

AGENDA - COUNCIL MEETING - TUESDAY - JUNE 30, 2009 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Noriega

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. 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

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 49

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of **MR. TERENCE FONTAINE**, to Position 3 of the **BOARD OF THE METROPOLITAN TRANSIT AUTHORITY**, for a term to expire May 1, 2010
2. RECOMMENDATION from Director Department of Finance for approval of the Equipment Acquisition Plan for FY2010
3. RECOMMENDATION from Director General Services Department for Council to determine that the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Central Permitting Center for the Department of Public Works & Engineering - **DISTRICT H - GONZALEZ**

ACCEPT WORK - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,280,893.86 and acceptance of work on contract with **TRIPLE B SERVICES, L.L.P.** for Mesa Drive Reconstruction from Tidwell Road to Little York Road - 1.59% under the original contract amount - **DISTRICT B - JOHNSON**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,309,825.90 and acceptance of work on contract with **INDUSTRIAL TX CORP** for Northgate and MUD 203 Wastewater Treatment Plant Improvements - 1.32% under the original contract amount - **DISTRICT B - JOHNSON**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,763,673.61 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in Woodview Area - 6.36% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS and I - RODRIGUEZ**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,859,203.51 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Broad Oaks - 6.06% under the original contract amount - **DISTRICT G - HOLM**

PROPERTY - NUMBERS 8 through 10

8. RECOMMENDATION from City Attorney to acquire Parcels AY3-056 and AY3-057 & AY3-059; associated with eminent domain proceeding styled City of Houston v. Robert P. Archer, et al., Cause No. 932,439; for the Keegan's Bayou Bikeway Project, be acquired by deed for a total consideration of \$156,000.00 and pay the City's cost of Court - **DISTRICT F - KHAN**
9. RECOMMENDATION from Director General Services Department to appoint Gerald A. Teel and Stephen DuPlantis independent appraisers and David Lewis alternate appraiser to determine the fair market value in connection with the sale of approximately 10.5 acres of land located at 801 Gillette Street, Parcel SY7-077 - **DISTRICT I - RODRIGUEZ**
10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, for the abandonment and sale of a portion of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, all located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877, Parcels SY9-084 and DY9-044 - **DISTRICT D - ADAMS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 13

11. ORDINANCE appropriating \$16,112.50 out of Public Library Consolidated Construction Fund to install three Art Canopies at the Jesse H. Jones Public Library for the General Services Department - **DISTRICT I - LAWRENCE**
- a. **AMEND MOTION #2009-35, 1/28/09**, for Change Order in an amount not to exceed \$20,150.00 for Installation of Three Art Canopies for General Services Department, awarded to **SPECIALTY CONSTRUCTION** - **DISTRICT I - LAWRENCE**
12. Omitted

PURCHASING AND TABULATION OF BIDS - continued

13. **AMEND MOTION #2000-1552, previously amended by Motion #2006-37, 1/11/06, TO EXTEND** the term from June 30, 2009 to September 30, 2009, for a Vehicle Locator System for Various Departments, awarded to **TELETRAC, INC**

ORDINANCES - NUMBERS 14 through 49

14. **ORDINANCE AMENDING VARIOUS PROVISIONS OF THE HOUSTON SIGN CODE**

15. **ORDINANCE** appropriating \$358,080.00 out of Equipment Acquisition Consolidated Fund, approving and authorizing contract between the City of Houston and **UR INTERNATIONAL, INC** for Towed Vehicle Reporting Management System for Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$951,259.00 General Fund
- a. **ORDINANCE AMENDING ARTICLE III, CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the reporting of towed vehicles through the implementation and use of an authorized electronic reporting system
16. **ORDINANCE** amending Exhibit "A" of City of Houston Ordinance No. 2009-0567 by adding eight (8) Engineer/Operator positions and four (4) Captain positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance
17. **ORDINANCE** authorizing the sale of a Drainage Easement on 0.2865 acre, more or less, out of Lot 9, Jerry C. Hayes Subdivision, M. McCauley Survey, A-577, Houston, Harris County, Texas (2542 Peyton Road) to CCI-B Peyton Road III, LLC - **DISTRICT B - JOHNSON**
18. **ORDINANCE** authorizing the sale and conveyance to the Briar Park Community Improvement Association, Inc., a Texas Nonprofit Corporation (the "Association") of 5,278 square feet of land (Parcel SY6-035) with the reservation to the City of a 2,922 square feet utility easement (Parcel VY9-028) thereon in consideration of the Association's sale and conveyance to the City of 1,906 square feet of land (Parcel CY6-003) for the Piping Rock Lift Station Replacement Project (WBS R-000267); all parcels being located at or near 13902 Piping Rock Lane and in the Joel Wheaton Survey, A-80, Houston, Harris County, Texas - **DISTRICT G - HOLM**
19. **ORDINANCE** authorizing an Interest Rate Swap Agreement with respect to Certain Outstanding City of Houston, Texas, Public Improvement Bonds; authorizing the Mayor and City Controller to enter into such Interest Rate Swap Agreement; making other provisions regarding such Interest Rate Swap Agreement and incident thereto; authorizing a Bond Counsel Agreement; a Swap Advisory Agreement; and declaring an emergency
20. **ORDINANCE** appropriating \$100,480.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing third amendment to Lot Purchase and Development Contract ("Contract") between the City, the **LAND ASSEMBLAGE REDEVELOPMENT AUTHORITY ("LARA")** and **CATHOLIC CHARITIES COMMUNITY DEVELOPMENT CORPORATION** to develop additional eleven (11) lots in Independence Heights for sale to qualified purchasers as Affordable Single-Family Housing and to remove the \$10,000.00 down payment assistance required of the City to be provided to each purchaser - **DISTRICT H - GONZALEZ**
21. **ORDINANCE** relating to the fiscal affairs of the Saint George Place Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (LAMAR TERRACE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT C - CLUTTERBUCK**

