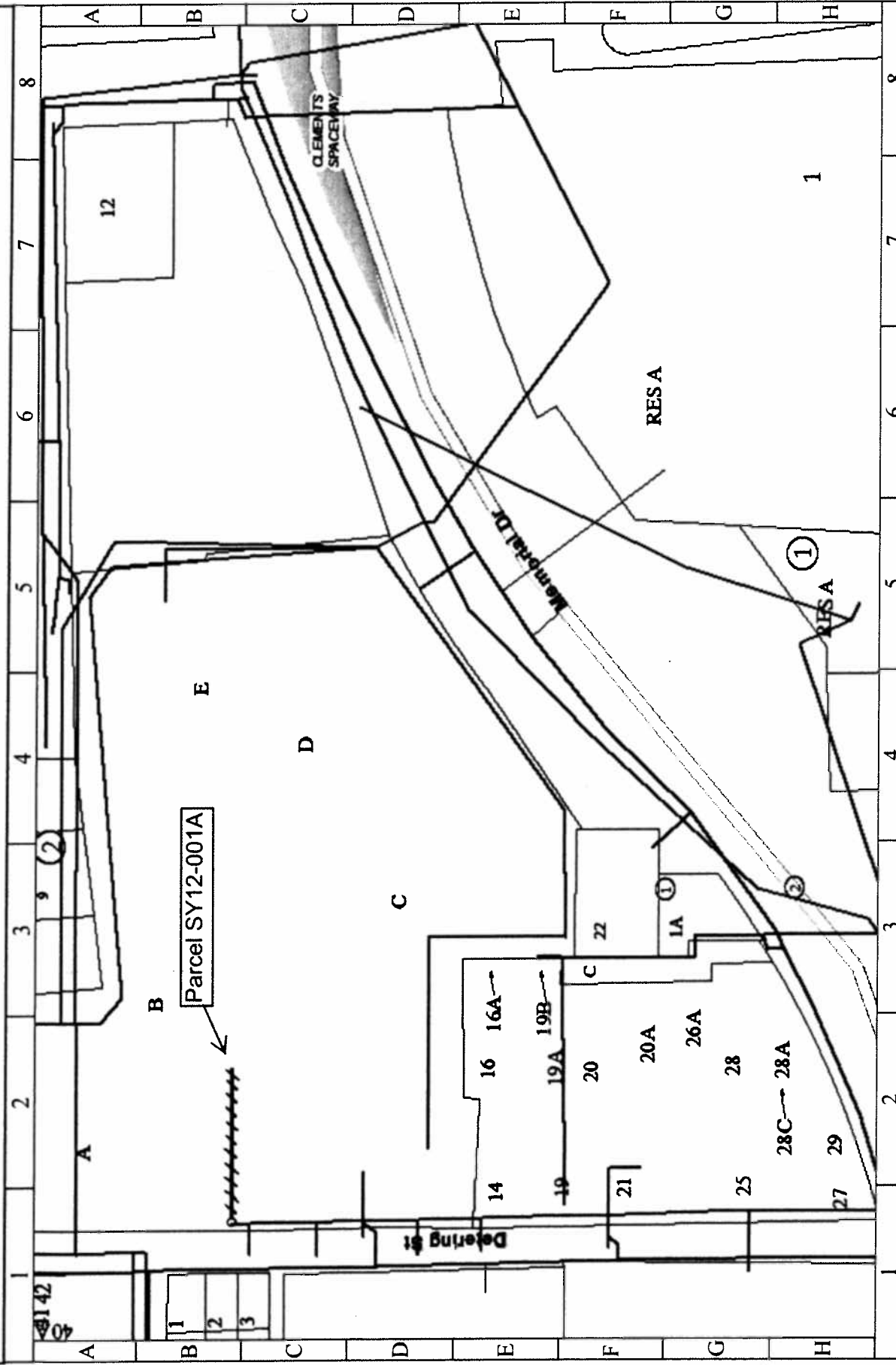
<b>Date:</b>	<b>SUBJECT:</b> Request for the abandonment and sale of a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642. <b>Parcel SY12-001A</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
--------------	--	------------------------------	-------------------------------------

4. The applicant be required to prepare drawings that show all public utilities (water, sanitary sewer, and storm sewer) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the motion shall be attached to the plan set when it is submitted for plan review;
5. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by Lynette Fornerette, an independent appraiser appointed by the Director of Public Works and Engineering.

DWK: NPC:tj

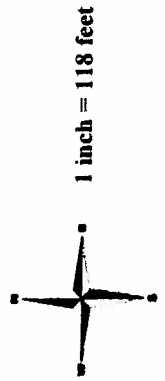
c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Marlene Gafrick  
Terry A. Garrison  
Daniel Menendez, P.E.

Abandonment and sale of a 15-foot-wide sanitary sewer easement, out of the John Reinerman Survey, A-642. Parcel SY12-001A



**CITY OF HOUSTON**  
 Department of Public Works and 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.



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve the Purchase of Training Services from MD Helicopters, Inc. for the Houston Police Department.	<b>Category #</b> 4	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 4
--	------------------------	-----------------------	---------------------------

<b>FROM (Department or other point of origin):</b> Charles A. McClelland, Jr. Chief of Police	<b>Origination Date</b>	<b>Agenda Date</b> NOV 30 2011
---	-------------------------	-----------------------------------

*CMS*  
**DIRECTOR'S SIGNATURE:**  


<b>Council District affected:</b> All
--

**For additional information contact:**  
Joseph A. Fenninger, CFO and Deputy Director  
Phone: (713) 308-1700  
*JAF 11/4/11*

<b>Date and identification of prior authorizing Council action:</b>
---

**RECOMMENDATION: (Summary):** Adopt a Motion approving the purchase of professional training services from MD Helicopters, Inc. in the amount of \$78,750.00 for the Police Department.

**Amount and Source of Funding:** \$78,750.00  
Police Special Services Fund No. 2201

<b>Finance Budget:</b>
------------------------

**SPECIFIC EXPLANATION:**

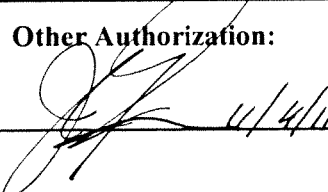
The Houston Police Department recommends that City Council approve the purchase of professional training services from MD Helicopters, Inc. in the amount of \$78,750.00 and that authorization be given to issue a purchase order.

The Federal Aviation Administration requires licensed pilots to complete a flight review biennially. Fourteen pilots assigned to the Air Support Division require this review in 2012. The requested funding is for registration of the fourteen pilots to attend the MD 500E Recurrent Flight Training Course which will satisfy this mandatory flight review.

Conducted at the MD Helicopters factory in Mesa, Arizona, this 3-day course consists of a ground school and flight time. The ground school includes review of air-worthiness directives and notices, helicopter systems, pilot flight manual review, preflight inspection, and an exam. Flight time consists of 2-3 hours of intensive practice of normal and selected emergency procedures. One of the primary benefits of this factory training is that these emergency procedures, including full-on autorotations to the ground, are performed in factory-owned MD 500Es as opposed to Department-owned aircraft costing in excess of \$2,000,000.00 each.

Purchase Requisition # 10137950.

REQUIRED AUTHORIZATION

<b>Finance Director:</b>	<b>Other Authorization:</b>  <i>JAF 11/4/11</i>	<b>Other Authorization:</b>
--------------------------	--	-----------------------------

**REQUEST FOR COUNCIL ACTION**

RCA# 9116

TO: Mayor via City Secretary

**Subject:** Spending Authority to Address Emergency On-Site Water Treatment Sludge Dewatering, Transport and Disposal Services at the Northeast Water Purification Plant for the Public Works & Engineering Department S12-E24025

Category #  
4

Page 1 of 1

Agenda Item  
5

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

**Origination Date**  
October 10, 2011

**Agenda Date**  
NOV 30 2011

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

**Council District(s) affected**  
E

**For additional information contact:**  
David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Spending authority to address emergency on-site water treatment sludge dewatering, transport and disposal services in an amount not to exceed \$1,000,000.00 for the Public Works and Engineering Department.

Estimated Spending Authority: \$1,000,000.00

**F & A Budget**

\$1,000,000.00 - Water and Sewer System Operating Fund (Fund 8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve emergency spending authority in an amount not to exceed \$1,000,000.00 for emergency on-site water treatment sludge dewatering, transport and disposal services at the Northeast Water Purification Plant (NEWPP) for the Public Works & Engineering Department and that authorization be given to issue an automated (SAP) purchase order to Terra Renewal West, LLC and allow progress payments without further Council action.

On May 26, 2011, the contract for sludge dewatering, transport and disposal services was terminated due to the contractor's repeated disputes with the City as to its responsibilities under the agreement. An interim contractor was needed immediately to provide sludge dewatering and disposal services to allow the NEWPP to continue daily operations until a new multi-year service agreement could be awarded. Without these services, the NEWPP would have to potentially shutdown operations, which would significantly impact the City's ability to meet customer demands and public health requirements established by the Texas Commission on Environmental Quality. The Strategic Purchasing Division issued an emergency purchase order to address the emergency. The proposals for the new contract have been received and are presently being evaluated by the Department. The recommendation for award of the new contract will be presented to City Council within the next 30 to 60 days.

The scope of work required the contractor to provide all supervision, labor, parts, tools, materials, transportation, equipment, supplies and permits necessary to immediately mobilize, setup and perform on-site sludge dewatering, hauling and disposal services in compliance with all applicable Federal, State, County and local statutes and regulations.

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

Buyer: Martin L. King

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*W*

*D*



**REQUEST FOR COUNCIL ACTION**

**RCA# 9204**

**TO:** Mayor via City Secretary

**Subject:** Emergency Filter Repair Services for the Public Works & Engineering Department  
S12-E24127

Category #  
4

Page 1 of 1

Agenda Item  
  
6

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

**Origination Date**  
November 02, 2011

**Agenda Date**  
NOV 30 2011

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

**Council District(s) affected**

**For additional information contact:**  
David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Approve payment to Hartwell Environmental Corporation in the total amount of \$330,000.00 for emergency filter repair services for the Public Works and Engineering Department.

Payment Amount: \$330,000.00

**F & A Budget**

\$330,000.00 - PW&E Water and Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**  
The City Purchasing Agent recommends that City Council approve payment to Hartwell Environmental Corporation in the total amount of \$330,000.00 for emergency filter repair services at the Northeast Water Purification Plant (NEWPP) for the Public Works & Engineering Department. Proper and efficient water filtration is essential to the daily operations of the facility and is necessary to provide safe and reliable potable drinking water to City of Houston customers.

On April 20, 2011, the NEWPP Drinking Water Operations staff detected damage to the under-drain system of Filter Unit No. 2. The filter unit was immediately removed from service so that a detailed inspection and the necessary repairs could be conducted to prevent further damage to this critical asset. The Strategic Purchasing Division issued an emergency purchase order to address this matter.

The scope of work required the contractor to provide all supervision, labor, parts, tools, materials, transportation, equipment, supplies and permits necessary to immediately mobilize and perform on-site emergency filter repairs. The contractor's responsibilities included, but were not limited to, removing and replacing the filter under-drain blocks, anthracite, sand media and grout, which was necessary to restore the filter unit to full operation.

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

Buyer: Martin L. King

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*NOT*  
*D*

**REQUEST FOR COUNCIL ACTION**

**RCA# 9191**

**TO:** Mayor via City Secretary

**Subject:** Purchase of a Gas Chromatograph from the Texas Procurement and Support Services Contract for the Public Works and Engineering Department.  
S38-E24105-ILA

Category #  
4

Page 1 of 1

Agenda Item

7

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

**Origination Date**  
October 12, 2011

**Agenda Date**  
NOV 8 0 2011

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

**Council District(s) affected**  
F

**For additional information contact:**  
David Guernsey Phone: (832) 395-3640  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**  
Approve the purchase of a gas chromatograph in the amount of \$59,845.97 from the State of Texas Procurement and Support Services Contract for the Public Works and Engineering Department.

Award Amount: \$59,845.97

**Finance Budget**

\$59,845.97 - PWE-Combined Utility System General Purpose Fund (8305)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of a gas chromatograph from the State of Texas Procurement Support Services Contract through the State of Texas Cooperative Purchasing Program in the amount of \$59,845.97 for the Public Works and Engineering Department and that authorization be given to issue a purchase order to the State contract supplier, All Business Machines, Inc. This gas chromatograph (GC) will be installed at the Department's Bellaire Waste Water Operations facility, located at 10500 Bellaire, and will be used by lab personnel to perform analysis of chlorinated pesticides and herbicides. These compounds are trace-level contaminants in wastewater. Quantification of these compounds is required by the Texas Commission on Environmental Quality for wastewater treatment plant discharge permits.

The scope of work requires the contractor to provide all labor, equipment, materials, tools, supervision and transportation necessary to furnish and install a GC system with the applicable hardware and software. The GC will come with a full one-year warranty and the life expectancy of the new equipment is 7 -10 years. The new GC will replace a 13-year-old non-operational and non-repairable unit. The old unit was sent to salvage for disposition approximately 6 months ago.

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

Buyer: Lena Farris  
PR 10133570

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*Not*  
*2*

<b>SUBJECT:</b> City Council Resolution authorizing the City to make loan application with the Texas Water Development Board, to access the Tier III, Clean Water State Revolving Fund program.			<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 8
			<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>	<b>Agenda Date</b>  NOV 30 2011
<i>CWG</i> <b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> All				
	<b>For additional information contact:</b> Susan Bandy      Phone: (832)395-2468 	<b>Date and identification of prior authorizing Council action:</b>			
<b>RECOMMENDATION: (Summary)</b>  Pass a Resolution authorizing the City to make loan application with the Texas Water Development Board, to access the Tier III, Clean Water State Revolving Fund program.					
<b>Amount of Funding:</b> No funds are required at this time.				<b>F &amp; A Budget:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)					
<b>SPECIFIC EXPLANATION:</b>  The Department of Public Works & Engineering wishes to apply for a low interest rate loan from the Texas Water Development Board (TWDB) under the Clean Water State Revolving Fund (CWSRF), Tier III program, to improve the wastewater system. The interest rates available on this program are 130 basis points below the current bond market rates.  The TWDB administers loan programs to eligible municipalities and agencies through the purchase of bonds issued by the loan recipients. In 1998, the TWDB began using a priority rating process to determine the amount of funding participants could receive from the State Revolving Fund. Municipalities are annually requested to submit an Intended Use Plan providing information on projects to be considered for TWDB funding. After the projects are prioritized and the amount of available funds determined, applicants are invited to apply for SRF loans. These wastewater projects are included in the FY2012-FY2016 Adopted Capital Improvement Plan (CIP).  The City of Houston has benefited from the lower interest rates offered by the SRF program since 1988 and wishes to continue its participation in the program. This resolution will authorize the City to make application with the TWDB to receive a \$48.75 million loan commitment based on the City's FY2012 Intended Use Plan. The loan commitment from the TWDB is for a one year period. Within that period, City Council approval will be requested to authorize the issuance of bonds to the TWDB. The \$48.75 million SRF bond issuance is anticipated in November 2012.  It is requested that City Council approve the resolution authorizing the City to make loan application with the Texas Water Development Board for the Clean Water State Revolving Fund.  cc: Marta Crinejo Legal Howard Hilliard Ruth Gonzales Mark Loethen					
<b>REQUIRED AUTHORIZATION</b>			<b>CUIC#20SB37</b>		
<b>Finance Department:</b> 		<b>Other Authorization:</b>			

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Authorization for Mayor to accept FAA AIP Grant offers up to \$50,000,000 for projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Airport.	<b>Category #2</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 9
---	--------------------	--------------------	---------------------------

<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> October 15, 2011	<b>Agenda Date</b> NOV 30 2011
--	---	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>[Handwritten Signature]</i>	<b>Council District affected:</b> B, E & I
---	---

<b>For additional information contact:</b> Lance Lyttle <i>[Handwritten Initials]</i> Phone: 281-233-1889 Jarrett Simmons <i>[Handwritten Initials]</i> 281-233-1973 Keith Goodwin <i>[Handwritten Initials]</i> 281-233-1722	<b>Date and identification of prior authorizing Council action:</b>
--	---

<b>AMOUNT &amp; SOURCE OF FUNDING:</b> REVENUE: FAA Airport Improvement Program (AIP) Grant \$16,500,000.00 Entitlement funds \$33,500,000.00 Potential Discretionary funds \$50,000,000.00 Total <i>[Handwritten Initials]</i>	<b>Prior appropriations:</b>
---	------------------------------

**RECOMMENDATION: (Summary)**  
Enact an ordinance authorizing the Mayor to accept Federal Aviation Administration (FAA) AIP grant offers up to \$50,000,000 for Federal Fiscal Year (FFY) 2012.

**SPECIFIC EXPLANATION:**

Preliminary notification from the Federal Aviation Administration (FAA) indicates that the Houston Airport System's (HAS) allocated share of entitlement grants for Federal Fiscal Year (FFY) 2012 is approximately \$16,500,000.00. Entitlement grant funds will pay for airfield, taxiway, and runway improvement projects at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD). Entitlement grant applications will be forwarded to the FAA Southwest Region office for action.

The FAA has initially programmed discretionary funds for Project 647 (CIP A-0571) Relocation and Reconstruction of Taxiway NB at IAH, Noise Abatement Program grant and Voluntary Airport Low Emission (VALE) Program grants. The exact amount and availability of this funding is unknown.

The FAA has indicated a potential exists for additional discretionary funds to become available during the FAA's final disbursement of discretionary funds near the end of September 2012. Approval to accept the FFY 2012 discretionary grants in advance enables HAS to react quickly and take advantage of any FAA funding if it becomes available.

Approval of this ordinance authorizes the Mayor to accept grant offers for the City within the shortened time frame, which ensures that HAS can receive and utilize all available FAA funds. Therefore, HAS is requesting authorization for the Mayor to accept grant offers in a cumulative amount up to \$50,000,000.00 for FFY 2012.

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

<b>SUBJECT:</b> Carrier Incentive Program for the Houston Airport System	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>10</b>
--	-------------------	-----------------------	---------------------------------------

<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> November 15, 2011	<b>Agenda Date</b> NOV 30 2011
--	--	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> I, B
----------------------------------	---

<b>For additional information contact:</b> Ian Wadsworth Phone: 281/233-1682 Genaro J. Peña Phone: 281/233-1808	<b>Date and identification of prior authorizing Council action:</b> N/A
---	--

<b>AMOUNT &amp; SOURCE OF FUNDING:</b> FY12 \$2,750,000 Out years \$9,250,000 Total \$12,000,000 HAS Revenue Fund (8001)	<b>Prior appropriations:</b> N/A
---	-------------------------------------

**RECOMMENDATION: (Summary)**  
Enact an ordinance approving and authorizing a two-year Carrier Incentive Program for the Houston Airport System.

**SPECIFIC EXPLANATION:** Air service incentives are offered by airports around the world to attract new routes and new carriers to their markets. A new route is a significant investment for an airline and is financially risky; incentives serve to mitigate some of the startup costs and risks. In order to remain competitive with other U.S. airports and attract new passenger and air cargo service, the Houston Airport System (HAS) has structured a new Carrier Incentive Program based on the programs offered by other major airports, including Dallas-Ft. Worth, Denver, Miami, and Tampa. The proposed program will offer greater incentives for new or expanded air service to/from Houston's airports, and will target specific key markets for Houston, such as cities in China and South East Asia, for a maximum incentive award.

Domestic and international passenger air service, and international cargo service, to a new market from either George Bush Intercontinental Airport/Houston (IAH) or William P. Hobby Airport (HOU) would be eligible. In addition, if a carrier is a new entrant, having not served Houston in the past 12 months, it would be eligible for additional marketing support and other incentives. The total budget for the two year program is \$12 million and the incentives will be available on a first-come first-served basis until the funds are exhausted.

