

**AGENDA - COUNCIL MEETING - TUESDAY - JANUARY 29, 2013 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**INVOCATION AND PLEDGE OF ALLEGIANCE** - Council Member Davis

**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

**NOTE: If a translator is required, please advise when reserving time to speak**

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

**RECONVENE**

**WEDNESDAY - JANUARY 30, 2013 - 9:00 A. M.**

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

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 31**

## AGENDA - JANUARY 30, 2013 - PAGE 2

### MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the reappointment of the following individuals to the **BOARD OF PUBLIC TRUSTS**, for terms to expire March 22, 2014:  
Position Two - **YVONNE M. CABRAL**  
Position Four - **LENORA SOROLA-POHLMAN**  
Position Six - **WILLIAM J. HILL**
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON MEDIA SOURCE BOARD OF DIRECTORS**:  
Position One - **SYLVIA CAVAZOS**, reappointment, for a term to expire 12/31/14  
Position Two - **MANISHA N. MEHTA**, appointment, for a term to expire 12/31/13  
Position Three - **RAY HILL**, appointment, for a term to expire 12/31/14  
Position Four - **PHAN DUY**, reappointment, for a term to expire 12/31/13  
Position Five - **OVI GALVAN, JR.**, reappointment, for a term to expire 12/31/14  
Position Six - **MARK L. MADRID**, appointment, for a term to expire 12/31/13  
Position Seven - **J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/14  
Position Eight - **NOËL BEZETTE**, appointment, for a term to expire 12/31/13  
Position Nine - **KAREN S. NIEMEIER**, reappointment, for a term to expire 12/31/14  
Position Ten - **AL VERA**, reappointment, for a term to expire 12/31/14  
Position Eleven - **TERRI BAILEY PARRIS**, reappointment, for a term to expire 12/31/14
3. REQUEST from Mayor for confirmation of the reappointment of **ANN THOMAS GIVENS** to serve as Chair to the **REINVESTMENT ZONE NUMBER SEVENTEEN (MEMORIAL CITY), CITY OF HOUSTON, TEXAS BOARD OF DIRECTORS**, for a term to expire December 31, 2013

### ACCEPT WORK - NUMBERS 4 and 5

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$98,750.00 and acceptance of work on contract with **BOYER, INC** for Hermann Park - (Phase II 5KV Upgrades) - **DISTRICT D - ADAMS**
5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$252,181.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Hermann Park Upgrade of Electrical Distribution System - 9.64% over the original contract amount and under the 10% contingency - **DISTRICT D - ADAMS**

### PROPERTY - NUMBER 6

6. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. 8700 Long Point, a Texas Limited Partnership, et al., Cause No. 996,353; for acquisition of Parcels AY9-417 and KY10-134; for the **LONG POINT PAVING AND DRAINAGE PROJECT: HEMPSTEAD HWY. to GESSNER, SUB-PROJECT II (Pech - Hollister)** - **DISTRICT A - BROWN**

### PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. **HOUSTON FREIGHTLINER, INC (BID NO. 1)** for Truck-Mounted Boom Crane for Department of Public Works & Engineering - \$269,509.00 - Enterprise Fund
8. **MANSCI INC** for One Automated Titration System and Refurbishment of an existing system for the Department of Public Works & Engineering - \$59,397.74 - Enterprise Fund
9. **ColorID, LLC** - \$54,018.66 and **IdentiSYS, INC** - \$80,963.57 for Security Badging Equipment and Accessories for Various Departments - 3 Years with two one-year options - General and Enterprise Funds

**PURCHASING AND TABULATION OF BIDS** - continued

10. **J. TYLER SERVICES, INC** - \$251,201.87 and **CONTRACT RESOURCE GROUP, LLC** - \$60,815.91 for Office Furniture from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Various Departments General, Enterprise and Other Funds

**ORDINANCES** - NUMBERS 11 through 31

11. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to crafted precious metals
12. ORDINANCE **AMENDING SECTION 1-16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to correction of City ordinances and certain other records
13. ORDINANCE relating to ground transportation services for the 2013 National Basketball Association All-Star Game; suspending certain provisions of the Code of Ordinances, Houston, Texas, and adopting provisions authorizing the issuance of temporary limousine driver licenses
14. ORDINANCE authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc before the Public Utility Commission of Texas and the Federal Energy Regulatory Commission during 2013 - **DISTRICT E - MARTIN**
15. ORDINANCE de-obligating \$300,000.00 previously appropriated out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund pursuant to Ordinance No. 2009-1142, and appropriating \$6,000,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund, to be used for affordable single family and multi-family housing activities in connection with the Disaster Recovery Program Grant - Round 2
16. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC**, to provide \$507,750.51 in Housing Opportunities for Persons With AIDS Funds for the administration and operation of two community residences, along with the provision of supportive services - **DISTRICT G - PENNINGTON**
17. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SEARCH HOMELESS SERVICES, INC** to provide an additional \$123,335.00 in Community Development Block Grant Funds and extend the contract to continue the administration, implementation, oversight and delivery of an Engagement Services Program - **DISTRICT D - ADAMS**
- 17-1 ORDINANCE approving and authorizing a Neighborhood Stabilization Program ("NSP") Developer Loan Agreement between the City of Houston and **MAYBERRY HOMES, INC**, to provide a Performance-Based Loan of Federal NSP Funds in an amount not to exceed \$2,051,035.00 for eligible costs to acquire land and develop 14 to 20 affordable single-family homes in NSP 3 target areas - **DISTRICTS A - BROWN; B - DAVIS; D - ADAMS; E - MARTIN; F - HOANG; H - GONZALEZ; I - RODRIGUEZ; J - LASTER and K - GREEN**
18. ORDINANCE relating to the conveyance of a 30-foot-wide pipeline easement across Lake Houston Wilderness Park (the "Park") to Texas Express Pipeline LLC (the "Project"); making findings and approving the use of a portion of the park for the project; authorizing a Deed Modification Agreement between the City of Houston and the **TEXAS PARKS AND WILDLIFE DEPARTMENT**; authorizing an easement conveyance from the City to Texas Express Pipeline LLC; authorizing a Surface Use Agreement between the City and **TEXAS EXPRESS PIPELINE LLC** - **DISTRICT E - MARTIN**

**ORDINANCES** - continued

19. ORDINANCE amending Ordinance No. 2007-1101 (Passed on October 3, 2007) to increase the maximum contract amount for contract between the City of Houston and **JOMAR CONTRACTORS, INC** for Lighting Maintenance Services for the Houston Airport System \$700,000.00 - Enterprise Fund - **DISTRICT B - DAVIS**
20. ORDINANCE approving and authorizing sole source contract between the City of Houston and **QUESTMARK INFORMATION MANAGEMENT, INC** for Jury Notice Tracking System and Services for the Houston Municipal Courts Department; providing a maximum contract amount 3 Years with two one-year options - \$403,100.00 - General Fund
21. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CENTURY ASPHALT, LTD.** for sale of Street Millings for the Public Works & Engineering Department - 5 years - Revenue
22. ORDINANCE consenting to the addition of 25.32 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98**, for inclusion in its district
23. ORDINANCE releasing certain territory consisting of approximately 252 acres in Waller County in the vicinity of the City of Waller, Texas near Waller Tomball Road and Binford Road, from the extraterritorial jurisdiction of the City of Houston
24. ORDINANCE appropriating \$539,446.70 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Widening and Reconstruction of US 290 from West of FM 529 to east of West Little York; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - BROWN**
25. ORDINANCE appropriating \$989,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **IDS ENGINEERING GROUP, INC** for Lift Station Renewal and Replacement; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - BROWN; B - DAVIS; C - COHEN and E - MARTIN**
26. ORDINANCE appropriating \$675,716.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HALFF ASSOCIATES, INC** for North Corridor Plant Consolidation - Package 1B; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - DAVIS**
27. ORDINANCE appropriating \$575,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for the Design of On-Call Small Diameter Water Line Extensions (Approved by Ordinance No. 2011-0737); providing funding for CIP Salary Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

**ORDINANCES** - continued

28. ORDINANCE appropriating \$1,775,000.00 out of Street & Traffic Control and Storm Drainage DDSRF, awarding contract to **JERDON ENTERPRISE, LP.** for FY2013 Flood Gauge and Flood Warning System Negotiated Construction Work Orders; 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 CIP Cost Recovery, construction management, and contingencies relating to construction of facilities financed by the Street & Traffic Control and Storm Drainage DDSRF
29. ORDINANCE No. 2013-0054, passed first reading January 23, 2013  
ORDINANCE granting to **UNITED SITE SERVICES OF TEXAS, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**
30. ORDINANCE No. 2013-0055, passed first reading January 23, 2013  
ORDINANCE granting to **FRANK LEYVA FELIX dba PAYLESS PORTA JONS, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING**
31. ORDINANCE No. 2013-0060, passed first reading January 23, 2013  
ORDINANCE adopting Land Use Assumptions and a Capital Improvement Plan (Internally known as the "Drainage Impact Fee Improvement Plan") for the possible adoption of Impact Fees for drainage, appointing Planning Commission as the Capital Improvements Advisory Committee, and calling a public hearing at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to adopt Impact Fees for drainage, in accordance with Chapter 395 of the Texas Local Government Code - **SECOND READING**  
**HEARING DATE - 9:00 A.M. - WEDNESDAY - MARCH 6, 2013**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 32

**MISCELLANEOUS**

32. SELECT AND CONFIRM the appointment of **ADRIAN PATRICK PATTERSON** or **DR. BERNARD A. HARRIS, JR.**, to Position 10 of the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for a three year term

**MATTERS HELD** - NUMBERS 33 through 36

33. ORDINANCE amending, restating and ratifying Ordinance No. 2011-932 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series G; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency

**TAGGED BY COUNCIL MEMBER BROWN**

This was Item 14 on Agenda of January 23, 2013

34. ORDINANCE amending, restating and ratifying Ordinance No. 2009-48 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series H-2; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency

**TAGGED BY COUNCIL MEMBER BROWN**

This was Item 15 on Agenda of January 23, 2013

35. ORDINANCE amending, restating and ratifying Ordinance No. 2010-0327 relating to the City of Houston, Texas General Obligation Commercial Paper Notes, Series J; approving and authorizing an amendment to the authorized purposes of such Commercial Paper Program; approving other matters relating thereto; and declaring an emergency

**TAGGED BY COUNCIL MEMBER BROWN**

This was Item 16 on Agenda of January 23, 2013

36. ORDINANCE approving and authorizing agreement between the City of Houston and **WASTE MANAGEMENT OF TEXAS, INC**, for Processing Services for Residential Drop-Off and Curbside Single Stream Commingled Recyclable Materials for the Solid Waste Department - 3 Years with 2 two-year options - Revenue - **TAGGED BY COUNCIL MEMBER GREEN**

This was Item 25 on Agenda of January 23, 2013

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - WEDNESDAY  
JANUARY 29, 2013 – 2:00 PM**

**NON-AGENDA**

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DR. ALKEBU MOTAPA – 5022 Cosby - 77021 – 713-741-5150 – Martin Luther King, Jr. Associations  
Thanks to Anna Russell on Tenure

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3MIN 3MIN 3MIN

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MS. KERRIE PATTERSON-BROWN – 4301 Roseneath – 77021 – 512-203-3747 – Proposed Charter School

MR. GUADALUPE GUERRERO – 8209 Botany Ln. – 77075 – 281-690-0055 – Police brutality

MR. JASSIM JACOB – 7200 Lyons Ave – 77020 – 713-498-0604 – Licensing Dept

MS. CYNTHIA JETSON – 510 Bizerte – 77022 – 832-389-1498 – Buffalo Soldiers Museum issues need  
help from City

MR. TRAVIS MCGEE 4800 Pederson – 77033 – 832-488-7709 - Crime

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 – Behavior Coward Conspiracy  
my born little girl from birth

MS. BLANCHE MENIFEE – 6311 Gold Street – 77026 – 713-697-1824 – Metro Lift

PASTOR MATTHEW BISMARCK – 13615 Manson Dr. – 77041 – 832-794-3512 – Community Center

MR. JEAN MCDOWELL – 2210 Woodford Green Dr. – Kingwood – TX – 77339 – 713-299-7275 –  
Erroneous Information from City of Houston for water tap permit

BARRY HONEYCUTT – Colgate – 77061 – 713-824-2194 – What happen to the folder I gave to Richard  
Morris

MR. WILLIAM BEAL - 4718 Boicewood – 77016 – no phone – Black Magic Evil

**PREVIOUS**

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1MIN 1MIN 1MIN

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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – US President JC – Declared  
Martial Law vs. H/TX – H/C – W/T-State/W/US Governments

MR. BRYON THOMAS – 11514 Sandstone Canyon Dr. – Humble – TX – 77396 – 713-299-7798 – Public  
concerns

MR. RAYMOND MARTINEZ – 917 Caplin – 77032 – 281-610-6690 – Cure for HIV, Cancer and West Nile  
Virus



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

JAN 30 2013

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 1-14-13  
date

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

January 3, 2013

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Section 36-21 of the City of Houston Code of Ordinances, I am appointing the following individuals to the Board of Public Trusts, subject to City Council confirmation:

Yvonne M. Cabral, reappointment to Position Two, for a term to expire March 22, 2014;  
Lenora Sorola-Pohlman, reappointment to Position Four, for a term to expire March 22, 2014;  
and  
William J. Hill, reappointment to Position Six, for a term to expire March 22, 2014.

Résumés are attached for your review.

Sincerely,

Annise D. Parker  
Mayor

AP:JC:jsk

cc: Ms. Sherry Mose, Plan Administrator, Finance Department

JAN 14 2013





ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

2

JAN 30 2013

**COPY TO EACH MEMBER OF COUNCIL:**

CITY SECRETARY: 1-15-13  
date

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

January 15, 2013

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to the authority conferred on this office by Article V, Sec. 6 of the bylaws of Houston Media Source, Inc. (formerly known as Houston Cable Corporation), approved by Ordinance No. 86-1733, I hereby appoint or reappoint the following individuals to the Houston Media Source Board of Directors, subject to confirmation by the City Council:

Sylvia Cavazos, reappointment to Position One, for a term to expire December 31, 2014;  
Manisha N. Mehta, appointment to Position Two, for a term to expire December 31, 2013;  
Ray Hill, appointment to Position Three, for a term to expire December 31, 2014;  
Phan Duy, reappointment to Position Four, for a term to expire December 31, 2013;  
Ovi Galvan, Jr., reappointment to Position Five, for a term to expire December 31, 2014;  
Mark L. Madrid, appointment to Position Six, for a term to expire December 31, 2013;  
J. Allen Provost, reappointment to Position Seven, for a term to expire December 31, 2014;  
Noël Bezette, appointment to Position Eight, for a term to expire December 31, 2013;  
Karen S. Niemeier, reappointment to Position Nine, for a term to expire December 31, 2014;  
Al Vera, reappointment to Position Ten, for a term to expire December 31, 2014; and  
Terri Bailey Parris, reappointment to Position Eleven, for a term to expire December 31, 2014.

The résumés are attached for your review.

Sincerely,

Annise D. Parker  
Mayor

AP:JC:jsk

Attachments

cc: Mr. Tom Richards, Executive Director, Houston Media Source

RECEIVED  
JAN 15 2013  
CITY CLERK

2



ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3

JAN 30 2013

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 1-15-13  
date

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

January 17, 2013

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Texas Tax Code, Chapter 311 and City of Houston Ordinance 1999-759, I am nominating the following individual for reappointment to the Reinvestment Zone Number Seventeen (Memorial City), City of Houston, Texas Board of Directors, subject to Council confirmation:

Ann Thomas Givens, reappointment to serve as Chair for a term to expire December 31, 2013.

Pursuant to the bylaws of the Memorial City Redevelopment Authority, appointment of a director to the Board of Directors of this Zone constitutes appointment of that director to the corresponding position of the Board of Directors of the Authority for the same term.

Résumé is attached for your review.

Sincerely,

Annise D. Parker  
Mayor

RECEIVED

JAN 15 2013

CITY

AP:JC:jsk

Attachment

cc: Mr. Ralph De Leon, Division Manager, Tax Increment Reinvestment Zone (TIRZ)  
Program, Mayor's Office of Economic Development

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work Boyer, Inc. Hermann Park – (Phase II 5KV Upgrades) WBS No. F-000508-0001-4	<b>Page</b> 1 of 1	<b>Agenda Item</b> 4
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 1/22/13	<b>Agenda Date</b> JAN 30 2013
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<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>Scott Minnix</i> 1/21/13	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2008-432, Dated May 14, 2008
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**RECOMMENDATION:** The General Services Department recommends approval of final contract amount of \$98,750.00 and acceptance of work on contract with Boyer, Inc. for construction services on Hermann Park Phase II 5KV Upgrades.

<b>Amount and Source of Funding:</b> No Additional Funding Required	<b>Finance Budget:</b>
<b>Previous Funding:</b> \$106,187.50 Parks Consolidated Construction Fund (4502)	

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$98,750.00, accept the work and authorize final payment to Boyer, Inc. for construction services in connection with the Hermann Park – Phase II 5KV Upgrades for the Houston Parks and Recreation Department.

**PROJECT LOCATION:** 6001 Fannin (533 A)

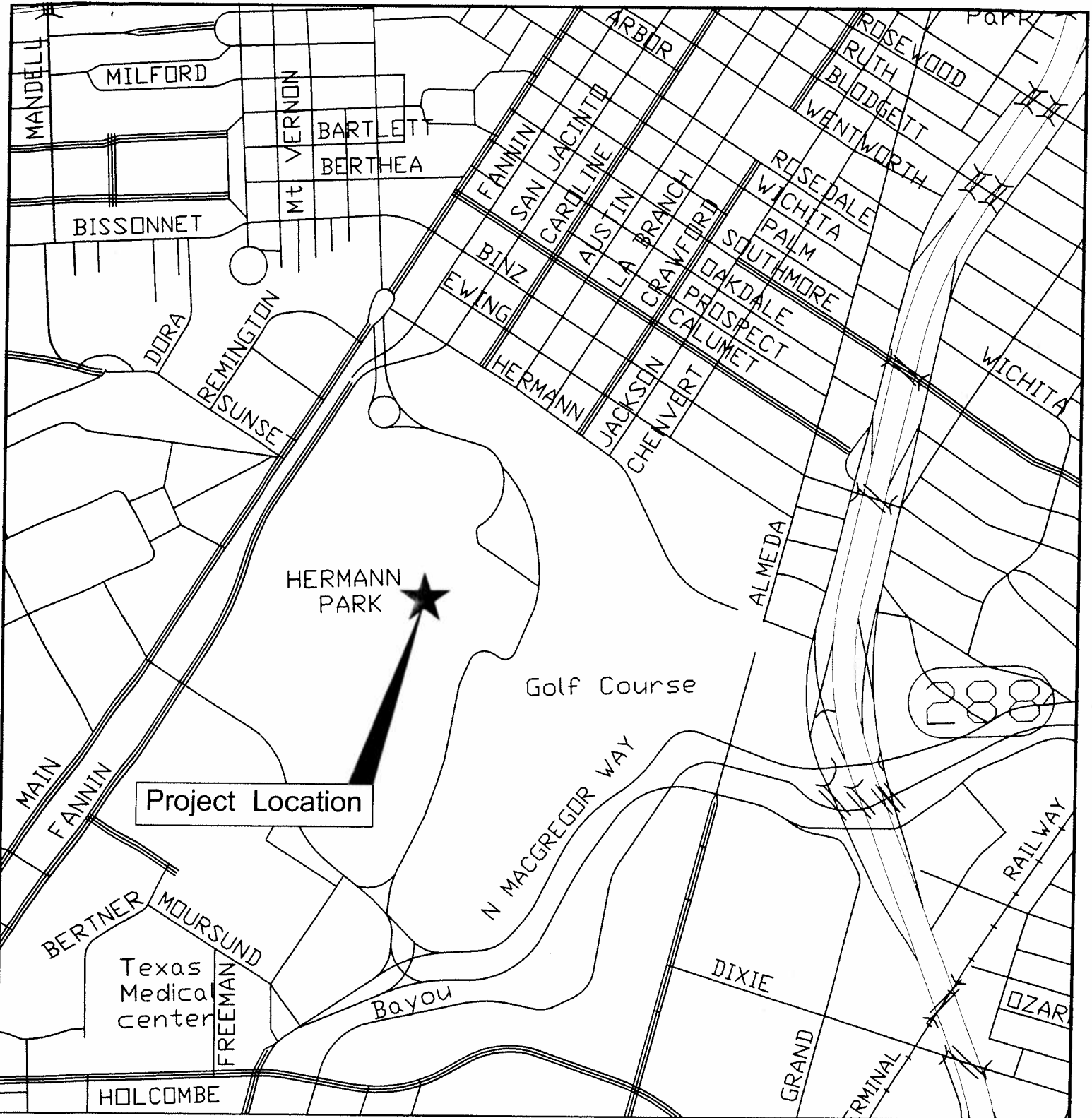
**PROJECT DESCRIPTION:** The project replaced an existing pad-mounted transformer with a new concrete pad and one new pad-mounted service transformer.

**CONTRACT COMPLETION AND COST:** The contractor completed the project within 168 days: 12 days before the original contract duration of 180 days and for the original contract price of \$98,750.00.

SM:RAV:JLN:LJ:RJO:rjo

c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Luci Correa, Carlecia D. Wright, Morris Scott, Gabriel Mussio, Lisa Johnson, Martha Leyva, Christopher Gonzales, File 1108


<b>REQUIRED AUTHORIZATION</b>		CUIC #25PARK163
<b>General Services Department:</b> <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division	<b>Houston Parks and Recreation Department:</b> <i>[Signature]</i> Joe Turner Director	




**Hermann Park**  
**6001 Fannin**  
**Houston, TX 77030**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work Carrera Construction, Inc. Hermann Park Upgrade of Electrical Distribution System WBS No. F-000748-0001-4	<b>Page</b> 1 of 1	<b>Agenda Item</b> 
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 1/22/13	<b>Agenda Date</b> JAN 30 2013
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<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>1/9/13</i> 	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2011-648, Dated August 3, 2011
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**RECOMMENDATION:** The General Services Department recommends approval of final contract amount of \$252,181.00 and acceptance of work on contract with Carrera Construction, Inc. for Hermann Park Upgrade of Electrical Distribution System – 9.64% over the original contract amount and under the 10% contingency.

<b>Amount and Source of Funding:</b> No Additional Funding Required	<b>Finance Budget:</b>
<b>Previous Funding:</b> \$267,950.00 Parks Consolidated Construction Fund (4502)	

**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the final contract amount of \$252,181.00 or 9.64% over the original contract amount, accept the work and authorize final payment to Carrera Construction, Inc. for construction services in connection with Hermann Park Upgrades of Electrical Distribution System for the Houston Parks and Recreation Department.