The incentive package encompasses several components – abatement of Landing Fees, abatement of Federal Inspection Services Charges, Marketing Support, and for new entrant carriers, Supplemental Marketing and abatement of Turn Charges. The incentive package would vary depending on the type of air service and could range in value from roughly \$200,000 for daily narrow-body service on a new domestic route to roughly \$5.6 million for daily wide-body service to a target market, such as China, by a new entrant. Details on potential incentives by type of air service are as follows:

**1. Scheduled Domestic Passenger Service:**  
Eligibility: New route for IAH/HOU

- One-year abatement of landing fees
- \$50,000 for marketing support during year 1 for daily service (prorated if less than daily)

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

<b>Date</b> November 15, 2011	<b>Subject:</b> Carrier Incentive Program for the Houston Airport System	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
----------------------------------	--	------------------------------	-----------------------

**2. Scheduled International Passenger Service to Targeted Markets:**

Eligibility: New route for IAH/HOU

- Two-year abatement of landing fees
- \$250,000 during year 1 and \$150,000 during year 2 for marketing support for daily service (\$400,000 total) (prorated if less than daily)
- Two-year abatement of Central Federal Inspection Services charges

**3. Scheduled International Passenger Service to Other Markets:**

Eligibility: New route for IAH/HOU

- One-year abatement of landing fees
- \$250,000 during year 1 for marketing support for daily service (prorated if less than daily)
- One-year abatement of Central Federal Inspection Services charges

**4. Scheduled or Scheduled Charter International Cargo Service to Targeted Markets:**

Eligibility: New route for IAH/HOU

- Two-year abatement of landing fees
- \$50,000 during year 1 for marketing support for daily service (prorated if less than daily)

**5. Scheduled or Scheduled Charter International Cargo Service to Other Markets:**

Eligibility: New route for IAH/HOU

- One-year abatement of landing fees
  - \$50,000 during year 1 for marketing support for daily service (prorated if less than daily)
- **If a carrier is a new entrant, it would receive the following in addition to the benefits stated above:**
    - One-time New Entrant Carrier Supplemental Benefit of \$250,000 for new entrant carrier presence marketing for daily international or domestic passenger service (prorated if less than daily)
    - Abatement of Turn Charges (arrival/departure area charge per passenger) for a new entrant for one-year
  - **Other Program Terms:**
    - No annual cap and no cap per carrier
    - No minimum requirements for air service in terms of aircraft size/capacity, continuous service or number of flights
    - The carrier must be current on all accounts

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 3 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  11
---	-------------------	-----------------------	--------------------------------

<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> November 3, 2011	<b>Agenda Date</b> NOV 30 2011
--	---	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> <i>Maria Sosa</i>	<b>Council District affected:</b> B, E, I
---	--

<b>For additional information contact:</b> Liliana L. Rambo Phone: 281-233-1867 Chanda Felder 281-233-1578	<b>Date and identification of prior authorizing Council action:</b> 12/8/99 (O) 1999-1292 8/24/04 (O) 2004-0888 12/9/09 (O) 2009-1298
--	--

<b>AMOUNT &amp; SOURCE OF FUNDING:</b> FY 12 \$ 9,912,792 Out Years \$ 84,170,770 Total \$ 94,083,562 HAS Revenue Fund (8001)	<b>Prior appropriations:</b> N/A
--	-------------------------------------

**RECOMMENDATION: (Summary)** Enact an ordinance approving and authorizing Amendment No. 3 to the Parking Operations and Management Concession Agreement with New South Parking – Texas.

**SPECIFIC EXPLANATION:** On December 8, 1999, a five (5) year contract was awarded to Central Parking of Texas, Inc. for operations and management of parking facilities at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD). The agreement was subsequently assigned to New South Parking-Texas (New South Parking), a joint venture of Central Parking and Burns Management Group.

On August 24, 2004, Amendment No. 1 extended the term of the agreement by three (3) years plus two (2) one-year options in exchange for additional capital investment of \$2.5 million.

On December 9, 2009, Amendment No. 2 extended the agreement to 2015, with two (2) additional one-year options, in exchange for approximately \$3 million in additional capital investment.

The Houston Airport System (HAS) recommends amending the agreement to provide significant customer service enhancements at IAH and HOU parking facilities and to adjust the compensation method for New South Parking due to increased use of credit and debit cards by parking visitors, which have decreased daily cash gross sales below the level that can efficiently support the existing compensation method. The terms of proposed Amendment No. 3 are as follows:

1. Valet Parking - New South Parking will set up a kiosk for valet drop-off and pick-up service at each terminal and will operate the valet operation, including vehicle shuttling, parking, tracking, and payment collection.
2. Parking Ambassadors - New South Parking will provide staffing for customer service positions in the garages to escort passengers and assist with luggage, directions and way finding.
3. Other Customer Service Enhancements - New South Parking will install and implement various parking enhancements, such as equipment and software to provide promotional couponing capabilities, improved

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

<b>Date</b> November 3, 2011	<b>Subject:</b> Amendment No. 3 to Parking Operations and Management Concession Agreement between the City of Houston and New South Parking - Texas	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
---------------------------------	---	------------------------------	-----------------------

wayfinding signage, and electric charging, funded from money allocated in the contract for service enhancements. Amendment No. 3 increases the service enhancement fund from 3% to 6% of the Concession Fee.

4. **Compensation Method** - The current agreement allows New South Parking to deduct their concession fees from the daily cash gross sales they collect on behalf of HAS. The increased use of credit and debit cards has resulted in a reduction of cash transactions and frequently there are insufficient cash gross sales for New South Parking to draw upon. In such cases, New South Parking invoices HAS at the end of the month for the balance of the concession fees due from the preceding month. Amendment No. 3 would restructure the compensation method to require New South Parking to invoice HAS weekly for 100 percent of its management fee. HAS would pay New South Parking directly from the HAS Revenue Fund. The restructuring of the compensation method will require the allocation of funding for the base concession fee, service enhancements and potential bonus allocation for the balance of the contract term, which will expire on 1/28/2017 if option years are exercised. The restructuring of the compensation method will improve and streamline the accounting and auditing of the contract.

Amendment No. 3 will establish the following funding through 1/28/2017:

	<u>Current Funding</u>	<u>Amendment No. 3 Additional Funding</u>	<u>Total Funding</u>
Valet Services	-	\$ 12,994,176	\$12,994,176
Parking Ambassador Program	-	\$ 7,082,561	\$ 7,082,561
Service Enhancements	\$ 2,016,702	\$ 2,016,702	\$ 4,033,404
Base Concession Fee	<u>\$69,973,421</u>	<u>-</u>	<u>\$69,973,421</u>
<b>Total</b>	<b>\$ 71,990,123</b>	<b>\$ 22,093,439</b>	<b>\$ 94,083,562</b>

Combined estimated parking revenue for the next 5 years will be **\$404,446,280**.

All other terms and conditions of the Agreement will remain unchanged. Currently, New South Parking is achieving 36.7% ACDBE participation on a 15% goal.



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 1 to Lease and Development Agreement between the City of Houston and IAH Land Partners, L.P. – George Bush Intercontinental Airport/Houston (IAH).		<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 12
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> November 28, 2011	<b>Agenda Date</b> NOV 30 2011	
<b>DIRECTOR'S SIGNATURE:</b> <i>Kae</i> <i>Maria Diaz</i>		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Janet Schafer <i>INW</i> Phone: 281-233-1796 Roxane Bustos 281-233-1820		<b>Date and identification of prior authorizing Council action:</b> 12/02/09 (O) 09-1223		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> <b>REVENUE:</b> \$50,000.00 (third year Right of Entry Fee)		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing the execution of Amendment No. 1 to Lease and Development Agreement between the City of Houston and IAH Land Partners, L.P. at George Bush Intercontinental Airport/Houston (IAH).				
<b>SPECIFIC EXPLANATION:</b> <b>Background:</b> On December 2, 2009, the City passed an ordinance approving Lease and Development Agreement No. 73651 (Agreement) with IAH Land Partners, L.P. (Developer), for approximately 24 acres within the boundary of the Airport at the corner of John F. Kennedy Blvd. and Rankin Road, divided by the consolidated rental car facility flyover into two parts known as the South and North tracts. Developer is the contracting entity of JDDA and Midway Companies.  The developed facilities must at a minimum provide the following required services: Service Station, Convenience Center, Fast Food Concept, Casual Dining Concept, Coffee Concept, Automatic Teller Machine and a Cell Phone Lot. The Developer is also permitted to provide retail space, hotel and office buildings.  Developer commenced with a Right of Entry Period for two (2) years on the South Tract and a maximum of five (5) years on the North Tract. During the Right of Entry Period, Developer was to complete the preconstruction activities and obtain sublessees and tenants for approval by the HAS Director. The Developer would then commence the construction period and accompanying rental rate on the South tract and the Lease term would commence. Originally, at the earlier of twenty-fourth months or when the project is 50% constructed, a fixed ground rental rate would commence. The Developer must obtain approval from the HAS Director prior to developing the North tract.  <b>Amendment:</b> The Right of Entry Period was originally set to expire on December 13, 2011. The Houston Airport System and Developer are requesting an amendment to extend the Right of Entry period for one additional year and approve an assignment of the Agreement, along with the following terms and conditions:  1. Term: The two (2) year Right of Entry will be extended by one additional year on the South Tract. Developer must commence construction within fifteen (15) months thereafter. The 40-year lease term remains unchanged.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b> <i>[Signature]</i>	<b>Other Authorization:</b>		

<b>Date</b> November 28, 2011	<b>Subject:</b> Amendment No. 1 to Lease and Development Agreement between the City of Houston and IAH Land Partners, L.P. – George Bush Intercontinental Airport/Houston (IAH).	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
----------------------------------	--	------------------------------	-----------------------

2. **Consent to Assignment:** Developer and City consent to the Assignment of Agreement by IAH Land Partners, L.P., consisting of General Partner IAH Land Inc., and Limited Partner JDDA Concession Management to World Gateway, LLC, consisting of Co-Managers RCO World Gateway, LLC, and JDDA Concession Management, Inc.
3. **Project Management:** Replace the Project Management by Midway Hospitality, L.P. with Redico Management, Inc.
4. **Rent:** The third year of the Right of Entry Fee is \$50,000. The fixed ground rent shall commence upon the earlier of: Construction Commencement Date or the expiration of the fifteen-month period after Lease Term commences. All other fees and rental amounts remain the same.
5. **Performance Security:** \$100,000 is required for the third year of the Right of Entry Period and the performance security continues until March 13, 2014. If the Agreement is not transitioned into a full Lease Term, as described in the Agreement, or construction does not commence by March 13, 2014, the City of Houston will retain the performance security.
6. **ACDBE and M/SBE Participation:** At execution of this Agreement, the types or mix of businesses in the Facility are not known. Therefore, a goal will not be set at execution. Prior to Occupancy Date, and operation of any concessions, the HAS Office of Business Opportunity shall have calculated an ACDBE goal for the Facility using the goal methodology in place at that time for the City of Houston.

Developer shall make good faith efforts to award construction agreements in at least 16.5% of the value of the construction under this Agreement to M/SBEs.

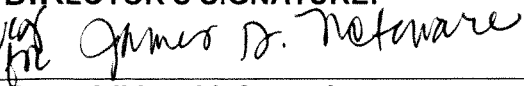
All other terms and conditions of the Lease will remain in full force and effect.

HCD11-110

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

<b>SUBJECT:</b> An Ordinance authorizing the submission of the Community Development Block Grant Disaster Recovery Program's 2011 Housing Program Application for General Housing Applicants, which sets forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike Round 2.2; and acceptance of the award from the Texas General Land Office.	<b>Category # 1,2</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  13
---	-----------------------	--------------------	--------------------------------

<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date</b> 11/14/2011	<b>Agenda Date</b> NOV 30 2011
--	---------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> All
--	--

<b>For additional information contact:</b> Veronica Chapa-Jones Phone: 713-868-8335	<b>Date and identification of prior authorizing Council action:</b> 4/29/2009, Ord. #2009-347
--	--

**RECOMMENDATION: (Summary)**

The Housing and Community Development Department recommends City Council's approval of an Ordinance authorizing the submission of the Community Development Block Grant Disaster Recovery Program's 2011 Housing Program Application for General Housing Applicants, which sets forth the City's General Housing and Subsidized Housing Applications, related to Hurricanes Dolly and Ike Round 2.2; and acceptance of the grant award from the Texas General Land Office.

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
--------------------------------------	------------------------

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) is requesting approval to submit an application (Application) and accept a grant award from the Texas General Land Office (GLO) for Ike Disaster Recovery Round 2.2. HCDD, on behalf of the City of Houston (City), is applying for the Community Development Block Grant (CDBG) funds that are made available pursuant to the Consolidated Security, Disaster Assistance, and Continuing Appropriations, Act (Public Law 110-329) enacted on September 30, 2008 for the purpose of assisting in recovery activities related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in areas affected by Hurricanes Dolly and Ike. The GLO was designated by Governor Perry as the entity responsible for administration of the Community Development Block Grant disaster recovery funding for Texas, which includes the funds requested in the Application. The City is scheduled to receive \$ 151,413,020. The Houston-Galveston Area Council (H-GAC), on behalf of both the State's GLO and the United States Department of Housing and Urban Development, allocated the City funds in the broad categories, as set out below.

Activity	Allocation
General Housing Allocation	\$ 107,348,346
Affordable Rental Single Family Rental	\$ 7,270,468
Affordable Rental (Other) Multi-Family Allocation	\$ 7,304,160
Subsidized Housing Allocation	\$ 29,490,046
<b>Total</b>	<b>\$ 151,413,020</b>

A summary of the CDBG-Ike/Dolly Hurricane Disaster Recovery (DRS Round 2) was published in the Houston Chronicle on Wednesday, November 23, 2011. The application will be posted at <http://www.houstontx.gov/housing/ikerecovery.html>. The public hearing is scheduled for Monday, November 28, 2011. Public comments will be made a part of the application as required by the regulations. Approval is requested.

JN: VCJ/AZ  
cc: City Secretary  
Legal Department  
Mayor's Office  
Finance and Administration

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
--------------------------	-----------------------------	-----------------------------

**REQUEST FOR COUNCIL ACTION**

<b>TO:</b> Mayor via City Secretary		<b>RCA#</b>	
<b>Subject:</b> Ordinance authorizing a contract between the City and Metropolitan Transit Authority of Harris County, Texas for purchase of Employee Transit Fare Media		Category #	Page 1 of 2
			14

<b>FROM (Department or other point of origin):</b> Human Resources	<b>Origination Date</b> 10-28-2011	<b>Agenda Date</b> NOV 30 2011
---	---------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE</b> <i>Chris Reid</i>	<b>Council District(s) affected</b> All
--	--

<b>For additional information contact:</b> Gerri Walker <i>Gerri Walker</i>	<b>Phone:</b> (713) 837-9360	<b>Date and Identification of prior authorizing Council Action:</b> December 1, 2010 (2010-0090)
--	------------------------------	---

**RECOMMENDATION: (Summary)**  
Approve an ordinance authorizing the City to execute a one-year contract with Metropolitan Transit Authority of Harris County, Texas (METRO) to continue providing transit fare media for city employees.

<b>Amount of Funding:</b> \$1,200,000 (Spending Authority)	<b>Finance Budget</b>
--	-----------------------

<b>SOURCE OF FUNDING:</b>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
<input checked="" type="checkbox"/> Other (Specify)			
FY12 -- General Fund \$ 442,950	Other Funds \$ 257,050		
FY13 -- General Fund \$ 316,390	Other Funds \$ 183,610		
	(see details on page 2)		

**SPECIFIC EXPLANATION:**  
The Downtown Employee Transit Program has been a successful component of the city's Air Pollutions solutions since 1998. This program provides city-sponsored "mass transit" alternatives to cars in the Houston Metropolitan areas commuting to downtown city work locations. Employees park their vehicles at METRO's parking lots, and take METRO Park & Ride buses or METRO Rail close to their work locations. METRO-sponsored vanpools are also included in this program. The Downtown Employee Transit Program is a key contributor to the City's Emissions Reductions Plan to comply with federal standards. By actively promoting shared-ride options and reducing the number of cars on the road, the program:

- reduces polluting vehicle emissions
- improves air quality levels
- provides an additional benefit to the city by reducing the demand for parking
- creates an opportunity for employees to save money on gas, tolls and car maintenance
- decreases traffic congestion
- reduces wear and tear on roads and associated repair costs

Participation in the Program is dependent on employees assigned to work at designated downtown worksites and who elect to receive this benefit. The Program has assumed an overall 40 percent increase in participation since its inception, from an average 800 employees in 1998 to the current 1,355 participants. Program cost for the upcoming plan year, December 2011 to December 2012, is projected at \$1, 200,000, 6 percent more than the current year due to the addition of riders from the new downtown location at 1002 Washington. Audits are conducted on the Employee Transit Program to validate and document financial efficiency, ensure employees' compliance with established guidelines, and to remedy operational deficiencies as necessary.

- To encourage consistent mass transit travel, the Program includes the following incentives:
- If an employee experiences a mid-day emergency when METRO does not have off-peak hour transit to a Park and Ride lot, METRO will arrange transportation for the employee to the lot. Employees may receive this service 12 times before incurring any cost.
  - If an employee occasionally needs to drive a vehicle to work to conduct city or personal business, the employee may park in a city-owned parking lot at no charge.
  - The Loyalty Rider Program credits five free rides for each 50 rides an employee takes, a 10% discount.

Attachment: Exhibit A – Allocation by Fund

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b> <i>[Signature]</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
--	-----------------------------	-----------------------------

Date: 10-28-11	Subject: Ordinance authorizing a contract between the city and Metropolitan Transit Authority of Harris County, Texas for purchase of Employee Transit Fare Media	Originator's Initials	Page 2 of 2
-------------------	--	--------------------------	-------------

**EXHIBIT A**

**METRO CONTRACT DECEMBER 1, 2011 THRU NOVEMBER 30, 2012  
CONTRACT ALLOCATION BY FUND**

FUND	FUND NAME	GL ACCT NO.	FY2012	FY2013
1000	GENERAL FUND	522205	\$ 442,950	\$ 316,390
1001	CIP Salary Recovery	522205	92,510	66,075
1002	Central Service Revolving Fund	522205	21,799	15,571
1004	Property & Casualty	522205	1,438	1,028
1005	Fleet Management	522205	5,257	3,755
1011	Workers Compensation	522205	8,188	5,849
2200	Auto Dealers	552205	1,272	909
2206	MunicipalCrtSecurity	522205	719	514
2301	Building Inspection	522205	22,574	16,123
2302	Stormwater Fund	522205	2,324	1,660
2402	Greater Houston Trans & Emer Center	522205	1,826	1,304
7556	H.A.L.A.N. FUND	522205	1,992	1,423
8001	HAS-Revenue	522205	1,826	1,304
8300	Wtr&SwrSystOperating	522205	85,643	61,179
8700	Parking Management	522205	553	395
9000	Health Benefits Fund	522205	9,129	6,521
<b>TOTAL OTHER FUNDS</b>			<b>257,050</b>	<b>183,610</b>
			<b>\$ 13,089</b>	<b>\$ 7,635</b>
<b>AMOUNT OF FUNDING</b>			<b>\$ 700,000</b>	<b>\$ 500,000</b>

**Total Amount of Funding is \$1,200,000**

**Approved Downtown Work Locations**

- 1200 Travis
- 900 and 901 Bagby
- 1301 Travis
- 319 St. Emanuel
- 1415 Fannin
- 510 Preston
- 1002 Washington – new downtown location
- 611 Walker
- 1400 Lubbock
- 61 Riesner
- 500 McKinney
- 1001 Avenida De Las Americas
- 500 Jefferson

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

<b>SUBJECT:</b> Ordinance addressing the rental of Julia Ideson Library spaces; approving an agreement with the Julia Ideson Library Preservation Partners; setting rental fees; and creating an account for such fees in the Historic Preservation Fund.	<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> <i>15</i>
---	-----------------	-----------------------	---------------------------------

<b>FROM (Department or other point of origin):</b> Library Department	<b>Origination Date</b>	<b>Agenda Date</b> NOV 30 2011
--	-------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>Rhea Brown Lawson</i> Rhea Brown Lawson, Ph.D., Director	<b>Council District affected:</b> 1
---	-------------------------------------

<b>For additional information contact:</b> Greg Simpson Phone: 832-393-1333	<b>Date and identification of prior authorizing Council action:</b> Ordinance 2007-1205 November 9, 2007
--	---

**RECOMMENDATION:** Adopt an ordinance approving an Agreement with, and accepting a \$25,000 donation and a commitment to advance an additional \$25,000.00, for a total of \$50,000, from the Julia Ideson Library Preservation Partners to implement the rental of space in the Julia Ideson Library; setting fees for such rentals; and approving the deposit of net rental fees in a Historic Preservation Fund account on behalf of the Julia Ideson Library.

<b>Amount and Source of Funding:</b> N/A	<b>FIN Budget:</b>
--	--------------------

The renovation of the historic Julia Ideson Library Building, funded through the efforts of the Julia Ideson Library Preservation Partners (JILPP), is nearing completion. The eighty-five year old Ideson Building is a City of Houston Protected Landmark, is listed on the National Register of Historic Places, is a Recorded Texas Historic Landmark, and is a State Archeological Landmark under the Texas Antiquities Code.

The City and JILPP have agreed that several of the spaces in this historic facility should be available for use by the public for private events to generate revenue for the maintenance of and enhancements to the building over and above the City's routine budgeted maintenance. To implement the rental process, the City and JILPP have negotiated an Agreement addressing JILPP's involvement in the initial rental process.

The proposed ordinance would approve the Agreement, establish initial rental fees (the proposed initial rental fee schedule is attached), and provide for adjustment of those fees where appropriate in the future. The ordinance also provides for the creation of the Julia Ideson Account within the Historic Preservation Fund authorized to accept gifts and receive all net revenue generated from the rental of the Ideson Building event spaces.

JILPP has agreed to donate \$25,000 and advance up to an additional \$25,000 as seed money, for a total of \$50,000, to be used to fund the initial expense of hiring a special event coordinator and related expenses.