**PROJECT LOCATION:** Hermann Park - 6201 Hermann Park Dr. (533 A)


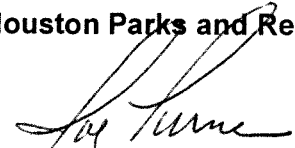
**PROJECT DESCRIPTION:** The project provided electrical equipment to separate service between the Houston Zoo and Hermann Park and cleaned the existing cable vault and switch gear substation.

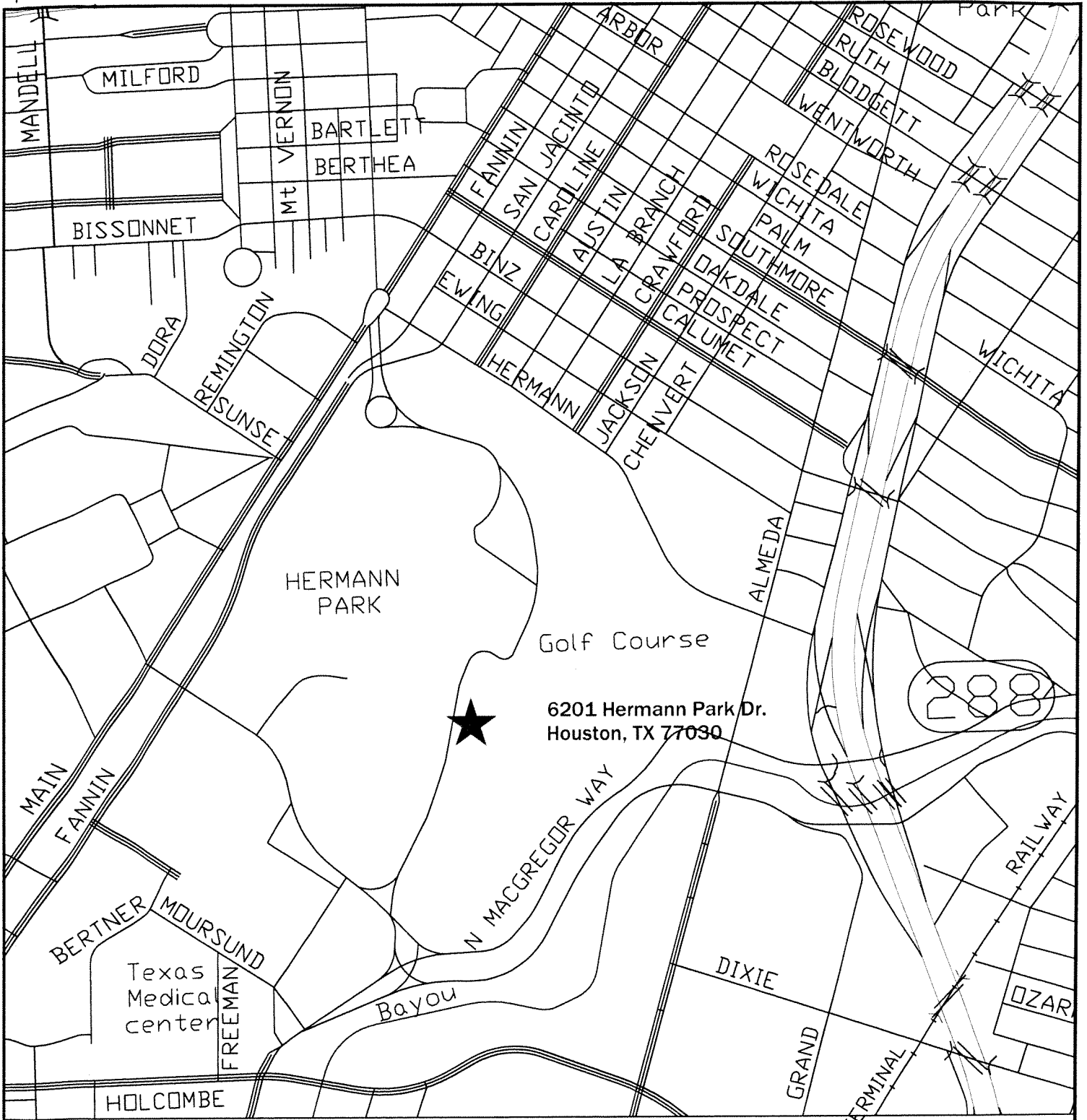
M2L Associates was the design consultant and construction manager for this project.

**CONTRACT COMPLETION AND COST:** The contractor completed the project within 145 days: the original contract time of 90 days plus 55 days approved by Change Orders. The final cost of the project including Change Orders is \$252,181.00, an increase of \$22,181.00 over the original contract amount

**PREVIOUS CHANGE ORDERS:** Change Orders 1-2 replaced damaged air switch, tested 16 existing relays, and paid additional fee to CenterPoint for second early morning shutdown of electrical power to Hermann Park.

SM:RAV:JLN:LJRJO:bo  
c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Mark Ross, Luci Correa, Carlecia D. Wright, Morris Scott, Gabriel Mussio, Lisa Johnson, Martha Leyva, Christopher Gonzales, File 1108

REQUIRED AUTHORIZATION		CUIC #25PARK193
<b>General Services Department:</b>  Richard A. Vella Chief of Design & Construction Division	<b>Houston Parks and Recreation Department:</b>  Joe Turner Director	MO



Hermann Park Upgrade of Electrical Distribution System  
 6201 Hermann Park Dr.  
 Houston, TX 77030

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcels AY9-417 & KY10-134; City of Houston v. 8700 Long Point, a Texas limited partnership, et al., Cause No. 996,353; Long Point Paving & Drainage Project: Hempstead Hwy. to Gessner, Sub-Project II (Pech - Hollister) WBS/CIP No. N-000674-0003-2-01; Legal Department File No. 052-1000006-004.	Page 1 of 2	Agenda Item #  <i>6</i>
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 12/6/12	Agenda Date JAN 30 2013
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DIRECTOR'S SIGNATURE: <i>[Signature]</i> <i>DFM</i>	Council District affected: "A" Helena Brown, Key Map#450V
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For additional information contact: <b>Joseph N. Quintal</b> Phone: 832.393.6286 <i>ONE</i> (alternatively <b>Ondrea U. Taylor</b> 832.393.6280)	Date and identification of prior authorizing Council action: Ord. Nos. 2011-1088, psd. 12/07/11; 2010-231, psd. 3/24/10; 2010-381, psd. 5/19/10; 2005-1102, psd. 9-21-05; Motion 2012-0549, psd. 6-27-12.
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**RECOMMENDATION:** (Summary)  
 Authorize the City Attorney, by Motion, to settle this eminent domain case for \$920,000.00. Funding will be provided by previously approved blanket Appropriation Ordinances.

Amount and Source of Funding:  
 \$20,000.00; No additional funding required. (Funds previously appropriated under Ordinance No. 2005-1102 and Ordinance No. 2011-1088.) *U.P. 1/17/2013*

**SPECIFIC EXPLANATION:**

The Long Point Paving & Drainage Project: Hempstead Highway to Gessner, Sub-Project II (Pech - Hollister) will provide 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 will replace and widen the street/intersections. It will improve traffic circulation, mobility and drainage in the service area. These improvements will upgrade the existing roadway to MTFP standards.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 2,988 square feet (0.0686 acre) of land for street purposes and an additional 1,042 square-foot (0.0239 acre) permanent waterline easement from a parent tract containing 130,680 square feet (3.00 acres). The parent tract is improved with a 20,583 square-foot, single story, multi-tenant shopping center. The property, located at 8700 Long Point, is owned by 8700 Long Point, a Texas limited partnership. The City's takings are adjacent to one another, along the north line of Long Point Road, and extends the entire length of the property. The City's taking will result in the loss of parking for the multi-tenant shopping center. In order to recoup the lost parking a portion of the shopping center must be demolished. Improvements situated within the acquisition include concrete curbs, pavement, drainage basins and two (2) on-site signs.

The landowner rejected the City's final offer of \$632,310.00 to purchase the needed easements citing concerns over the loss of parking and the amount of lost income that will result from the demolition of a nearly 25% of the retail space. Efforts by Public Works and Engineering to negotiate the purchase were unsuccessful and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property and the landowner retained legal counsel.

<b>REQUIRED AUTHORIZATION</b> <i>90AH271</i>		
Other Authorization:	Other Authorization:	Other Authorization: <i>[Signature]</i> Mark L. Loethen, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE

Date 12/6/12	SUBJECT: Parcels AY9-417 & KY10-134; City v. 8700 Long Point, et al; Long Point Paving & Drainage Project: LD#52-1000006-004	Originator's Initials JNQ/OUT	Page 2 of 2
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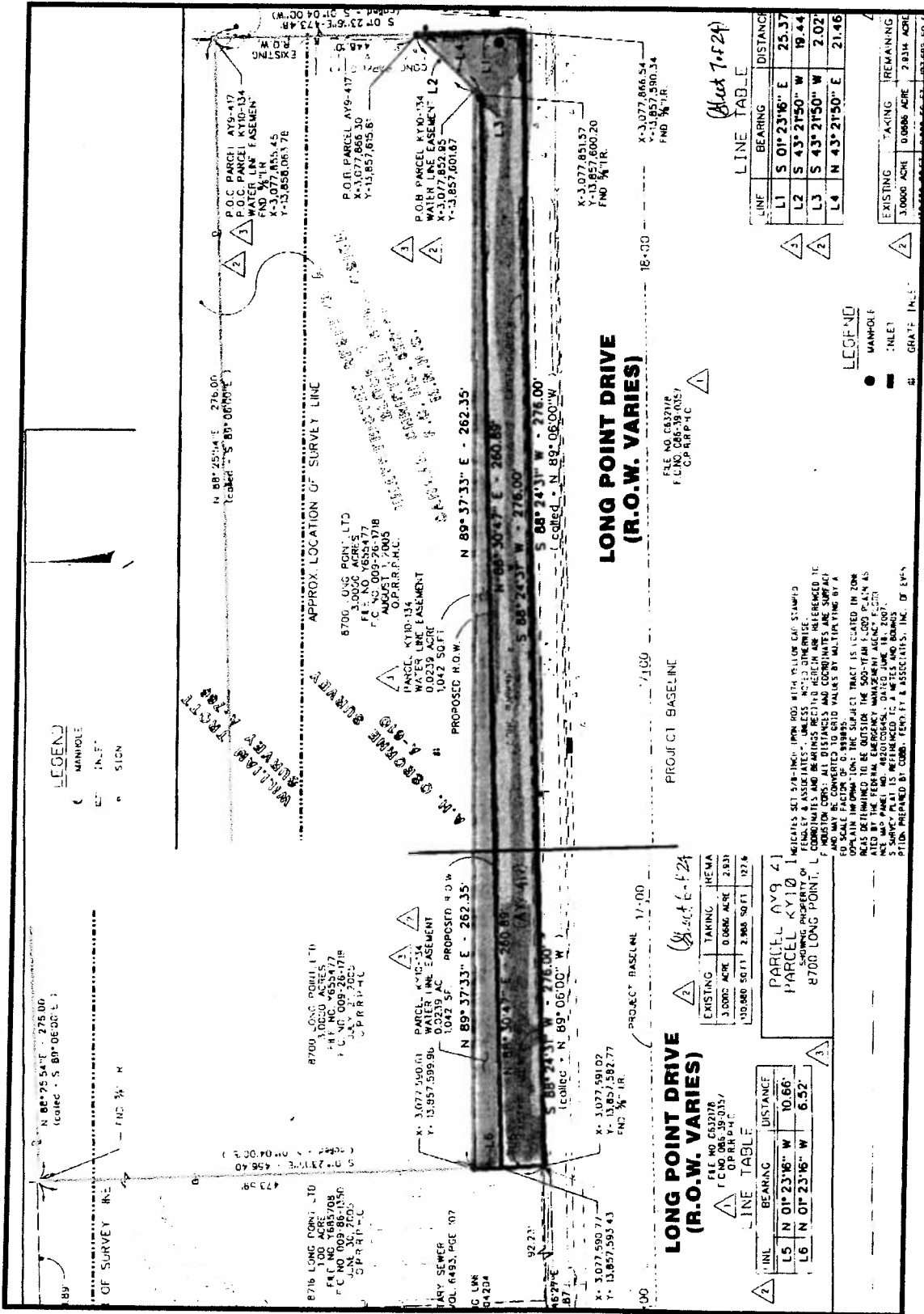
The Legal Department cited and served the parties as required by law and the matter was set for a Special Commissioners' Hearing. The Legal Department retained the same appraiser utilized by Public Works and Engineering in making the City's final offer, to update his appraisal report and testify at the hearing. The City's appraiser testified that compensation for the City's taking should be \$632,310.00. The landowner's appraiser testified that compensation should be \$1,298,995.00. The Special Commissioners returned an award of \$900,000.00. The landowner filed objections to the award and the matter was placed on the court's trial docket.

During the course of trial preparation, the parties were able to reconcile their differences and arrive at a proposed settlement of all issues and matters in controversy. The proposed settlement, subject to City Council's approval, reflects an increase of \$20,000.00 over the amount of the Award of Special Commissioners. The proposed settlement is within the range of and supported by the evidence available to this office. It is doubtful the City would benefit from further litigating this matter.

We recommend that the City Attorney be authorized, by Motion, to settle this matter for the total consideration of \$920,000.00. Funding will be provided by previously approved blanket Appropriation Ordinances.



# SURVEY OF THE SUBJECT



Block 7 of 21

8700 LONG POINT LTD  
 3.0000 ACRES  
 FILE NO 6832078  
 F.C. NO 009-26-1718  
 AUGUST 1, 2005  
 O.P.R.R.P.H.L.

8716 LONG POINT LTD  
 1.00 ACRE  
 FILE NO 6832078  
 F.C. NO 009-26-1718  
 JAN. 30, 2003  
 O.P.R.R.P.H.L.

8700 LONG POINT LTD  
 3.0000 ACRES  
 FILE NO 6832078  
 F.C. NO 009-26-1718  
 AUGUST 1, 2005  
 O.P.R.R.P.H.L.

8700 LONG POINT LTD  
 3.0000 ACRES  
 FILE NO 6832078  
 F.C. NO 009-26-1718  
 AUGUST 1, 2005  
 O.P.R.R.P.H.L.

MEASUREMENTS SET OUT FROM 900 WITH YELLOW CIVIL STAMPS BY FENLEY & ASSOCIATES, UNLESS NOTED OTHERWISE. COORDINATES AND BEARINGS RECORDED HEREIN ARE REFERENCED TO PROVISION CORRS. ALL DISTANCES AND COORDINATES ARE SURVEYED TO THE CENTER OF THE STRIP. DISTANCES TO CORNERS ARE MULTIPLIED BY A RED SCALE FACTOR OF 0.999985. EXPLAIN INFORMATION: THE SUBJECT TRACT IS LOCATED IN ZONING DISTRICT 100-100-100-100. THE 500-YEAR FLOOD PLAIN AS SHOWN ON THE MAP IS REFERENCED TO THE NATIONAL GRID. THE SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS PLAT PREPARED BY COMB, TERRY & ASSOCIATES, INC. OF 1944.

8700 LONG POINT LTD  
 3.0000 ACRES  
 FILE NO 6832078  
 F.C. NO 009-26-1718  
 AUGUST 1, 2005  
 O.P.R.R.P.H.L.

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8700 LONG POINT LTD  
 3.0000 ACRES  
 FILE NO 6832078  
 F.C. NO 009-26-1718  
 AUGUST 1, 2005  
 O.P.R.R.P.H.L.

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 9535

**Subject:** Formal Bids Received for a Truck-Mounted Boom Crane for the Public Works & Engineering Department  
S38-N24372

Category #  
4

Page 1 of 2

Agenda Item

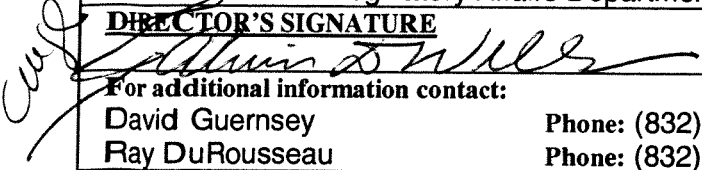
7

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

**Origination Date**  
December 27, 2012

**Agenda Date**  
JAN 30 2013

**DIRECTOR'S SIGNATURE**

*CWS*  


**Council District(s) affected**  
All

**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 an award to Houston Freightliner, Inc. (Bid No. 1) on its low bid in the amount of \$269,509.00 for a truck-mounted boom crane for the Public Works & Engineering Department.

Award Amount: \$269,509.00

**Finance Budget**

\$269,509.00 - PWE-Combined Utility System General Purpose Fund (Fund 8305)

**SPECIFIC EXPLANATION:**

The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council approve an award to Houston Freightliner, Inc. (Bid No. 1) on its low bid in the amount of \$269,509.00 for a 30-ton truck-mounted boom crane for the Public Works & Engineering Department and that authorization be given to issue a purchase order. This truck-mounted boom crane will be used citywide by the Department's Wastewater Operations Maintenance Section at the City's wastewater plants and lift stations to remove large engines and other equipment for repair or replacement, thus ensuring that the equipment is in optimum operating condition and in compliance with the guidelines promulgated by the Texas Commission on Environmental Quality. The funding for this vehicle is included in the adopted FY13 Equipment Acquisition Plan.

This bid was advertised in accordance with the requirements of the State of Texas bid laws. Six prospective bidders downloaded the solicitation document from SPD's e-bidding website and five bids were received.

<u>Company</u>	<u>Amount</u>
1. Houston Freightliner, Inc. (Bid No. 1)	\$269,509.00
2. Cleveland Mack Sales, Inc.	\$276,247.90
3. Houston Freightliner, Inc. (Bid No. 2)	\$279,565.00
4. Altec Industries, Inc.	\$296,407.00
5. International Trucks of Houston, Inc.	\$329,223.00

The truck-mounted boom crane will come with a full two-years/unlimited mileage warranty on the cab & chassis; two-years/250,000 miles on the engine; one-year on the crane unit and a lifetime warranty on the structural parts only. The life expectancy of the truck-mounted boom crane is seven years or 100,000 miles.

This new truck-mounted boom crane will meet the EPA's current emission standards for trucks equipped with diesel engines. This truck-mounted boom crane will be an addition to the department's fleet and will replace one of two truck-mounted boom cranes currently being leased by the Department.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT

*CA*

11/19

Date: 12/27/2012	Subject: Formal Bids Received for a Truck-Mounted Boom Crane for the Public Works & Engineering Department S38-N24372	Originator's Initials LF	Page 2 of 2
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**Hire Houston First:**

The proposed awards require compliance with the City's "Hire Houston First" ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

Attachment: M/WBE Zero Percentage Goal document approved by the Public Works & Engineering Department Small Business Development Group

Buyer: Lena Farris/ PR. No. 10132896

# PWE SERVICE & SUPPLY CONTRACTS

To: Tony Henshaw  
PWE Small Business Development

Date of Request: January 18, 2013

RECEIVED

JAN 18 2013

From: Office Service Manager  
Public Utilities Division

OBO

Subject: MWBE PARTICIPATION GOAL  
REQUEST/WAIVER FOR  
PURCHASE OF 30-Ton Truck  
Mounted Crane

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

Basis for Request? [Ref. Code Ch15,15-83(c)(1)]

A  A public or administrative emergency exists which requires the goods or services to be provided with unusual immediacy.

B  The service or goods requested are of such a specialized, technical or unique nature as to require the city department to be able to select its contractor without application of MBE/SBE/WBE provisions (such as contracts for expert witnesses, certain financial advisors or technical consultants); or

C  If application of MBE/SBE/WBE provisions would impose an unwarranted economic burden or risk on the city or unduly delay acquisition of the goods or services, or would otherwise not be in the best interest of the city; or

D  If the possible MBE/SBE/WBE participation level based on MBE, SBE and WBE availability would produce negligible MBE, SBE or WBE participation

I am requesting a new MWBE Goal: Yes  No  N/A

I am requesting a revision of the MWBE Goal: Yes  No   
If requesting a revision, how many solicitations were received: \_\_\_\_\_

Solicitation Number: 538-N24572 Estimated Dollar Amount: \$269,509

Anticipated Advertisement Date: 4/6/12 Solicitation Due Date: 4/25/12

Goal on Last Contract: \_\_\_\_\_ Was Goal Met? Yes  No

If goal was not met, what did the vendor achieve? \_\_\_\_\_

Name and Intent of this Solicitation:

TRUCK MOUNTED BOOM CRANE - FOR USE TO HELP PULL LARGE PUMPS & VALVES & WWT'S FOR REPAIRS OR REPLACEMENTS

Reason for Request (Use additional paper if necessary): This truck will be delivered straight to the facility by the manufacturer or a certified distributor of the manufacturer, which will not allow for MWBE participation.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9589**

**Subject:** Formal Bids Received for the Purchase of One Automated Titration System and Refurbishment of an Existing System for the Public Works and Engineering Department N24447

Category #  
4

Page 1 of 2

Agenda Item

8

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

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

**Origination Date**

January 16, 2013

**Agenda Date**

JAN 30 2013

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**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 an award to ManSci Inc. on its sole bid in the amount of \$59,397.74 for an automated titration system and to refurbish an existing titration system for the Public Works and Engineering Department.

Award Amount: \$59,397.74

**Finance Budget**

\$59,397.74 - PWE-Combined Utility System General Purpose Fund (Fund 8305)

**SPECIFIC EXPLANATION:**

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve an award to ManSci Inc. on its sole bid in the amount of \$59,397.74 for an automated titration system and to refurbish an existing titration system for the Public Works and Engineering Department, and that authorization be given to issue a purchase order. The Department's Wastewater Operations Branch/Lab will use this new system along with existing systems to determine the strength and concentration of ammonia and total kjeldahl nitrogen (TKN) in Hou-Actinite, which is produced from the sludge. It will also aid in the assay of bulk chemicals used in the wastewater treatment process. The City is required to report the concentration of ammonia and TKN in its sludges to the Texas Commission on Environmental Quality.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Four prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Prior to issuing the solicitation, the Strategic Purchasing Division canvassed the City's registered vendor data base, as well as the market, to identify potential bidders who could possibly provide the type of system needed. As a result, nine potential bidders were identified and notified of the Invitation to Bid (ITB). Subsequent to the receipt of the bid, prospective bidders were contacted to determine the reason for the limited response to the ITB. Potential respondents advised that they could not compete with manufacturers or their system did not meet the specifications as advertised.