**REQUIRED AUTHORIZATION** **CUIC ID #**

<b>FIN Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
----------------------	-----------------------------	-----------------------------



**Houston Public Library  
 Julia Ideson Building  
 Special Event Rental Rates**

<b>Exclusive use of entire building</b> (Excluding Texas Room)	\$6,000 Sunday-Thursday \$7,500 Friday and Saturday
<b>Second floor</b> (Reading Room, Tudor Gallery, Exhibit Hall)	\$4,800 Sunday-Thursday \$6,000 Friday and Saturday
<b>Tudor Gallery</b>	\$2,800 Sunday-Thursday \$3,500 Friday and Saturday
<b>Tudor Gallery and Exhibit Hall</b>	\$4,000 Sunday-Thursday \$5,000 Friday and Saturday
<b>Auditorium events ending by 3 pm</b>	\$1,200 Sunday-Thursday \$1,500 Friday and Saturday
<b>Auditorium events extending past 3 pm</b>	\$2,000 Sunday-Thursday \$2,500 Friday and Saturday
<b>Meldrum Room events ending by 3 pm</b>	\$1,200 Sunday-Thursday \$1,500 Friday and Saturday
<b>Meldrum Room events extending past 3 pm</b>	\$2,000 Sunday-Thursday \$2,500 Friday and Saturday
<b>Reynolds Room daytime meetings</b>	\$600
<b>Main Foyer as adjunct to any other space</b> for any purpose other than check-in	\$2,000 Sunday-Thursday \$2,500 Friday and Saturday

**All rates are subject to change.**  
 Life Safety capacity restrictions apply.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

<b>Subject:</b> Approval of an Ordinance allowing the Parks and Recreation Department to apply for and receive a Child and Adult Care Food Program (CACFP) grant from the Texas Department of Agriculture (TDA) Food and Nutrition (F&N).	Category #	Page 1 of 1	Agenda Item: <b>16</b>
---	------------	----------------	---------------------------

<b>FROM (Department or other point of origin):</b> Houston Parks and Recreation Department	<b>Origination Date:</b> November 7, 2011	<b>Agenda Date:</b> NOV 30 2011
---	--	------------------------------------

<b>DIRECTOR'S SIGNATURE:</b> Joe Turner, Director 	<b>Council Districts Affected:</b> All
--	---

<b>For additional information contact:</b> Luci Correa (832) 395-7057 Rose Esteves (832)-395-7058	<b>Date and identification of prior authorizing Council Action:</b> N/A
---	--

**RECOMMENDATION (summary):**

The Houston Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a grant from the Texas Department of Agriculture (TDA) Food and Nutrition (F&N) to support a Child and Adult Care Food Program (CACFP).

<b>Amount of Funding: No City Funding Required</b> TDA = \$874,962	<b>Finance Budget:</b>
---	------------------------

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department (HPARD) recommends City Council approve an Ordinance authorizing the Director to apply for and receive a reimbursable grant from Texas Department of Agriculture (TDA) Food and Nutrition (F&N) for a Child and Adult Care Food Program (CACFP). Minimum available funding is \$874,962 to serve 1,500 daily participants at 66 eligible sites. No matching funds are required. TDA requires an Ordinance passed by City Council for HPARD to be eligible to apply for and receive funds; and to acknowledge that the City is aware of HPARD's responsibilities and liabilities associated with participation in the CACFP. If awarded, the grant start date is January 16, 2012.

The grant is requested to provide after-school food and nutritional services to 56 community centers managed by HPARD and 10 sites that receive funding from HPARD's After School Achievement Program (ASAP). The purpose of CACFP is to help contracting entities integrate nutritious meals with organized child care services. The CACFP provides reimbursement for meals served to children in at-risk, after-school care centers such as public and non-profit community recreational centers located in low-income areas. HPARD's Community Centers are located in the attendance area of an elementary, middle, or high school in which at least 50% of the children are certified eligible for free or reduced-price meals. Each center provides enrichment activities scheduled for children during Fall and Spring seasons.

If awarded, funds are announced and distributed in January 16, 2012 for use beginning in the Spring, 2012. This grant becomes a multi-year contract amendment to HPARD's Summer Food Service Program. This amendment allows HPARD to expand food services to its After-School Enrichment Program each Fall and Spring season, as long as State funding is available, and HPARD continues to be an eligible entity to manage such funds.

**REQUIRED AUTHORIZATION**

Finance Director:	Other Authorization:	Other Authorization:
-------------------	----------------------	----------------------





TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance authorizing the Houston Police Department to apply for and accept National Institute of Justice (NIJ) Funding for Strategic Approaches to Sexual Assault Kit Evidence: Phase II Houston SAK Task Force	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 17
--	-----------------------	----------------------------

<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date:</b>	<b>Agenda Date:</b> NOV 30 2011
--	--------------------------	------------------------------------

<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police	<b>Council District affected:</b> All
---	--

<b>For additional information contact:</b> Joseph A. Fenninger  Phone: 713-308-1770 CFO & Deputy Director	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2011-0667 August 3, 2011
--	--

**RECOMMENDATION: (Summary)** The Houston Police Department recommends that City Council adopt an ordinance authorizing acceptance of grant funds from the National Institute of Justice to implement Phase II of the Strategic Approaches to Sexual Assault Kit Evidence.

**Amount and Source of Funding:** Total \$821,814 National Institute of Justice Federal Grant Fund

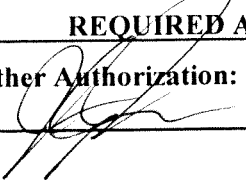
**SPECIFIC EXPLANATION:**

This NIJ grant award represents the second part of a two phase research project titled "Strategic Approaches to Sexual Assault Kit (SAK) Evidence: An Action Research Project." The research focuses on impediments to expeditious processing of sexual assault kits, which is a nationwide issue, and seeks to develop innovative approaches to solve the problem. Houston is one of only two municipalities in the nation that were awarded funds for research. The total funding for this second phase of this project is \$821,814, of which \$414,700 will be used for reducing the backlog of sexual assault kits by outsourcing the associated testing. This phase of the project is expected to last 18 months and run from October 1, 2011 through March 31, 2013. The Houston Police Department will serve as the pass-through agency for funding other partners involved in the project.

It is estimated that \$28,240 will be needed to cover costs of follow-up investigations necessitated by the information developed during the research in the Phase I. These costs include overtime and supplies for investigators from the HPD Special Crimes and Juvenile Divisions needed to interview victims and to determine if CODIS hits are probative. Additional overtime will be used to interview potential offenders and obtain DNA samples from suspects identified through CODIS hits.

\$211,533 will be awarded to Sam Houston State University (SHSU), a sub-grantee and lead research partner on this project. This amount includes salaries, fringe benefits and travel costs for researchers involved in the project's advisory board and for delivery of the final research reports. City Council previously approved a contract in the amount of \$80,890.03 for SHSU on August 3, 2011 for Phase I of this project.

The University of Texas is another sub-grantee on this project and will receive \$161,341 to cover salaries, fringe benefits, travel, supplies, and other associated costs to implement the recommendations of Phase I work by the SAK Task Force. Phase II will utilize action research techniques such as the interactive inquiry process to conduct focus groups and discussions with law enforcement, crime lab specialists, and other stakeholders who are knowledgeable about the process of testing sexual assault kits.

REQUIRED AUTHORIZATION		
<b>Finance Budget:</b>	<b>Other Authorization:</b>  11/27/11	<b>Other Authorization:</b>

<b>Date</b>	Ordinance authorizing the Houston Police Department to apply for and accept National Institute of Justice (NIJ) Funding for Strategic Approaches to Sexual Assault Kit Evidence: Phase II Houston SAK Task Force	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
-------------	--	------------------------------	--------------------

The Harris County District Attorney's office will also receive \$6,000 in grant funds to research old sexual assault cases to determine (1) whether there is a sexual assault kit in the case; (2) whether there is biological evidence present in the sexual assault kit; (3) whether the prosecutor requested that the biological evidence be tested, and if not; (4) analyze the necessity of testing the evidence and then; (5) document actions taken.

The Houston Police Department has been awarded the grant and its Forensic Services Command (FSC) will outsource 377 pre-screened cases for DNA testing at a cost of approximately \$1,100 per case. The FSC has existing contracts with the four labs that will be responsible for the DNA testing. Upon completion of the DNA testing, these cases will be reviewed and entered into CODIS, as appropriate, for the purpose of identifying perpetrators and/or linking offenses.

**Strategic Approaches to Sexual Assault Kit Evidence: Phase II  
Houston SAK Task Force (10/01/11 – 3/31/2013)**


<b>Organization</b>	<b>Amount</b>
Houston Police Department Forensic Services CMD	\$414,700
HPD Special Crimes and Juvenile Divisions	\$28,240
Sam Houston State University	\$211,533
University of Texas	\$161,341
Harris County District Attorney's Office	\$6,000
<b>Total</b>	<b>\$821,814</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve an Appropriation Ordinance from the Equipment Acquisition Consolidated Fund for the Records Management System for the Houston Police Department	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18
---	-----------------------	----------------------------

<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date:</b>	<b>Agenda Date:</b> NOV 0 0 2011
--	--------------------------	-------------------------------------

<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police	<b>Council District affected:</b> All
--	--

<b>For additional information contact:</b> Joseph A. Fenninger <i>JAF</i> 11/23/11 CFO and Deputy Director Phone: 713-308-1708	<b>Date and identification of prior authorizing Council action:</b> Ord# 09-0392 5/6/09, Ord# 2009-0962 10/14/09, Ord# 2010-0211 3/9/10, Ord# 2011-0536 6/21/11
--	---

**RECOMMENDATION:** Approve an ordinance authorizing the appropriation of \$5,500,000.00 from the Equipment Acquisition Consolidated Fund (Fund 1800) for the Records Management System for the Houston Police Department.

**Amount and Source of Funding:**

\$5,500,000 – Equipment Acquisition Consolidated Fund No.1800

**SPECIFICATION EXPLANATION:**

The Houston Police Department recommends that City Council approve an ordinance authorizing the Fiscal Year 2012 appropriation of \$5,500,000.00 out of Equipment Acquisition Consolidated Fund (Fund 1800) for the Records Management System for the Houston Police Department. The requested appropriation will provide funding for approximately 60% of the project for this budget year and will include the following:

- Contract Services: Phase III – Geographical file work, software licenses, configuration, installation of applications and interfaces
- Functional and Performance Testing Services: EBusiness One
- Salary recovery for 32 personnel for six months
- Equipment (servers)

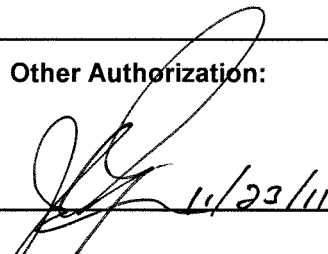
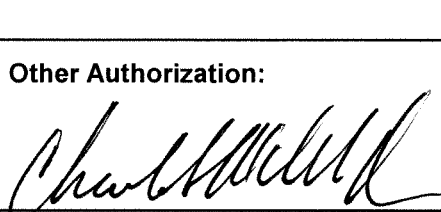
The remaining contract funding, services and salary cost will be appropriated by future Council Actions.

The Records Management System (RMS) was awarded to Tiburon by City Council on May 6, 2009 by Ordinance #09-0392. This project is estimated to cost approximately \$39 million and will result in a modern Records Management System that will replace the current 25 year old legacy Unisys mainframe. To date, Phase I and II have been completed. These phases consisted of project planning, business practice reviews and finalization of hardware requirements. RMS is scheduled to go live in the third quarter of calendar year 2013 and final system acceptance is planned for January, 2014.

**MWBE Utilization to Date:**

The M/WBE participation goal for this contract is 18%. In accordance with consultations with the Affirmative Action Division prior to the award of the contract, the amount of the work applicable to M/WBE participation totaled \$12,423,077.00. Of this amount, the vendor has been paid \$2,236,153.85. Tiburon has paid \$669,132.92 to M/WBE subcontractors (19.39%) to date. Affirmative Action is monitoring this contract.

**REQUIRED AUTHORIZATION**

<b>Finance:</b>	<b>Other Authorization:</b> 	<b>Other Authorization:</b> 
-----------------	--	---

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance Authorizing an Agreement between Harris County and the City of Houston relating to a Runoff Election to be held on December 10, 2011.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 19
---	-------------------	-----------------------	----------------------------

<b>FROM (Department or other point of origin):</b>  City Secretary	<b>Origination Date</b> 11-22-2011	<b>Agenda Date</b> NOV 30 2011
--	---------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b>  All
---	--

<b>For additional information contact:</b> Anna Russell (832) 393-1100	<b>Date and identification of prior authorizing Council action:</b> N/A
---	---

**RECOMMENDATION: (Summary)**

That City Council pass an ordinance approving and authorizing an election services agreement ("Agreement") with Harris County for the December 10, 2011 runoff election, and setting a maximum contract allocation.

<b>Amount of Funding:</b>  \$1,600,000.00	<b>F &amp; A Budget:</b>
---	--------------------------

**SOURCE OF FUNDING:**                     General Fund                     Grant Fund                     Enterprise Fund

Other (Specify)      Fund 1000

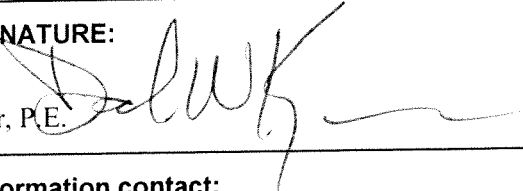
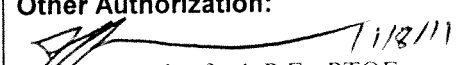
**SPECIFIC EXPLANATION:**

The proposed ordinance approves the Agreement under which Harris County will conduct a runoff election for the City of Houston, to be held on Saturday, December 10, 2011. Under the Agreement, the City is obligated to pay the actual cost of the runoff election, including expenses for polling locations and election personnel. The \$1,600,000.00 sum allocated in the ordinance is slightly above the amount estimated by the Harris County Clerk's Office as the City's total election cost which the Clerk's Office has estimated at \$1,595,432.51. If the final cost of the election exceeds the estimated cost, and the amount allocated by the proposed ordinance is insufficient to pay the City's cost, Council approval will be sought for any additional amount needed to meet the City's obligation under the Agreement.

G\LPN\RCA\_Harris County Runoff Election\_12-10-2011

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

Item	Qty	Estimated Cost	
		Cost	Total
<b>Early Voting/Absentee Voting</b>			
Early Voting/Absentee Personnel			\$ 285,000.00
Ballot Board			\$ 5,000.00
Early Voting Polling Places			\$ 5,100.00
Postage			\$ 16,000.00
Security [Early Voting]			\$ 500.00
Absentee/Early Voting Print & Supplies			\$ 8,000.00
			<u>\$ 319,600.00</u>
<b>Early Voting Equipment</b>			
JBC's	43	\$ 118.20	\$ 5,082.60
DAU	43	\$ 126.42	\$ 5,436.06
eSlate	387	\$ 75.63	\$ 29,268.81
Caddy	64	\$ 6.80	\$ 435.20
			<u>\$ 40,222.67</u>
<b>Election Day</b>			
Judge/Clerk Payroll, eSlate Training, Judge Supply Pickup, Law School			\$ 320,000.00
Technical Support			\$ 100,000.00
HISD Poll Places			\$ 75,000.00
Polling Places			\$ 150,000.00
Election Day Print & Supplies	394	\$ 315.00	\$ 124,110.00
			<u>\$ 769,110.00</u>
<b>Election Day Equipment</b>			
JBC's	784	\$ 118.20	\$ 92,668.80
DAU	392	\$ 126.42	\$ 49,556.64
eSlate	1646	\$ 75.63	\$ 124,486.98
Caddy	392	\$ 6.80	\$ 2,665.60
			<u>\$ 269,378.02</u>
<b>Election Night</b>			
Sheriff/Constable			\$ 2,200.00
Satellite Site			\$ 3,000.00
			<u>\$ 5,200.00</u>
<b>Services</b>			
Coding Fee			\$ 1,512.50
Tally Equipment			\$ 220.00
Early Voting Delivery/Pickup	21		\$ 1,500.00
Election Day Delivery/Pick	392		\$ 28,500.00
Election Night Satellites Delivery	1		\$ 150.00
			<u>\$ 31,882.50</u>
Miscellaneous			\$ 15,000.00
Base Contract Total			\$ 1,450,393.19
10% Fee [TEC Sec. 31.100(d)]			\$ 145,039.32
Total			\$ 1,595,432.51
Deposit Due			\$ 957,259.51
Amount Due			\$ 638,173.00

<b>SUBJECT:</b> City of Houston school speed zone ordinance amendment.		<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b> <b>20</b>
<b>FROM (Traffic Operations):</b> Department of Public Works and Engineering		<b>Origination Date</b>		<b>Agenda Date</b> NOV 30 2010
<b>DIRECTOR'S SIGNATURE:</b> <i>DW</i> Daniel W. Krueger, P.E. 		<b>Council District affected:</b> All Districts		
<b>For additional information contact:</b> Michael Y. Ereti Traffic Operations Division 832-395-3008		<b>Date and identification of prior authorizing Council action:</b> Ordinance #2010-788 Adopted October 6, 2010		
<b>RECOMMENDATION: (Summary)</b> Approve and adopt ordinance amendments to the City of Houston school speed zone ordinance.				
<b>Amount and Source of Funding:</b> NA				
<b>SPECIFIC EXPLANATION:</b> Houston City Council adopts the City's School Speed Zone Ordinance on a periodic basis to establish the limits and directions for school speed zones throughout the City. This ordinance was recently adopted on October 6, 2010 (Ordinance #2010-788). Attached is a listing of those changes requested by the Department of Public Works and Engineering. Changes have become necessary due to the opening, relocation or closing of schools. These amendments are included in Tables 1 and 2. A full listing of all school speed zones, including all changes, is contained in Table 3 and is recommended for adoption.  <b>Table 1 lists new School Speed Zones which have been installed:</b> New school speed zones represent school openings or relocations due to new construction or rebuild or existing school facilities: (Almeda, Atherton, Attucks, Bastian, Bethel's Christian (Arrow) Academy, Energized for Stem Academy (West Campus), Frost, Harvest Time Academy (Arrow), KIPP Intrepid Preparatory, KIPP Liberation, Lewis, Pershing, Pro-Vision School, Reynolds, Ser Ninos Charter, Shadow Oaks, Mark Twain, Western Academy, YES Prep Northside, Young Women's Preparatory)  <b>Table 2 lists all School Speed Zones that are recommended for removal due to school closing or school boundary adjustments:</b> (Almeda, Cardinal Newman Academy, Concord, Crockett Early Childhood Education, Durkee, Life Christian Academy)  <b>Table 3 represents a full listing of all school speed zones with the recommended changes. (Not attached)</b>  It is recommended that City Council approve the ordinance amendments to the School Speed Zones – 20 MPH dated October 2011.  Attachment(s)  xc: Marta Crinejo, Agenda Director Jeffrey Weatherford, P.E., PTOE				
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20JSW68</b>		
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Jeffrey Weatherford, P.E., PTOE Deputy Director Traffic Operations Division		

**Table 1  
City of Houston**

**Department of Public Works and Engineering**

**Traffic and Transportation Division**

**School Speed Zones - Recommended for Installation**

06-Oct-11

Page 1 of 3

**Council  
District**

<b>School Name</b>	<b>Prefix</b>	<b>Street</b>	<b>Suffix</b>	<b>Zone Limit</b>	<b>Direction</b>	<b>Action</b>	<b>Council District</b>
ALMEDA		Almeda School		FROM A POINT 40 FT NORTH OF FELLOWS TO A POINT 260 FT NORTH OF DANFIELD	N&S	INSTALL	D
ALMEDA		Bridgeport		FROM THE INTERSECTION OF FELLOWS TO A POINT 280 FT NORTH OF DANFIELD	N&S	INSTALL	D
ALMEDA		Danfield		FROM A POINT 300 FT EAST OF ALMEDA SCHOOL RD TO THE INTERSECTION OF BRIDGEPORT	E&W	INSTALL	D
ATHERTON		Cavalcade		FROM A POINT 200 FT EAST OF LOCKWOOD TO A POINT 500 FT WEST OF HOFFMAN	E&W	INSTALL	B
ATTUCKS		Ferdinand		FROM THE INTERSECTION OF BELLFORT TO A POINT 850 FT SOUTH OF BELLFORT	N&S	INSTALL	D
BASTIAN		Calhoun		FROM A POINT 230 FT NORTH OF BELLFORT TO A POINT 60 FT SOUTH OF WHITE ROCK	N&S	INSTALL	E
BASTIAN		Coffee		FROM A POINT 200 FT SOUTH OF SUNFLOWER TO A POINT 36 FT SOUTH OF WHITE ROCK	N&S	INSTALL	E
BASTIAN		Cullen		FROM A POINT 70 FT NORTH OF BELLFORT TO A POINT 105 FT SOUTH OF BRISCOE	N&S	INSTALL	E
BASTIAN		Sunflower		FROM THE INTERSECTION OF CULLEN TO 1100 FT EAST OF COFFEE	E&W	INSTALL	E
BETHEL'S CHRISTIAN (ARROW) ACADEMY		Canemont		FROM THE INTERSECTION OF FONMEADOW TO A POINT 200 FT SOUTH OF FONMEADOW	N&S	INSTALL	C
BETHEL'S CHRISTIAN (ARROW) ACADEMY		Fonmeadow		FROM A POINT 373 FT EAST OF ORMANDY TO A POINT 378 FT EAST OF SANDPIPER/CANEMONT	E&W	INSTALL	C
BETHEL'S CHRISTIAN (ARROW) ACADEMY		Sandpiper		FROM THE INTERSECTION OF FONMEADOW TO A POINT 1086 FT NORTH OF FONMEADOW	N&S	INSTALL	C
ENERGIZED FOR STEM ACADEMY (WEST CAMPUS)		Ashcroft		FROM THE INTERSECTION OF BISSONNET THE INTERSECTION OF EVERGREEN	N&S	INSTALL	C
FROST		Almeda Genoa		FROM A POINT 730 FT WEST OF WEBERCREST TO A POINT 220 FT WEST OF MARTIN LUTHER KING/COTTINGHAM	E&W	INSTALL	D

**Table 1**  
**City of Houston**

**Department of Public Works and Engineering**

**Traffic and Transportation Division**

**School Speed Zones - Recommended for Installation**

06-Oct-11

Page 2 of 3

**Council  
District**

<i>School Name</i>	<i>Prefix</i>	<i>Street</i>	<i>Suffix</i>	<i>Zone Limit</i>	<i>Direction</i>	<i>Action</i>	
FROST		Cottingham		FROM A POINT 50 FT NORTH OF LINCOLNSHIRE TO THE INTERSECTION OF ALMEDA GENOA	N&S	INSTALL	D
FROST		Martin Luther King		FROM A POINT 300 FT NORTH OF ALMEDA GENOA TO THE INTERSECTION OF ALMEDA GENOA	N&S	INSTALL	D
FROST		Hendricksen		FROM A THE INTERSECTION OF ALMEDA GENOA TO A POINT 250 FT NORTH OF GLENGARY	N&S	INSTALL	D
HARVEST TIME ACADEMY (ARROW)		Imperial Valley		FROM A POINT 225 FT SOUTH OF HARVEST TIME TO A POINT 630 FT NORTH OF HARVEST TIME	N&S	INSTALL	B
HARVEST TIME ACADEMY (ARROW)		Harvest Time		FROM THE INTERSECTION OF IMPERIAL VALLEY TO A POINT 1000 FT EAST OF IMPERIAL VALLEY	E&W	INSTALL	B
KIPP INTREPID PREPARATORY SCHOOL		Telephone		FROM A POINT 50 FT NORTH OF KOLFAHL TO A POINT 70 FT SOUTH OF JEAN	N&S	INSTALL	I
KIPP LIBERATION		Martin Luther King		FROM A POINT 480 FT SOUTH OF MADALYN TO A POINT 580 FT NORTH OF GRIGGS	N&S	INSTALL	E
LEWIS		Glen Loch		FROM THE INTERSECTION OF ROCKHILL TO A POINT 30 FT NORTH OF GLENBRAE	N&S	INSTALL	I
LEWIS		Rockhill		FROM A POINT 200 FT WEST OF TIPPERARY TO A POINT 75 FT EAST OF GLEN LOCH	E&W	INSTALL	I
LEWIS		Tipperary		FROM A POINT 75 FT SOUTH OF ROCKHILL TO A POINT 50 FT NORTH OF GLENBRAE	N&S	INSTALL	I
PERSHING		Academy		FROM A POINT 72FT NORTH OF TURNBERRY TO A POINT 40 FT SOUTH OF LANARK	N&S	INSTALL	C
PRO-VISION SCHOOL		Wilmington		FROM A POINT 710 FT WEST OF CULLEN TO A POINT 1510 FT WEST OF CULLEN	E&W	INSTALL	D
REYNOLDS		Barberry		FROM THE INTERSECTION OF BARBERRY AND FAIRLAND TO A POINT 50 FT WEST OF FAIRLAND	E&W	INSTALL	D
REYNOLDS		Fairland		FROM A POINT 100 FT SOUTH OF SPARROW TO THE INTERSECTION OF FAIRLAND AND BARBERRY	N&S	INSTALL	D



**Table 1**  
**City of Houston**

**Department of Public Works and Engineering**  
**Traffic and Transportation Division**

**School Speed Zones - Recommended for Installation**

06-Oct-11

Page 3 of 3

**Council  
District**

<b>School Name</b>	<b>Prefix</b>	<b>Street</b>	<b>Suffix</b>	<b>Zone Limit</b>	<b>Direction</b>	<b>Action</b>	<b>Council District</b>
SER NINOS CHARTER		Dashwood		FROM A POINT 190 FT WEST OF RENWICK TO A POINT 180 FT EAST OF MULLINS	E&W	INSTALL	F
SHADOW OAKS		Westview	Dr.	FROM A POINT 240 FT WEST OF SHADOWDALE TO A POINT 300 FT EAST OF SHADOWDALE	E&W	INSTALL	A
TWAIN, MARK		Academy		FROM A POINT 72FT NORTH OF TURNBERRY TO A POINT 40 FT SOUTH OF LANARK	N&S	INSTALL	C
WESTERN ACADEMY		Butlercrest		FROM A POINT 165 FT NORTH OF LONGPOINT TO A POINT 1200 FT NORTH OF LONGPOINT	N&S	INSTALL	A
YES PREP NORTHSIDE		Jensen		FROM A POINT 50 NORTH OF IVY TO A POINT 640 SOUTH OF MILWAUKEE	N&S	INSTALL	H
YOUNG WOMEN'S PREPARATORY		Chartres		FROM THE INTERSECTION OF WHEELER TO THE INTERSECTION OF CLEBURNE	N&S	INSTALL	I
YOUNG WOMEN'S PREPARATORY		Chenevert		FROM A POINT 50 FT NORTH OF WHEELER TO THE INTERSECTION OF CLEBURNE	N&S	INSTALL	I
YOUNG WOMEN'S PREPARATORY		Cleburne		FROM THE INTERSECTION OF CHARTRES TO A POINT 157 FT EAST OF ALMEDA	E&W	INSTALL	I
YOUNG WOMEN'S PREPARATORY		Hamilton		FROM THE INTERSECTION OF CLEBURNE TO THE INTERSECTION OF ISABELLA	N&S	INSTALL	I

**Table 2**  
**City of Houston**  
**Department of Public Works and Engineering**  
**Traffic and Transportation Division**  
**School Speed Zones - Recommended for Removal**

06-Oct-11

Page 1 of 1

<i>School Name</i>	<i>Prefix</i>	<i>Street</i>	<i>Suffix</i>	<i>Zone Limits</i>	<i>Direction</i>	<i>Action</i>	<i>Council District</i>
<i>ALMEDA</i>		Almeda	Genoa	FROM A POINT 132 FT WEST OF MONARCH TO A POINT 145 FT WEST OF CHISWICK	E&W	REMOVE	<i>D</i>
<i>CARDINAL NEWMAN ACADEMY</i>		Tracewood Par	Dr.	FROM A POINT 100 FT NORTH OF PARKWAY PLAZA TO A POINT 170 FT SOUTH OF SWISS HILL	N&S	Remove	<i>G</i>
<i>CONCORD</i>		Cavalcade		FROM A POINT 260 FT WEST OF LOCKWOOD TO THE INTERSECTION OF HOFFMAN	E&W	REMOVE	<i>B</i>
<i>CONCORD</i>		Marcus		FROM THE INTERSECTION OF LOCKWOOD TO A POINT 650 FT EAST OF LOCKWOOD	E&W	REMOVE	<i>B</i>
<i>CONCORD</i>		Lockwood		FROM A POINT 100 FT SOUTH OF MARCUS TO A POINT 300 FT NORTH OF CAVALCADE	N&S	REMOVE	<i>B</i>
<i>CROCKETT EARLY CHILDHOOD EDUCATION</i>		Houston	Ave	FROM A POINT 20 FT SOUTH OF WINTER TO A POINT 60 FT SOUTH OF DART	S.	REMOVE	<i>H</i>
<i>CROCKETT EARLY CHILDHOOD EDUCATION</i>		Houston	Ave	FROM A POINT 55 FT SOUTH OF EDWARDS TO A POINT 20 FT SOUTH OF WINTER	N.	REMOVE	<i>H</i>
<i>DURKEE</i>	E.	Little York		FROM A POINT 450 FT EAST OF WERNER TO A POINT 75 FT WEST OF WERNER	W.	REMOVE	<i>B</i>
<i>DURKEE</i>	E.	Little York		FROM A POINT 50 FT WEST OF GRACIA TO A POINT 75 FT EAST OF WERNER	E.	REMOVE	<i>B</i>
<i>LIFE CHRISTIAN ACADEMY</i>		Minnesota		FROM A POINT 510 FT SOUTH OF ALMEDA-GENOA TO THE INTERSECTION OF WINDWATER	N&S	REMOVE	<i>E</i>
<i>LIFE CHRISTIAN ACADEMY</i>		Windmill Lakes	Bldv	FROM A POINT 550 FT SOUTH OF ALMEDA GENOA TO A POINT 125 FT SOUTH OF WINDWATER	N&S	REMOVE	<i>E</i>

TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Brays Path project (N-000420-0042-4).	Page 1 of 1	Agenda Item # <b>21</b>
--	----------------	-------------------------------

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	Origination Date	Agenda Date AUG 10 2011
--	------------------	----------------------------

<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> D, 1 <i>CEH</i>
--	--

<b>For additional information contact:</b> <i>CEH</i> Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E Phone: (832) 395-2686	<b>Date and identification of prior authorizing Council action:</b> 8/3/11 – Resolution # 2011-21
---	--

**RECOMMENDATION: (Summary)**  
It is recommended that City Council pass an ordinance authorizing an Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Brays Path project and appropriate funds.

**Amount and Source of Funding:**  
\$368,797.00 from Fund 4510 – Contribution for Capital Projects      *U.P. 10/13/2011*


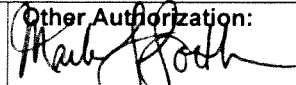
**PROJECT NOTICE/JUSTIFICATION:**  
On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Brays Path was one of the five projects selected within the City.

The scope of the Brays Path project is to design and construct a shared-use path, off-street bikeway, along Brays Bayou from 75th St. to Forest Hill and Lawndale to Old Spanish Trail. The federally funded project will be constructed by the Texas Department of Transportation (TxDOT).

**LOCATION:**  
The Brays Bayou Bikeway project is located along Brays Bayou from 75th St. to Forest Hill and Lawndale to Old Spanish Trail. Key Map Grid No. 534 D,E,F,G,H

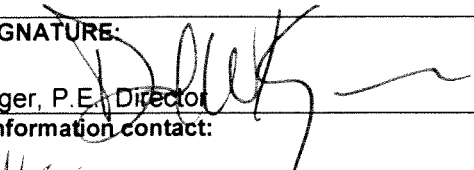
**SCOPE OF THIS AGREEMENT:**  
This agreement commits the City to providing the 25% required local match for the Brays Path project. The cost to design and construct the Brays Path project is estimated at \$2,627,187. The 25% local match for this project is \$656,797.00. Of this amount, \$258,000.00 is in-kind engineering services provided by the Houston Parks Board. The cash portion totals \$398,797.00, which includes \$30,000.00 for environmental assessment services to be contracted by the City, and \$368,797.00 to be paid to TxDOT toward the cost to construct the project. The City will only act as a pass-through entity. The local matching funds will be reimbursed to the City by the Houston Parks Board via an agreement which will be submitted to City Council under a separate action.

**REQUIRED AUTHORIZATION  
CUIC ID #20IPB02**

<b>Finance Department:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division
--	-----------------------------	---

<b>SUBJECT:</b> Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Cullen Park Path project (N-000420-0043-4).	Page 1 of 1	Agenda Item # <i>22</i>
--	----------------	-------------------------------

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	Origination Date	Agenda Date <i>NOV 30 2011</i>
--	------------------	-----------------------------------

<i>Carol</i> <b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director For additional information contact:	<b>Council District affected:</b> A, G <i>CGA</i>
	<b>Date and identification of prior authorizing Council action:</b> 8/3/11 - Resolution # 2011-21

**RECOMMENDATION: (Summary)**  
It is recommended that City Council pass an ordinance authorizing an Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Cullen Park Path project and appropriate funds.

**Amount and Source of Funding:**  
\$165,485.00 from Fund 4510 - Contribution for Capital Projects. *M.P. 10/13/2011*



**PROJECT NOTICE/JUSTIFICATION:**  
On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Cullen Park Path was one of the five projects selected within the City.

The scope of the Cullen Park Path project is to design and construct a shared-use path, off-street bikeway, along Barker Cypress and thru Cullen Park to connect the Park 10, Energy Corridor, Enclave and Westchase business centers.

**LOCATION:**  
The Cullen Park Path project is located along Saums Road, within Cullen Park and along Barker Cypress Road from Cullen Park to Park Row. Key Map Grid No. 447 S,W

**SCOPE OF THIS AGREEMENT:**  
This agreement commits the City to providing the 20% required local match for the Cullen Park Path project. The cost to design and construct the Cullen Park Path project is estimated at \$827,425.00. The 20% local match for this project is \$165,485.00 to be paid to TxDOT toward the cost to construct the project. The City will only act as a pass-through entity. The local matching funds will be reimbursed to the City by the Houston Parks Board via an agreement which will be submitted to City Council under a separate action.

**REQUIRED AUTHORIZATION  
CUIC ID #20IPB04**

<b>Finance Department:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division
--	-----------------------------	--

<b>SUBJECT:</b> Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the IMD Bikeway project (N-000420-0044-4)		Page 1 of 1	Agenda Item # <i>23</i>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		Origination Date	Agenda Date <i>APR 10 2011</i>
<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i> Daniel W. Krueger, P.E., Director		Council District affected: F <i>CEH</i>	
<b>For additional information contact:</b> <i>CEH</i> Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E Phone: (832) 395-2686		Date and identification of prior authorizing Council action: 8/3/11 – Resolution # 2011-21	

**RECOMMENDATION: (Summary)**

It is recommended that City Council pass an ordinance authorizing an Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the IMD Bikeway project and appropriate funds.

**Amount and Source of Funding:**

\$401,569.00 from Fund 4510 – Contribution for Capital Projects. *M.P. 10/13/2011*

**PROJECT NOTICE/JUSTIFICATION:**

On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The IMD Bikeway was one of the five projects selected within the City.

The scope of the IMD Bikeway project is to design and construct a shared-use path, off-street bikeway, along Harris County Drainage Easement D122 from Dairy Ashford to Arthur Story Park.

**LOCATION:**

The IMD Bikeway project is located along Harris County Drainage Easement D122 from Dairy Ashford to Arthur Story Park. Key Map Grid No. 528 M, 529 J,K,L

**SCOPE OF THIS AGREEMENT:**

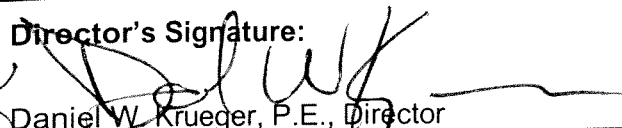
This agreement commits the City to providing the 20% required local match for the IMD Bikeway project. The cost to design and construct the IMD Bikeway project is estimated at \$2,007,843.00. The 20% local match for this project is \$401,569.00 to be paid to TxDOT toward the cost to construct the project. The City will only act as a pass-through entity. The local matching funds will be reimbursed to the City by the International Management District via an agreement which will be submitted to City Council under a separate action.

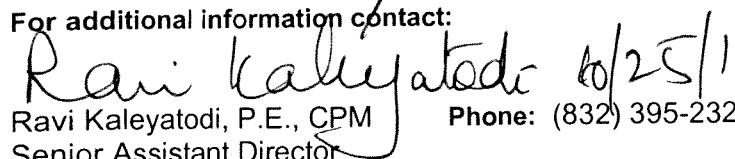
**REQUIRED AUTHORIZATION  
CUIC ID #20IPB06**

<b>Finance Department:</b> <i>[Signature]</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>[Signature]</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division
--	-----------------------------	--

<p><b>SUBJECT:</b> Contract Award for Sewer Service to Unserved Areas Package 1:- Shared Facilities (Regional) Sanitary Sewer Improvements - Magnolia Point Lift Station, Force Main and Trunk Main; Strange's Camp Lift Station and Force Main. WBS No. R-000801-0013-4.</p>	<p>Page 1 of 2</p>	<p>Agenda Item #  24</p>
---	------------------------	----------------------------------

<p><b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering</p>	<p><b>Origination Date:</b></p>	<p><b>Agenda Date:</b> NOV 30 2011</p>
---	---------------------------------	--

<p><b>Director's Signature:</b>  Daniel W. Krueger, P.E., Director</p>	<p><b>Council District affected:</b> E</p>
--	--

<p><b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director</p>	<p><b>Date and identification of prior authorizing Council action:</b></p>
---	--

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

**Amount and Source of Funding:**  
\$6,346,600.00 Water and Sewer System Consolidated Construction Fund No. 8500.  
*M.P. 10/27/2011*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's program to provide sanitary sewer to the unserved areas within the City limit.

**DESCRIPTION/SCOPE:** This project consists of development of Magnolia Point subdivision lift station, force main and trunk line, Strange's Camp lift station and force main.

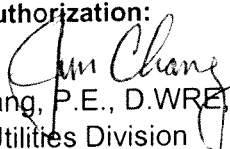
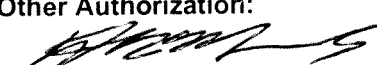
The Contract duration for this project is 365 calendar days. This project was designed by HDR Engineering, Inc.


**LOCATION:** The project is located in Key Map Grids 298X, Y, Z, 299W, X, 338D and 339A, B, E.

**BIDS:** Bids were received on September 15, 2011. The seven (7) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Calco Contracting, Ltd.	\$5,586,215.00
2. SER Construction Partners, LLC	\$5,896,680.00
3. Triple B Services, LLP	\$6,389,315.00
4. Slack & Co. Contracting, Inc.	\$6,459,518.00
5. Texas Sterling Construction, Co.	\$6,493,545.00
6. Reytec Construction Resources, Inc.	\$6,976,105.00
7. E. P. Brady, Ltd.	\$7,546,890.75

**REQUIRED AUTHORIZATION** CUIC ID #20AKH27

<p><b>Finance Department:</b></p>	<p><b>Other Authorization:</b>  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division</p>	<p><b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division</p>
-----------------------------------	--	--

<b>Date</b>	Subject: Contract Award for Sewer Service to Unserved Areas Package 1:- Shared Facilities (Regional) Sanitary Sewer Improvements - Magnolia Point Lift Station, Force Main and Trunk Main; Strange's Camp Lift Station and Force Main. WBS No. R-000801-0013-4.	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
-------------	---	---	-----------------------

**AWARD:** It is recommended that this construction contract be awarded to Calco Contracting, Ltd. with a low bid of \$5,586,215.00 and that Addendum Number 1 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$6,346,600.00 to be appropriated as follows:

• Bid Amount	\$5,586,215.00
• Contingencies	\$ 279,310.75
• Engineering and Testing Services	\$ 90,000.00
• CIP Cost Recovery	\$ 391,074.25

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

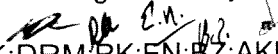
**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 10.02% MBE goal, and 8.00% SBE goal for this project.

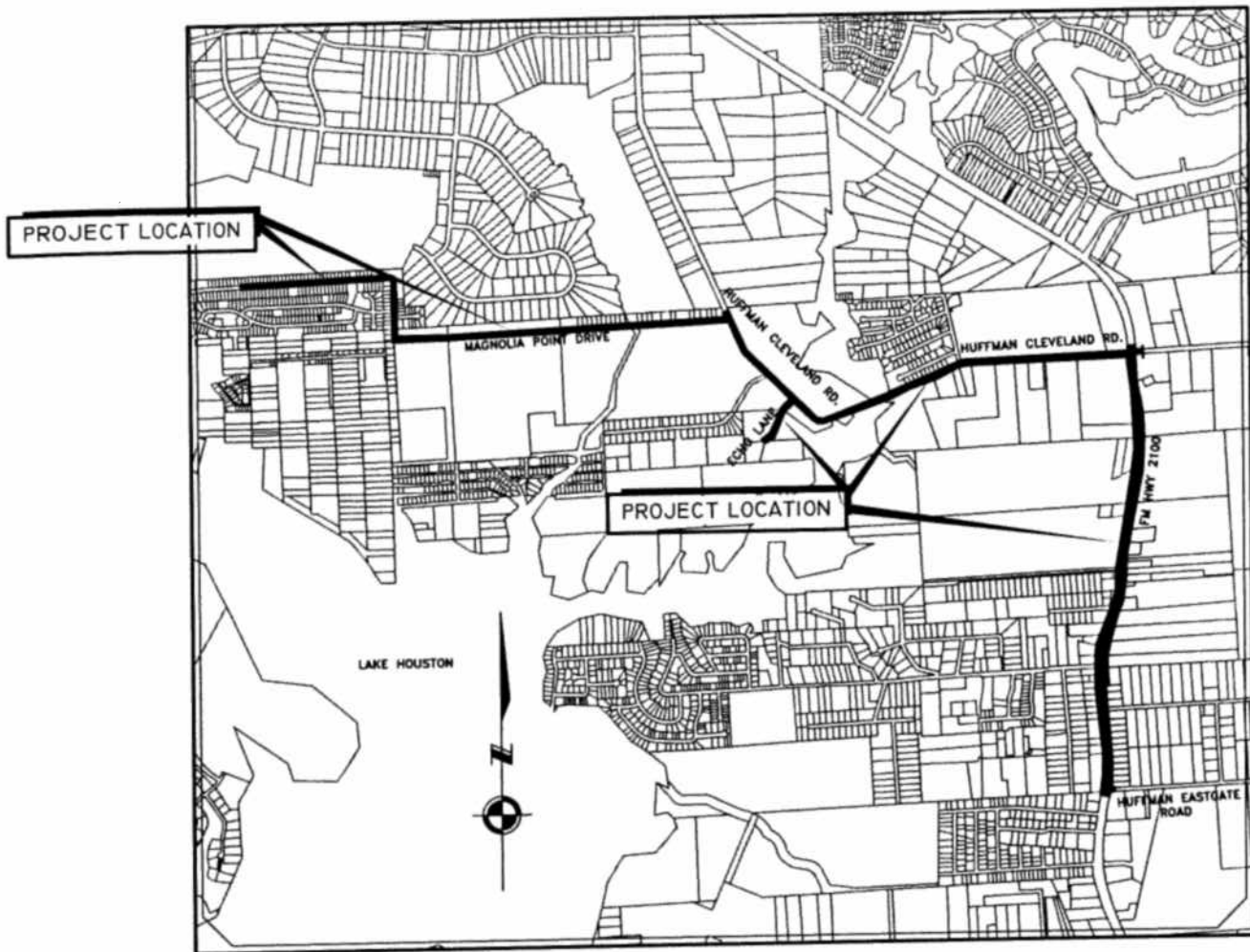
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Capstone Trucking	Dump Trucking	\$170,000.00	3.04%
2. Access Data Supply, Inc.	Plumbing and Heating	\$390,000.00	6.98%
	<b>TOTAL</b>	<b>\$560,000.00</b>	<b>10.02%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Kossman Contracting Company, Inc.	Erosion Control	\$199,000.00	3.56%
2. Boring & Tunneling Company of America, Inc.	Boring & Tunneling Contractor Services	\$195,000.00	3.49%
3. TLC Trucking & Contracting, Inc.	Hauling by Dump Truck	\$ 53,000.00	0.95%
	<b>TOTAL</b>	<b>\$447,000.00</b>	<b>8.00%</b>

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

  
DWK:DRM:RK:EN:BZ:AKH:ack

c: File No. R-0801-13-2



VICINITY MAP

Not to Scale

KEY MAP NO.