The scope of work requires the contractor to furnish all labor, equipment, materials, tools, supervision, training and transportation necessary to furnish and install a new automated titration system in the Department's Wastewater Operations Branch/Lab. The new automated titration system consists of an Automax 73 autosampler, 48000 step buret drive, stirrer, thermistor, probe holder, pH electrode and accessories as well as a complete software package to run and control the system. The Automax 73 autosampler allows the system to move between samples without assistance from an analyst; the 48000 step buret drive allows for very small and precise injections of titrant, which ensures accuracy of the analysis for alkalinity titration; the stirrer ensures the solution is uniform during analysis; the thermistor is a temperature probe used for analysis calculations; the probe holder holds the probes on the automated system as it moves between samples. The

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 1/16/2013	Subject: Formal Bids Received for the Purchase of One Automated Titration System and Refurbishment of an Existing System for the Public Works and Engineering Department N24447	Originator's Initials RD	Page 2 of 2
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software includes methods for analysis of pH and alkalinity, which can be adjusted to the analyst's preference. The new system also contains IntelliRinse capability, which monitors the cleanliness of the probes thus ensuring no cross contamination between samples. The contractor will also be required to furnish all equipment, labor, materials, parts, tools and equipment necessary to completely refurbish an existing 13-year-old unit and to restore it to like new condition. The new automated titration system will come with a full two-year warranty and the refurbished unit will be warranted for one-year.

PR#10154913

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9539**

**Subject:** Formal Bids Received for Security Badging Equipment and Accessories for Various Departments  
S21-S24299

Category #  
4

Page 1 of 2

Agenda Item

9

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

**Origination Date**  
  
January 03, 2013

**Agenda Date**  
  
JAN 30 2013

**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**  
All

**For additional information contact:**  
Dallas Evans Phone: (281) 230-8001  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**  
Approved various awards, as shown below, in an amount not to exceed \$134,982.23 for security badging equipment and accessories for various departments.

Estimated Spending Authority: \$134,982.23

**Finance Budget**

\$ 89,371.82 - HAS Revenue Fund (8001)  
\$ 45,610.41 - General Fund (1000)  
\$134,982.23 - Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$134,982.23 for security badging equipment and accessories for various departments. It is further requested that authorization be given to make purchases, as needed, for a 36-month period, with two one-year options to extend. These awards consist of various security badging equipment and accessories such as ribbons, films, single-sided ID cards, lanyards, stainless steel chains, cleaning card sets, laminators, and printers. These supplies will be used by the Houston Airport System and the General Services and Police Departments to identify personnel and to restrict and monitor access to City of Houston buildings and facilities.

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

**ColorID, LLC:** Award on its low bid for Group II, Line Item Nos. 1 - 3 (single-sided and double sided print cards); Group III, Line Item Nos. 2, 3 and 10 (lanyards and badge film transfers) in an amount not to exceed \$54,018.66.

<u>Company</u>	<u>Total Amount</u>
1. The Urban Circle, LLC	\$ 4,152.48 (Partial Bid/Higher Unit Price)
2. Cerberus Star Enterprises	\$ 30,544.00 (Partial Bid/Higher Unit Price)
<b>3. ColorID, LLC</b>	<b>\$ 54,018.66</b>
4. IdentiSys, Inc.	\$ 60,281.03
5. Newbart Products	\$ 60,446.48
6. The IRIS Companies	\$ 63,953.22
7. Plastic Card Systems, Inc.	\$ 70,028.00
8. ASAP Security Services	\$106,660.50

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

1/31

Date: 1/3/2013	Subject: Formal Bids Received for Security Badging Equipment and Accessories for Various Departments S21-S24299	Originator's Initials LM	Page 2 of 2
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**IdentiSys, Inc.:** Award on its low bid for Group I, Line Item Nos. 6, 9, 11 and 12 (ribbons and all in one printers) in an amount not to exceed \$80,963.57.

<u>Company</u>	<u>Total Amount</u>
1. Cerberus Star Enterprises	\$ 24,908.15 (Partial Bid/Higher Unit Price)
<b>2. IdentiSys, Inc.</b>	<b>\$ 80,963.57</b>
3. Newbart Products	\$ 89,076.95
4. The IRIS Companies	\$ 94,657.00
5. Plastic Card Systems, Inc.	\$ 95,712.00
6. ColorID, LLC	\$108,327.40
7. ASAP Security Services	\$180,735.00

Outline Agreements will be established for the low bidders for Group I, Line Item Nos. 1, 2, 4, 5, 7, 8, and 10 and Group III, Line Item No. 11 in amount not to exceed \$24,222.96; and Group I, Line Item No. 3; Group II, Line Item Nos. 4, 5, and 6; and Group III, Line Item Nos. 1 and 4 - 9 in an amount not to exceed \$27,082.40, as the awards are less than \$50K.

Group IV, Line Item Nos. 1 and 2 are not being awarded. These items will be purchased on an as needed basis.

**Hire Houston First:**

The proposed awards require compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed bidders do not meet the requirements of Hire Houston First; no Hire Houston First Firms were within five percent.

Buyer: Laura A. Marquez

**Estimated Spending Authority**

Department	FY13	Out Years	Total
Houston Airport System	\$17,874.36	\$ 71,497.46	\$ 89,371.82
General Services	\$ 5,626.48	\$ 22,505.93	\$ 28,132.41
Police	\$ 3,495.60	\$ 13,982.40	\$ 17,478.00
Total	\$26,996.44	\$107,985.79	\$134,982.23



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9568**

**Subject:** Purchase of Office Furniture from the State of Texas  
Procurement and Support Services Contract for Various Departments  
S54-E24478

Category #  
4

Page 1 of 2

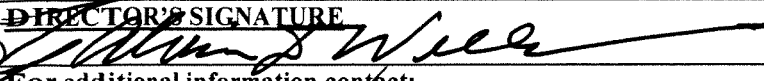
Agenda Item

10

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

**Origination Date**  
January 03, 2013

**Agenda Date**  
JAN 30 2013

**DIRECTOR'S SIGNATURE**  


**Council District(s) affected**  
All

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

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

**RECOMMENDATION: (Summary)**  
Approve the purchase of office furniture in the total amount of \$312,017.78 from the State of Texas Procurement and Support Services Contract for various departments.

Award Amount: \$312,017.78

**Finance Budget**

See Page 2 of 2 for funding information

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of office furniture in the total amount of \$312,017.78 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for various departments and that authorization be given to issue purchase orders to the State contract suppliers listed below. This office furniture will be used to furnish various offices.

**J. Tyler Services, Inc.:** Approve the purchase of chairs, desks, filing cabinets, bookcases, sofas, conference tables and workstations in the amount of \$251,201.87.

**Contract Resource Group, LLC:** Approve the purchase of chairs, desks, bookcases, sofas, conference tables, workstations and filing cabinets in the amount of \$60,815.91.

This purchase consists of furniture to replace existing furniture that is worn and beyond economical repair, as well as provides furnishings to support existing and budgeted positions. The furniture will come with the manufacturer's standard warranty and the life expectancy is 10 to 15 years. The old furniture will be sent to the Property Disposal Management Office for disposition.

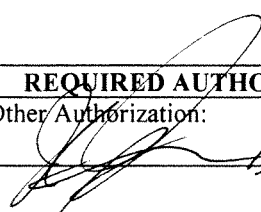
Sections 271.081 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

 1/15/13

MCA

Date: 1/3/2013	Subject: Purchase of Office Furniture from the State of Texas Procurement and Support Services Contract for Various Departments S54-E24478	Originator's Initials MM	Page 2 of 2
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**Funding Detail**

<b>DEPARTMENT</b>	<b>FUND</b>	<b>AMOUNT</b>
Houston Police	General Fund (1000)	\$184,876.07
Houston Police	Police Special Services Fund (2201)	\$13,194.76
Public Works & Engineering	Project Cost Recovery Fund (1001)	\$1,170.70
Public Works & Engineering	Storm Water Fund (2302)	\$3,672.76
Public Works & Engineering	Dedicated Drainage & Street Renewal Fund (2310)	\$3,567.14
Public Works & Engineering	PWE-W & S System Operating Fund (8300)	\$64,867.90
Houston Airport System	HAS-Revenue Fund (8001)	\$19,001.08
Houston Emergency Center	Houston Emergency Center Fund (5000)	\$13,546.41
Health and Human Services	General Fund (1000)	\$2,398.18
Health and Human Services	Health Special Revenue Fund (2002)	\$1,758.79
Health and Human Services	Federal Government – Grant Fund (5000)	\$2,653.69
Office of Business Opportunity	General Fund (1000)	\$1,310.30
	<b>TOTAL:</b>	<b>\$312,017.78</b>

Attachment: Furniture Distribution Summary


Buyer: Mabel G. Martinez

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Revisions to Chapter 7 and Chapter 1 of the City of Houston Code of Ordinances relating to crafted precious metals.	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 11
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<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date:</b> 1/24/13	<b>Agenda Date:</b> JAN 30 2013
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<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police	<b>Council District affected:</b> All
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<b>For additional information contact:</b> J. A. Fenninger <i>JAF</i> 12/14/12 CFO and Deputy Director Phone: 713-308-1708	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION:** Adopt an Ordinance approving amendments to the Code of Ordinances to create a new Article IV in Chapter 7 and to revise Ch. 1, Secs. 1-10 and 1-15 relating to crafted precious metals.

**Amount and Source of Funding:** No Funding Required

**SPECIFIC EXPLANATION:**

The Houston Police Department (HPD), in conjunction with the Department of Administration and Regulatory Affairs (ARA) and the City Attorney's Office, has reorganized and updated Chapter 7 of the Code of Ordinances relating to crafted precious metals dealers. Several factors led to revising the ordinance. The value of precious metals has increased significantly over the last ten years and there has been almost a 100% increase in monetary losses from jewelry-related crimes over the past four (4) years. State law relating to crafted precious metals was significantly revised in the 2011 legislative session.

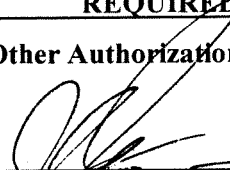
The revisions will serve to align city ordinance with state law, which requires enhanced recordkeeping by precious metals dealers. These revisions will assist law enforcement in the identification and recovery of stolen precious metals. The Precious Metals Unit (PMU) of HPD conducted two (2) stakeholder meetings consisting of approximately ninety (90) dealers in an effort to learn about the industry and to obtain feedback on industry issues and changes to the city ordinance. HPD presented their request for a revision to the Public Safety and Homeland Security Committee.

Specific amendments:

Provisions of Ch. 7 pertaining to precious metals are being updated so that they are consistent with state law, and are moved to a new article IV which will pertain solely to precious metals. In general, Ch. 7 is reorganized for clarity and consistency. Some of the changes include removing precious metals from article III, which addresses unrelated secondhand dealers such as clothing and resale media dealers.

Consistent with state law, the ordinance contains provisions relating to temporary and permanent licenses, a thumb print impression, records to be uploaded daily to a real-time electronic web-based database, retention of records to match state law, and a photograph of the seller as well as the description of the crafted precious metal that is required by state law.

The revisions also contain amendments to Sec. 1-10 and 1-15 of the Code of Ordinances regarding grounds for revoking a crafted precious metals dealer's license and a national criminal background check of applicants for such license.

REQUIRED AUTHORIZATION		
<b>Finance Budget:</b>	<b>Other Authorization:</b>  12/14/12	<b>Other Authorization:</b>

## Chapter 7

### ANTIQUÉ DEALERS, COMMON MARKETS, SCRAP METAL PROCESSORS, SECONDHAND RESELLERS AND RELATED BUSINESSES

Art. I. In General, §§ 7-1--7-15

Art. II. ~~Antique, Precious Metals, and Resale Media and Clothing Dealers, §§ 7-16--7-50~~

Art. III. Metal Recyclers/Secondhand Metal Dealers and Secondhand Resellers, §§ 7-51--7-80

Art. IV. Crafted Precious Metals Dealers Reserved, §§ 7-81 – 7-100.

Art. V. Common Markets, §§ 7-101--7-118

#### ARTICLE I. IN GENERAL

##### Sec. 7-1. Definitions.

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

*Antique dealer* means any person who engages in the business of buying, selling, trading, or otherwise dealing in used items which, because of age or design or quality or intrinsic beauty, or rarity or demand or otherwise have a value enhanced over the original value of ~~such~~ the goods.

*Business* means an activity carried on for profit, but shall not include occasional purchases or trades by a hobbyist.

*Chief of police* means the chief of police for the City of Houston and ~~such~~ persons as he may designate to perform his duties under this article.

*Clear thumb print impression* means an intentional digital recording of the friction ridge detail on the volar pads of the thumb. **[Moved from Article III because the definition is used in Articles III and IV]**

*Director* means the director of the department of administration and regulatory affairs or his designee.

*Minor* means any person under 18 years of age.

~~*Precious metals* means gold, silver or platinum.~~ **[Updated, moved to Art. IV]**

~~*Precious metals dealer* means any person who engages in the business of buying, selling, trading or otherwise dealing in precious metals. [Updated, moved to Art. IV]~~

*Secondhand reseller* means any person who buys, sells, exchanges or deals in personal property that has been previously used, broken or disfigured; provided, that a merchant who deals in new furniture, dishes or other regular household furnishings and accepts such articles for credit on the purchase price of new or used articles sold contemporaneously therewith that are of similar character to the goods so exchanged shall not be considered a secondhand reseller for the purposes of this article.

*Show* means any display and offering of used items for sale or trade by more than one dealer at a single location.

*Used* means any items, goods, products, wares, chattels, or articles of any sort, which have previously been owned by someone other than the manufacturer, or by a dealer whose business it is to sell such items, goods, products, wares, chattels, or articles when new to the customer.

*Web-based database* means an electronic reporting system approved by the chief of police that is capable of transmitting information and responding to input on the internet. [Revised, moved from Art. III because the definition is used in Arts. III and IV.]

**Sec. 7-2. Licensed pawnbrokers excluded.**

This chapter shall not apply to pawnbrokers licensed by the State of Texas.

**Sec. 7-3. Penalty for violation of any portion of this chapter.**

Any person who owns or operates any business governed by this chapter but does not have a valid license therefor or any person who shall violate any portion of this chapter shall be guilty of a misdemeanor and, upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00. Each day ~~such~~ the owner/operator/person permits the sale or purchase of any goods from ~~such~~ the unlicensed business or violates any provision of this chapter shall constitute a separate offense.

**Sec. 7-4. State law/city retention periods.**

Any retention periods required by this chapter are not meant to replace any required retention periods provided ~~for~~ by state law; in the event there is a conflict between retention periods provided for in this chapter and retention periods required by state law, the longer retention requirements shall ~~control and~~ apply.

**Sec. 7-5. Requirement for certificate of occupancy.**

Any business covered by this chapter that operates out of facilities required by city ordinance to have a certificate of occupancy must obtain said certificate of occupancy prior to a license being issued under this chapter.

**Sec. 7-6. Reports of property suspected stolen; purchase of city property.**

(a) It shall be the duty of the licensee, his agents, or employees to immediately report to the police department any offer to sell to the licensee, his agents, or employees property which the licensee, his agents, or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. The licensee, his agents, or employees shall also report any property acquired by the licensee which the licensee, his agents, or employees subsequently determine or reasonably suspect to be stolen property and shall furnish such other information as might be helpful to the police in investigating the matter.

(b) It shall be unlawful for any licensee, his agents, or employees to purchase an item of property on which are written or affixed the words "Property of the City of Houston" or other words demonstrating ownership by the city except in the following circumstances:

- (1) When the person offering the property for sale is an employee of the city who is authorized to make the sale by the director of the department of administration and regulatory affairs or the director of the department of public works and engineering pursuant to section 2-202 of this Code, and provides the licensee, his agents or employees with a written authorization for the sale of the property from his department's director or the director's designee; or
- (2) When the person offering the property for sale presents at the time of the offer a valid receipt from the department of administration and regulatory affairs or the department of public works and engineering, pursuant to section 2-202 of this Code, evidencing the purchase of the property.

**[Moved from Article II and revised.]**

**Sec 7-7. Process for revocation of license; appeal.**

(a) A license issued pursuant to this chapter may be revoked without refund of any portion of the license application or renewal fee.

(b) The director shall give written notice of revocation to the licensee by certified mail, return receipt requested, and by regular mail, setting forth the grounds for revocation and the opportunity to request a hearing regarding the revocation. A revocation hearing based upon the licensee's conviction of a criminal offense shall be conducted in accordance with section 1-9 of this Code and applicable state laws.

(c) If the licensee wishes to request a hearing, the request must be made in writing and provided to the director within 10 business days of the date of the director's notice of revocation. The hearing shall be conducted within 15 business days of the director's receipt of the request. If the licensee does not request a hearing within 10 business days, the revocation is effective on the 11<sup>th</sup> business day after the date of the director's revocation notice.

(d) The hearing shall be conducted by a hearing officer appointed by the director, who shall revoke the license if he determines by a preponderance of the evidence that grounds exist for revocation. At the hearing, the licensee may be represented by an attorney, present evidence, and cross-examine witnesses.

(e) The hearing officer shall give written notice to the licensee of his findings as to whether or not the license should be revoked and the reasons therefor. The notice shall be by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days thereafter. The decision of the hearing officer shall be final.

**Secs. 7-68--7-15. Reserved.**

## **ARTICLE II. ANTIQUE, ~~PRECIOUS METALS,~~ AND RESALE MEDIA AND CLOTHING DEALERS**

### **Sec. 7-16. Definitions.**

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

*Licensee* means any person licensed as a secondhand reseller pursuant to article III of this chapter, or as an antique dealer, ~~precious metals dealer,~~ or resale media and clothing dealer pursuant to this article.

*Resale media and clothing dealer* means any dealer who deals exclusively in:

- (1)a. Used books, magazines and other printed documents;
- (2)b. Used phonographic records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and/or
- (3)c. Used items of clothing, except those made in whole or in part from fur, but not in any other items, goods, products, wares, clothes or articles which are subject to regulation under this article.

~~Tableware means any flatware, dishes, serving pieces or other items designed or intended to be used in connection with the serving or eating of food when such items are made of any precious metal or wholly or partially plated with a precious metal. [Moved to Article IV]~~

**Sec. 7-17. License required; display.**

No person shall operate as an antique dealer, ~~precious metals dealer,~~ or resale media and clothing dealer, ~~or own any such business,~~ or engage in the business of buying, trading, or otherwise receiving used books, magazines and other printed documents, or used items of clothing (except those made from fur), ~~jewelry, used tableware, or other used items containing precious stones or made of or plated with precious metals~~ unless he is licensed pursuant to the ~~licensing provisions of this article,~~ is licensed as a secondhand reseller pursuant to article III of this chapter, is licensed as a pawnbroker pursuant to ~~the statutes of the state law~~ or is acting in the employment of one licensed under one of the above-listed laws. A separate license shall be required for each permanent location of any such business. A license issued under this subsection shall be marked to indicate that the business is authorized to deal only in the items listed in this subsection (or as a secondhand reseller pursuant to article III of this chapter) and shall be posted in a conspicuous place upon the licensed premises.

**Sec. 7-18. Application for and issuance or refusal of license.**

(a) Any person desiring a license required by this article shall make application therefore in writing to the director on an application form provided for that purpose. On the application, the applicant shall provide the following information:

- (1) The full name of the applicant, the and mailing street address ~~of~~ where the business is to be located, and the residence address of each owner, manager and operator of the business;
- (2) ~~Such~~ The application form shall be accompanied by an affidavit, sworn to by the applicant, that neither he nor any business partner, nor, in the case of a corporation, any corporate officer, has had a license revoked under this chapter or any preceding city ordinance governing the business described herein;
- (3) Whether any owner or operator is an individual, partnership, corporation, or other legal entity; provided, however, that the type of business organization shall include only those organizations recognized by the Texas Business Organizations Code ("BOC"), and if the organization is a foreign entity required to register under Chapter 9 of the BOC, full and complete copies of such organization's current registration;
- (4) If any owner or operator is a corporation, all officers of the corporation; and if there are fewer than five shareholders, the names of all shareholders;



- (5) If any owner or operator is a partnership, the type of partnership and names and addresses of all general partners;
- (6) If any owner or operator is an unincorporated association, the names and addresses of all officers of such association;
- (7) The location where the business will be conducted, along with a copy of the certificate of occupancy for the location; and
- (8) The time period or periods during which the business will be conducted.

(b) Upon receipt of ~~such~~ the application, the director shall investigate the items sworn to by affidavit or by declaration pursuant to the Texas Civil Practices and Remedies Code section 132.001. If neither the applicant, his business partners, nor any corporate officers have had a license revoked as described above, the director shall issue a license to the applicant upon payment of the license fee.

(c) If the director rejects the application, he shall give written notice by personal delivery or certified mail, return receipt requested to the applicant at the address stated in the application. The written notice shall specifically set forth the reasons for the rejection.—~~A rejection shall be subject to appeal in the same manner provided in section 7-25 of this Code.~~

**Sec. 7-19. License fees.**

(a) The annual fee for a license issued pursuant to this article for a dealer with a permanent place of business within the city is stated for this provision in the city fee schedule. The license shall be valid for one year from the date of issuance.

Each licensee with a permanent business location in the city may use the license for that business when attending shows at other locations in the city.

(b) Any dealer described herein who desires to sell or purchase items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. The daily license fee for each show is stated for this provision in the city fee schedule.

**Sec. 7-20. Records required to be kept.**

(a) Every person engaged in the business of buying, trading or otherwise receiving antique items, ~~used jewelry, used tableware or other used items made of precious stones or precious metals~~ shall keep at his place of business a record book, in a form approved by the chief of police, in which he shall enter daily a full description of all personal property purchased or otherwise received at his licensed place of business.—~~Such~~ The description shall include the date and hour of receipt, the name and address of the person or place of

business from which ~~such~~ the item was received, and the driver's license or Texas personal identification certificate number of the person selling or otherwise giving the items. All entries in the record book shall be made legibly.

(b) In addition to the requirements set out in subsection (a) hereof, the property shall be fully described including, where customary in the business, the size, weight, material, length, number of items, capacity, and any other designations or descriptions customarily employed in the sale and purchase of ~~such~~ the items.

(c) The licensee, his agents or employees shall provide a receipt to the seller or transferor of the property. Each receipt shall be consecutively numbered and shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. An accurate copy or record of receipts obtained shall be retained for a period of not less than two years, and shall be available for inspection upon request during business hours by any peace officer or authorized inspector of the department of administration and regulatory affairs.

(d) Every person engaged in the business of buying, trading or otherwise receiving antique items, ~~used jewelry, used tableware or other used items made of precious stones or precious metals~~ shall, upon request, submit and exhibit the various business records which are required to be maintained for inspection or copying to any peace officer or authorized inspector of the department of administration and regulatory affairs. Failure to maintain or to so permit the examination or copying of ~~such~~ the records when required shall be a misdemeanor.

#### **Sec. 7-21. Stock to be open for examination.**

The stock or inventory of any dealer that is openly displayed and available to the public shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the department of administration and regulatory affairs. Failure to permit an examination when requested shall be a misdemeanor.