298X,Y,Z;299W,X;338D;339A,B,E

GIMS MAP NO.

5970a,b;6069b;6070a,b,c,d

COUNCIL DISTRICT (E)



<b>SUBJECT:</b> Contract Award for New Front Easement Reconnections (UMB) WBS No. R-002011-0079-4, File No. WW 5019-06	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 25
---	-----------------------	----------------------------

<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date:</b>	<b>Agenda Date:</b> NOV 30 2011
---	--------------------------	------------------------------------

<b>DIRECTOR'S SIGNATURE:</b> Daniel W. Krueger, P.E. 	<b>Council District affected:</b> All
---	---------------------------------------

<b>For additional information contact:</b> A. James Millage Phone: 713-641-9566 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
---	---

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

**Amount and Source of Funding:**  
 \$490,163.00 Water and Sewer System Consolidated Construction Fund No. 8500. *U.P. 10/18/2011*

**PROJECT NOTICE/JUSTIFICATION:** This project includes the relocation of sewer services for approximately eighty (80) properties within various locations throughout the City.

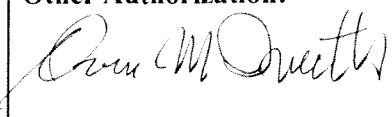
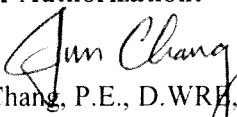
**DESCRIPTION/SCOPE:** This project requires the abandonment of the sewer to the back lot main and the installation of a new sewer to the front lot main. The Contract duration for this project is 365 calendar days.

**LOCATION:** The project area is generally bound by the City limits.

**BIDS:** Bids were received on August 25, 2011. The three (3) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Texas ReExcavation, L.C.	\$462,060.00
2. T Construction, LLC	\$639,630.00
3. Reliance Construction Services, L.P.	\$861,592.50

**REQUIRED AUTHORIZATION:** CUIC#20AJM263 *NOT*

<b>Finance Department:</b>	<b>Other Authorization:</b>  FOR: JAMES MILLAGE	<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division
----------------------------	--	---

<b>Date</b>	<b>Subject:</b> Contract Award for New Front Easement Reconnections (UMB) WBS No. R-002011-0079-4, File No. WW 5019-06	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
-------------	--	------------------------------	--------------------

**AWARD:** It is recommended that this construction Contract be awarded to Texas ReExcavation, L.C. with a low bid of \$462,060.00

**PROJECT COST:** The total cost of this project is \$490,163.00 to be appropriated as follows:

- Bid Amount \$462,060.00
- Contingencies \$23,103.00
- Engineering and Testing Services \$5,000.00

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

**PAY OR PLAY PROGRAM:** The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to provide health insurance benefits for their employees.

**M/WBE PARTICIPATION:** No M/WBE participation is required for this project.

DWK:AJM:OS:SM:TC:lpa

cc: A. James Millage  
 Sam Lathrum  
 Robert Gallegos  
 Orin Smith, P.E.

File No. WW 5019-06

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**  
Ordinance granting a Commercial Solid Waste Operator Franchise

**Category #**

**Page 1 of 1**

**Agenda Item#**

*26*

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

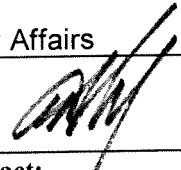
**Origination Date**

10/12/2011

**Agenda Date**

NOV 8 0 2011

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin *JFO*  
Kelly Schwarz

Phone: (713) 837- 9623  
Phone: (713) 837- 9636

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002;  
Ord. # 2002–1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
REVENUE

**FIN Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve an ordinance granting a Commercial Solid Waste Operator Franchise to the following solid waste operator pursuant to Article VI, Chapter 39. The proposed Franchisee is:

**1. CELESTINE HOLCOMB D/B/A HOLCOMB ENVIRONMENTAL WASTE OIL SERVICE**

The proposed ordinance grants the Franchisee the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, the Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the Commercial Solid Waste Operator Franchise.

**REQUIRED AUTHORIZATION**

Finance Director:

27  
NOV 30 2011

MOTION NO. 2011 0858

MOTION by Council Member Lovell that an item be placed on the Agenda of November 30, 2011, to receive nominations for the City of Houston representative of the Harris County Appraisal District Board of Directors, for a two year term.

Seconded by Council Member Pennington and carried.

Vice Mayor Pro Tem Gonzalez, Council Members Stardig, Johnson, Hoang, Pennington, Rodriguez, Costello, Lovell, Bradford and Jones voting aye  
Nays none

Mayor Parker and Council Member Adams out of the City on City business

Council Members Clutterbuck and Noriega absent on personal business

Council Member Sullivan absent on City business

Vice Mayor Pro Tem Gonzalez presiding

PASSED AND ADOPTED this 16th day of November, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is November 22, 2011.

City Secretary



# CITY OF HOUSTON

Office of the Mayor

42  
~~NOV 16 2011~~

**Interoffice**

Correspondence

To: Anna Russell  
City Secretary

From: Jenn Char  
Director of External Affairs

Date: November 10, 2011

Subject: Harris County Appraisal District  
Nomination

## **NON-CONSENT AGENDA MISCELLANEOUS**

Motion to set a date not less than seven (7) days from November 9, 2011, to receive nominations for the City of Houston representative of the Harris County Appraisal District Board of Directors. The member will serve a two-year term.

Mr. Gary Stein is the current appointee with a two-year term ending December 31, 2011. He was nominated by Council Member Green.

JC:jsk

cc: Marta Crinejo, Agenda Director

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An Ordinance amending sections of Chapter 8 of the Code of Ordinances relating to the regulation of Automotive Towing	Page	Agenda Item #
	1 of 2	29 30

<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date:</b>	<b>Agenda Date:</b> <del>NOV 09 2011</del>
--	--------------------------	---

<b>DIRECTOR'S SIGNATURE:</b> <i>C. A. McClelland, Jr.</i> Charles A. McClelland, Jr., Chief of Police	<b>Council District affected:</b> All	NOV 30 2011
---	--	-------------

<b>For additional information contact:</b> Joseph A. Fenninger, <i>JAF 11/3/11</i> CFO and Deputy Director Phone: 713-308-1770	<b>Date and identification of prior authorizing Council Action:</b>
--	---

**RECOMMENDATION: (Summary)** Approve an Ordinance amending sections of Chapter 8 of the Code of Ordinances related to Automotive Dealers and Auto Wreckers to conform to changes in state law, clarify existing language in the Code, and establish new regulations for nonconsent private property tows.

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

**SPECIFIC EXPLANATION:**

Chapter 8 of the Code of Ordinances (the Code) regulates automotive businesses and auto wreckers in the City of Houston. The Houston Police Department recommends that City Council consider amendments to Sections 8-111, 8-117, 8-118, 8-123, 8-134, 8-141, 8-193, and 8-203 of the Code.

Chapter 2308 of the Texas Occupations Code gives municipalities the authority to require nonconsent tow companies to register their trucks with the local police department. Currently, the Auto Dealers Detail issues a registration medallion to all nonconsent wrecker companies except those that exclusively perform nonconsent private property towing. The proposed amendment to Section 8-111 would require all companies exclusively performing nonconsent private property tows in the city to register with the City and be charged an annual registration fee of \$100.

Changes to Section 8-117 would require all vehicles subject to nonconsent tows that originate in Houston be stored within the Houston city limits unless the vehicle owner authorizes the tow to go elsewhere. This proposed amendment also establishes a mileage fee that may be assessed to a vehicle owner who requests a tow of more than 20 miles. Fees for tows of more than 20 miles will be calculated by multiplying the miles in excess of 20 by an amount not greater than two percent (2%) of the applicable charge for the tow.

A proposed amendment to Section 8-118, would establish the maximum number of wreckers allowed on scenes that require a police officer when no law enforcement officer is present. The new language specifies that the number of wreckers allowed on scene is equal to the number vehicles involved plus two.

Revisions to 8-123 modify the process for conducting tow fee studies and designate the party responsible for requesting and paying for a fee study.

Language would be added to Section 8-134 and Section 8-135 that allows the automotive board to hear wrecker driver license appeals denied by HPD.

**REQUIRED AUTHORIZATION**

<b>Finance Budget:</b>	<b>Other Authorization:</b> <i>[Signature]</i> 11/3/11	<b>Other Authorization:</b>
------------------------	---	-----------------------------

<b>Date</b>	An Ordinance amending sections of Chapter 8 of the Code of Ordinances relating to the Regulation of Automotive Towing	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
<p>Section 8-141 would be revised to reflect the appropriate state code and licensing agency governing wreckers and private storage lots.</p> <p>Language in Section 8-193 would eliminate the previous maximum daily storage fee of \$15.00 and changes it to an amount not to exceed the applicable daily storage fee established by the Texas Occupations Code.</p> <p>Quarterly reporting requirements delineated in 8-203 for authorized private storage lots would be eliminated by the proposed amendments.</p> <p>Section 1-9 will also be modified to correct a reference to article III of Chapter 8.</p>			

**Sec. 1-9. Procedures for denial, suspension or revocation of licenses and permits—Generally.**

(f) Proceedings relating to licenses and permits issued under article III of chapter 8 of this Code shall additionally be governed by the procedures established therein in division 4 thereof. To the extent of any conflict, the provisions of chapter 8 shall control over this section.

---

**Sec. 8-111. State and local registration.**

(a) Auto wreckers shall be registered as tow trucks under applicable provisions of state and local law, including, without limitation, Chapter 2308 643 of the Texas Occupations Transportation Code and this chapter.

(b) Any tow truck that performs a nonconsent tow on private property in the city must be registered with the police department, regardless of whether the owner of the tow truck has a place of business in the city. A registrant may apply to the police department for registration of a tow truck by i) submitting a completed application on a form promulgated by the police chief; ii) paying a fee of \$100.00 per tow truck to the police department; iii) providing verification that the tow truck is equipped to tow light-duty or heavy-duty motor vehicles according to the manufacturer's guidelines; and (iv) providing proof of insurance that meets the requirements of section 86.400 of title 16 of the Texas Administrative Code.

(c) Upon receipt of an application, the police department will inspect the tow truck to determine compliance with the requirements of this section and, if found in compliance, shall issue proof of registration to the applicant.

(d) As a condition of maintaining registration in good standing, the registrant must meet the signage, safety equipment and safety clothing and identification requirements of sections 86.701, 86.1000 and 86.1001 of title 16 of the Texas Administrative Code and must carry and openly display the appropriate city proof of registration on the registrant's tow trucks.

(e) The registration for each tow truck registered under this section shall be annually renewed by payment of an annual fee of \$100.00 per tow truck to the police department, which shall verify that the tow truck is still in compliance with this section.

---



**Sec. 8-117. Nonconsent tow regulations.**

(a) A person that performs a nonconsent tow in the city may not operate or permit another person to operate a tow truck on a public roadway in the city unless the person has registered with the police department under this subchapter.

(b) A private storage lot owned or used by a towing company to store a motor vehicle subject to a nonconsent tow must be located within the city limits.

(c) A towing company that performs a nonconsent tow of a motor vehicle:

(1) Shall immediately tow the motor vehicle to a private storage lot located within the city limits; and

(2) May not unload the towed motor vehicle at a place other than the private storage lot.

(d) Notwithstanding the foregoing, a towing company that performs a nonconsent tow of a motor vehicle may unload a motor vehicle at a place other than its private storage lot only:

(1) If safety reasons or mechanical breakdown require the transfer of the motor vehicle to another tow truck;

(2) To transfer the motor vehicle to another tow truck, within 100 feet of the private property, if the original tow truck is the company's only available truck that is capable of entering the property and removing a motor vehicle, and the original truck is needed immediately for additional towing; or

(3) The towing company agrees to take the motor vehicle to a location designated by the vehicle owner, provided that, in the event of a police-authorized tow, if the motor vehicle is unloaded at a location that is more than twenty miles from the site of the tow, the vehicle owner shall pay the towing company a mileage fee, in addition to the service charge for the tow established pursuant to section 8-123. A mileage fee assessed under this subsection shall be calculated by multiplying the number of miles in excess of twenty miles by an amount that is not greater than two percent of the applicable service charge for the tow.

(e) A towing company that transfers a motor vehicle to another tow truck pursuant to subsection (d)(1) or (d)(2) may not charge an additional fee for the transfer.

(f) Once a law enforcement officer has authorized a tow under this section, the wrecker slip has been signed and the services commenced, the services shall remain nonconsent towing services under the auspices of the authorizing agency and may not be changed to a consent tow.

---

#### **Sec. 8-118. Parking at police scenes.**

Whenever a person operating an auto wrecker or other vehicle arrives at a police scene, the driver shall park his vehicle as close to the street curb as possible and in such a manner as not to interfere with traffic. He shall not park his vehicle within a distance of 100 feet from a wrecked or stalled vehicle. It is a defense to prosecution under this section that the vehicle is operated by a law enforcement officer or is parked as directed by a law enforcement officer at the scene. No wrecker driver shall stop or park or allow his auto wrecker to remain stopped or parked at a police scene if the number of auto wreckers already present at the scene equals the number of wrecked or stalled vehicles; provided, that no more than two additional auto wreckers may remain at a police scene when (i) no law enforcement officer is present and (ii) ~~the additional auto wrecker(s) have been authorized by a law enforcement officer to provide a warning of the police scene to oncoming traffic.~~ It is an affirmative defense to prosecution that a law enforcement officer was present and in control of the police scene at the time that the wrecker driver arrived and had called the wrecker driver to the police scene or had asked the wrecker driver to cause his auto wrecker to remain at the scene.

---

#### **Sec. 8-123. Towing charges.**

(a) For purposes of this section, a vehicle is towed "without the consent of the vehicle owner" whenever the vehicle is towed as a nonconsent tow as defined in section 8-101 of this chapter, is a wrecked vehicle on a freeway, regardless of location, a stalled vehicle in a moving lane on a freeway, or a tow directed by a law enforcement officer; provided that this phrase shall not include a tow performed by a tow operator described in section 8-103(c)(3) of this Code.

(b) Whenever a vehicle is towed without consent of the vehicle owner, the service charge for a tow not requiring the use of a heavy-duty wrecker shall not exceed the amount established pursuant to subsection (d). This charge shall be applicable whether the vehicle is to be towed from public or private property.

(c) Whenever a vehicle is towed without consent of the vehicle owner, and the use of a heavy-duty wrecker is required due to the size or condition of

the motor vehicle, the fee for the tow shall be no more than the amount per hour established pursuant to subsection (d) with a minimum charge of two hours to be assessed without regard to the actual time expended. The hourly rate shall be determined by starting the time charges when the heavy-duty wrecker leaves to report to the police scene and shall be stopped when the actual towing job is completed. The time going to the police scene may be included in the charges, but the time used to return shall not be included in the charges. The hourly rate established pursuant to subsection (d) does not apply to recovery services, a fee for which may also be reasonably imposed.

The law enforcement officer in charge of a police scene shall have authority to summon a heavy-duty wrecker when in his opinion such equipment is required. The vehicle owner of the vehicle whose car is serviced by a heavy-duty wrecker called by the investigating officer shall be responsible for any and all charges that result from such heavy-duty wrecker service.

(d) The rates referred to in subsections (b) and (c), above, shall be established in accordance with the following process:

- (1) A rate review for auto wreckers, including heavy-duty wreckers, ~~may shall~~ be initiated by request of any tow operator that performs nonconsent tows in the city. Any such request must be made in writing to the director of administrative and regulatory affairs. Upon receipt of a request for a rate review, the director shall prepare an estimate of the administrative cost of the rate review, and if the tow operator determines to proceed with the rate review, the tow operator shall submit a cashier's check to the director in an amount equal to the estimated administrative cost ~~the director of administration and regulatory affairs during calendar years ending with the digits three or eight.~~ The rate review shall be conducted in accordance with procedures established for that purpose by the director. Without limitation, the director may select a representative group of auto wrecker owners and request that they provide verified financial data and vehicle-operating data regarding their operating costs and return on investment for use as a basis in conducting the review. Following receipt and review of the required data, the director shall make a recommendation to city council whether any rate change is justified, and, if so, the amount of the recommended increase or decrease. If a rate change is recommended to the city council, then the city council or a committee of city council shall conduct a hearing before adopting any increase or decrease. The increase or decrease may be adopted by motion and shall be effective on the first day of the next calendar year.
- (2) ~~During any calendar year other than a calendar year ending with the digits three, four, eight, or nine, any tow operator that performs~~

~~nonconsent tows within the city may request a rate study, which shall be performed in the same manner provided in item (1) above. Any such request must be made in writing to the director and accompanied by a nonrefundable fee of \$5,000.00 in the form of a cashier's check payable to the city to defray the cost of the study. If the study indicates that a rate increase is justified, then the director shall submit his recommendation to the city council. The provisions of this item shall not be applicable if a rate study has been performed within the preceding period of 12 months.~~

- (3) Except for years in which a rate adjustment adopted by city council under item (1) ~~or (2)~~ will take effect, the director shall adjust the rates effective January 1 of each year, based upon a weighted blend of the following indices with one-half attributed to the percentage increase or decrease in the Consumer Price Index, All Urban Consumers, All Items, United States average, and one-sixth each attributed to the percentage increase or decrease in:
- a. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Motor Vehicle Maintenance & Repair;
  - b. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Vehicle Insurance; and
  - c. Consumer Price Index, All Urban Customers (CPI-U), Houston-Galveston-Brazoria Average, Gasoline;

all as published by the U. S. Department of Labor. The adjustment shall be based upon the most current data available on November 15, shall be rounded to the nearest increment of \$0.50 cents and shall be effective on the following January 1. Notice of the adjusted rates shall be published one time in a daily newspaper of general circulation within the city and filed in the city secretary's office on or about December 1. The director may establish and promulgate regulations relating to the adjustment process.

(e) ~~When~~When ~~in any case where~~ a vehicle is received by ~~released from~~ a storage lot and fees are collected ~~from the vehicle owner~~, an additional \$20.00 fee shall be collected and remitted to the police department to defray the costs of enforcement of complaints related to police private storage lot agreements and other costs associated with the towing of a vehicle without the consent of the vehicle owner. The time and method of remittance of the additional \$20.00 fee prescribed in this subsection shall be established by the police department so as to make the transfer of funds as close to the date and time of the release of the vehicle from the storage as is practical or possible. The time and method of remittance may include the electronic transfer of funds at the time of the release

of the vehicle or at a later time as specified by the police department. This subsection does not apply to a vehicle submitted for auction.

(f) If the vehicle owner is present when ~~at or comes upon the scene~~ where an auto wrecker is attempting to tow a vehicle, and the vehicle owner does not desire the vehicle to be towed, no charge shall be made, and the vehicle owner shall be allowed to take possession of the vehicle if the vehicle has not been hooked up by the auto wrecker. If the motor vehicle has been lawfully hooked up to the auto wrecker, but not towed from the scene, the vehicle shall be released to the vehicle owner upon payment of one-half the regular auto wrecker fee. This section shall not apply where the vehicle owner is unable to remove the vehicle from the scene immediately if the vehicle were released to the vehicle owner.

(g) The towing of a vehicle and a trailer being towed by the vehicle shall constitute two separate tows and shall require the removal of both the vehicle and the trailer to the same licensed storage facility, unless otherwise authorized by a law enforcement officer.

---

#### **Sec. 8-134. Issuance; denial; hearing.**

(a) The police chief or his designee shall approve an application and issue the wrecker driver license after payment of the application fee and completion of the investigation of the criminal and driving record of the applicant, unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant has had a wrecker driver license revoked during the preceding one year period; or
- (3) The applicant is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) In the event that an application is proposed for denial, the police chief or his designee shall promptly inform the applicant in writing of the reasons for the proposed denial and of the applicant's right to a hearing before the automotive board ~~a hearing officer designated by the police chief~~ regarding the proposed denial. The notice shall be sent by United States certified mail, return receipt requested, to the applicant's address set out in the application.

(c) The applicant may perfect his appeal of the proposed denial by a letter addressed to the chairman of the automotive board ~~police chief~~ and delivered to the chairman of the automotive board ~~police chief or his designee~~ within 15 days after the date that notice of the proposed denial of the application is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the police chief or his designee is desired. The appeal process shall be conducted in accordance with rules promulgated by the automotive board ~~police chief~~ for that purpose. If the proposed denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the automotive board ~~hearing officer~~ with respect to the application shall be final, unless otherwise provided by law.

#### **Sec. 8-135. Standards for review.**

(a) An applicant whose application for a wrecker driver license has been proposed for denial pursuant to item (3) of subsection (a) of section 8-134 of this Code may qualify for a wrecker driver license only if the automotive board ~~a hearing examiner~~ determines that the applicant is presently fit to engage in the occupation of a wrecker driver. The standards for review that the automotive board ~~hearing examiner~~ shall use in determining the applicant's fitness shall be:

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's fitness, including letters of recommendation from:
  - a. Prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant;

- b. The sheriff and chief of police in the community where the applicant resides; and
- c. Any other person in contact with the applicant.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the automotive board hearing examiner the recommendations of the prosecution, law enforcement, and correctional authorities as required by item (6) of subsection (a) of this section.

---

**Sec. 8-141. Application; affirmative defense.**

(a) Any person who is not required to obtain a license under the Vehicle Storage Facility Act (including, without limitation, a person licensed under the Texas Motor Vehicle Commission Code (~~article 4413(36), Texas Revised Civil Statutes chapter 2301, Texas Occupations Code~~) that desires to operate a private storage lot within the city shall obtain an authorization under this division.

(b) It is an affirmative defense to prosecution of any offense specified in this division 3, except those offenses enumerated in section 8-193, that the actor was required to hold a license from the Texas Department of Licensing and Regulation ~~Transportation~~ pursuant to the Vehicle Storage Facility Act and was acting within the scope of authority granted pursuant to a license issued thereunder.

(c) In addition to the daily storage fees authorized under subsection (b), a private storage lot may impose notification and other fees not exceeding those specified in the Vehicle Storage Facility Act.

(d) Each fee charged by a private storage lot for towing, storage, or any other service that is regulated under this article shall be separately itemized and noted on the records of the storage lot and on a receipt which shall be given the vehicle owner. The receipt shall also include the printed name and signature of the storage lot operator or employee who conducted the release transaction. The receipt shall also state a police department telephone number for auto wrecker/storage lot information to be provided by the police chief. No fees, except those specifically authorized by section 8-123 of this Code and by this section, may be charged for services that are regulated under this article without consent of the vehicle owner, except a private storage lot may collect any applicable sales tax that is required to be collected pursuant to law in addition to the maximum charges permitted by this chapter. It shall be unlawful for any person to impose any sales tax on any fee authorized by this chapter unless the sales tax is imposed by state law for the services subject to the fee, and further it

shall be unlawful to collect any amounts as sales tax in excess of the amount imposed by law.

---

**Sec. 8-193. Fees.**

(a) The provisions of this section are applicable to services regulated under this article for nonconsent tows. It shall be the duty of each private storage lot owner and operator whether operating under a state Vehicle Storage Facility Act license or a city authorization to comply with this section and to ensure that all agents or employees of the private storage lot comply with this section.

(b) ~~A maximum daily storage fee of \$15.00 may be imposed for each day or part of a day that a vehicle remains stored in an amount not to exceed the applicable daily storage fee established in section 2303.155(b)(3), Texas Occupations Code. The time shall be computed as provided in section 14(e) of the Vehicle Storage Facility Act 2303.155(d), Texas Occupations Code. The above fee shall not apply to the storage of vehicles that are longer than 25 feet, which shall instead be subject to the fee provided for such vehicles in section 14(e) of the Vehicles Storage Facility Act.~~

(c) In addition to the daily storage fees authorized under subsection (b), a private storage lot may impose notification and other fees not exceeding those specified in the Vehicle Storage Facility Act.

(d) Each fee charged by a private storage lot for towing, storage, or any other service that is regulated under this article shall be separately itemized and noted on the records of the storage lot and on a receipt which shall be given the vehicle owner. The receipt shall also include the printed name and signature of the storage lot operator or employee who conducted the release transaction. The receipt shall also state a police department telephone number for auto wrecker/storage lot information to be provided by the police chief. No fees, except those specifically authorized by section 8-123 of this Code and by this section, may be charged for services that are regulated under this article without consent of the vehicle owner, except a private storage lot may collect any applicable sales tax that is required to be collected pursuant to law in addition to the maximum charges permitted by this chapter. It shall be unlawful for any person to impose any sales tax on any fee authorized by this chapter unless the sales tax is imposed by state law for the services subject to the fee, and further it shall be unlawful to collect any amounts as sales tax in excess of the amount imposed by law.

---



**Sec. 8-203. Quarterly reports.**

~~(a) It shall be the duty of each person who holds an authorization to operate a private storage lot under this article to furnish to the director of administration and regulatory affairs, on forms provided by the director, a quarterly report summary for each private storage lot disclosing full information on operations for each calendar year quarter. The data furnished shall include data on reasonably incurred expenditures, including salaries, administrative costs, accounting and legal fees, insurance, licenses, taxes, utilities, maintenance, depreciation and any other information reasonably required and requested by the director in order to accurately determine private storage lot operating costs. Such reports shall be delivered on or before the twentieth day of May, August, November and February of each year, and shall cover operations for the preceding calendar quarter. Such report shall be sworn to before a notary public.~~

~~(b) It shall be unlawful for any operator of a private storage lot to fail to keep records supporting the quarterly reports for two years following the date of their entry or creation.~~

~~(c) The failure to keep such records or to timely file any quarterly report shall be punishable by a fine of not less than \$100.00 nor more than \$500.00. Each day that any offense continues shall constitute a separate offense. To the extent that any violation of this section also constitutes an offense under state law, the offense shall be punishable as provided by the applicable state law.~~

30, 30A

NOV 30 2011

MOTION NO. 2011 0818

MOTION by Council Member Adams that the following items be postponed

for two weeks:

30A

Item 31 - Ordinance amending Chapters 8 and 28 of the Code of Ordinances of Houston, Texas, relating to the regulation of automotive businesses

and

WRITTEN Motion by Council Member Pennington to amend

30

Item 31, Section 28-34 (a) to read as follows:

A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 180 ~~90~~ or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred.

Seconded by Council Member Stardig and carried.

Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, Noriega and Jones voting aye  
Nays none

Council Member Bradford absent on personal business

PASSED AND ADOPTED this 9th day of November, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is November 15, 2011.

City Secretary

30

NOV 30 2011



## CITY OF HOUSTON

---

**To:** Mayor Annise D. Parker  
Houston Council Members

**From:** Oliver Pennington *OP*  
Council Member  
District G

**Date:** November 9, 2011

**Amendment**

**Subject:** Storage Lots / Automotive Repair

---

**RE: Agenda Item No. 31**

I move to amend Item 31 by amending Section 28-34 (a) to read as follows:

A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 180 ~~90~~ or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

Page 307A  
1 of 2 Agenda Item # 37

SUBJECT: An Ordinance amending sections of Chapter 8 and Section 28-34 of the Code of Ordinances relating to the regulation of Automotive Businesses

FROM: (Department or other point of origin): Houston Police Department  
Origination Date:  
Agenda Date: ~~NOV 0 2 2011~~

DIRECTOR'S SIGNATURE: *U. D. Monteleone Acting Chief of Police*  
Charles A. McClelland, Jr., Chief of Police  
Council District affected: All  
NOV 3 0 2011

For additional information contact: Joseph A. Fenninger, CFO and Deputy Director  
Phone: 713-308-1770  
Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) Approve an Ordinance amending sections of Chapter 8 and Section 28-34 of the Code of Ordinances related to Automotive Dealers and Auto Wreckers to conform to changes in state law, clarify existing language in the Code and establish license requirements and fee limits for automotive businesses.

Amount and Source of Funding: Not applicable

SPECIFIC EXPLANATION:  
Chapter 8 and Section 28-34 of the Code of Ordinances (the Code) regulate automotive businesses, auto wreckers, and storage lot facilities in the City of Houston. The Houston Police Department recommends that City Council consider the following amendments to Chapter 8 and Section 28-34 to conform to changes in state law, clarify existing language in the Code and establish license requirements and fee limits for automotive businesses.  
Chapter 2303 (Vehicle Storage Facilities) of the Texas Occupations Code has replaced Article 6687-9A of the Texas Revised Civil Statutes. In addition, state law has redefined the businesses formerly known as "automotive wrecking and salvage yards" to "automotive recyclers" and "automotive rebuilders." As a result, the proposed amendments are necessary to conform to changes in state law and include changes to the following sections:  
Section 8-16. - Definitions; Section 8-17. - Automotive Board; Section 8-22. - Purchase or sale of vehicles, parts, etc., when identification marks are removed, changed, etc.; Section 8-26. - Other required records; Section 8-30. - Automobile Wrecking and salvage yards, automotive repair facilities; Section 8-31. - Penalty; Section 8-32. - Administrative fees and teardown fees; Section 8-58. - Fees; Section 8-61. - Display; Section 8-91. - Purpose, relationship to other provisions; and Section 28-34. - Location of automobile storage lots, automobile wrecking and salvage yards and lots used for open storage by metal recyclers/secondhand metal dealers.  
Changes to the Code  
The proposed definition of an "automotive repair facility" in Section 8-16 clarifies that an automotive repair facility does not include a fleet repair operation, hobbyist, educational repair facility or any repair not made in exchange for compensation. In addition, the proposed amendment to Section 8-16 includes new definitions entitled "collision repair facility, mechanical repair facility," and "used automotive parts recycler" which are intended to clarify the applicability of the requirements of Section 8-22, which will be re-titled "Automotive repair facility display and recordkeeping requirements" and changed to reflect the new requirements for these facilities.

REQUIRED AUTHORIZATION

Finance Budget: Other Authorization: *[Signature]* 11/3/11 Other Authorization:

<b>Date</b>	<b>An Ordinance amending sections of Chapter 8 and Section 28-34 of the Code of Ordinances relating to Automotive Businesses</b>	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
<p>Section 8-16 would be amended to clarify that the Consent Storage Facility License is for businesses which do not have to be licensees pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code). This language is also changed in Section 8-91.</p> <p>Changes to Section 8-17 would designate one position to represent collision repair facilities and add two new positions to represent mechanical repair facilities and the insurance industry for the purpose of including more stakeholders on the board.</p> <p>Section 8-31 would clarify that failure to obtain a license is not a defense for failure to abide by the requirements established for businesses regulated by Chapter 8 of the Code, thereby extending the penalties to unlicensed businesses as well.</p> <p>The proposed amendment to Section 8-22 would require the automotive repair facilities to give the vehicle owner copies of any documents that require their signature and require that the owner sign a repair estimate before any repairs are made to the vehicle so that the owner is aware of the costs associated with the repairs. It would also establish requirements for proper signage in the common service areas of business premises and require certain information to be provided on invoices. The business would be required to maintain records for a minimum of two years. Additionally, language would be included which describes a criminal penalty for violating certain provisions relating to the invoice; such as failure to make or assess any cost to the public without being authorized in writing; tampering with the contract, estimate or invoice; and causing a vehicle owner to sign any estimate that does not itemize the repairs.</p> <p>Proposed changes to Section 8-26 would update the language in the Code to accurately reflect the language used in state law, allow for the use of electronic record keeping systems in addition to written records, and establish procedures for the purchase or sale of vehicles or parts when the identification marks are removed or altered.</p> <p>Section 8-32 is a newly created section and would establish limits for business owners who charge administrative fees and guidelines for teardown fees. This section requires any person alleging a violation of this section to file a sworn complaint in municipal court.</p> <p>Section 8-58 would be changed to comply with new definitions and creates the category of used automotive parts recycler with corresponding license fees and makes it unlawful for any automotive business operating under the Code to operate without first obtaining a license.</p> <p>Section 8-61 would require an automotive repair facility to display its license on its building, sign, advertisements, work order authorizations, repair estimates, and final invoice forms. This proposed amendment also requires the city to maintain a list of all licensed automotive repair facilities on its website.</p> <p>Section 8-92 will be amended to allow body shops with storage privileges that were located on a major thoroughfare at the time of licensing to continue to operate at the same location even if the major thoroughfare is subsequently downgraded to a lower classification.</p> <p>Section 28-34 includes the changes to terminology prescribed by state law for used automotive parts recyclers or lots used for open storage by automobile rebuilders. The section prohibits operating these businesses within 300 feet of an existing church, school, or residence.</p>			

**Sec. 8-16. Definitions.**

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

*Authorized agent.* An insurance company or other agent acting on behalf of a vehicle owner with respect to authorization of repairs.

\* \* \*

~~*Automotive rebuilders.* Any person who, primarily or incidentally, wholly or part time, engages in, conducts, or carries on the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise dealing with the public in or operating as a public dealer in used, or secondhand or salvage titled motor vehicles or trailers for the purpose by the method or plan of rebuilding or dismantling of wrecked or salvage titled motor vehicles or trailers or of dismantling, wrecking, disassembling and selling the dismantled wrecks or the disassembled parts or accessories thereof to the public.~~

~~*Automotive repair facility.* Any person who engages in, conducts or carries on the public business of repairing motor vehicles or motor vehicle trailers, or both. This term includes a mobile automotive repair business.~~ *Automotive repair facility.* Any person who engages in, conducts or carries on the public business of repairing motor vehicles or motor vehicle trailers, or both, including a mobile automotive repair business and a dealer in motor vehicles that repairs motor vehicles or trailers; provided, however, that this term does not include i) a fleet repair operation that exclusively services fleet-owned vehicles, ii) a hobbyist who engages in automotive repair solely for the purpose of recreation or education and not for any commercial purpose, iii) an educational repair facility that does not provide repairs or services to the general public, or iv) any repair not made in exchange for compensation.

\* \* \*

*Collision repair facility.* Any automotive repair facility that is engaged in the public business of repairing or replacing the nonmechanical exterior or interior body parts of a damaged motor vehicle.

\* \* \*

Consent Automotive storage lot facility operator. Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, or ~~and~~ repossessed motor vehicles; provided however that this term does ~~shall~~ not include those who store new motor vehicles pending the retail sales thereof nor those who own or operate lots or garages for the hourly or daily parking of motor vehicles. The term also does ~~shall~~ not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code ~~article 6687-0a, Texas Revised Civil Statutes~~), unless the facility—in addition to keeping vehicles parked or stored without the owners' consent, as authorized by a license granted thereunder—keeps vehicles parked or stored with the owners' consent.

\* \* \*

Dealer in motor vehicles. Any person who, ~~publicly~~ engages in, ~~conducts, or carries on the~~ public business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in motor vehicles or motor vehicle trailers, or both; provided, however, that this term does not include a person who repairs or stores disabled, wrecked or salvage titled motor vehicles, with and to the public.

\* \* \*

Mechanical repair facility. Any automotive repair facility that is engaged in the public business of making mechanical-related repairs to motor vehicles or motor vehicle trailers, or both.

\* \* \*

Used automotive parts recycler. Any person who engages in the public business of keeping or storing discarded, abandoned, junked, wrecked, worn out, salvage titled or otherwise disabled motor vehicles, including but not limited to cars, trucks, tractor trailers and buses, for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking those motor vehicles to extract therefrom parts, components or accessories for sale, for export or for use in an automotive repair or rebuilding business.

#### **Sec. 8-17. Automotive board.**

(a) There is hereby created an automotive board consisting of thirteen 44 members appointed by the mayor and confirmed by the city council. The mayor shall

designate the member to be chairman. Each of the thirteen ~~eleven~~ positions shall be numbered and filled as follows:

- (1) Position number one shall be filled by a new car dealer.
- (2) Position number two shall be filled by a used car dealer.
- (3) Position number three shall be filled by a wholesale parts and accessories dealer.
- (4) Position number four shall be filled by a new and used automobile retail parts dealer.
- (5) Position number five shall be filled by a service station or gasoline station operator.
- (6) Position number six shall be filled by a person who owns and operates a vehicle storage lot.
- (7) Position number seven shall be filled by a person who is not related within the first or second degree by consanguinity or affinity to any person who holds any interest in or is employed by any automotive business of a type that is subject to regulation under this chapter and is situated in the county.
- (8) Position number eight shall be filled by a person who owns and operates a collision repair facility ~~an automotive repair facility~~.
- (9) Position number nine shall be filled by a person who owns and operates a used automotive parts recycler or an automotive rebuilder ~~an automobile wrecking and salvage yard~~.
- (10) Position number ten shall be filled by a person who owns and operates a mechanical repair facility.
- (11) Position number eleven shall be filled by a person who is employed by the insurance industry.
- (12) ~~10~~ Position number twelve ~~ten~~ shall be filled by a member of the legal department of the city designated by the city attorney, who shall be an ex officio member only.



(1344) Position number thirteen 44 shall be the chief of police or a his duly authorized representative from ~~assigned to~~ the automobile dealers detail, who shall serve as secretary of the automotive board and shall be an ex officio member only.

(b) Appointments to positions created hereunder shall be made on or before January second of each year and shall take effect on that date. Each member of the board shall serve for a term of one year and until his successor has been appointed and qualified. Any appointed member of the board shall be subject to discharge and removal from his position on the board at any time by the mayor.

(c) Each member of the automotive board shall receive \$25.00 per diem for his services while attending meetings of the automotive board, and each member of the board who is employed by the city shall receive the same compensation as other members of the board for attending those meetings not held during, or which continue beyond, his regular working hours. To the extent permitted by law, per diem payments to the board members shall be made out of the auto dealers' fund.

(d) Six Five members of the automotive board (excluding ex officio members) present at any meeting shall constitute a quorum for the transaction of all business of the board, and a majority vote of those members of the board present at any meeting shall prevail. The board shall hold not less than one nor more than three regular meetings each calendar month, provided that additional meetings may be conducted if required in order to meet deadlines imposed by law or by any contract to which the city is a party.

(e) No entity that is subject to regulation under this chapter, including a parent, affiliate, partner or subsidiary thereof, shall be permitted to have more than one representative on the board at any given time. For purposes of this subsection, "representative" includes an owner, officer, employee or other representative.

---

**Sec. 8-22. Automotive repair facility display and recordkeeping requirements  
Purchase or sale of vehicles, parts, etc., when identification marks  
are removed, changed, etc.**

(a) An automotive repair facility shall prominently display and have available for inspection the following documentation, as applicable, in the areas of its business premises that are accessible to the public:

(1) A valid and current automotive repair facility license;

- (2) A valid certificate of occupancy;
- (3) A work order authorization or repair estimate form;
- (4) All storage costs;
- (5) The maximum labor rates for any repair for which the facility charges an hourly rate;
- (6) A storage lot license;
- (7) A certificate of garagekeepers and liability insurance with a policy limit of not less than \$300,000.00;
- (8) A Texas sales tax permit; and
- (9) A certificate of registration, if the automotive repair facility is a collision repair facility.

(b) If a vehicle owner or authorized agent authorizes an automotive repair facility to perform repair work on a motor vehicle, the automotive repair facility shall maintain a record of the work order authorization, repair estimate or final invoice associated with that repair work for two years following the later of the date the work order authorization or repair estimate is provided to the vehicle owner or authorized agent or the date the final invoice is provided to the vehicle owner or authorized agent.

(c) If the repair work performed on a motor vehicle will exceed \$100.00, exclusive of any fee paid to another entity not owned by or affiliated with the automotive repair facility in connection with the towing of a motor vehicle, the automotive repair facility shall obtain the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof on a work order authorization or repair estimate prior to initiating any repair on the motor vehicle.