#### **Sec. 7-22. Articles to be retained.**

(a) ~~No antique dealer or resale media and clothing dealer shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his licensed place of business for 72 hours after receipt. During ~~such~~ the 72-hour period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a manner so as to be identifiable from the description entered in the record book. ~~Such~~ The property shall not be kept so as to prevent or impede its examination hereunder.~~

~~(b) No precious metals dealer shall sell, dismantle, deface or in any manner alter or dispose of any item purchased or otherwise received by him at his licensed place of business for 11 days after receipt. During such 11-day period, all items of property shall be stored or displayed at the dealer's business location, in the exact form received, and in a~~

~~manner so as to be identifiable from the description entered in the record book. Such property shall not be kept so as to prevent or impede its examination hereunder. [Moved to Art. IV]~~

**Sec. 7-23. Purchasing or receiving goods of minors.**

~~No antique or precious metals dealer shall purchase or otherwise receive in the course of his business, any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless the minor's parent or guardian shall state in writing, that such the transaction is taking place with such the parent's or guardian's full knowledge and consent. It shall be the duty of such the antique or precious metals dealer to preserve and keep on file, and available for inspection, such the written statements of consent.~~

**Sec. 7-24. Change in business address.**

~~Should any person licensed under this article move his permanent place of business from the place designated in such the license to a new address, he shall immediately give written notice to the director and have the change noted on his license. The fee stated for this provision in the city fee schedule, payable to the director, is hereby levied for such a the change.~~

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

A license may be revoked in the manner provided in section 7-7 of this Code if:

- (1) Any information supplied in the permit application was materially false or incorrect;
- (2) The license was issued as a result of error; or
- (3) The licensee has violated the provisions of this chapter, any state or federal statute involving the criminal offense of theft, or Texas Penal Code section 37.09 or 37.10.

**[The following provisions were revised, updated and moved to Sec. 7-7, and will apply to entire chapter]**

~~(a) Upon written verified complaint filed by any person with the director setting out facts alleging that any licensee under this article has, since the license was granted, violated the provisions of this chapter, or any state or federal statute involving the criminal offense of theft, or the provisions of § 37.09 or 37.10 of the Texas Penal Code or that the licensee falsified his original application for a license, the director shall cause the allegations to be investigated.~~

~~(b) If just cause exists for a hearing on revocation of a license herein, the director shall notify the licensee in writing by certified mail, return receipt requested, and by regular mail that a revocation hearing will be conducted at a specified time and place with reference~~

~~to such complaint. A copy of the verified complaint shall be included, notifying the licensee of the allegations against him.~~

~~(c) At the hearing conducted by the director or his designee, all parties may present evidence, be represented by an attorney, and question opposing witnesses.~~

~~(d) Based on a preponderance of the evidence, the director or his designee shall determine, whether the license should be revoked. A written copy of the decision shall be sent to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days thereafter. The decision of the hearing officer shall be final. In the event a license is revoked, the city shall not be liable to the licensee for any refund of any part of the license fee.~~

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

~~(f) The city council shall, based on a preponderance of the evidence, render its decision. A copy of the decision shall be sent by the director of Administration and Regulatory Affairs to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days. The city council action shall be final.~~

**[The following provision was revised, updated and moved to Sec. 7-6, and will apply to entire chapter]**

**Sec. 7-26. Reports of property suspected stolen.**

~~(a) It shall be the duty of the licensee, his agents or employees to report immediately to the police department any offer to sell to the licensee, his agents or employees property which such licensee, his agents or employees have actual knowledge is stolen or by reasonable diligence should know is stolen, together with the identity, when known, and description of the person or persons making such offer. Such licensee, his agents, or employees, shall also report any property acquired by the licensee which the licensee, his agents or employees, subsequently determine or reasonably suspect to be stolen property and the licensee, his agents or employees, shall furnish such other information as might be helpful to the police in investigating the matter.~~

~~(b) It shall be unlawful for any licensee, his agents or employees to purchase an item of property on which are written or affixed the words "Property of the City of Houston" or other words demonstrating ownership by the city except in the following circumstances:~~

- ~~(1) Where the person offering such property for sale is an employee of the city authorized by the city treasurer to make such a sale, and provides the licensee, his agents or employees with a written authorization from the city treasurer for the sale of such property; or~~

- ~~(2) Where the person offering such property for sale presents at the time of such offer a valid receipt from the city treasurer evidencing the purchase of such property by the person offering such property.~~

**Sec. 7-27. Exemptions from license fee.**

~~An organization engaged in a business described herein, but which has qualified as nonprofit and which is exempt from taxation under the provisions of Section 501(3) of Title 26 (Internal Revenue Code), of the United States Code, must obtain a license as required herein; provided however, that such organization shall be exempt from paying the license fee required herein. All other provisions of this article apply to such organizations. **[Per discussion with Don Cheatham, delete; there's no legal justification for exempting non-profits.]**~~

**Sec. 7-28. Inapplicability of certain chapter provisions.**

Notwithstanding any other provision of this article that might be construed to the contrary, the provisions of section 7-23 of this Code shall not be applicable to the sale, receipt, transfer or holding of (1) Used books, magazines and other printed documents; (2) Used phonographic records, magnetic audio tapes, audio discs or other recordings of sound which do not include recordings of visual images; and/or (3) Used items of clothing, except those made in whole or in part from fur.

**Secs. 7-2927--7-50. Reserved.**

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**[Art. III is omitted from this redline; Don Cheatham is revising that Art.]**

**ARTICLE IV. RESERVED CRAFTED PRECIOUS METALS DEALERS**

**Sec. 7-81. Definitions.**

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

*Crafted precious metal* means jewelry, silverware, an art object, or another object made wholly or partly from precious metal, other than a coin, a bar, a commemorative medallion, or scrap or a broken item selling at five percent or more than the scrap value of the item.

*Dealer* means a person licensed to engage in the business of purchasing and selling crafted precious metal (including purchases or sales made through the mail), except for coins, bars, commemorative medallions, or items that the dealer purchases for five percent or more than the scrap value.

Licensee means any person licensed as a dealer pursuant to this article.

Permanent registered location means a location where a crafted precious metals dealer engages in the business of buying crafted precious metal for one year or longer.

Precious metal means gold, silver, platinum, palladium, iridium, rhodium, osmium, ruthenium, or an alloy of those metals.

Scrap value means the value at which an item would be purchased by a person who will melt the item or otherwise transform it so that it will not be used for its original purpose.

Tableware means any flatware, dishes, serving pieces or other items designed or intended to be used in connection with the serving or eating of food when the items are made of any precious metal or wholly or partially plated with a precious metal.

Temporary dealer means any person who conducts business as a dealer in the city for a period of time not to exceed one year but does not have a permanent place of business in the city.

**Sec. 7-82. License required; display, exceptions.**

(a) No person shall operate as a dealer or own any such business or engage in the business of buying, trading, or otherwise receiving jewelry, used tableware, or other used items containing precious stones or made of or plated with precious metals unless he is licensed pursuant to this article, is licensed as a pawnbroker pursuant to the statutes of the state or is acting in the employment of one licensed under one of the above-listed laws. A separate license shall be required for each permanent location of any such business. A license issued under this subsection shall indicate that the business is authorized to deal only in the items listed in this article and shall be posted in a conspicuous place upon the licensed premises.

(b) A dealer must provide and display valid city and state license numbers on all forms of advertisement (i.e., print, video, internet, and radio) for business conducted within the city limits.

(c) Exceptions to the applicability of this article are as provided in the Texas Occupations Code, Chapter 1956, Subchapter B.

**Sec. 7-83. Application for license.**

(a) Any person desiring a license required by this article shall make application therefor in writing to the director on an application form provided for that purpose. On the application, the applicant shall provide the following information:

- (1) The full name of the applicant, the street address where the business is to be located, and the residence address of each owner, manager and operator of the business;
- (2) Whether any owner or operator is an individual, partnership, corporation, or other legal entity; provided, however, that the type of business organization shall include only those organizations recognized by the Texas Business Organizations Code ("BOC") and authorized to engage in the type of business covered by this article, and if the organization is a foreign entity required to register under Chapter 9 of the BOC, full and complete copies of the organization's current registration;
- (3) If any owner or operator is a corporation, all officers of the corporation; and if there are fewer than five shareholders, the names of all shareholders;
- (4) If any owner or operator is a partnership, the type of partnership and names and addresses of all general partners, and for limited liability companies, the names and addresses of all members;
- (5) If any owner or operator is an unincorporated association, the names and addresses of all officers of the association;
- (6) If any applicant does business under an assumed name as that term is defined in Texas Business and Commerce Code section 71.002, all assumed names used and copies of all filings relating to such names;
- (7) The person responsible for the on-site day-to-day operation of the applicant's permanent registered location and a person responsible for each temporary location;
- (8) A copy of the certificate of occupancy for the location where the business will be conducted;
- (9) The time period or periods during which the business will be conducted, including hours of operation;
- (10) A copy of the certification of registration issued by the Office of Consumer Credit Commissioner (OCCC) of the State of Texas; and

(11) Any other information reasonably required by the director for the purpose of processing the application under the requirements of this article.

(b) The application form shall be accompanied by an affidavit, sworn to by the applicant or declaration pursuant to Texas Civil Practice and Remedies Code section 132.001, acknowledging that the applicant:

(1) Including his business partners, and, in the case of a corporation, all corporate officers, have not had a license revoked under this chapter or any preceding city ordinance governing the business described herein;

(2) Has read the application and agrees to all of its terms and provisions;

(3) Affirms the correctness and accuracy of the information given on the application; and

(4) Affirms that he has the authority to bind the applicant to all of the terms, provisions and requirements of the application.

**Sec. 7-84. Temporary license.**

A temporary dealer who wishes to purchase crafted precious metals in the city must apply for and secure a license for each location. An application for a temporary dealer's license shall be submitted as required in section 7-83, not later than 30 business days prior to the desired effective date of the license, and shall contain, for each location:

(1) The approximate dates and hours of operation for each temporary location; and

(2) The name of the person responsible for on-site operations and compliance with applicable laws at each temporary location.

**Sec. 7-85. Issuance, denial, fees.**

(a) Upon receipt of an application, the director shall investigate the items sworn to by affidavit or declaration. An application is complete when the application contains the information required by this article and is accompanied by the payment of the license fee.

(b) Within 30 days of receiving an incomplete application, the director will provide written notice to the applicant stating that the application is incomplete and specifying the additional information required for completion. If the director requests additional information and the applicant does not respond within 30 days, the application will be considered withdrawn, and the applicant must reapply to obtain a license.

(c) For temporary licenses, within 10 business days of receiving an incomplete application, the director will provide written notice to the applicant stating that the application



is incomplete and specifying the additional information. If the applicant does not respond within 10 business days, the application will be considered withdrawn, and the applicant must reapply to obtain a temporary license.

(d) Upon receipt of a complete application for a temporary or permanent license, the director shall issue a license to the applicant unless:

- (1) The information provided in the application is materially false or incorrect;
- (2) The applicant has violated the provisions of this chapter;
- (3) The applicant or any of the applicant's principals are not in compliance with the criminal history provisions of section 1-10 of this Code; or
- (4) The applicant, his business partners or corporate officers have had a license revoked under this article or a preceding city ordinance governing the business described herein within the last five years.

(e) If the director denies the application, he shall give written notice by personal delivery or certified mail, return receipt requested, to the applicant at the address stated in the application. The written notice shall specifically set forth the reasons for the denial and shall be subject to an appeal pursuant to the procedures in section 7-7 of this Code.

(f) The annual fee for a license issued pursuant to this article for a dealer with a permanent place of business within the city is stated for this provision in the city fee schedule. The license, unless revoked, shall be valid for one year from the date of issuance.

(g) A temporary dealer shall pay the daily license fee for each show. The daily license fee is stated for this provision in the city fee schedule.

**Sec. 7-86. Change in business name or address; notice.**

(a) Should any person licensed under this article move his permanent place of business from the place designated in the license to a new address, he shall immediately give written notice to the director to have the change noted on his license and pay the fee stated for this provision in the city fee schedule.

(b) The director will rely on the mailing and e-mail addresses currently on file to contact dealers. The failure to maintain a current mailing or e-mail address with the director is not a defense to any action based on a dealer's failure to respond to notifications from the director.

**Sec. 7-87. Use of license at shows, other locations.**

Each licensee with a permanent business location in the city may use the license for that business when attending shows or conducting business at other locations in the city.

**Sec. 7-88. Required recordkeeping; transaction report form, scrap value estimation, receipt.**

(a) A dealer shall keep at his place of business a record of all purchases of crafted precious metals in a web-based database, in a form and method approved by the chief of police. The record shall be updated daily, with a full description in English of each transaction in which personal property is purchased or otherwise received at the dealer's licensed place of business.

(b) The dealer must prepare a transaction report form for each transaction. The report form shall be preprinted and pre-numbered, and shall contain all the following information:

(1) The date of purchase.

(2) The name and address of the dealer's permanent business location.

(3) The name and address where the dealer purchased the crafted precious metal, if the location is different than the dealer's permanent business location and the transaction takes place in person.

(4) The dealer's registration number.

(5) The full name of the seller, as listed on the seller's driver's license or personal identification certificate as defined by Texas Occupations Code § 1956.001(8).

(6) A physical description of the seller to include date of birth, height, eye color, and gender.

(7) The physical address where the seller is residing at the time of the transaction.

(8) The seller's driver's license number or personal identification number from the following unexpired forms of identification:

a. A driver's license number from Texas or another state within the United States;

b. An identification card issued by the Texas Department of Public Safety;

c. A United States military identification card; or

d. A United States passport or visa, or other identification issued by the United States government as described in the administrative rules promulgated pursuant to section 7-93 of this Code.

- (9) A clear digital photograph of the seller, in accordance with the administrative rules issued by the director and the chief of police.
- (10) A clear thumbprint from the seller.
- (11) The seller's certification that the seller's name and address, as well as the description of the crafted precious metal, are true and complete.
- (12) The seller's representation that the seller has the right to possess and sell the property.
- (13) A description of the crafted precious metal purchased by the dealer, accompanied by a clear digital image of each item purchased, including the:
- a. Total number of items purchased by the dealer;
  - b. Type of each item (e.g., fork, tray, chain, ring);
  - c. Type, color and purity of each kind of metal purchased (e.g., 10 karat white gold, 0.925 sterling silver);
  - d. Weight in troy ounces, grams, or pennyweights for each kind of metal;
  - e. Amount paid by the dealer for each kind of metal;
  - f. Color (e.g., clear, blue, green), number, and approximate size (e.g. small, medium, large) of any stones and which item(s) included those stones;
  - g. Size or length of each item (e.g., size 7, 18 inches);
  - h. Any discernible serial numbers;
  - i. Any engravings, inscriptions, distinctive markings, or designs;
  - j. Gender for which any jewelry item was manufactured, if identifiable; and
  - k. Any unique markings that are not visible and identifiable from the photographic images.
- (14) The total amount paid to the seller by the dealer.
- (15) The notice regarding oversight of precious metals dealers by the state's Office of Consumer Credit Commissioner and the office's contact information for

consumer complaints as required by Title 7 of the Texas Administrative Code, Part 5, Ch. 85, Subch.B, Div. 2, Rule 85.2001(a).

Additional information is permissible on the transaction report form as long as it is not misleading with respect to rights arising under the law.

(c) The dealer shall maintain a scrap value estimation record for each purchase of crafted precious metal, including a reasonable good faith estimate of the each item's scrap value or the percentage of scrap value that the dealer will pay the seller. The scrap value estimation is not required on the seller's receipt copy of the transaction report form, but must be included on the dealer's copy, which must be maintained for a period of not less than three years, pursuant to Texas Occupations Code § 1956.063.

(d) The dealer shall submit the required records to the web-based database by the close of business on each day on which the dealer is open for business. Failure to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew a dealer's license. Any person violating any provision of this section shall be punished as provided by section 1-6 of this code.

(e) The dealer, his agents, or employees shall supply a consecutively-numbered receipt to the seller or transferor of the property. The receipt shall be dated on the actual date of the transaction and shall list the items sold or otherwise transferred. A printed version of the record input to the web-based database shall satisfy this requirement. An accurate copy or record of receipts shall be retained for a period of not less than three years.

(f) A dealer and every person engaged in the business of buying, trading or otherwise receiving crafted precious metals in any form shall, upon request, submit and exhibit the various business records required to be maintained under this section for inspection and copying to any peace officer or authorized inspector of the director. Failure to maintain or to so permit the examination or copying of the records when requested shall be a misdemeanor.

**Sec. 7-89. Stock to be open for examination.**

The stock or inventory of any dealer that is openly displayed and available to the public shall at any time during ordinary business hours be accessible for examination by any peace officer or authorized inspector of the department of administration and regulatory affairs. Failure to permit an examination when requested shall be a misdemeanor.

**Sec. 7-90. Articles to be retained, placed on hold, exceptions.**

(a) No dealer shall sell, dismantle, deface, melt, or in any manner alter or dispose of any item purchased or otherwise received at the dealer's licensed place of business for eleven days after receipt. During the eleven-day period, all items of property shall be stored or displayed at the dealer's permanent business location or in a secure location readily

accessible to the dealer, in the exact form received, and in a manner so as to be identifiable from the description entered in the record book. The property shall not be kept so as to prevent or impede its examination hereunder and shall be available for inspection by a peace officer within 24 hours of a peace officer's request to inspect the property.

(b) A dealer may not melt, deface, alter, or dispose of crafted precious metal received by the dealer before the 11<sup>th</sup> day after the required report is filed unless:

- (1) The peace officer to whom the report is submitted, for good cause, authorizes the disposition of the metal;
- (2) The dealer obtains the name, address, and description and other information pertaining to the buyer as required in section 7-88(b) of this article and retains a record of that information; or
- (3) The dealer is a pawnbroker and the disposition is the redemption of pledged property by the pledger.

(c) A peace officer who has a reasonable suspicion that an item of crafted precious metal in a dealer's possession is stolen may place the item on hold for a period not to exceed 60 days by issuing to the dealer a written notice that specifically identifies the item alleged to be stolen and subject to the hold, and informs the dealer of the requirements of this section.

(d) On receiving notice from a peace officer that an item is placed on hold, the dealer may not melt, deface, alter, or dispose of the identified crafted precious metal until the hold is released in writing by a peace officer of this state or by court order.

(e) Failure 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 a dealer under this code. Any person violating any provision of this section shall be punished as provided by section 1-6 of this code.

#### **Sec. 7-91. Purchasing or receiving goods from minors.**

No dealer shall purchase or otherwise receive in the course of his business any item, ownership of which is claimed by any minor, or which may be in the possession of or under control of a minor, unless the minor's parent or guardian shall state in writing, that the transaction is taking place with the parent's or guardian's full knowledge and consent. It shall be the duty of the dealer to preserve and keep on file and available for inspection the written statements of consent, for a period of three years.

#### **Sec. 7-92. Revocation of license.**

(a) A license may be revoked pursuant to the procedures in section 7-7 of this Code if:

- (1) Any information supplied in the permit application was materially false or incorrect;
  - (2) The license was issued as a result of error;
  - (3) The licensee has failed to operate in compliance with any applicable provision of the license or this chapter; or
  - (4) The licensee has violated the provisions of this chapter, or is not in compliance with the criminal history provisions of section 1-10 of this Code.
- (b) A dealer whose registration has been revoked may not reapply for five years from the date of revocation.

**Sec. 7-93. Administrative rules.**

The director and the chief of police shall promulgate rules and regulations to administer the provisions of this ordinance. The rules and regulations shall not conflict with any applicable provisions of this Code. All rules and regulations so promulgated shall be kept on file for public inspection at the office of the director and the office of the chief of police.

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Chapter 1

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**Sec. 1-10. Same--Specific permits and licenses.**

(a) Except as provided in the succeeding sentence applicable to the license enumerated in subsection (2) of this section, the licenses and permits enumerated in this subsection shall be denied if the applicant (i) has been convicted of any of the designated offenses within the seven-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the seven-year period immediately preceding the date of filing of the application for such a conviction, or (ii) is subject to deferred adjudication in connection with any of the above offenses. As to the license listed in subsection (2) of this section, the seven-year limitation shall not apply to any felony conviction for any sexual offense or offense involving violence, including, but not limited to, murder. Additionally, the following licenses and permits shall be subject to denial, revocation, or refusal for renewal, as applicable, if the licensee or permittee has been convicted of any of the designated offenses since the application was filed. Provided, however, no such license or permit shall be denied, revoked, or refused for renewal if the conviction was set aside as invalid or if it is found that the license or permit should not be denied, revoked or refused for renewal under chapter 53 of the Texas Occupations Code:

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- (5) Licenses issued to crafted precious metals dealers pursuant to Chapter 7 of this Code:
- a. Any violation of the ordinances or statutes regulating the purchase or sale of crafted precious metals.
  - b. Any offense involving fraud or misrepresentation.
  - c. Any offense involving theft, robbery, or burglary.
  - d. Any offense involving forgery.
  - e. Any offense involving a false report to a peace officer, federal special investigator or law enforcement employee as described in Chapter 37 of the Texas Penal Code.
  - f. Any offense involving tampering with or fabricating physical evidence as described in Chapter 37 of the Texas Penal Code.
  - g. Any offense involving tampering with a governmental record as described in Chapter 37 of the Texas Penal Code.

The above listed offenses shall be grounds for denial or revocation of, or refusal to renew a precious metals dealer's license issued pursuant to Chapter 7, Article IV, because the license allows persons to engage in a business in which there is a high degree of opportunity for unlawful practices relating to the crafted precious metals trade. The precious metals business also affords special opportunities for theft, fraud, and false reporting. Therefore, there is a serious need to protect the public from the types of criminal conduct represented by these offenses.

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**Sec. 1-15. Conducting national criminal background checks.**

(a) This section applies to the following licenses, permits or authorizations or renewals thereof:

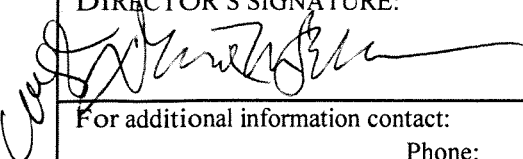
- (1) A salesman's license issued pursuant to article II of Chapter 8 of this Code;
- (2) Wrecker licenses issued pursuant to subdivision B of division 2 of article III of Chapter 8 of this Code;
- (3) Licenses issued pursuant to section 5-171 of this Code authorizing a person to operate, use or maintain any room or place where persons are permitted to play at any game of dominoes, cards or other games;

- (4) Authorizations for private storage lots issued pursuant to Chapter 8, article III, division 2 of this Code;
- (5) Permits for sexually oriented business enterprise entertainers and managers issued pursuant to article VII of Chapter 28;
- (6) Permits for valet parking services, issued pursuant to Chapter 26, article VII, division 2;
- (7) Permits for vehicle immobilization services issued pursuant to Chapter 26, article X, division 2 of this Code;~~or~~
- (8) SGT licenses issued pursuant to section 9-58 of this Code and licenses issued pursuant to chapter 46 for school vehicle operators, pedicab operators and drivers, low-speed shuttle operators and drivers, charter or sightseeing service operators and drivers, chauffeured limousine service operators and drivers, taxicab drivers, and jitney drivers, and permits issued for taxicab, pedicabs, low-speed shuttles, jitneys, and franchises issued pursuant to uncodified ordinances for school bus operators;or
- (9) Licenses for crafted precious metals dealers issued pursuant to Article IV of Chapter 7 of this Code.