(d) A work order authorization, repair estimate or final invoice, and attachments thereto, prepared pursuant to this section shall contain the following information:

- (1) The name, address, telephone number and automotive repair license number of the automotive repair facility;
- (2) The name, address and telephone number of the vehicle owner and of any authorized agent identified by the vehicle owner;

- (3) If more than 20% of the repair work has been subcontracted to be performed off-premises, information regarding the specific repair work performed by the subcontractor and the name, address and telephone number of the person who performed the work;
  - (4) The date of the work order authorization, repair estimate or final invoice;
  - (5) The year, make, model, odometer reading (if a reading can be obtained), license plate number and vehicle identification number of the motor vehicle;
  - (6) The estimated number of days to complete authorized repairs, if the repairs are for collision-related damage;
  - (7) A description of the vehicle owner's or authorized agent's request for repairs to or concerns about the motor vehicle;
  - (8) The estimated labor charges based on a flat rate, an hourly rate, or a combination of the two;
  - (9) An itemized estimate of the total repair costs, including administrative fees or teardown fees, if any;
  - (10) The estimated charges for shop supplies or for hazardous or other waste removal;
  - (11) The charges for daily storage of the motor vehicle, as applicable;
  - (12) The terms of any parts or service warranties, including, when applicable, any term requiring a part to be returned to the manufacturer or supplier; and
  - (13) A space for an initialed notation indicating that the vehicle owner requests the return of replaced parts. Unless otherwise provided by law or by the terms of a warranty, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner within a period of time not to exceed three business days from the date that repair of the motor vehicle has begun.
- (e) If the cost of repairs exceeds the amount of a work order authorization or repair estimate authorized by the vehicle owner or authorized agent pursuant to subsection (c) by the greater of \$100.00 or ten percent of the amount of the work order

authorization or repair estimate, then prior to completing the repairs, the automotive repair facility shall obtain written approval (which may be in electronic or facsimile form) from the vehicle owner or an authorized agent.

(f) A vehicle owner or authorized agent may grant to an automotive repair facility a written waiver (which may be in electronic or facsimile form and shall include the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof) of the requirements of subsection (c) or subsection (e) of this section, provided, however, that this subsection is not applicable to any repair that is made to a motor vehicle that is incapable of being operated in a normal manner or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter. A waiver granted under this subsection must include the following statements in at least 14 point font size bold type, with a signature line next to each statement, so that the vehicle owner or authorized agent has the ability to sign a partial waiver:

- (1) "I hereby acknowledge and waive the legal requirement for this automotive repair facility to obtain my signature on a work order authorization or repair estimate before making any repair that will exceed \$100.00. I hereby agree that this automotive repair facility may contact me to obtain my verbal authorization in lieu of my written signature for any repair that will exceed \$100.00."
- (2) "I hereby acknowledge and waive the legal requirement for this automotive repair facility to obtain my written approval before making any repair that will exceed the greater of \$100.00 or ten percent of the total amount of the work order authorization or repair estimate that I signed or waived signature of on (date on which work order authorization, repair estimate or waiver was signed). I hereby agree that this automotive repair facility may contact me to obtain my verbal authorization in lieu of my written approval for any repair that will exceed the greater of \$100.00 or ten percent of the total amount of the work order authorization or repair estimate."

An automotive repair facility that obtains a waiver under this subsection shall maintain a record of the waiver, any oral work order authorization or repair estimate provided and any verbal authorization obtained pursuant to that waiver for two years following the date that an oral work order authorization or repair estimate is provided to the vehicle owner or authorized agent. A record of waiver, oral work order authorization or repair estimate and verbal authorization shall contain the information required by subsection (d) of this section. Signature of a waiver pursuant to this subsection does not constitute a waiver of the automotive repair facility's obligation to obtain authorization from the vehicle owner or authorized agent prior to the performance of work on the subject motor vehicle.

(g) An automotive repair facility or one of its employees commits an offense if the automotive repair facility or employee:

- (1) Makes any repair or assesses any cost that has not been expressly authorized in writing (which may be in electronic or facsimile form) by the vehicle owner or an authorized agent, except as provided in subsection (f);
- (2) Alters any vehicle owner contract, work order authorization, repair estimate, final invoice, or other document without the written authorization (which may be in electronic or facsimile form) of the vehicle owner or an authorized agent, except as provided in subsection (f);
- (3) Causes or allows a vehicle owner to sign any work order authorization or repair estimate that does not itemize the repairs authorized by the vehicle owner or include the motor vehicle's odometer reading (if a reading can be obtained) at the time of repair;
- (4) Fails to provide a vehicle owner a copy of a final invoice requiring the vehicle owner's or authorized agent's signature upon completion or cancellation of the repair work; or
- (5) Fails to provide a vehicle owner a copy of any other document requiring the vehicle owner's or authorized agent's signature upon request of the vehicle owner.

(h) An authorized agent that is an insurance company or an employee thereof commits an offense if, in connection with the repair of damage to a motor vehicle covered by an automobile insurance policy, the authorized agent or employee:

- (1) Solicits or accepts a referral fee or gratuity in exchange for referring a vehicle owner or third-party claimant to an automotive repair facility to repair the damage;
- (2) States or suggests, either orally or in writing, to a vehicle owner that the vehicle owner must use a specific automotive repair facility or an automotive repair facility identified on a preferred list compiled by an authorized agent for the damage repair or parts replacement to be covered by the policy; or

(3) Restricts the right of a vehicle owner or third-party claimant to choose an automotive repair facility by requiring the vehicle owner or third-party claimant to travel an unreasonable distance to repair the damage.

(i) Any record required to be maintained under this section shall be kept in written form or in an electronic recordkeeping system.

~~It shall be unlawful for any person to purchase, sell or exchange in the city any motor vehicle, motor vehicle trailer, motor vehicle accessories and tires or motor vehicle parts from or on which any of the original manufacturer's identification numbers, or other original marks of identification, shall have been removed, obliterated, defaced, or changed, unless there shall be filed with the chief of police or his duly authorized representative, prior to and within five days of the date of such sale, purchase or exchange, a full description of the property involved and the reason for or explanation of the removal, obliteration, defacement or changing of identification numbers or marks, such description to be in writing and duly sworn to before a notary public.~~

#### **Sec. 8-26. Other required records.**

(a) Every person who, as dealer, ~~shall makes~~ any sale, purchase, transfer or exchange of either a new or used motor vehicle, or new or used motor vehicle trailer, in the city shall keep a ~~permanent, written record~~ of any and all transfers and assignments, if any, made by the such person, or chattel mortgages, liens or notes covered by or secured by lien upon those such motor vehicles or motor vehicle trailers. The, such record shall include the following information:

(1) ~~The~~ show the name and address of each transferee; and

(2) ~~A,~~ description of the mortgage, lien or note transferred and of the property affected thereby, including the motor number, model and license number of the motor vehicle or trailer therein involved.

~~It shall be required that the person selling the car has a valid government issued ID, and that all information is recorded off of such ID.~~

(b) Every licensee under this article who ~~shall repossesses~~ any motor vehicle or trailer or forecloses any lien or mortgage upon any motor vehicle shall keep a ~~permanent, written record thereof, and of each such repossession or foreclosure, that includes the following information:~~

- (1) ~~The~~ stating the name of the mortgagor;
- (2) ~~The,~~ the amount of indebtedness, principal, interest and other items, if any, separately;
- (3) ~~The,~~ the date and manner of foreclosure, whether by suit or private sale; and
- (4) ~~The,~~ the description of the property repossessed or foreclosed upon, including the motor number, model and license number of the motor vehicle or trailer therein involved, and the name and address of the purchaser thereof.

(c) ~~Every licensee~~ Each person to whom a license is issued under this article ~~who deals to deal~~ in secondhand or used motor vehicle parts or accessories shall keep ~~at all times in the place of business of such licensee~~ a written record of, secondhand and used motor vehicle accessories and parts except tires, purchased by the licensee or deposited for any purpose with such licensee, and of each motor vehicle or motor vehicle trailer purchased or received by such person for the purpose of rebuilding or dismantling the same. With respect to accessories and parts, the record inventory shall include any item that constitutes a "major component part" as defined in section 501.0914 of the Texas Transportation Code, or a "component part," "front-end assembly," "tail section," "interior component part," "minor component part," or and "special accessory part" as those terms are defined in section 2302.251 of the Texas Occupations Code ~~article 6687-2 of the Texas Revised Civil Statutes~~. Additionally, the record shall include any other part or parts that are regularly the subject of trade by automotive parts thieves as determined by regulation promulgated by the automotive board; and supported by clear and convincing evidence that there is recurring ~~reoccurring~~ theft of the same type of part, provided that, any such automotive board regulation that adds additional parts shall expire on the second anniversary of its adoption unless extended by the automotive board, and again supported by clear and convincing evidence that there is recurring ~~reoccurring~~ theft of the same type of part.

The ~~Such~~ record shall include the following information:

- (1) The vehicle identification number ~~must show the motor number~~ and license number of all motor vehicles or trailers transferred unto the licensee;
- (2) An and an accurate description in the English language of the secondhand or used motor vehicle parts or accessories ~~article~~ purchased or deposited, the vehicle identification number of the motor vehicle from which the parts

or accessories were removed, the amount of money paid for same or loaned thereon, and the time of purchase, transfer, or deposit thereof;

- (3) ~~The, showing the name, age, sex, signature, if any, residence, race, and approximate height and weight of the person from whom the licensee so acquired the property;~~
- (4) ~~A, and shall include a photograph depicting the showing the face of such transferor or seller together with the secondhand or used motor vehicle parts or accessories article so purchased and a thumbprint of the such transferor or seller, provided that if a licensee acquires an entire motor vehicle or trailer is acquired from the person who is the owner of the motor vehicle or trailer, then in lieu of the aforesaid photograph and thumbprint, the buyer shall may obtain and maintain a copy of the seller's vehicle title and. It shall be required that the person selling the car has a valid government issued ID, and that all information is recorded off of such ID. Such written record must also include the vehicle identification number of the motor vehicle or the trailer; and~~
- (5) ~~A. Such written record must also include a unique identification inventory number which corresponds to a transaction and has been attached to the motor vehicle or trailer and to the secondhand or used motor vehicle parts or accessories purchased by the licensee. Such written record shall be kept in book form or in an approved computerized format. The record must include the part description and a unique inventory number or motor vehicle identification number from which the part came.~~

(d) It is an affirmative defense to prosecution under this section-subsection that both the transferor and the transferee are city and/or state licensed dealers in used parts and used accessories and that the transfer was documented in full compliance with State Law 6687-2 Chapter 2302 of the Texas Occupations Code requesting the name of the business that the motor vehicle or motor vehicle part is purchased from and the Texas Certificate of Inventory number or federal taxpayer identification number and the record must include the part description and a unique inventory number or motor vehicle identification number from which the part came. It is also an affirmative defense to prosecution under this section that the transferee is a city licensed dealer in used parts and used accessories and that the transferor is a person who conducts a similar business in another jurisdiction who caused the parts or accessories to be delivered to the transferee by commercial freight line or common carrier and the transferee documented the inventory number kept by the transferor for the part under Texas state law, if the transferor resides in Texas, or obtain the transferor's federal taxpayer identification number if the transferor resides outside the State of Texas. The provisions



of this ~~section~~ ~~subsection (e)~~ are in addition to any applicable state law, including but not limited to ~~article 6687-2 of the Texas Revised Civil Statutes~~ Chapter 2302 of the Texas Occupations Code. Records forms promulgated hereunder shall be designed to include any state requirements that are also applicable in order to avoid any duplication of records. Any violation of this section that also constitutes a violation of state law shall be punishable as provided by the applicable state law.

(e) A person who sells a motor vehicle, motor vehicle trailer, or a secondhand or used motor vehicle accessory or part to a licensee under this section must have a valid government issued ID from which the licensee shall record the required information.

(f) Any record required to be maintained under this section shall be kept at the place of business of the licensee in written form or in an electronic recordkeeping system.

**Sec. 8-30. Used automotive parts recyclers, automotive rebuilders and Automobile wrecking and salvage yards automotive repair facilities.**

(a) *Definitions:*

*Automotive business dealing in used parts and used accessories* ~~means as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the trade of a "used parts and used accessories dealer," as defined in this chapter.

*Automotive repair facility* ~~means as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the trade of an "automotive repair facility," as defined in this chapter.

*Automotive rebuilder* ~~means as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the trade of an "automobile rebuilder," as defined in this chapter.

*Used automotive parts recycler* ~~means as used herein shall mean~~ ~~Automotive wrecking and salvage yard~~ any lot or tract of land used for the purpose of carrying on the business or trade of a ~~an~~ "used automotive parts recycler ~~automotive rebuilder,~~" as defined in this chapter, ~~or any lot or tract of land whereon three or more discarded, abandoned, junked, wrecked, worn out or otherwise disabled automotive vehicles, including but not limited to autos, trucks, tractor trailers and buses, are kept or stored for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking such automotive vehicles~~

~~to extract therefrom parts, components or accessories for sale or for use in an automotive repair or rebuilding business.~~

~~Solid as used herein in reference to a fence~~ means shall mean a fence constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.

~~Stored~~ means ~~as used herein shall mean~~ placed on or left on property.

(b) *Compliance.* All lots and tracts of land used for the purpose of carrying on the business or trade of ~~an automotive wrecking and salvage yard~~ a used automotive parts recycler, or an automotive rebuilder, or an automotive repair facility or an automotive business dealing in used parts and used accessories shall comply with the requirements of this section.

(c) *Removal of flammable liquids from vehicles.* All gasoline, gasohol, and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is ~~stored at a~~ placed in any automotive wrecking and salvage yard used automotive parts recycler, or yard operated by an automotive rebuilder or automotive repair facility in the city. All flammable liquids drained from any vehicle in the ~~such~~ yard shall be stored in a safe manner and in strict accordance with the Fire Code of the city.

(d) *Fencing wall requirements.* Each area utilized for the keeping or storing of used automotive parts and/or used accessories by an automotive business dealing in used parts and used accessories or each area that is utilized for the keeping, storing, dismantling, cutting up, stripping or otherwise wrecking of any discarded, abandoned, junked, wrecked or otherwise disabled automotive vehicles upon any used automotive parts recycler, automotive rebuilder ~~automotive wrecking and salvage yard~~ or any automotive repair facility within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of the ~~such~~ yard that ~~which~~ extends generally parallel to, and within one hundred (100) feet of any public street right-of-way shall be enclosed ~~bounded~~ by a solid fence or wall at least eight feet in height.
- (2) All sides of the ~~such~~ yard not included in (d)(1) above shall be enclosed ~~bounded~~ by a solid fence or wall at least six feet in height.

(e) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side of a used automotive parts recycler, automotive rebuilder ~~an automotive wrecking and salvage yard~~ or automotive repair facility shall be enclosed ~~bounded~~ by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(f) *Use of wall, door or building as part of fence or wall.* Any part of a fence or wall required by subsection (d) hereof may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on the said premises, if the such wall or door meets all construction requirements hereinabove set forth.

(g) *Gates at openings in enclosure.* Openings in the prescribed enclosure that ~~which~~ are necessary to permit reasonable access to said used automotive parts recyclers, automotive rebuilders ~~automotive wrecking salvage yards~~, automotive repair facilities or automotive businesses dealing in used parts and used accessories shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Gates ~~Such gates~~ shall be closed and securely locked at all times, except during normal business hours.

(h) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom outside of or above the herein required fence or wall. It is a defense to prosecution under this subsection that the actor has established and is using one unfenced rectangular area not exceeding ten feet by 100 feet in maximum dimensions on ~~upon~~ the premises to display dismantled component parts or accessories for sale, which parts and accessories are stored and arranged in compliance with all other applicable provisions of this section. The display area authorized in the foregoing affirmative defense may also be utilized for the display for sale of whole motor vehicles, whether wrecked or damaged ~~or not~~, provided that the

operator of the premises also holds an automotive dealer's license for vehicle sales at the premises. Nothing in this subsection shall be construed to authorize the use of any public street or other public property for the sale or display of any merchandise in contravention of section 40-8 of this Code.

(i) *Arrangements of vehicles, parts and materials.*

- (1) All automotive vehicles, parts and other materials located in or on the premises of any used automotive parts recycler, automotive rebuilder, automotive wrecking and salvage yard or automotive repair facility or automotive business dealing in used parts and used accessories in the city shall be arranged so as to allow reasonable access to, and inspection of, the premises by authorized fire, health, neighborhood protection and police officials of the city.
- (2) All automotive vehicles, parts and materials stored in any used automotive parts recycler, automotive rebuilder ~~automotive wrecking and salvage yard~~, automotive repair facility, or automotive business dealing in used parts and used accessories must be stored at least six inches above the surface of the yard. A motor vehicle stored in its normal upright position shall be deemed to be stored in compliance with the foregoing requirement if all portions of the body floor plan of the vehicle are situated at least six inches above the lot surface, regardless of the height of wheels, tires, brake components, axles and suspension components that are attached in their normal manner to the vehicle and regardless of the height of wheels, tires or other devices used to elevate the vehicle.

It is an affirmative defense to prosecution under this item (2) that the vehicle's parts and materials were in process of disassembly and were situated within a "disassembly area" designated ~~upon an automotive wrecking and salvage yard~~ a used automotive parts recycler or automotive rebuilder pursuant to item (3), below, at the time of the alleged offense.

- (3) Each duly licensed used automotive parts recycler or automotive rebuilder ~~automotive wrecking and salvage yard~~ may file with the automotive board a plat or legal survey of its said yard accurately setting forth under oath the dimensions and size of the yard thereof, exclusive of all covered improvements and out buildings utilized as part thereof and in connection therewith. The ~~Such~~ plat or legal survey shall also accurately depict all adjoining public thoroughfares. Each ~~such~~ yard filing a ~~such~~ plat or legal survey may designate upon the ~~such~~ plat or legal survey an accurately delineated open area not to exceed 20 percent of the unimproved area

within the yard, or 21,780 square feet within the yard, whichever designation is smaller, as a "disassembly area." Upon approval of the such plat or legal survey and designated "disassembly area" by the automotive board, the duly licensed yard operator may use the such area for the active disassembly of wrecked vehicles in the usual course of yard business. A true copy of the such approved plat or legal survey and designated "disassembly area" shall be displayed at all times upon the premises of business for review by any peace officer of the State of Texas or the neighborhood protection official of the city.

(j) *Control of vegetation.* It shall be unlawful for the owner or operator of a used automotive parts recycler, automotive rebuilder an automotive wrecking and salvage yard, automotive repair facility or automotive business dealing in used parts and used accessories to allow grass or other vegetation to grow to a height of more than nine inches above the ground

(k) *Watershed.* No used automotive parts recycler, automotive rebuilder automotive wrecking and salvage yard, automotive repair facility or automotive business dealing in used parts and used accessories shall be located on top of a watershed.

(l) *Compliance with regulations and ordinances.* All used automotive parts recyclers, automotive rebuilders automotive wrecking and salvage yards, and all automotive repair facilities and all automotive businesses dealing in used parts and used accessories must at all times be in full compliance with all city ordinances regarding health and safety, including specifically without limitation, all requirements of the Fire Code, and with all state regulations regarding hazardous waste disposal, including specifically without limitation, all requirements promulgated by the Texas Commission on Environmental Quality.

(m) *Improved surface.* All portions of lots or tracts of land used in the operation of a used automotive parts recycler, an automotive rebuilder an automotive wrecking and salvage yard, an automotive repair facility or an automotive business dealing in used parts and used accessories must have an all-weather surface of concrete, asphalt, blacktop, stone, macadam, limestone, iron ore, gravel or shell of the such composition and drainage as to enable the safe and effective movement of motor vehicles upon all portions of the lot, both under their own power and under tow, at all times regardless of prevailing weather conditions.

(n) *Violations and penalties.* Failure by any person to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a used automotive parts recycler an automotive wrecking and salvage yard, an automotive rebuilder, automotive repair

facility or an automotive business dealing in used parts and used accessories under this Code. It shall be unlawful for any person to fail to comply with any applicable provision of this section.

~~(c) Vehicles stored less than 30 days for repairs. For automotive repair facilities,~~ it is an affirmative defense to prosecution under subsections (c) and (d), above, that a wrecked or disabled vehicle stored thereupon is owned by a person other than the owner of the automotive repair facility and is being stored at the automotive repair facility for the purpose of its repair at the automotive repair facility and that the vehicle has been stored upon the automotive repair facility for 30 days or less at the time of the alleged offense.

### **Sec. 8-31. Penalty.**

Unless otherwise provided, any person who violates any provision of this article, regardless of whether the person holds a license issued pursuant to this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$500.00; provided, however, if the person is convicted of an offense under this article that is also a violation of the penal laws of the state, the person shall be subject to the penalties set out in the penal laws for the offense.

A used parts and accessories seller commits a separate offense for each sale of used parts and/or used accessories made without a valid salesman's license. The offense shall be punishable by a fine of not less than \$200.00 nor more than \$500.00 than for each transaction.

### **Sec. 8-32. Administrative fees and teardown fees.**

(a) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner an administrative fee in excess of \$50.00. For purposes of this subsection, "administrative fee" means a fee assessed for the processing of paperwork on a motor vehicle being repaired.

(b) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner a teardown fee in excess of the industry standards established in the most recent version of an estimating guide for motor vehicle components and labor hours that is published or otherwise maintained by CCC

Pathways, Mitchell or Audatex. For purposes of this subsection, "teardown fee" means a fee assessed for the removal of a motor vehicle component to determine the extent of damage associated with that motor vehicle component.

(c) Any person alleging a violation of this section shall file a sworn complaint in the municipal court.