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**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Correction of errors and updating of citations in city ordinances not included in the City's Code of Ordinances ("Code").		Page 1 of 1	Agenda Item #  125
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> January 7, 2013	<b>Agenda Date</b> JAN 30 2013
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All	
For additional information contact: <b>David M. Feldman</b> Phone: <b>(832) 393-6412</b>		<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2011-797, 9/14/2011	
<b>RECOMMENDATION: (Summary)</b> That the Council adopt an ordinance amending Section 1-16 of the Code to authorize the City Attorney to correct non-substantive errors, such as typographical errors, misspelled words, etc., and to update statutory citations or other non-current references to statutes or other laws or similar references in non-codified ordinances enacted by the Council without the necessity of further Council action.			
<b>Amount and Source of Funding:</b> N/A			
<b>SPECIFIC EXPLANATION:</b>  By the enactment of Ordinance No. 2011-797, Council amended the Code to add Section 1-16 to authorize the City Attorney to direct the publisher of the Code to make non-substantive corrections to ordinances amending the Code of Ordinances, including typographical errors, misspelled words, incorrect references to state, federal or other laws, and similar matters. In turn, the City Attorney committed to provide, and has provided to Council, two weeks advance notice of any such correction to allow any member of Council to comment upon or object to any such changes.  Council enacts numerous non-codified ordinances and experience has shown the need to grant similar authority to the City Attorney to correct non-substantive errors found in ordinances passed by Council that do not appear in the Code. As in the case of Code amendments, the City Attorney would provide Council the identical two week notice respecting any non-substantive amendment or correction of similar errors discovered in ordinances that will not appear in the Code. As an example of the latter circumstance, errors have occurred in ordinances dealing with elections and in other areas of city business. Similarly, the passage of time causes non-codified ordinances citing state, federal or other laws to become inaccurate or out-of-date, diminishing the utility and accuracy of the city's records in such matters.  The proposed ordinance would amend Section 1-16 of the Code of Ordinances to authorize the City Attorney, or his designee, to amend or correct non-substantive errors, typographical errors and similar faults, and to update statutory or other non-current references that appear in non-codified ordinances enacted by the Council without the necessity of further Council action, thereby ensuring that the city's records in all such matters are complete, accurate and effective.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>			

**Sec. 1-16. Non-substantive corrections to Code provisions or non-codified ordinances, resolutions or other records.**

The city attorney is directed and authorized to direct the publisher to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of ~~an~~ a correction ordinance or other action of the city council. The city secretary shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in her office as necessary to effect similar non-substantive changes or revisions to ensure that such public records are correct, complete and accurate.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject:** An Ordinance relating to ground transportation services for the 2013 National Basketball Association ("NBA") All Star Game; Suspending certain provisions of the code of ordinances, Houston, Texas and adopting provisions authorizing the issuance of temporary limousine driver licenses; containing findings and other provisions relating to the foregoing subject; providing for severability and declaring an emergency.

Category #

Page 1 of 1

Agenda Item

13

**FROM (Department or other point of origin):**  
Tina Paez, Interim Director  
Administration & Regulatory Affairs Department

**Origination Date**  
January 18, 2013

**Agenda Date**  
JAN 30 2013

**DIRECTOR'S SIGNATURE**



**Council District(s) affected**  
All

**For additional information contact:**  
Kathryn Bruning Phone: (832) 394-9414  
Nikki Cooper Phone: (832) 394-9433

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

**RECOMMENDATION: (Summary)**

Approve an ordinance establishing temporary provisions relating to chauffeured limousine driver's licenses during the NBA All Star Period.

**Amount of Funding:** N/A

**Finance Budget:**

**SOURCE OF FUNDING:** N/A    || General Fund   | | Grant Fund   | | Enterprise Fund    || Other (Specify)

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that City Council adopt a non-codified ordinance relating to chauffeured limousine driver's licenses for the period beginning on February 6, 2013 and ending on February 18, 2013.

The 2013 NBA All Star game is scheduled to be played in Houston on Sunday, February 17, 2013. During the period immediately surrounding the date, more than 50,000 visitors are expected to arrive in Houston to attend the pre-game activities and the game itself. Because visitors may form lasting impressions of their visit to Houston based on a single ride, transportation to and from our local airports, hotels, and designated event venues will be of paramount importance during this period.

The recommended temporary, non-codified ordinance change will allow for temporary limousine driver licenses to be issued. The temporary limousine driver licenses will only be valid during the time period specified above. The City of Houston currently permits approximately 2,480 taxicabs and 1,650 limousines. We anticipate no need for out-of-town taxicabs as Houston has more permitted cabs than the majority of other cities that have hosted the NBA All Star game. However, based on prior major event experience, it is anticipated that additional limousines will be required for the event period.

Pursuant to existing provisions of Chapter 46 of the Code of Ordinances (the Code), limousine companies will be allowed to bring in vehicles from outside of Houston. In order to maintain regulatory procedures and protect the public, the only limousines that will be permitted to operate in the City over this period will be those affiliated with locally permitted operators. To expedite the licensing and permitting process for the additional drivers hired and vehicles brought in during the event period, temporary, non-codified changes to the limousine driver licensing requirements within the Code are needed.

**Recommendation:**

The Administration & Regulatory Affairs Department respectfully requests City Council's approval of the recommended temporary, non-codified provisions for the period beginning February 6, 2013 through February 18, 2013.

**REQUIRED AUTHORIZATION**

Finance Department:

Mayor's Office of Special Events:

Other Authorization:

City of Houston, Texas, Ordinance No. 2013-\_\_\_\_\_

**AN ORDINANCE RELATING TO GROUND TRANSPORTATION SERVICES FOR THE 2013 NATIONAL BASKETBALL ASSOCIATION (“NBA”) ALL-STAR GAME; SUSPENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, AND ADOPTING PROVISIONS AUTHORIZING THE ISSUANCE OF TEMPORARY LIMOUSINE DRIVER LICENSES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\*\*\*\*\*

**WHEREAS**, the 2013 NBA All-Star Game will be conducted in Houston, Texas on February 17, 2013; and

**WHEREAS**, the 2013 NBA All-Star Game and associated events and functions will result in a substantial increase in visitors to Houston, Texas; and

**WHEREAS**, City Council desires to adjust certain requirements with respect to the operation of limousines in order to more effectively accommodate the needs of the public in Houston, Texas during the 2013 NBA All-Star Game period; **NOW THEREFORE**,

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

**Section 1.** That the findings set forth in the preamble of this Ordinance are adopted as part of this Ordinance.

**Section 2.** That this Ordinance shall be in effect during the period commencing at 12:01 a.m., Wednesday, February 6, 2013, and ending at 11:59 p.m., Monday, February 18, 2013.

**Section 3.** That during the period specified in **Section 2** of this Ordinance, the operation of any other ordinance, rule, or regulation of the City shall be suspended to the extent and only to the extent that it is inconsistent with this Ordinance.

**Section 4.** That, during the time period specified in **Section 2** above, the Director of the Department of Administration and Regulatory Affairs is authorized to issue temporary limousine driver licenses that will be valid only during the time period

specified in **Section 2** of this Ordinance. The temporary driver licenses shall be issued in a manner that is to the extent practicable consistent with the requirements of Chapter 46 of the Code of Ordinances, Houston, Texas; however, requirements that cannot practicably be complied with because of time constraints may be waived. The temporary driver licenses shall be valid only for the operation of limousines operated in compliance with the limousine permitting and licensing requirements of Chapter 46 of the Code of Ordinances, Houston, Texas, and the provisions of this section shall be not be construed to excuse compliance with any other applicable provision of Chapter 46.

**Section 5.** That, consistent with the provisions and requirements of this Ordinance and other laws and ordinances, the Director of the Department of Administration and Regulatory Affairs may implement and enforce special operational requirements for vehicles for hire that will be in effect during the period specified in **Section 2** of this Ordinance.

**Section 6.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 7.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor of the City of Houston

Prepared by Legal Dept. *Richard D. Hambrick*  
RVG 1/24/2013 Senior Assistant City Attorney  
Requested by Tina Paez, Interim Director, Administration and Regulatory Affairs Department  
L.D. File No. 0371300016001

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT: AN ORDINANCE AUTHORIZING PARTICIPATION WITH OTHER ENTERGY SERVICE AREA CITIES IN MATTERS CONCERNING ENTERGY TEXAS, INC. BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS AND THE FEDERAL ENERGY REGULATORY COMMISSION DURING 2013**

**Category #**

**Page 1 of 1**

**Agenda Item#**

14

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

Tina Paez, Interim Director  
Administration & Regulatory Affairs Department

**Origination Date**

January 23, 2013

**Agenda Date**

JAN 30 2013

**DIRECTOR'S SIGNATURE:**

*[Handwritten signature]*

**Council Districts affected:**

E

**For additional information contact:**

Tina Paez Phone: 832-393-8500  
Alisa Talley Phone: 713-837-0849

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

Ordinance No. 2011-0466, June 15, 2011  
Ordinance No. 2012-0033, January 18, 2012

**RECOMMENDATION: (Summary)**

Adopt an ordinance authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. before the Public Utility Commission of Texas and the Federal Energy Regulatory Commission during 2013.

**Amount of Funding:** N/A

**ARA Budget:**

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

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that City Council adopt an ordinance authorizing participation with other Entergy Texas, Inc. (Entergy) service area cities in matters concerning Entergy before the Public Utility Commission of Texas (PUCT) and the Federal Energy Regulatory Commission (FERC) during 2013. Entergy provides power to approximately 410,000 Texas retail customers. Entergy serves approximately 1,500 customers in the Kingwood area — 1,200 residential and 300 commercial customers. The City of Houston (Houston) exercises original jurisdiction over the rates, operations and services of Entergy under the provisions of the Public Utility Regulatory Act for customers within city limits.

Houston participates in numerous Entergy administrative and litigated proceedings, including contested cases related to utility-initiated rate adjustment filings, as a member of the Steering Committee of Cities (the Coalition), a group of similarly situated cities with Entergy customers within their city limits. Coordinating efforts maximizes the efficient use of resources and expertise in reviewing, analyzing, and investigating Entergy's filings. Several proceedings are anticipated for the 2013 calendar year, including a possible full base rate proceeding. Historically, Houston ratepayers have benefited from participation in the Coalition. Coalition intervention in the 2011/2012 full base rate proceeding led to an approximate \$88 million reduction to the company's requested rate increase — \$112 million Company proposed increase versus the \$24 million Commission awarded increase. In 2010 Entergy Coalition member cities were instrumental in settling Entergy's 2009 base rate request at an amount approximately \$140 million less than the annual base rate revenue requested by Entergy. In this settlement, the Coalition also negotiated a one-time refund to customers of \$22 million. All reasonable expenses associated with these proceedings are reimbursable by the company, and have been reimbursed in past proceedings.

Adoption of the ordinance ensures Houston's continued participation in the Steering Committee of Cities for the remainder of the 2013 calendar year. Therefore, ARA recommends Council adopt an ordinance authorizing participation with other Entergy service area cities in matters concerning Entergy Texas, Inc. before the Public Utility Commission of Texas and the Federal Energy Regulatory Commission during calendar year 2013.

**REQUIRED AUTHORIZATION**

ARA Director:

**SUBJECT:** An Ordinance approving and authorizing an appropriation of \$6,000,000 of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Funds (including \$300,000 of previously allocated but unused TIRZ funds) for single and multi-family affordable housing activities.

<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 15
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**FROM:**  
Neal Rackleff, Director  
Housing and Community Development Department

<b>Origination Date</b> 11/16/12	<b>Agenda Date</b> JAN 30 2013
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**DIRECTOR'S SIGNATURE:**  
*Guernica Chapman for Neal Rackleff*

**Council Districts affected:**  
All

**For additional information contact:** Bob Bradford 713-865-4196  
Marc Eichenbaum 713-865-4557

**Date and identification of prior authorizing Council action:** Ord. No. 2009-1142 11/09/09

**RECOMMENDATION:** Approval of an Ordinance approving and authorizing an appropriation of \$6,000,000 of TIRZ Affordable Housing Funds (including \$300,000 of previously allocated but unused TIRZ funds) for single and multi-family affordable housing activities.

**Amount of Funding:**  
\$6,000,000.00

**Finance Budget:**

**SOURCE OF FUNDING**     General Fund     Grant Fund     Enterprise Fund     Other  
TIRZ Affordable Housing Fund (2409)

**SPECIFIC EXPLANATION:**

The Housing and Community Development (HCDD) recommends approval of an appropriation of \$6,000,000 of TIRZ Affordable Housing Funds to leverage and support federal and state grants (including a \$152 million Disaster Recovery (DR) Grant) administered by HCDD to fund homelessness and affordable housing activities. Without such "leveraging," the implementation of intended program activities may not fully materialize.

Typically, HUD grants allocate 10 - 20% of funds for administration costs. However, HCDD has received State and Federal grants that provide administrative costs ranging from 0 – 5% (such as: Homeless Housing and Services Program (HHSP), Homeless Prevention and Rapid Re-Housing Program (HPRP) and Housing Opportunities for Persons with AIDS (HOPWA)). In addition, the State of Texas under the Dolly-Ike Disaster Recovery (DIDR) 2 Grant allocates only 2% (\$3 million) for administration costs. Such an amount is inadequate to properly manage the rehabilitation and/or replacement of over 1,200 multi-family and single family housing units. To successfully manage the DIDR 2 Program (which requires extensive oversight), HCDD requests funds to leverage and enable the successful investment of the \$152 million of DR funds.

This Ordinance provides funds for non-CDBG eligible home repairs that Federal funds do not cover, as well as a client/case management system. Additionally, this Ordinance will enable HCDD's Director to adjust budget line items and provide sufficient administrative funds to adequately administer the program.

The \$6 million of leverage funding includes \$5.7 million of unallocated TIRZ Affordable Housing Funds and \$300,000 of previously allocated, but unused TIRZ Affordable Housing Funds (this ordinance also de-obligates the unused funds). The funding will be utilized as follows:

Category	Total Contract Amount	Description
Administration & Federal/State Grant Leveraging	\$2,900,000	CDBG, DIDR 1, HHSP, HPRP HOPWA
DIDR 2 Start-Up Costs	\$1,600,000	Office Space Build-Out, Moving & Storage, and Staff up & Training
Single Family Projects	\$1,000,000	Non-CDBG Eligible Home Repairs
Enterprise Workflow System	\$ 500,000	Client/Case Management System
<b>Total</b>	<b>\$6,000,000</b>	

**Finance Director:**

**Other Authorization:**

**Other Authorization:**



**SUBJECT:** An Ordinance authorizing the execution of a Contract between the City of Houston and AIDS Foundation Houston, providing \$507,750.51 of HOPWA funds for the operation of two community residences for low-income and homeless persons living with HIV/AIDS.

<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 16
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**FROM:**  
Neal Rackleff, Director  
Housing and Community Development Department

<b>Origination Date</b> 10/19/2012	<b>Agenda Date</b> JAN 30 2013
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**DIRECTOR'S SIGNATURE:**  
*[Signature]* (FOR NEAL RACKLEFF)

**Council Districts affected:**  
District G

**For additional information contact:** Melody Barr  
Phone: 713-868-8329

**Date and identification of prior authorizing Council action:** 6/13/12;2012-0566

**RECOMMENDATION:** Approval of an Ordinance authorizing the execution of a Contract between the City of Houston and AIDS Foundation Houston, providing \$507,750.51 in HOPWA funds for the operation of two community residences for low-income and homeless persons living with HIV/AIDS.

<b>Amount of Funding:</b>  \$507,750.51	<b>Finance Budget:</b>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Housing and Opportunities for Persons With AIDS (HOPWA)

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of a Contract between the City of Houston and AIDS Foundation Houston, providing HOPWA grant funds for administration, supportive services and operating costs of two community residences - A Friendly Haven and Help House - for persons living with HIV/AIDS.

The term of this contract is 12 months from January 1, 2013 to November 30, 2013, with pre-contract services for the period of December 1, 2012 to December 31, 2012. This agreement will provide up to \$507,750.51 in HOPWA funds which is inclusive of \$35,355.82 in pre-contract services. The project's scope of work provides housing and supportive services to a minimum of 75 unduplicated, eligible persons. Supportive services will include case management, substance abuse and mental health counseling, and other services. Operating costs include property management, utilities, property insurance and other related costs.

Category	Pre-Contract Services	Contract Services	Total Contract Services	Percent
Administrative	\$3,441.05	\$29,069.36	\$32,510.41	6.40%
Supportive Services	\$8,280.80	\$103,710.82	\$111,991.62	22.06%
Operating Costs	\$23,633.97	\$339,614.51	\$363,248.48	71.54%
<b>Total</b>	<b>\$35,355.82</b>	<b>\$472,394.69</b>	<b>\$507,750.51</b>	<b>100%</b>

HCDD conducted a Request for Proposals (RFP) for program years 2012 and 2013 HOPWA contracts. AIDS Foundation Houston was one of the agencies selected. The RFP was for program year 2012, with an additional one-year renewal option for program year 2013. This ordinance will grant the one-year renewal period. AIDS Foundation Houston has received HOPWA funding through the City of Houston for various contracts since 1994.

This item was presented to the Housing, Sustainable Growth and Development Committee on December 5, 2012.

NR:BB:MNB:MB

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

**REQUIRED AUTHORIZATION**

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

13 - SEARCH

<b>SUBJECT:</b> An Ordinance authorizing a first contract amendment between the City of Houston and SEARCH Homeless Services, providing \$123,335.00 in CDBG funds for the administration and operation of the Resource Center and Mobile Outreach Program.		<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 17								
<b>FROM:</b> Neal Rackleff, Director Housing and Community Development		<b>Origination Date</b> 10/18/12	<b>Agenda Date</b> JAN 30 2013									
<b>DIRECTOR'S SIGNATURE:</b> <i>Melinda Chapman - signs for Neal Rackleff</i>		<b>Council District affected:</b> District D										
<b>For additional information contact:</b> Melody Barr Phone: 713-868-8329		<b>Date and identification of prior authorizing Council action:</b> 2/14/12; 2012-0140										
<b>RECOMMENDATION:</b> Approval of an Ordinance authorizing a first contract amendment between the City of Houston and SEARCH Homeless Services, providing \$123,335.00 in CDBG funds for the administration and operation of the Resource Center and Mobile Outreach Program.												
<b>Amount of Funding:</b>  \$123,335.00			<b>Finance Budget:</b>									
<b>SOURCE OF FUNDING:</b> [ ] General Fund      [ X ] Grant Fund      [ ] Enterprise Fund  Community Development Block Grant (CDBG)												
<b>SPECIFIC EXPLANATION:</b>												
<p>The Housing and Community Development Department (HCDD) recommends approval of a first contract amendment between the City of Houston and SEARCH Homeless Services (SEARCH) to finance the administration and operation of the Resource Center and Mobile Outreach Program.</p> <p>SEARCH has become the leading homeless services provider in our community, serving more than 10,000 men, women, and children each year. SEARCH will provide services to approximately 1,340 homeless persons and families through Resource Center and Mobile Outreach Program on a flexible schedule of seven hours a day, five days a week. Through its Resource Center, SEARCH provides hot meals, bus tokens, showers, blankets, Gold Cards, medical and dental assistance. Mobile Outreach Program perform street outreach and responds to difficult situations that emerge relating to the street homeless population. Other services include substance abuse counseling, HIV education and testing, job training, and transportation to appointments.</p>												
<table border="1"> <thead> <tr> <th>Category</th> <th>Total Contract Amount</th> </tr> </thead> <tbody> <tr> <td>Administration</td> <td>\$6,036.00</td> </tr> <tr> <td>Program Services</td> <td>\$117,299.00</td> </tr> <tr> <td><b>Total</b></td> <td><b>\$123,335.00</b></td> </tr> </tbody> </table>					Category	Total Contract Amount	Administration	\$6,036.00	Program Services	\$117,299.00	<b>Total</b>	<b>\$123,335.00</b>
Category	Total Contract Amount											
Administration	\$6,036.00											
Program Services	\$117,299.00											
<b>Total</b>	<b>\$123,335.00</b>											
<p>HCDD conducted a Request for Proposals (RFP) for program year 2012 HOPWA contracts. SEARCH was one of the agencies selected. The RFP was for program year 2012 with an additional one-year renewal option for program year 2013. This ordinance will grant the one-year renewal period. This amendment provides funding for a 12-month period from February 1, 2013 through January 31, 2014. SEARCH has received CDBG funding through the City of Houston for various contracts since 2000.</p> <p>This item was presented to the Housing, Sustainable Growth and Development Committee in January 15, 2013.</p>												
NR:RB:MB:MLB												
cc: City Secretary Legal Department Finance Department Mayor's Office												
<b>REQUIRED AUTHORIZATION</b>				NDT								
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>								

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

HCD12-148

**SUBJECT:** An Ordinance authorizing a \$2,051,035 loan agreement between the City of Houston and Mayberry Homes, Inc. for land acquisition and the development of affordable single family homes in NSP3 target areas. **Category #** **Page 1 of 1** **Agenda Item # 17-1**

**FROM:** Neal Rackleff, Director Housing and Community Development **Origination Date** 1/23/13 **Agenda Date** JAN 30 2013

**DIRECTOR'S SIGNATURE:** *[Signature]* **Council Districts affected:** A, B, D, E, F, H, I, J, K

**For additional information contact:** Eta Paransky Phone: 713-868-8449 **Date and identification of prior authorizing Council action:**

**RECOMMENDATION:** Approval of an Ordinance authorizing a \$2,051,035 loan agreement between the City of Houston and Mayberry Homes, Inc. for land acquisition and the development of affordable single family homes in NSP3 target areas.

**Amount of Funding:** \$2,051,035.00 **Finance Budget:**

**SOURCE OF FUNDING** [ ] General Fund [ X ] Grant Fund [ ] Enterprise Fund  
Neighborhood Stabilization Program (NSP 3)

**SPECIFIC EXPLANATION:**

Mayberry Homes, Inc. is requesting \$2,051,035 of NSP3 funds to acquire land and develop 14 to 20 affordable, single-family homes in HUD designated NSP 3 target areas. The homes will consist of approximately 1,400 square feet and will contain 3 bedrooms and 2 baths. The homes will include a variety of energy efficient components, such as high efficiency HVAC systems, low E rated windows, and radiant barrier roofing.

All of the funds will be used to develop affordable, single-family housing. The Housing Community Development Department (HCDD) is requiring Mayberry to utilize 50% of the funds to develop houses for families earning 50% or below Area Median Income (AMI), with the remaining funds to develop homes for families earning 51% - 120% AMI.

HCDD recently conducted an open RFP for NSP 3. After careful evaluation of all proposals, Mayberry Homes Inc. was selected as the best respondent. All builders/proposals were scored on the following criteria: experience, personnel, work quality, financial & bonding capacity, housing unit production, operations, and a detailed plan for meeting the NSP3 expenditure deadline.

Mayberry Homes, Inc. has been building and remodeling quality homes in the Houston area since 1993. They are members of the Greater Houston Builders Association and have been a major partner in various community revitalization efforts. They are prolific builder and have built market rate, affordable and custom homes in the Third Ward, Sunnyside, Foster Place and Settegast areas. Mayberry has worked with HCDD to build homes for non-profit and Community Housing Development Organizations (CHDO), and has participated in the Houston Hope and LARA programs.

This project is consistent with the City of Houston Consolidated Plan to develop affordable housing units. The City's participation in the project will contribute to the goal of expanding sustainable homeownership opportunities for low-income families in the Houston area.

This item was discussed at the Housing, Sustainable Growth and Development Committee on December 5, 2012.

NR:EP:JN

cc: City Secretary  
Legal Department  
City Attorney  
Finance Department

**REQUIRED AUTHORIZATION**

**Finance Department:** **Other Authorization:** **Other Authorization:** *[Signature]*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Ordinance related to the conveyance of a pipeline easement across Lake Houston Wilderness Park (the "Park") to Texas Express Pipeline LLC (the "Project"); making findings and approving the use of a portion of the Park for the Project; and authorizing a deed modification agreement between the City of Houston and the Texas Parks & Wildlife Department, an easement conveyance from the City of Houston to Texas Express Pipeline LLC, and a surface use agreement between the City of Houston and Texas Express Pipeline LLC

Category #

Page 1 of 1

Agenda Item

18

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

Houston Parks and Recreation Department

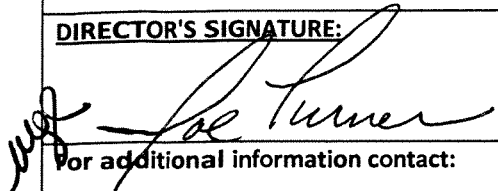
**Origination Date:**

January 23, 2013

**Agenda Date**

JAN 30 2013

**DIRECTOR'S SIGNATURE:**



Joe Turner, Director

**Council District(s) affected:** E and ETJ

**For additional information contact:**

Luci Correa, 832-395-7057

Mary Buzak, 832-393-6318

**Date and Identification of prior authorizing**

**Council Action:** Not applicable

**RECOMMENDATION: (Summary):** Approve an Ordinance making findings concerning Lake Houston Wilderness Park (the "Park") and authorizing a deed modification agreement between the City of Houston and the Texas Parks & Wildlife Department, the conveyance of a 30-foot-wide pipeline easement across the Park to Texas Express Pipeline LLC, and a surface use agreement between the City of Houston and Texas Express Pipeline LLC.

**Amount and Source of Funding:** \$900,000 Revenue

**Finance Budget:**

**SPECIFIC EXPLANATION:**

The Parks and Recreation Department ("HPARD") recommends City Council authorize an ordinance making findings and approving the use of a portion of Lake Houston Wilderness Park (the "Park") for a thirty-year easement to Texas Express Pipeline LLC ("TEP") to construct, operate and maintain a 24-inch diameter, 11,817.16 foot long liquid hydrocarbons pipeline (the "Pipeline") across a portion of the Park (the "Project"). The ordinance also authorizes a deed modification agreement between the City and Texas Parks and Wildlife Department ("TPWD"), an easement conveyance from the City to TEP (the "Easement"), and a surface use agreement between the City and TEP. The amount of consideration that TEP will pay to the City for the Easement is \$900,000 payable in three installments: \$250,000 upon execution of the Easement, \$300,000 in 2023 and \$350,000 in 2033. These funds will be dedicated to improvement at Lake Houston Wilderness Park. The Easement will expire in 2043.

In 2006, TPWD transferred the Park to the City for development and operation by HPARD. Although there is an existing pipeline corridor within the Park, the deed contained restrictions prohibiting any manufacturing or industrial use of the Park outside of the existing easement, so a modification of the deed from TPWD to the City is necessary for the City to convey the Easement to TEP. TPWD staff has worked with the City and with TEP to determine that there is no reasonable and prudent alternative to the proposed pipeline route and to minimize impacts to natural and cultural resources. The Texas Parks and Wildlife Commission approved the City's request for deed modification on January 24, 2013.

In addition to authorizing the deed modification agreement and the Easement, the ordinance authorizes a surface use agreement through which the City will grant TEP a license to access the Park for the purpose of installing the Pipeline and restoring the surface of the Easement area during the initial construction period.

The Project was presented to the Quality of Life Committee meeting on December 17, 2012. Pursuant to Chapter 26 of the Texas Parks and Wildlife Code, a public hearing was held in Council Chambers on Wednesday, January 16, 2013, at 9:00 a.m. No member of the public spoke at the hearing. The ordinance makes the following findings concerning use of the Park for the Project:

1. The Project enables the development of the Easement as an access road for a possible canoe launch on the San Jacinto River;
2. The Project will provide funds for Park improvements and expansion;
3. There is no feasible and prudent alternative to the use of the Park for the Project;
4. The Project includes all reasonable planning to minimize harm to the Park; and
5. The Project reflects clearly enunciated local preferences.

Finance Director:

Other Authorization:

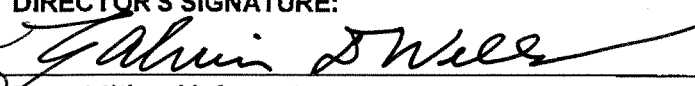
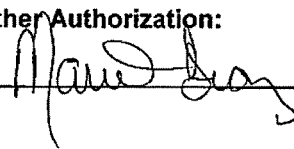
Other Authorization:

16

2

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract No. 4600008190 for Lighting Maintenance Services for the Hosuton Airport System S30-L22308-A1		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 19
<b>FROM (Department or other point of origin):</b> Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department		<b>Origination Date</b> January 24, 2013	<b>Agenda Date</b> JAN 30 2013	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> B		
<b>For additional information contact:</b> Dallas Evans Phone: 281/233-8001		<b>Date and identification of prior authorizing Council action:</b> Ord. 2007-1101, 10/3/2007		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> Increase contract amount by \$700,000.00 – HAS Revenue Fund (8001)		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approve an amending ordinance to increase the maximum contract amount from \$4,446,891.63 to \$5,146,891.63 for the contract between the City of Houston and Jomar Contractors, Inc.				
<b>SPECIFIC EXPLANATION:</b> The Director of the Houston Airport System (HAS) and the City Purchasing Agent recommend that City Council approve an ordinance to increase the maximum contract amount from \$4,446,891.63 to \$5,146,891.63 for the contract between the City of Houston and Jomar Contractors, Inc. for lighting maintenance services for HAS.  The contract was awarded on October 3, 2007 by Ordinance No. 2007-1101 for a three-year term, with two one-year options in the original amount of \$4,446,891.63. The contract term commenced on December 15, 2007 and is currently in a 90-day extension period that expires on March 14, 2013. Expenditures as of January 24, 2012 totaled \$4,427,429.00. The contract incurred expenditures at a rate higher than anticipated due to a combination of factors, primarily a mandate from U.S. Department of Energy to phase out high energy lamps and replace them with more efficient lamps, and an unexpected large increase in the cost of Rare Earth Elements that led to a significant increase in the cost of light bulbs for those lamps. In an attempt to mitigate the increase in contract expenditures, HAS insourced Terminal A lighting maintenance, and eventually transferred Terminal B lighting maintenance to United as part of the Terminal B Use and Lease Agreement. The increase to the maximum contract amount is required to ensure continuation of services through contract expiration on March 14, 2013. As of March 15, 2013 all work will be taken over by HAS personnel.  The scope of work requires the contractor to provide all supervision, equipment, parts, tools and transportation necessary to replace lamps, ballasts, and other fixture components, install additional or replace damaged and obsolete fixtures, and maintain emergency lighting systems.				
<b>M/WBE PARTICIPATION:</b> The Contract was awarded with an 11% M/WBE participation goal. Jomar Contractors, Inc. is currently achieving 11.99% of the required M/WBE goal. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b> 		<b>Other Authorization:</b>

1/30/13

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9491

Subject: Approve an Ordinance Awarding a Sole Source Contract for a Jury Notice Tracking System and Services for the Municipal Courts Department/S37-E24390

Category #  
4

Page 1 of 2

Agenda Item

20

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

Origination Date  
January 04, 2013

Agenda Date  
JAN 30 2013

DIRECTOR'S SIGNATURE  
*Calvin D. Wells*

Council District(s) affected  
All

For additional information contact:  
Barbara Hartle Phone: (713) 247-5464  
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a sole source contract to QuestMark Information Management, Inc. in an amount not to exceed \$403,100.00 for a jury notice tracking system and services for the Municipal Courts Department.

Maximum Contract Amount: \$403,100.00

Finance Budget

\$403,100.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The Director and Presiding Judge of the Municipal Courts Department and the City Purchasing Agent recommend that City Council approve an ordinance awarding a three-year sole source contract, with two one-year options, to QuestMark Information Management, Inc. in an amount not to exceed \$403,100.00 for a jury notice tracking system and services for the Municipal Courts Department (MCD). The City Purchasing Agent may terminate this contract at any time upon 30 days written notice to the contractor.

The scope of work requires the contractor to provide all supervision, labor, equipment, materials, supplies, transportation, and postage necessary to periodically acquire a pool of prospective jurors (jury wheel) from Harris County; provide a "clean" jury wheel by edit of the prospective jurors' pool, and prepare, print, handle, bar code, affix postage and mail jury summons as well as enhance the existing automated database and maintain Internet connectivity software from the contractor's location to MCD. Additionally, the contractor will be required to provide and maintain an Interactive Voice Response (IVR) system, which uses pre-recorded voice prompts and menus to present information and options to callers who can input and respond via telephone keypad entry and spoken words.

QuestMark Information Management, Inc. is the sole proprietary owner and developer of all software, source codes, and hardware for the jury notice tracking system that is currently being used by MCD. Additionally, QuestMark Information Management, Inc. is the exclusive sole provider for all associated technical support services, installation, integration, upgrades, preventative maintenance and repairs for the associated jury notice tracking system. There are no authorized third-party software service or maintenance providers and/or software resellers.

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

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 1/4/2013	Subject: Approve an Ordinance Awarding a Sole Source Contract for a Jury Notice Tracking System and Services for the Municipal Courts Department/S37-E24390	Originator's Initials JH	Page 2 of 2
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**Pay or Play Program:**

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

**Hire Houston First:**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing a sole source contractor for this purchase.

Attachment: M/WBE zero-percentage document approved by the Office of Business Opportunity.

Buyer: Joyce Hays

**Estimated Spending Authority**

Department	FY 2013	Out Years	Total
Municipal Courts Department	\$3,192.00	\$399,908.00	<b>\$403,100.00</b>



Administration & Regulatory Affairs

# CITY OF HOUSTON

Administration & Regulatory Affairs Department  
Strategic Purchasing Division

Correspondence

## Interoffice

RECEIVED

OCT 02 2012

OBO

To: Office of Business Opportunity

From: Ty Davis, Senior Contract Administrator

Date: September 21, 2012

Subject: MWBE Participation Form

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

I am requesting a MWBE goal of 0%.

Yes  No

I am requesting a revision of the MWBE Goal: Yes  No  Original Goal: 0% New Goal: \_\_\_\_\_

If requesting a revision, how many solicitations were received: N/A

Solicitation Number(s): N/A - Sole Source Dollar Amount: \$403,100 5Yrs.

Anticipated Advertisement Date: N/A Solicitation Due Date: N/A

Goal On Last Solicitation: N/A Was Goal met: Yes  No

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

Name and Intent of this Solicitation: **Jury Wheel System**

### Rationale for requesting a Waiver or Revision:

The scope of work requires the vendor to maintain a Jury Wheel System in a relational database format; jury notices and their preparation and deliverance; and daily juror management. The system proprietary to the vendor and cannot serviced and/or maintained by any other vendor. The Municipal Courts Department will have full access to the database through an Internet connection, furnished by the Contractor.

Concurrence:

Ty Davis  
Initiator

Sharon Bond 10-2-12  
Division Manager

Marsha Murray  
Marsha Murray, Assistant Director  
\*Office of Business Opportunity

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







September 4, 2012

Ms. Joyce Hays  
Senior Procurement Specialist  
City of Houston  
Administration & Regulatory Affairs Department  
901 Bagby, City Hall Concourse Level  
Houston TX 77002

Dear Ms. Hays:

QuestMark Information Management, Inc. is the sole source for the Municipal Court Web-based Jury System.

QuestMark owns all the proprietary rights to the software, hardware and source code for the present system. There are no other authorized distributors for the system and no authorized resellers of the system. There are no authorized vendors who can perform maintenance on the system.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry W. Ludeke", is written over a horizontal line.

Larry W. Ludeke  
President

bl

**REQUEST FOR COUNCIL ACTION**

**RCA# 9587**

**TO:** Mayor via City Secretary

**Subject:** Approve an Ordinance Authorizing a First Amendment to Contract No. 4600008177 for Sale of Street Millings for the Public Works and Engineering Department/S29-L22482-A1

Category #  
4

Page 1 of 1

Agenda Item

21

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

**Origination Date**  
January 22, 2013

**Agenda Date**  
JAN 30 2013

**DIRECTOR'S SIGNATURE** *[Signature]* Council District(s) affected  
All

**For additional information contact:**  
David Guernsey Phone: (832) 395-3640  
Douglas Moore Phone: (832) 393-8724

**Date and Identification of prior authorizing Council Action:**  
Ord. No. 2007-1071, Passed 09/19/07

**RECOMMENDATION: (Summary)**  
Approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Century Asphalt, Ltd. to extend the contract term from February 9, 2013 to February 9, 2018; and revise the contract fee schedule for sale of street millings for the Public Works and Engineering Department.

None Required (Revenue)

**Finance Budget**

**SPECIFIC EXPLANATION:**

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve an amending ordinance authorizing a first amendment to the contract between the City of Houston and Century Asphalt, Ltd. to extend the contract term from February 9, 2013 to February 9, 2018; and revise the contract fee schedule for sale of street millings for the Public Works and Engineering Department (PWE). The City Purchasing Agent may terminate this contract any time upon 30-day written notice to the contractor.

The contract was awarded on September 19, 2007 by Ordinance No. 2007-1071 for a three-year term, with two one-year options as a revenue contract. Over the duration of the last five years the contractor has paid approximately \$6,436,658.24 in commissions to the City. The first amendment will extend the contract term for five additional years. In consideration for the five-year extension, the contractor has agreed to freeze its year five commissions paid to the City through February 9, 2018.

The scope of work requires the contractor to provide all supervision, labor, transportation, tools, equipment and supplies to transport, receive and dispose of street millings. The contract requires compliance with all rules, regulations, statutes and directives of the Environmental Protection Agency and the Texas Commission on Environmental Quality. The Street and Drainage Division of the Public Works and Engineering Department will administer this contract.

This contract was awarded with a 1% M/WBE participation goal and Century Asphalt, Ltd. is currently achieving .72% of its goal. The Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Eric Alexander

**REQUIRED AUTHORIZATION**

Finance Department:

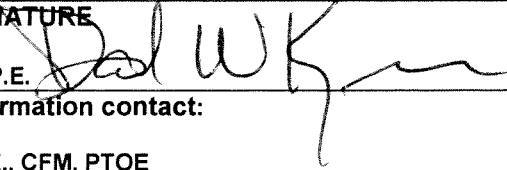
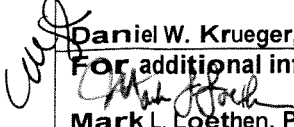

Other Authorization:

Other Authorization:

*[Handwritten initials]*

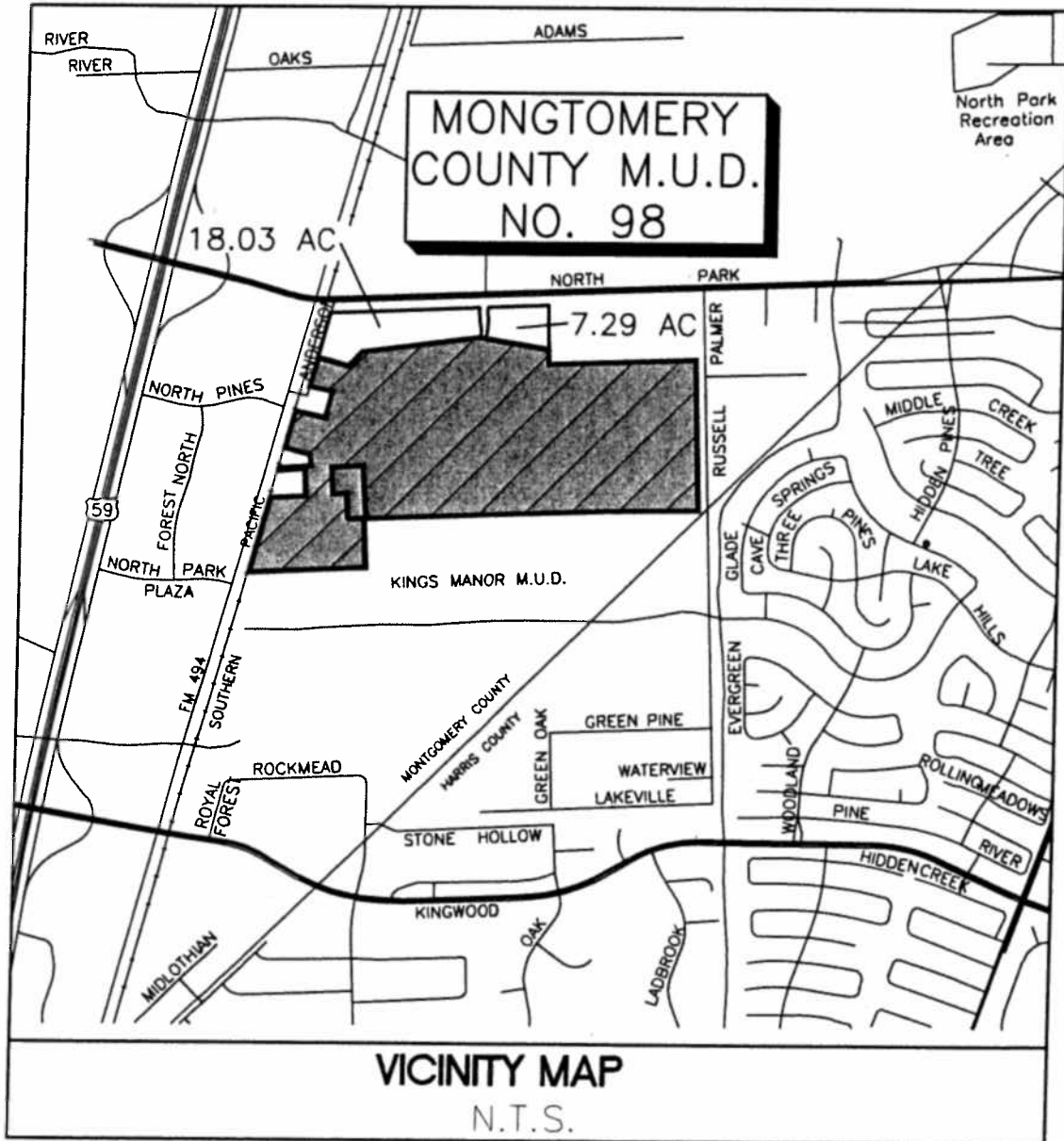
*[Handwritten initials]*

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 25.32 acres to Montgomery County Municipal Utility District No. 98 (Key Map No. 296-S,T)		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  22
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b>  JAN 30 2013
<b>DIRECTOR'S SIGNATURE</b>  Daniel W. Krueger, P.E. 		<b>Council District affected:</b> "ETJ"	
<b>For additional information contact:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of 25.32 acres of land to Montgomery County Municipal Utility District No. 98 be approved.			
<b>Amount and Source of Funding:</b>  NONE REQUIRED			
<b>SPECIFIC EXPLANATION:</b>  Montgomery County Municipal Utility District No. 98 has petitioned the City of Houston for consent to add 25.32 acres of land, located in the city's extraterritorial jurisdiction, to the district.  The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.  The district is located in the vicinity of Kings Manor Municipal Utility District, SH 494, Northpark Drive, and Russell Palmer Road. The district desires to add 25.32 acres, thus yielding a total of 238.18 acres. The district is served by the City of Houston's Kingwood West Wastewater Treatment Plant. The nearest major drainage facility for Montgomery County Municipal Utility District No. 98 is Mills Branch which flows into Lake Houston.  Water is provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.  The Utility District Review Committee recommends that the subject petition be approved.  Attachments  cc: Marta Crinejo    Marlene Gafrick    Jun Chang Bill Zrioka    Deborah McAbee			
		<b>REQUIRED AUTHORIZATION</b>	20UPA204
<b>Finance Department</b>	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>	

# MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 98

Proposed Addition of 25.32 Acres of Land  
(Key Map Page No. 296 S&T)





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**received**  
1/9/13

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 25.32 acres to Montgomery County MUD 98 under the provisions of Chapter 49 Texas Water Code.

*Spencer W. Lewis*  
Attorney for the District

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

Address: 1300 Post Oak Blvd., Suite 1400, Houston, Texas Zip: 77056 Phone: 713-623-4531

**Engineer: Jared Bowlin, P.E. Edminster Hinshaw Russ & Assoc**

Address: 10555 Westoffice Dr., Houston, Texas Zip: 77057 Phone: 713- 266-99

**Owners: Friendswood Development Company, LLC**

Address: 550 Greens Parkway, Ste. 100, Houston, TX Zip: 77067 Phone: 281-874-2955

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Montgomery  
Survey Mary Owens Abstract 405

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

North of: Kings Manor MUD East of: SH 494

South of: Northpark Drive West of: Russell Palmer Road

### WATER DISTRICT DATA

Total Acreage of District: 212.86 ✓ Existing Plus Proposed Land 238.18 ✓

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

Single Family Residential 0 Multi-Family Residential 0

Commercial 100 Industrial 0 Institutional 0

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

Sewage Treatment Plant Name: City of Houston's Kingwood West WWTP

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



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.315

Ultimate Capacity (MGD): 0.315

Size of treatment plant site: N/A square feet/acres.