**Sec. 8-58. Fees.**

(a) The following schedule shall constitute the license fees payable for each of the respective licenses issued under this division, all of which fees shall be payable to the chief of police:

	Initial License Fee	Renewal License Fee
(1) Dealer in new motor vehicles	\$330.00	\$310.00
(2) Dealer in used motor vehicles	\$120.00	\$100.00
(3) Wholesale automotive jobber and supply dealer	\$220.00	\$200.00
(34) Retail supply dealer	\$170.00	\$150.00
(45) Automotive rebuilder and dismantler	\$610.00	\$590.00
(5) Used automotive parts recycler	\$610.00	\$590.00
(6) Automotive parts rebuilder	\$220.00	\$200.00
(7) Consent Automotive storage lot facility operator	\$330.00	\$310.00
(8) Automotive repair facility	\$490.00	\$470.00
(9) Used parts and used accessories dealer	\$380.00	\$360.00
(10) Body shop facility with storage privileges	\$510.00	\$470.00

(b) Fees on all licenses issued during any calendar year shall be paid in advance to the chief of police.

(c) Any combination license may be issued for any combination of the businesses governed by this article, upon payment of the appropriate fee as herein provided, after application for the such license has been made and approval has been granted by the automotive board pursuant to the terms of this division. The following schedule of combination license fees shall apply and shall be payable to the chief of

police in lieu of separate licenses for two or more classes of business conducted by the licensee:

	Initial License Fee	Renewal License Fee
(1) A dealer in new vehicles, used vehicles, and parts and accessories, new or used, or both	\$500.00	\$460.00
(2) A dealer in used vehicles and parts and accessories, new or used, or both	\$500.00	\$460.00
(3) A person engaged in the business of wholesale automotive jobber and supply dealer and in the business of retail supply dealer	\$390.00	\$350.00

(d) A dealer who inadvertently obtains duplicate licenses for the same address under subsections (a) and (c) shall be entitled to a refund for the such duplication; provided, the city shall retain \$40.00 for handling the refund.

(e) Upon disapproval by the automotive board of any license issued hereunder, the applicant (by requesting same in writing) shall be entitled to a refund of money paid the city; provided, the city shall retain \$40.00 for handling the refund.

(f) No license issued pursuant to the provisions of this division may be renewed more than 30 days after the date of its expiration. If a license had expired and not been renewed within 30 days, the applicant may apply for a new license as an initial applicant. The fee for such a new license shall be the fee set out for an original license.

(g) It shall be unlawful for any person to operate a business for which a license under this division is required without first obtaining a license therefor.

#### **Sec. 8-61. Display.**

(a) A license issued under this division shall be displayed in a conspicuous place in the office of each place of business maintained by the licensee.

(b) A copy of an automotive repair facility license issued under this division shall be displayed on the building or sign of the automotive repair facility, included in print or internet advertisements for the automotive repair facility and printed on work order



authorization, repair estimate and final invoice forms utilized by the automotive repair facility.

(c) The city shall maintain a list of all licensed automotive repair facilities on its website and shall update that information on a quarterly basis.

---

**Sec. 8-91. Purpose; relationship to other provisions.**

(a) Pursuant to the provisions of this division, an automotive repair facility that primarily functions as a body shop may qualify to obtain a license as a body shop facility with storage privileges. A holder of that license shall, subject to compliance with this division, be entitled to function as both an automotive repair facility and a consent an automotive storage lot facility operator under this article so that a storage fee may be imposed for vehicles that are stored with the owner's consent pending their repair at the body shop or other disposition. The holder of a body shop facility with storage privileges license shall not be required to also hold an automotive repair facility license or a consent automotive storage lot facility's operator's license for operations at the covered premises in compliance with this division.

(b) A body shop facility with storage privileges that is licensed under this division is not required to comply with the land use requirements established in section 28-34 of this Code. However, it is the intent of city council in adopting this article that the article cannot be used to circumvent the 300-foot land use restrictions that apply therein to any storage lot, whether in existence at the time of adoption of this article or created thereafter.

(c) Nothing contained in this division shall be construed to preclude an automotive repair facility, whether primarily operating as a body shop or not, that is situated in a location that complies with section 28-34 of this Code from obtaining a license under the state Vehicle Storage Facility Act or a private storage lot authorization under article III of this chapter, as applicable, and conducting vehicle storage operations thereunder.

(d) Nothing contained in this division shall be construed to preclude any automotive repair facility, whether primarily operating as a body shop or not, from storing vehicles without imposing a fee for the service as authorized in section 8-30 of this Code.

(e) All provisions of this article that apply to automotive repair facilities shall also apply to a body shop facility with storage privileges license holder, except that the license holder may not store vehicles as provided in section 8-30(o) of this Code.

---

### **Sec. 8-92. Licensing requirements.**

In order to obtain a body shop facility with storage privileges license, the applicant must demonstrate:

- (1) That on the premises where the licensed facility will be situated, the applicant operates a body shop that is operationally equipped with one or more frame machines, an estimating system, two or more fully equipped body repair bays and one or more city permitted vehicle paint booths, which equipment shall be situated within enclosed structures.
- (2) That the licensed facility may not derive more than 25 percent of all income from fees charged specifically for storage of vehicles on the premises.
- (3) That, in addition to the vehicle storage area required under item (5), below, the operator has, upon the premises, not less than five parking spaces for every 1,000 square feet of gross floor area, as required for an auto repair establishment under chapter 26 of this Code.
- (4) That the premises abuts a major thoroughfare and will take access to the premises for all purposes relating to the operation of the body shop and the storage of vehicles from the major thoroughfare, provided, however, that any body shop facility with storage privileges that commenced operations on or after December 27, 1999, in compliance with this subsection may continue to operate at its premises notwithstanding a subsequent reclassification of the abutting major thoroughfare to a lower classification of public street.
- (5) That the premises has an enclosed all-weather-improved surface parking area not larger than seven and one-half marked parking spaces per 1,000 square feet of gross floor area, measured and construed in the same manner provided in chapter 26 of this Code, that will be utilized as its vehicle storage area. The area shall be enclosed in the same manner described in section 8-30(e) of this Code, provided that if the premises abuts any deed restricted property and the deed restrictions require a

particular type of fence, then the fence shall also conform to the style required in the abutting property's deed restrictions. The vehicle storage area shall be located on the same tract or parcel of land where the body shop is situated or a contiguous tract or parcel of land. For this purpose, "contiguous" shall include an abutting tract or parcel and shall also include a tract or parcel that is situated directly across the major thoroughfare from which the body shop takes its access. For these purposes, the term directly across means that 50 percent or more of the tract frontages on the opposite sides of the major thoroughfare are parallel.

- (6) That signs are conspicuously posted at each public entrance to the premises setting forth the hours of operation and the amount of any daily vehicle storage fee imposed.

---

**Sec. 28-34. Location of automobile storage lots, used automotive parts recyclers or lots used for open storage by automotive rebuilders automobile wrecking and salvage yards and lots used for open storage by metal recyclers/secondhand metal dealers.**

(a) *Prohibition.* It shall be unlawful for any person to operate or cause to be operated within 300 feet of an existing church, school, or residence:

- (1) An an-automobile storage lot, whether licensed as an automotive storage lot pursuant to chapter 8 of this Code or as a vehicle storage facility pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code article 6687-9a, Texas Revised Civil Statutes);
- (2) A used automotive parts recycler, an automotive wrecking and salvage yard as defined in chapter 8 of this Code;
- (3) A lot used for open storage by an automotive rebuilder as defined in chapter 8 of this Code;
- (4) A, a lot used for open storage by a metal recycler/secondhand metal dealer, all as defined in chapter 7 of this Code; or
- (5) Aa lot used for open storage by a used parts and used accessories dealer as defined in chapter 8 of this Code, within 300 feet of an existing church, school, or residence.

The 300 foot measurement required under this section shall be made on the basis of land uses in existence at the time that the original permit or license application for the facility is filed and at the time of any expansion of the size of the property used for the facility. A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 90 or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred."

(b) *Definitions and standards:*

~~(6)~~ *Boundary of operations.* ~~The~~ Shall be the fence line limiting the portion of a larger lot or tract to be used as the business operation area for the business requiring licensure under this Code. The boundary of operations and the fence shall be shown on a legal (or official) survey filed with the application for license and must be fenced according to the applicable standards of this Code. The fence shall be shown on the survey. The survey shall additionally show each route that will be used for vehicular ingress or egress to the business operation area. If the ingress or egress will not be exclusively taken from one or more public streets that abut the business operation area, then each route of vehicular ingress or egress must be included within the surveyed and fenced boundary of operations. This definition is applicable to automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards,~~ and lots used for open storage by metal recyclers/secondhand metal dealers only and has no effect on any other person or business required to be licensed by the city.

~~(1)~~ *Church.* A structure where a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction and which is exempt from ad valorem taxes.

~~(5)~~ *Measurement of 300 feet.* ~~The~~ Shall be in a straight line from the property line or (at the applicant's request) from the boundary of operations of the automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard,~~ or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence.

~~(4)~~ *Open storage.* Materials stored upon a lot not within an enclosed structure.

~~(3)–Residence.~~ Any structure which, at the time ~~that~~ of the application for a license is filed, is being used as a dwelling place for residential purposes, whether single-family or multifamily. A structure located on a lot or tract of land used as an automobile storage lot, used automotive parts recycler, lot used for open storage by an automotive rebuilder, ~~automobile wrecking and salvage yard~~ or lot used for open storage by a metal recycler/secondhand metal dealer shall not be considered a residence within the terms of this definition.

~~(2)–School.~~ A public or private elementary, junior high or ~~and~~ high school.

(c) *Existing structure.*

- (1) The terms of this section shall apply to all existing licensed automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards,~~ and lots used for open storage by metal recyclers/secondhand metal dealers, from and after December 22, 1982, and to all lots used for open storage by a used parts and used accessories dealer, from and after December 22, 1993. Any owner or operator of an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, ~~automobile wrecking and salvage yard~~ or lot used for open storage by a metal recycler/secondhand metal dealer, which as of December 22, 1982, and any owner or operator of a lot used for open storage by a used parts and used accessories dealer, which as of December 22, 1993, is located within 300 feet of a church, school or residence shall, within 30 days of the date specified above, as applicable, make application with the appropriate licensing department for a special permit that indicates that the holder of the permit is located within 300 feet of a church, school or residence. It shall be unlawful to own or operate an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard,~~ a lot used for open storage by a metal recycler/secondhand metal dealer or a lot used for open storage by a used parts and used accessories dealer within 300 feet of a church, school or residence without first procuring the special permit required by this subsection.
- (2) Subject to compliance with other applicable laws, including chapters 7 and 8 of this Code as applicable, a special permit may be transferred to another owner. Application shall be made to the department responsible for issuing the permit, ~~whether the police department or the administration and regulatory affairs department,~~ and the permit shall be executed by both the transferor and the transferee. ~~If in the event that the use of the~~

premises is suspended at any time for a period of 90 or more consecutive days, then the special permit shall expire. ~~This, and this~~ provision shall not be construed to allow the transfer of a special permit that has so expired. A special permit may be revoked for failure to comply with any applicable law, regulation, or statute relating to the licensing or other regulation of the business.

- (3) If improvements upon any lot covered by this subsection are destroyed or damaged as a result of fire, explosion, weather or other Act of God in excess of 50 percent of the value of the then-current market value of the improvement based on the current city tax rolls, ~~the such~~ improvement shall not be rebuilt or otherwise reconstructed. Nothing in this subsection shall be construed to prohibit the minor repair or routine maintenance of any existing improvements.
- (4) No holder of a special permit shall be entitled to expand or otherwise enlarge the business by adding additional improvements or land or to make a new investment thereto; provided, however, that this restriction on the addition of improvements shall not apply to improvements made in order to comply with any state or local ordinance, statute or regulations.
- (5) If a licensed automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard~~, or a lot used for open storage by a metal recycler/secondhand metal dealer or a used auto parts and used accessories dealer holds a valid special permit under this subsection, then it shall not be placed in violation of this section, or become ineligible for a renewal of a permit or license, or be required to obtain a special permit, due to the subsequent construction or placement of a church, school or residence within 300 feet of the location of ~~the such~~ licensed business.

(d) *Newly annexed areas.* Persons owning or operating automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards~~, lots used for open storage by metal recyclers/secondhand metal dealers, and used parts and used accessories dealers situated in areas that are newly annexed into the corporate limits of the city after the dates specified in subsection (c) above, as applicable, may apply for and be granted special permits in the same manner provided for existing owners or operators under subsection (c), above. The application for the special permit must be filed within 30 days following the effective date of the annexation of the area where the lot or yard is situated. Special permits issued under this subsection and holders thereof shall be subject to all of the same restrictions imposed under subsection (c) with regard to other

special permits and holders thereof, provided that the effective date of the annexation of the area where the lot or yard is situated shall apply in lieu of the applicable date specified in subsection (c) above, in any determination made with regard to the special permit or business operated thereunder. The provisions of this subsection shall not be available to the operator of any premises unless the premises was open for a business subject to regulation under this section on the date of first publication in a newspaper of general circulation of the notice of annexation hearings under Section 43.052 of the Local Government Code or unless the operator had, on or before that date, leased or purchased the property and had actually commenced improving it for the express purpose of establishing the regulated business.

(e) *Reserved.*

(f) *Improvement of specially permitted facilities.*

(1) Notwithstanding the provisions of item (4) of subsection (c), above, the planning commission may authorize the improvement of a specially permitted facility that is regulated under this section in accordance with this subsection. An application for improvement of a specially permitted facility shall be made to the planning official in a form prescribed by the director of planning and development and shall include:

- a. A nonrefundable fee of \$200.00; and
- b. A statement of the specific facts and reasons that the applicant believes warrant the authorization, which shall address each of the criteria of item (4) of this subsection.

The director shall review ~~cause~~ each application ~~to be reviewed~~ and provide ~~shall cause~~ a staff report regarding the application ~~to be provided~~ to the commission prior to the meeting at which the application will be considered. The commission shall schedule the consideration of each application for a meeting of the commission and shall instruct the applicant and the director to give ~~cause~~ notice ~~to be given~~ as provided in items (2) and (3) of this subsection.

(2) Notice of the commission meeting at which the application will be considered shall be given in both English and Spanish at the expense of the applicant by:

- a. The publication of notice, in a form to be prescribed by the director, in a newspaper of general circulation in the city, at least 15 days before the date of the commission meeting;
  - b. The mailing of notice, at least 15 days before the date of the commission meeting, to the owners, as shown on the most recently approved tax roll, of each tract or parcel of property that is situated in whole or in part within a distance of 300 feet from the boundaries of the property that is the subject of the request for a transfer application;
  - c. The mailing of notice, at least 15 days before the date of the commission meeting, to all civic associations registered with the planning and development department whose boundaries include all or a portion of the area situated within 300 feet of the property that is the subject of the transfer application; and
  - d. The posting of notice upon a sign on the property for which the improvement is requested, giving notice of the application and the date of the commission meeting. The director shall prescribe the dimensions of the sign and shall establish criteria for the location of the sign. If the property for which the application is made fronts on or has access to more than one public street, the director may require placement of more than one sign on the subject property upon a finding that more than one sign is necessary to provide adequate notice. The sign or signs shall be posted 72 hours after the director gives notice for their posting to the applicant, provided that the sign shall be posted at least 15 days prior to the date of the hearing.
- (3) The applicant shall provide the following information to the director at the time specified by the director:
- a. A certified list of the property owners to whom notice must be given pursuant to item (2) of this subsection; and
  - b. For each property owner and registered civic association to whom notice must be given pursuant to item (2) of this subsection:
    1. One stamped envelope addressed to each property owner and registered civic association; and



2. One copy of the notice of the public hearing in the form prescribed by the director.

The applicant shall also provide proof to the director that the required newspaper notices have been timely published and that the required sign(s) have been posted and maintained for the required time period.

- (4) The applicant and any member of the public may address the commission and present evidence or comments regarding the application at the meeting at which it is considered. The burden shall be upon the applicant to show by a preponderance of the credible evidence that the applicant is entitled to the granting of the application. Following the receipt of evidence and comments, the commission shall consider the matter and shall grant the application if it determines that each of the following criteria exists:
  - a. The improvement will not substantially increase the vehicular traffic on any street that is not a major thoroughfare. In making this determination, the commission shall consider whether the facility takes its primary access from a major thoroughfare and whether it has rail or waterborne access for the receipt and shipment of materials.
  - b. The improvement will not have a negative effect upon the appearance of the community in which it is situated. In making this determination, the commission shall consider the applicant's plans for perimeter fencing and landscaping as well as the appearance of any structures, equipment, or other features of the facility that may be visible from the exterior.
  - c. The facility, by virtue of its activities, does not pose a substantial risk of adverse health effects, unlawful noise, fire, explosion, or other nuisance conditions, and the proposed improvements will not increase those risks. In making this determination, the commission shall consider the prior operating history of the facility.
  - d. There exists upon the property a capital investment of at least \$500,000.00 current book value in facilities and equipment.
  - e. The facilities and equipment upon the property were placed for the operation of the facility for which the authorization is sought and may not readily be adapted to other uses that are not subject to regulation under this section or be removed to another location.

- f. The granting of the application will not be injurious to the public health, safety, and welfare.

The commission may condition its granting of the application, ~~if granted~~, upon the applicant's installation and maintenance of buffer zones, trees, shrubs, special fences, or other improvements to reduce noise or improve the external appearance of the property if it determines that the action is desirable to protect the public health, safety, and welfare. Any such requirement shall be consistent with the purpose of causing the use of the applicant's property to be as harmonious as practicable with the use of other nearby properties.

- (5) The applicant or any person to whom notice is required to be given under part b. or c. of item (2) of this subsection may appeal, provided that the person attended and participated in the commission meeting, either in person or through an authorized representative. Appeals shall be to the city council and shall be governed by rule 12 of the city council rules of procedure (section 2-2 of this Code). Notice of an appeal must be filed in the city secretary's office by the tenth day following the rendition of the commission's decision on the application. The commission shall cause each meeting or portion thereof at which an application is to be considered to be videorecorded. Notwithstanding any provision of rule 12 to the contrary, any required transcript for an appeal to the city council may be prepared from the video recording. An appeal shall not suspend the action of the commission pending the decision of the city council.

(g) The licensing department may extend the filing period for a special permit upon demonstration to the director by clear and convincing evidence that the facility was in fact in operation on the effective date and that the applicant's failure to timely file was based upon an error or misunderstanding and not the result of conscious indifference to the requirements of this section.

(h) The provisions of this section are not applicable to the premises of a body shop facility with storage privileges operating under a valid license issued under division 4 of article II of chapter 8 of this Code.

**REQUEST FOR COUNCIL ACTION**

RCA# 9187

**TO:** Mayor via City Secretary

**Subject:** Formal Bid Received for Boxes, Plastic Meter and Covers for the Public Works & Engineering Department  
S06-S23914

Category #  
4

Page 1 of 2

Agenda Item

317

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

**Origination Date**  
October 19, 2011

**Agenda Date**  
~~NOV 18 2011~~  
NOV 30 2011

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

**Council District(s) affected**  
All

**For additional information contact:**  
David Guernsey Phone: (832) 395-3640  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**  
Approve an award to Coburn Supply Company, Inc. on its low overall bid in an amount not to exceed \$956,246.00 for plastic meter boxes and covers for the Public Works & Engineering Department.

Estimated Spending Authority: \$956,246.00

**Finance Budget**

\$956,246.00 PWE-Combined Utility System Gen Pur Fund (8305)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Coburn Supply Company, Inc. on its low overall bid in an amount not to exceed \$956,246.00, for plastic meter boxes and covers for the Public Works & Engineering Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of four types of meter boxes in an approximate quantity of 53,000 and three types of meter box covers in an approximate quantity of 51,800 to be used by the Department to install new and/or replace residential and commercial water meter boxes and covers citywide.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Coburn Supply Company, Inc.	\$ 956,246.00
2. Ferguson Waterworks	\$ 991,276.00
3. HD Supply Waterworks	\$1,010,540.00
4. Globe Electric Supply, Inc.	\$1,253,216.00
5. CPR Services and Supplies, Inc. DBA MDN Enterprises	\$1,620,210.00
6. Nicor, Inc. (Bid #4)	\$1,693,200.00
7. Nicor, Inc. (Bid #1)	\$1,759,596.00
8. Nicor, Inc. (Bid #2)	\$1,885,600.00
9. Nicor, Inc. (Bid #3)	\$2,253,300.00

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization: MO

*Handwritten initials*

Date: 10/19/2011	Subject: Formal Bid Received for Boxes, Plastic Meter and Covers for the Public Works & Engineering Department S06-S23914	Originator's Initials TR	Page 2 of 2
---------------------	---	--------------------------------	-------------

**MWBE Subcontractor:**

This bid was issued with a 3% goal for MWBE participation. **Coburn Supply Company, Inc.** has designated the below-named company as its certified MWBE subcontractor:

<b><u>NAME</u></b>	<b><u>TYPE OF SERVICE</u></b>	<b><u>AMOUNT</u></b>
Swift International Service Group, Inc.	Delivery	\$28,687.38

The Mayor's Office of Business Opportunity will monitor this award.

Buyer: Tywana L. Rhone

**ESTIMATED SPENDING AUTHORITY**

<b>DEPARTMENT</b>	<b>FY12</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Public Works & Engineering	\$143,436.90	\$812,809.10	\$956,246.00