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

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: MCMUD 98 Repressurization Plant

Water Treatment Plant Address: 778 Anderson Rd., Kingwood, Texas 77339

Well Permit No: N/A

### Existing Capacity:

Well(s): N/A GPM

Booster Pump(s): 1600 GPM

Tank(s): 0.2 MG

### Ultimate Capacity:

Well(s): n/a GPM

Booster Pump(s): 2250+ GPM

Tank(s): 0.3 MG

Size of Treatment Plant Site: 0.77

square feet/acres.

Comments or Additional Information: The District receives treated surface water and sanitary sewer treatment from the City of Houston and does not acquire the necessary permits for plant operation and permitting.

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

<b>SUBJECT:</b> Ordinance for the release of 252.6 acres in Waller County from the Extraterritorial Jurisdiction of the City of Houston	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 23
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<b>FROM (Department or other point of origin):</b> Marlene Gafrick, Department of Planning & Development	<b>Origination Date</b> January 25, 2013	<b>Agenda Date</b> JAN 30 2013
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene H. Gafrick</i>	<b>Council District affected:</b> ETJ
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<b>For additional information contact:</b> Nicole Smothers Phone: 713-837-7856	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
That Council pass the ordinance releasing 252.65 acres of land in northern Waller County from the City of Houston's ETJ

<b>Amount and Source of Funding:</b>	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:**

Upon request from the City of Waller and the property owners, the Department is recommending the City of Houston release from its Extraterritorial Jurisdiction, two tracts of land totaling 252.6 acres. This tract is surrounded on three sides by the City of Waller's ETJ boundary and, upon release the property will become part of Waller's ETJ. The Planning Department recommends approval for the following reasons:

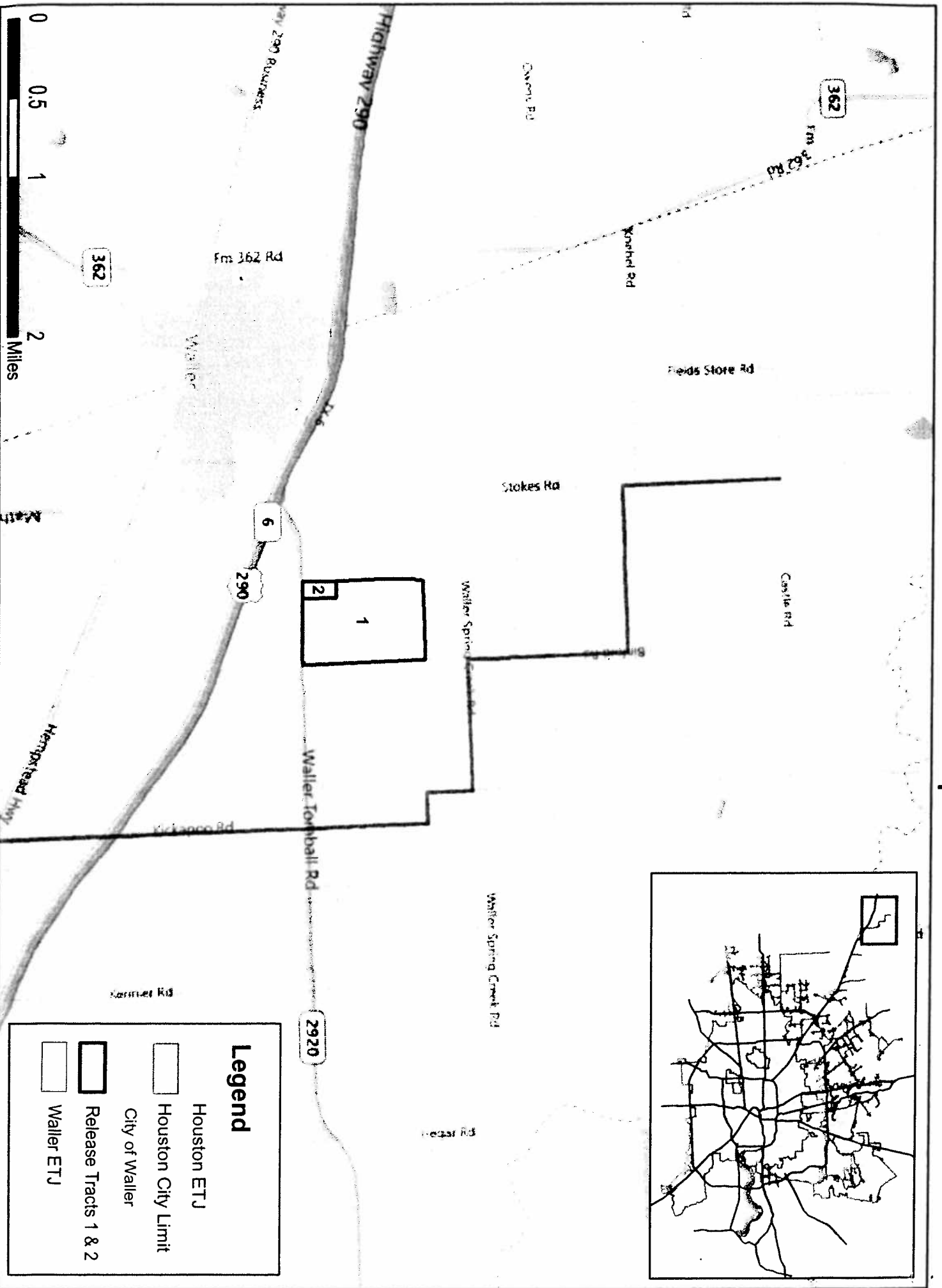
- Due to the 1999 change in state annexation laws, this property is not eligible for annexation by the City of Houston because it is located within Houston's ETJ as a result of a 1963 annexation of a ten-foot wide strip of property located within the right-of-way Hwy. 290 and several local roads.
- The property is located more than 40 miles from the nearest City of Houston water or wastewater facility and, because of its size, is not a likely candidate for the creation of a stand-alone utility district. Upon release, the City of Waller will annex the property into its city limits and be able to provide utility services.
- Such a release will not impair the City's ability to annex any other territory in northeastern Waller County, nor will it result in the loss of significant revenue producing properties in the acreage in question.
- Such a release will not impair the City of Houston's mobility in the present or in the future.

This recommendation has also been discussed with the Public Works & Engineering Department's Public Utilities Division and they have no objection to this release.

cc: David Feldman  
Marta Crinejo  
Sameera Mahendru  
Anna Russell

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

# Waller ETJ Release Request



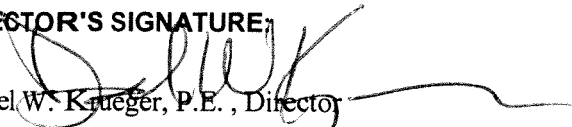


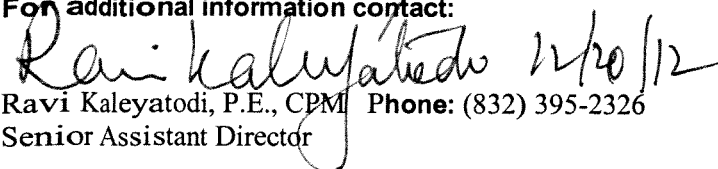
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Advance Funding Agreement between the City of Houston and Texas Department of Transportation for Utility Relocations affected by the widening and reconstruction of US 290 from West of FM 529 to East of West Little York. WBS Nos. S-000521-0074-4, R-000521-0074-4.	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  24
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 1/24/13	<b>Agenda Date</b> JAN 30 2013
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> A <i>cc</i>
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<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation (TxDOT) and appropriate funds.

**Amount and Source of Funding:**  
\$539,446.70 from Water and Sewer System Consolidated Construction Fund No. 8500 *U.P. 1/3/2013*

**PROJECT NOTICE/JUSTIFICATION:** Texas Transportation Code, Chapters 201, 221, 227 and 361, authorize the State to lay out, construct, maintain and operate a system of streets, roads and highways that comprise the State Highway System. Texas Transportation Commission Minute Order Number 112824 authorizes the State to undertake and complete a highway improvement on US 290 (Segment 6) from West of FM 529 to East of West Little York Road.



**DESCRIPTION/SCOPE:** This project provides for the widening and reconstruction of 5 main lanes with auxiliary lanes and frontage roads including storm sewers, signing and pavement markings, bridges, water line and sanitary sewer relocations and adjustments.

**LOCATION:** The project is generally bounded by West Gulf Bank on the North, North Gessner on the East, Hempstead Highway on the South and FM 529 on the West. This project is located in Key Map Grids 409 Q, R & V and 410 S.

**SCOPE OF THIS AGREEMENT:** The City and TxDOT agree to include the relocation of existing water and sanitary sewer utilities in the project area. Under the terms of this advance Funding Agreement, TxDOT shall manage the design and construction of the overall project. The City will pay for the design and construction of City owned water and sanitary utilities. The City and TxDOT will coordinate the maintenance and the relocation of the utility facilities during and upon completion of the construction contract.

The City shall advance to TxDOT one hundred percent (100%) of the estimated City's share in the amount of \$414,959.00 for the relocation of the utilities. All change orders increasing the construction cost for the City's utility relocations shall be submitted to the City for review and approval, and the City will be responsible for 100% of the cost of any authorized overruns. The requested appropriation of \$539,446.70 includes \$82,991.80 for contingency and \$41,495.90 for CIP cost recovery.

LTS# 4069 CUIC ID # 20TAA103

<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E., DWRE Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
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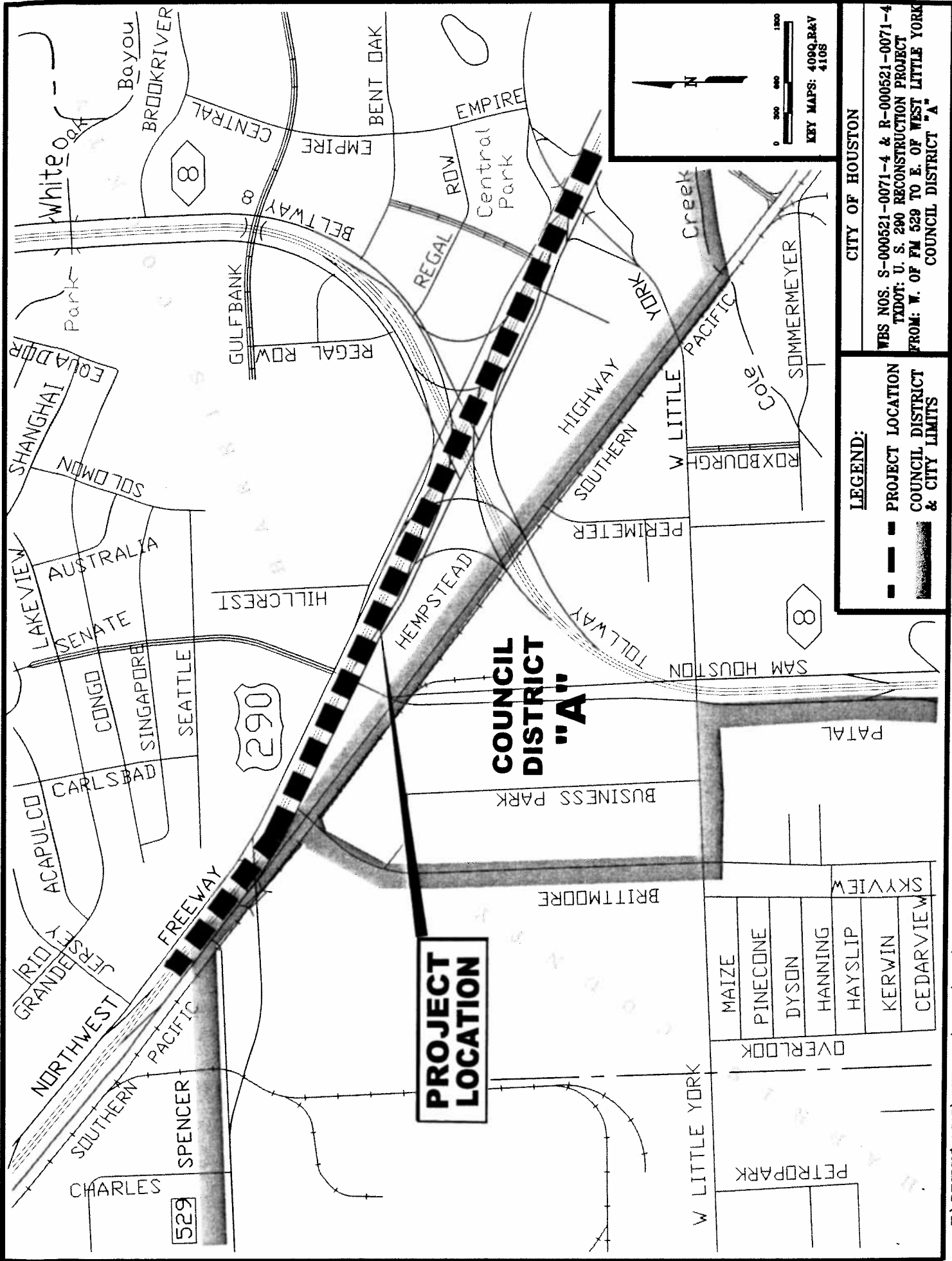
<b>Date</b>	<b>SUBJECT:</b> Advance Funding Agreement between the City of Houston and Texas Department of Transportation for Utility Relocations affected by the widening and reconstruction of US 290 from West of FM 529 to East of West Little York. WBS Nos. S-000521-0074-4, R-000521-0074-4.	<b>Originator's Initials</b> TAA	<b>Page</b> <u>2</u> of <u>2</u>
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**ACTION RECOMMENDED:** It is recommended that the City Council adopt an ordinance approving and authorizing an Advance Funding Agreement between the City of Houston and Texas Department of Transportation and appropriate funds.

*DRM* *RK* *TAA* *PKC* *dww*  
DWK:DRM:RK:TAA:PKC:dww

Z:\constr\A-SB-DIV\Interagency\TxDOT Projects\0050-09-071 US 290- Hempstead Reconstruction Program Segment 6\Agreement-RCA\Working Folder

File – TxDOT – US 290 Hempstead Reconstruction Program Segment 6



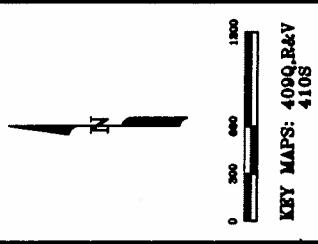
**PROJECT  
LOCATION**

**COUNCIL  
DISTRICT  
"A"**

- LEGEND:**
- - - PROJECT LOCATION
  - ▬ COUNCIL DISTRICT & CITY LIMITS

**CITY OF HOUSTON**

VBS NOS. S-000521-0071-4 & R-000521-0071-4  
 TxDOT: U. S. 290 RECONSTRUCTION PROJECT  
 FROM: W. OF FM 529 TO E. OF WEST LITTLE YORK  
 COUNCIL DISTRICT "A"




MAIZE	SKYVIEW
PINECONE	CEDARVIEW
DYSON	KERWIN
HANNING	HAYSLIP
OVERLOOK	DYSON
PETROPARK	HANNING
W LITTLE YORK	PINECONE

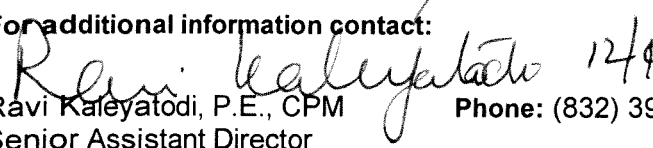
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Engineering Services Contract between the City and IDS Engineering Group, Inc. for Lift Station Renewal and Replacement. WBS No. R-000267-0117-3.	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 25
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 1/24/13	<b>Agenda Date</b> JAN 30 2013
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<b>Director's Signature:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> A, B, C, E MR
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<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	<b>Date and identification of prior authorizing Council action:</b> 12/4/12
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**RECOMMENDATION: (Summary)**  
An ordinance approving a Professional Engineering Services Contract with IDS Engineering Group, Inc. and appropriate funds.

**Amount and Source of Funding:** \$989,000.00 Water and Sewer System Consolidated Construction Fund No. 8500.  
MR. 12/19/2012

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's ongoing program to upgrade its wastewater lift stations facilities.

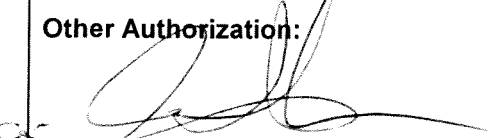

**DESCRIPTION/SCOPE:** The scope of work includes the overall condition assessment/evaluation of the five lift stations listed below, and to provide recommended alternatives and prepare the complete design packages for each lift station.

**LOCATION:** The project area is located in the following Key Map Grids:

Lift Station	Location / Address	Key Map Grid	Council District
1. M.U.D. #159	17402 West Montgomery Road	370J	A
2. M.U.D. #237	8225 F.M. 1960 W	370J	A
3. Greens Crossing #3	29584 Gears	372Q	B
4. Parker Street	4726 Katy Freeway	492H	C
5. Fir Ridge	204 Fir Ridge	338M	E

**SCOPE OF CONTRACT AND FEE:** Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$140,000.00. The total Basic Services appropriation is \$640,000.00.

LTS No. 4167 CUIC ID #20IMR82

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

**SUBJECT:** Professional Engineering Services Contract between the City and IDS Engineering Group, Inc. for Lift Station Renewal and Replacement.  
WBS No. R-000267-0117-3.

**Originator's Initials**  
IMR

**Page**  
2 of 2

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include topographic survey, traffic control, geotechnical investigation, storm water pollution prevention plan and hydraulic analysis. The total Additional Services appropriation is \$220,000.00.

The total cost of this project is \$989,000.00 to be appropriated as follows: \$860,000.00 for Contract services and \$129,000.00 for CIP Cost Recovery.

**PAY OR PLAY PROGRAM:**

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

**M/WBE INFORMATION:** The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

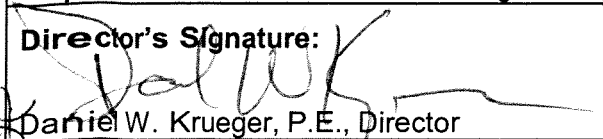
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Amani Engineering, Inc.	Surveying Services	\$ 46,296.00	5.38%
2. B & E Reprographics, Inc.	Reprographics Services	\$ 8,333.00	.97%
3. Geotest Engineering, Inc.	Environmental and Geotechnical Services	\$ 68,055.00	7.91%
4. Isani Consultants, LLP	Traffic Control Services	\$ 18,519.00	2.15%
5. Kalluri Group, Inc.	Electrical Services	\$ 70,000.00	8.14%
<b>TOTAL</b>		<b>\$211,203.00</b>	<b>24.56%</b>

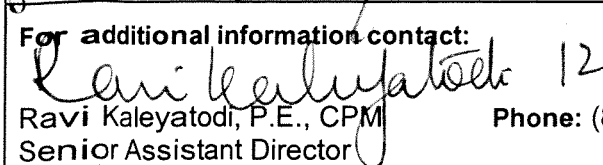
  
DWK:DRM:RK:EN:IMR:fs:pa

c: File No. R-000267-0117-3

<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Half Associates, Inc. for North Corridor Plant Consolidation – Package 1B WBS No. R-000536-0018-3.	Page 1 of 2	Agenda Item # 26
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 1/24/13	<b>Agenda Date</b> JAN 30 2013
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<b>Director's Signature:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> B
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<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	<b>Date and identification of prior authorizing Council action:</b> 12/10/12
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**RECOMMENDATION: (Summary)**  
 An ordinance approving a Professional Engineering Services Contract with Half Associates, Inc. and appropriate funds.

**Amount and Source of Funding:** \$675,716.00 Water and Sewer System Consolidated Construction Fund No. 8500.  
 for 12/13/2012

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's program to implement a consolidation plan for the wastewater treatment plant facilities located in the north central area.

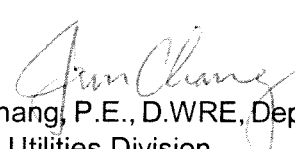

**DESCRIPTION/SCOPE:** This project consists of the design of a 54-inches trunk sewer along the Hardy Airport Connector Corridor.

**LOCATION:** The project begins at the intersection of Hardy Airport Connector Corridor and the HCFCD – Ditch No. P155-00-00, then west along Hardy Airport Connector Corridor and ending at Greens Road. The project is located in Key Map Grids 373K, L, and M.


**SCOPE OF CONTRACT AND FEE:** Under the scope of the Contract, the Consultant will perform Phase I - Preliminary Design, Phase II - Final Design, Phase III - Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with not-to-exceed agreed upon amount. The Basic Services fees for Phase II and Phase III will be negotiated on a lump sum amount after the completion of Phase I. The negotiated maximum for Phase I Basic Services is \$60,116.00. The total Basic Services appropriation is \$392,884.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include Route Topographical Survey, Right of Way/Easement/Parcel Acquisition Survey/Title Search, Geotechnical Investigation/Fault Reconnaissance Study, ESA Phase I, ESA Phase II, Tree Protection Plans, Traffic Control Plans, Storm Water Pollution Prevention Plan, Reproduction Services, Drug Testing and Compliance, Technical Review Committee Services, Independent Construction Cost Estimate, Special Permits, Subsurface Utility Engineering and Others. The total Additional Services appropriation is \$194,695.00.

LTS No. 4258 CUIC ID #20AKH35

<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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NOT

<b>Date</b>	<b>SUBJECT:</b> Professional Engineering Services Contract between the City and Half Associates, Inc. for North Corridor Plant Consolidation – Package 1B. WBS No. R-000536-0018-3.	<b>Originator's Initials</b> 	<b>Page</b> <b>2 of 2</b>
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The total cost of this project is \$675,716.00 to be appropriated as follows: \$587,579.00 for Contract services and \$88,137.00 for CIP Cost Recovery.

**PAY OR PLAY PROGRAM:**

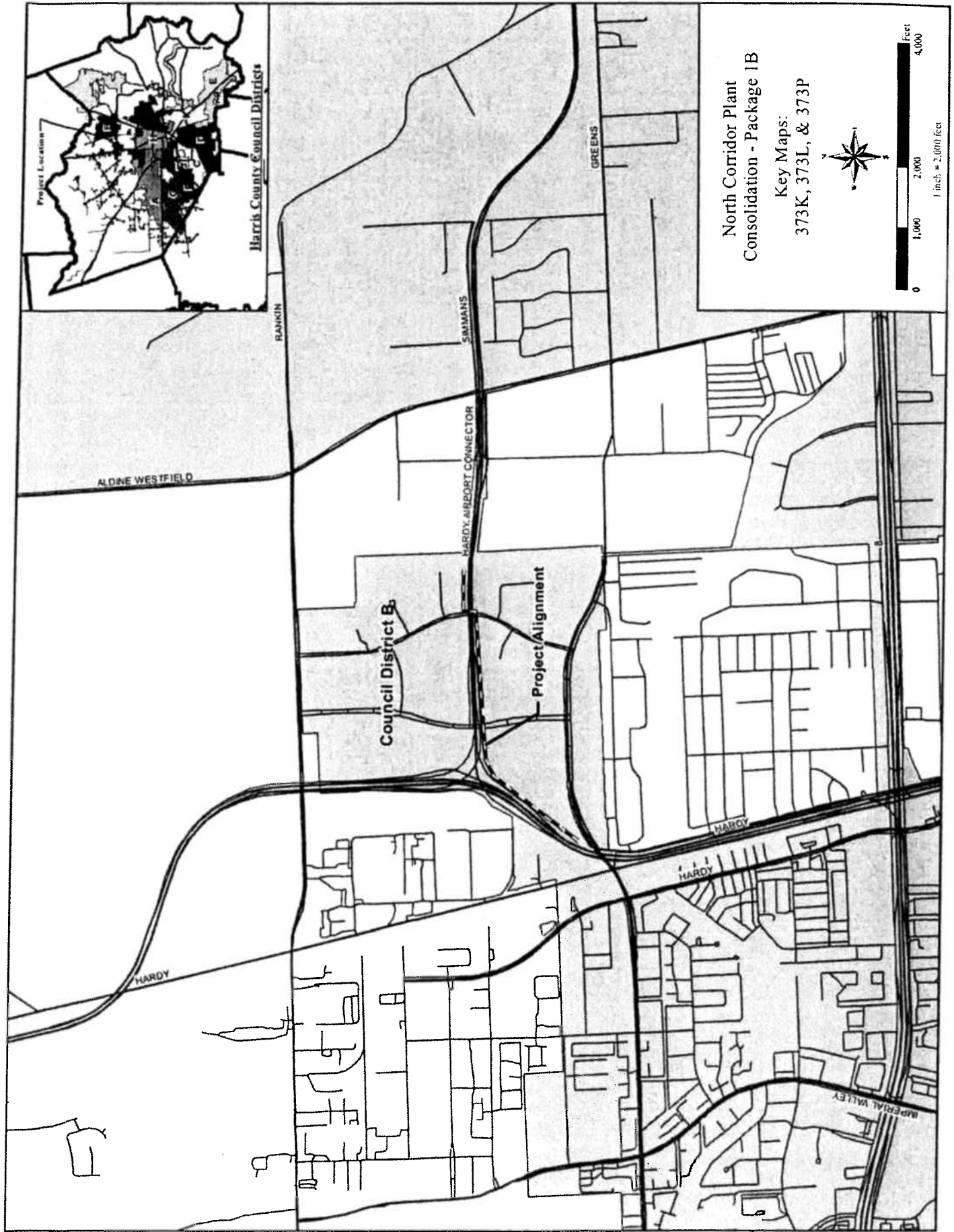
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Consultant provides health benefits to eligible employees in compliance with City policy.

**M/WBE INFORMATION:** The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Amani Engineering, Inc.	Land Surveying Services	\$ 59,300.00	10.09%
2. Geotest Engineering, Inc.	Geotechnical and Environmental Engineering	\$ 49,256.00	8.38%
3. ISANI Consultants, LLP	Engineering Services	\$ 8,000.00	1.36%
4. Knudson, LP	Landscape Design	\$ 5,000.00	0.85%
5. SP Engineering, Inc.	Engineering Design Services	\$ 22,000.00	3.74%
<b>TOTAL</b>		\$143,556.00	24.43%

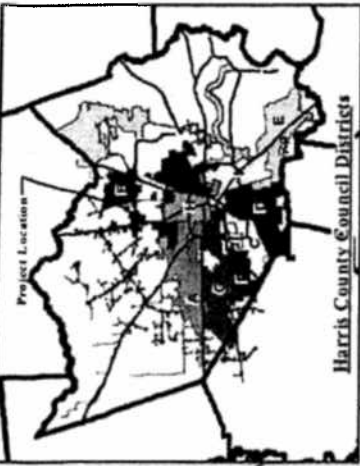
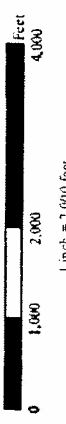
  
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c: File No. R-000536-0018-3



North Corridor Plant  
Consolidation - Package 1B


Key Maps:  
373K, 373L, & 373P

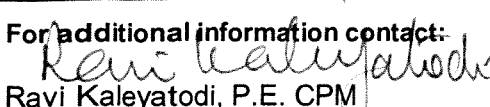




<b>SUBJECT:</b> Additional Appropriation for Professional Engineering Services Contract between the City and SES Horizon Consulting Engineers, Inc., for the Design of On-Call Small Diameter Water Line Extensions. WBS No. S-000700-0065-3.	Page 1 of <u>2</u>	Agenda Item #  27
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<b>FROM:</b> Department of Public Works and Engineering	<b>Origination Date</b> 1/24/13	<b>Agenda Date</b> JAN 30 2013
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> ALL MS
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<b>For additional information contact:</b>  Ravi Kaleyatodi, P.E. CPM Senior Assistant Director Phone: (832) 395-2326	<b>Date and identification of prior authorizing Council action:</b> Ordinance Number 2011-0737; August 17, 2011
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**RECOMMENDATION: (Summary)**  
Approve an Ordinance for an additional appropriation to a Professional Engineering Service contract with SES Horizon Consulting Engineers.

**Amount and Source of Funding:**  
\$575,000.00 from the Water and Sewer System Consolidated Construction Fund 8500. *M.P. 1/15/2013*  
Previous appropriation of \$920,000.00 from Water and Sewer System Consolidated Construction Fund 8500.

**PROJECT NOTICE/JUSTIFICATION:** This project is to provide engineering services for the design of small diameter water line extensions and replacements in neighborhoods where the systems are inadequate.



**DESCRIPTION/SCOPE:** When requested by the Director, the engineer will provide engineering services for the design of 4-inch through 20-inch water lines. Additionally, when requested by the Director, the engineer will develop construction documents for a construction work order contract.

**LOCATION:** The location of the project areas within the City will be determined by the Public Utilities Division.

**PREVIOUS HISTORY AND SCOPE:** The original contract was approved by the City Council on August 17, 2011 under Ordinance Number 2011-0737. The scope of services under the terms of this contract, for services performed in the development of the base construction document, the engineer will be reimbursed on a time and material basis. The services performed by the engineer to design small diameter water lines on an as-needed basis for projects less than 5,000 linear feet will be reimbursed on a per-sheet basis. When required by the Director, work performed on water lines greater than 5,000 linear feet will involve phase I - preliminary design, phase II - final design and phase III - construction phase services and additional services. Basic services fee for phase I is based on the cost of time and materials with a not-to-exceed agreed upon amount. The basic services fees for phase II and phase III will be negotiated on a lump sum basis after the completion of phase I. Additional services such as surveying, geotechnical, traffic control and environmental design will be paid on a reimbursable basis subject to authorization by the Director. The consultant has been authorized for \$714,388.36 out of the original contract appropriation to date.

Additional funds are needed to continue the On-Call design of small diameter water line and sanitary sewer extension program.

LTS No.3967 CUIC ID #20MB120A

<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang P.E., D. WRE Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel R. Menendez, P.E. Deputy Director Engineering & Construction Division
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<b>Date</b>	<b>SUBJECT:</b> Additional Appropriation for Professional Engineering Services Contract between the City and SES Horizon Consulting Engineers, Inc., for the Design of On-Call Small Diameter Water Line Extensions. WBS No. S-000700-0065-3.	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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**SCOPE OF THIS SUPPLEMENT AND FEE:** The requested additional appropriation will be utilized in the development of the base construction document; the engineer will be reimbursed on a time and material basis. Design services will be paid on a per sheet basis or the level of effort. Additional services such as surveying, geotechnical investigation, traffic control, environmental design and tree protection plans will be paid on a reimbursable basis subject to authorization by the Director.

The total cost of this project is \$575,000.00, to be appropriated as follows: \$488,750.00 for contract services and \$86,250.00 for CIP Cost Recovery.

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

**M/WBE INFORMATION:** The M/WBE goal established for this project is 24%. The original contract amount totals \$800,000.00. The consultant has been paid \$172,612.95 (21.58%) to date. Of this amount, \$48,968.95 (28.37%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$1,288,750.00. The Consultant proposes the following plan to meet the MWBE goal.

<u>Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Paid Prior Commitment		\$48,968.95	3.80%
2. Accessible Design Solutions	Engineering Design Plan Review	\$2,000.00	0.16%
3. HVJ Associates, Inc.	Geotechnical Investigation and Environmental Engineering	\$30,000.00	2.33%
4. Landtech Consultants Inc.	Topographic Surveying Investigation and Engineering Design	\$62,134.95	4.82%
5. JAG Engineering, Inc.	Topographic Surveying Investigation and Engineering Design	\$126,196.10	9.79%
6. United Engineers, Inc.	Topographic Surveying Investigation and Engineering Design	<u>\$40,000.00</u>	<u>3.10%</u>
<b>TOTAL</b>		<b>\$309,300.00</b>	<b>24.00%</b>

  
DWK:DRM:RK:HH:ACM:MB:ofa

H:\design\A-WS-DIV\WPDATA\BM700-On Call-SES\Design RCA Package\RCA-Additional Appropriation\RCA-Additional Appropriation.DOC

c: File : S-000700-0065-3 (1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Contract Award for FY2013 Flood Gauge and Flood Warning System Negotiated Construction Work Orders  
WBS No. M-000241-0006-4

Page 1 of 2

Agenda Item #

28

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

Department of Public Works and Engineering

**Origination Date:**

1/24/13

**Agenda Date:**

JAN 30 2013

**DIRECTOR'S SIGNATURE:**

*cus*  
  
Daniel W. Krueger, P.E., Director

**Council District affected:**

All

**For additional information contact:**

*Ravi Kaleyatodi 1/16/13*  
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326  
Senior Assistant Director

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

**RECOMMENDATION: (Summary)**

Accept low bid, award Construction Contract and appropriate funds.

**Amount and Source of Funding:**

\$1,775,000.00 from Fund No. 4042 - Street & Traffic Control and Storm Drainage DDSRF.

*U.P. 1/16/2013*

**PROJECT NOTICE/JUSTIFICATION:** This program is required to install flood gauge and flood warning systems on pre-determined underpasses located throughout the City on a work order contract to enhance and improve storm water drainage safety and improve mobility to traveling public.

**DESCRIPTION/SCOPE:** This program provides construction services to address underpasses storm water drainage safety and mobility issues Citywide. The Contract duration for this project is 720 calendar days.

**LOCATION:** Citywide. Work locations will be anywhere within the City of Houston and its jurisdictional limits and will be established by each work order.

**BIDS:** Bids were received on August 16, 2012. The two (2) bids are as follows:

<u>Bidder</u>	<u>Adjustment Factor</u>
1. Jerdon Enterprise, L.P.	1.876
2. Total Contracting Limited, LLC	2.100

Contract bids are based on an Adjustment Factor rather than a monetary amount. The Contract will not exceed \$1,500,000.00. The estimated work order prices will be calculated by multiplying the unit quantity of each item in the work order by the unit price and the Adjustment Factor.

LTS No.: 4107


CUIC# 20RRA15

*MC*

Finance Department

Other Authorization:

Other Authorization:

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

**AWARD:** It is recommended that this construction Contract be awarded to Jerdon Enterprise, L.P. with a low bid of 1.876 Adjustment Factor.

**PROJECT COST:** The total cost of this project is \$ 1,775,000.00 to be appropriated as follows:

- Bid Amount \$1,500,000.00
- Contingencies \$ 75,000.00
- Construction Management \$ 155,000.00
- CIP Cost Recovery \$ 45,000.00

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

**HIRE HOUSTON FIRST:** The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston business and supports job creation. In this case the proposed contractor meets the requirements of Hire Houston First.

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

**M/SBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 9% MBE goal and 7% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. PMG Project Management Group, LLC	Storm Sewer	\$ 150,000.00	10.00%
<b>TOTAL</b>		<b>\$ 150,000.00</b>	<b>10.00%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Kossman Contracting Company, Inc.	Sodding	\$ 16,000.00	1.07%
2. GMJ Paving Company, LLC	Asphalt	\$ 85,000.00	5.67%
3. Aggregate Technologies, Inc.	Saw Cut	\$ 7,000.00	0.46%
4. Curb Planet, Inc.	Curb & Sidewalk	\$ 7,000.00	0.46%
5. Contractors Paving Supply LLP	Misc. Paving Supplies	\$ 10,000.00	0.67%
<b>TOTAL</b>		<b>\$ 125,000.00</b>	<b>8.33%</b>

*[Handwritten Signature]*  
DWK:DRM:RK:DPS:PRA:klw

**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#**

29-30 35-36

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

Tina Paez, Interim Director  
Administration & Regulatory Affairs

**Origination Date**

01/09/2013 JAN 30 2013

**Agenda Date**

~~JAN 23 2013~~

**DIRECTOR'S SIGNATURE:**

*[Handwritten Signature]*

**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin Phone: (713) 837- 9623  
Naelah Yahya Phone: (713) 837- 9636

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

**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 ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. United Site Services, Inc.
2. Frank Leyva Felix DBA Payless Porta Jons

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term is 10 years from the effective date.

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

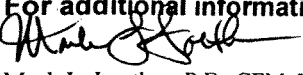
**REQUIRED AUTHORIZATION**

Finance Director:

<b>SUBJECT:</b> Ordinance adopting Land Use Assumptions and a Capital Improvement Plan (internally known as the "Drainage Impact Fee Improvement Plan") for the possible adoption of Impact Fees for drainage, appointing Planning Commission as the Capital Improvements Advisory Committee, and calling a public hearing at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to adopt Impact Fees for drainage, in accordance with Chapter 395 of the Texas Local Government Code.	<b>Page</b> 1 of 1	<b>Agenda Item</b> #
	31 <del>23</del>	

<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 1/17/13	<b>Agenda Date</b> JAN 30 2013 <del>JAN 23 2013</del>
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> All 
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<b>For additional information contact:</b>  Mark L. Loethen, P.E., CFM, PTOE Deputy Director (832) 395-2705	<b>Date and identification of prior authorizing Council action:</b> 2010-879 11/15/2010; 2011-254 04/06/2011; 2012-1047 12/05/2012
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**RECOMMENDATION: (Summary)**  
 Adopt an Ordinance to accept the Land Use Assumptions and a Capital Improvement Plan (internally known as the "Drainage Impact Fee Improvement Plan" or "DIFIP"), appoint Planning Commission as the Capital Improvements Advisory Committee, and set a date to conduct a public hearing on the City's Impact Fees for drainage.

**Amount and Source of Funding:** N/A *Hearing 9 AM 3-6-13*

**BACKGROUND:** On November 2, 2010, the voters of the City of Houston passed Proposition One that established a dedicated pay-as-you-go funding source to renew Houston's drainage and streets. This effort, commonly known as ReBuild Houston, required the City to create the Dedicated Drainage and Street Renewal Fund (DDSRF) composed of the following four (4) funding sources:

- Developer Impact Fees
- Drainage Charges
- \$0.118 of the City's ad valorem tax levy minus existing debt service
- Third party contracts, grants or payments

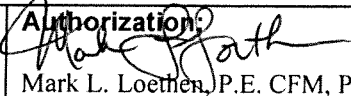
City Council amended the City's Charter on November 15, 2010 to create the DDSRF and adopted Ordinance 2011-254 on April 6, 2011 that created a Municipal Drainage Utility System and established a schedule of drainage charges.

The Department of Public Works and Engineering is in the process of recommending Drainage Impact Fees. State law allows municipalities to charge Drainage Impact Fees for new development projects. This revenue helps offset the City's cost to provide drainage infrastructure to a growing community. Pursuant to Chapter 395 of the Local Government Code, the process of adoption requires the City to perform an engineering study on the program and approve the findings of the report. The report includes Land Use Assumptions, the DIFIP, and Impact Fee calculations. The Planning Commission has approved the Land Use Assumptions and DIFIP at the January 3, 2013 meeting and provided a recommendation to City Council.

Under Chapter 395 of the Local Government Code, the Ordinance adopting the Land Use Assumptions and DIFIP cannot be adopted under an emergency ordinance; therefore, it must be read at two (2) separate City Council meetings. State Law also requires City Council to hold a public hearing before adopting the Land Use Assumptions and DIFIP, which occurred on Wednesday, January 16, 2013, and then a second public hearing to adopt the Impact Fee calculations. The Department of Public Works and Engineering recommends setting the second public hearing for Wednesday, March 6, 2013.

**RECOMMENDATION:** Approve an ordinance adopting Land Use Assumptions and the DIFIP for the possible adoption of Impact Fees for drainage, appointing Planning Commission as the Capital Improvements Advisory Committee, and calling a public hearing at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston to adopt Impact Fees for drainage, in accordance with Chapter 395 of the Texas Local Government Code.

**REQUIRED AUTHORIZATION** **CUIC ID# 20UPA206**

<b>Finance Department:</b>	<b>Authorization:</b>  Mark L. Loethen, P.E. CFM, PTOE Deputy Director Planning and Development Services Division	<b>Other Authorization:</b>
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32

JAN 30 2013

MOTION NO. 2013 0062

MOTION by Council Member Adams that nominations for Position 10 of the Houston Municipal Employees Pension System Board of Trustees, for a three year term, be closed.

Seconded by Council Member Laster and carried.

Mayor Parker, Council Members Brown, Cohen, Adams, Martin, Hoang, Pennington, Gonzalez, Laster, Green, Costello, Burks, Noriega, Bradford and Christie voting aye  
Nays none  
Council Members Davis and Rodriguez absent

PASSED AND ADOPTED this 23rd day of January 2013.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is January 29, 2013.

City Secretary

Council Member Green nominated Adrian Patrick Patterson for Position 10.

Council Member Bradford nominated Dr. Bernard A. Harris, Jr. for Position 10.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:** Approve ordinances amending, restating and ratifying Ordinance Nos. 2009-48, 2010-0327 and 2011-932 related to the City of Houston, Texas General Obligation Commercial Paper Notes, Series H-2, J, and G; approving and authorizing amendments to the authorized purposes of such commercial paper program; approving other matters relating thereto; and declaring an emergency.

**Category #**

**Page 1**

**Agenda Item#**

33-35 / 14-16

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

**Origination Date**  
1/16/2013

**Agenda Date**  
~~JAN 23 2013~~

**DIRECTOR'S SIGNATURE:**

*[Handwritten Signature]*

**Council Districts affected:** All JAN 30 2013

**For additional information contact:**

Jennifer Olenick  
Charisse Mosely

**Phone:** 832-393-9112  
**Phone:** 832-393-3529

**Date and identification of prior authorizing Council Action:**  
2009-48, 2010-0327 and 2011-932

**RECOMMENDATION: (Summary)** Approve ordinances amending, restating and ratifying Ordinance Nos. 2009-48, 2010-0327 and 2011-932 related to the City of Houston, Texas General Obligation Commercial Paper Notes, Series H-2, J, and G; approving and authorizing amendments to the authorized purposes of such commercial paper programs; approving other matters relating thereto; and declaring an emergency.

**Amount of Funding:** Not Applicable

**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

Historically, the City's various capital purchases were assigned to a particular series of commercial paper, each of which was backed by a letter of credit from a financial institution. As a result of the 2008 financial crisis, all of the banks needed to be replaced. During that replacement process, certain commercial paper series were structured as multi-purpose to provide flexibility in case any of the banks faced further financial difficulties.

The purpose of this requested council action is to complete the transition to a multi-purpose legal structure for the General Obligation Commercial Paper Program. This will make Series G multi-purpose and allocate the Council approved voter authority across all three of the identified commercial paper series, rather than to a specific series as previously done.

This transaction was presented to Budget & Fiscal Affairs Committee on January 7<sup>th</sup> 2013.

**Recommendation**

The Finance Working Group recommends approval of this transaction.

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

*[Handwritten Signature]*



<b>SUBJECT: Approve an Ordinance Awarding a Contract to Waste Management of Texas, Inc. for Processing Services for Residential Drop-off and Curbside Single Stream Commingled Recyclable Materials for the Solid Waste Management Department.</b>	<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 36 <del>25</del>
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<b>FROM (Department or other point of origin):</b>  Solid Waste Management Department	<b>Origination Date</b> December 21, 2012	<b>Agenda Date</b> JAN 30 2013 <del>JAN 23 2013</del>
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL
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*copy*

<b>For additional information contact:</b> Harry Hayes: 713-837-9103 Gary Readore: 713-837-9137	<b>Date and identification of prior authorizing Council action</b>
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**RECOMMENDATION: (Summary) Approve an ordinance awarding a revenue contract to Waste Management of Texas, Inc. for processing services for residential drop-off and curbside single stream commingled recyclable materials for the Solid Waste Management Department.**

<b>Amount of Funding:</b> Revenue Contract	<b>Finance Budget:</b>
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**SOURCE OF FUNDING:**       General Fund       Grant Fund       Enterprise Fund  
 Other (Specify) Fund

**SPECIFIC EXPLANATION:**

The Director of the Solid Waste Management Department and the City Purchasing Agent recommend that City Council approve an ordinance awarding a seven-year revenue contract to Waste Management of Texas, Inc. for processing services for residential drop-off and curbside single stream commingled recyclable materials for the Solid Waste Management Department (SWMD). The City Purchasing Agent or the Director may terminate this contract at anytime upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all facilities, equipment, labor and services required to receive, process, use and/or market recyclable materials collected by City crews, which are delivered to single stream processing locations. The contract ensures that all recyclable materials are processed in a manner that yields the highest market potential and minimizes residual waste. Projected revenues to the City are estimated to be approximately \$4,935,000.00 over the seven-year duration of the contract term.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. Thirty-five prospective proposers downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from the following: Federal International, Inc., Greenstar Mid-America, LLC, Waste Connections of Texas, LLC., and Waste Management of Texas, Inc. The evaluation committee consisted of seven evaluators from the Solid Waste Management Department and area recycling experts. The proposals were evaluated based upon the following criteria:

- Completeness of Proposal Response
- Experience and History in Single Stream Processing
- Operations, proposed equipment and ability to market the material
- Education Component
- Financial Qualifications
- Total Evaluated Cost to the City
- Hire Houston First (Preferential Points)

**REQUIRED AUTHORIZATION**

<b>Finance Dept:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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*21*

Date: 12/21/12

**Subject: Approve an Ordinance Awarding a Contract to Waste Management of Texas, Inc. for Processing Services for Residential Drop-off and Curbside Single Stream Commingled Recyclable Materials for the Solid Waste Management Department.**

Page 2 of 2

**M/WBE Contracting**

This RFP was issued as a goal-oriented contract with an 11% M/WBE participation level. Waste Management of Texas, Inc. has designated the below-named company as its certified M/WBE subcontractor:

<b><u>Name</u></b>	<b><u>Type of Work</u></b>	<b><u>Dollar Amount</u></b>	<b><u>Percent</u></b>
Staffing Etc., Inc. dba	Labor	\$688,066.50	11%

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

**Pay or Play:**

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

**Hire Houston First**

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.