ORDINANCES - continued

22. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER FOUR, CITY OF HOUSTON, TEXAS (VILLAGE ENCLAVES ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Zone - **DISTRICT G - HOLM**
23. ORDINANCE relating to the fiscal affairs of the Memorial-Heights Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FIVE, CITY OF HOUSTON, TEXAS (MEMORIAL HEIGHTS ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT H - GONZALEZ**
24. ORDINANCE relating to the fiscal affairs of the Gulfgate Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICT I - RODRIGUEZ**
25. ORDINANCE relating to the fiscal affairs of the South Post Oak Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER NINE, CITY OF HOUSTON, TEXAS (SOUTH POST OAK ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICT D - ADAMS**
26. ORDINANCE relating to the fiscal affairs of the Greater Greenspoint Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT B - JOHNSON**
27. ORDINANCE relating to the fiscal affairs of the City Park Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority - **DISTRICTS A - LAWRENCE and B - JOHNSON**
28. ORDINANCE relating to the fiscal affairs of the Old Sixth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICT H - GONZALEZ**
29. ORDINANCE relating to the fiscal affairs of the Fourth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER FOURTEEN, CITY OF HOUSTON, TEXAS (FOURTH WARD ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Authority and the Fiscal Years 2010-2014 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
30. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Zone - **DISTRICTS B - JOHNSON and H - GONZALEZ**
31. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE ZONE)**; approving the Fiscal Year 2010 Operating Budget for the Zone - **DISTRICT H - GONZALEZ**
32. ORDINANCE consenting to the addition of 4.222 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district
33. ORDINANCE consenting to the addition of 3.8393 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 118**, for inclusion in its district

ORDINANCES - continued

34. ORDINANCE consenting to the addition of 14.1428 acres of land to **MILLS ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
35. ORDINANCE consenting to the addition of 67.954 acres of land to **PORTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
36. ORDINANCE consenting to the addition of 5.98 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21**, for inclusion in its district
37. ORDINANCE establishing the south side of the 1600 block of Bonnie Brae Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
38. ORDINANCE establishing the north and south sides of the 1800 block of Lexington Avenue within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - ADAMS**
39. ORDINANCE establishing the north and south sides of the 2000 block of West 14 1/2 Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE**
40. ORDINANCE establishing the north and south sides of the 2000 block of West 14 1/2 Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE**
41. ORDINANCE changing the name of North MacGregor Drive to Cambridge Street - **DISTRICT D - ADAMS**
42. ORDINANCE approving and authorizing contract between the City of Houston and **HAYNES AND BOONE, LLP** for Legal Services relating to Civil Action No. H-08-1366; Susan Carnaby, et al. v. City of Houston, et al.; in the United States District Court for the Southern District of Texas, Houston Division; establishing a maximum contract amount - \$45,000.00 - Property and Casualty Fund
43. ORDINANCE approving and authorizing Agreement for Software, Licenses, Design, Implementation, and Maintenance Services between the City of Houston and **PORTER LEE CORPORATION** for Laboratory Information Management System for the Houston Police Department; providing a maximum contract - 3 Years with two one-year options - \$825,390.00 General and Grant Funds
44. ORDINANCE appropriating \$3,928,128.00 out of Information Technology Consolidated Equipment Acquisition Fund for Purchase of Asset Replacement Hardware for Various Departments
45. ORDINANCE appropriating \$22,320.96 out of Parks Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to construction contract (Approved by Ordinance No. 2008-1194) between the City of Houston and **AIA GENERAL CONTRACTORS, INC** for Wheeler Park Underground Storage Tank Modifications and Cleanup at Wheeler Park Facility; providing funding for contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

46. ORDINANCE appropriating \$270,000.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** to provide Design Services for the Upgrade of the Sunbeam Neighborhood Depository (Approved by Ordinance No. 2006-0126 and 2007-1125)
DISTRICT D - ADAMS
47. ORDINANCE appropriating \$35,000.00 out of Fire Consolidated Construction Fund for Emergency Generator Replacement at Fire Station 13 for Houston Fire Department - **DISTRICT A - LAWRENCE**
48. ORDINANCE appropriating \$750,000.00 out of Public Library Consolidated Construction Fund, \$100,000.00 out of Parks Consolidated Construction Fund, \$2,057,000.00 out of General Improvement Consolidated Construction Fund, \$100,000.00 out of Police Consolidated Construction Fund, \$550,000.00 out of Public Health Consolidated Construction Fund, \$300,000.00 out of Solid Waste Consolidated Construction Fund, \$50,000.00 out of Reimbursement of Equipment/Projects Fund, and \$280,000.00 out of Water & Sewer System Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of various facilities under the Job Order Contracts Program
49. ORDINANCE No. 2009-565, passed second reading June 24, 2009
ORDINANCE granting to **PFP ABATEMENT GROUP, LLC, A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 50

MISCELLANEOUS

50. MOTION to establish a hearing to consider amendments to Chapter 42, Code of Ordinances and adding a new Article IV
SUGGESTED HEARING DATE - WEDNESDAY - JULY 8, 2009 - 9:00 A.M.

MATTERS HELD - NUMBERS 51 through 56

51. **TERRAIN SOLUTIONS, INC** for Risk-based Assessment, Contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department - **DISTRICTS A - LAWRENCE and D - ADAMS** - **TAGGED BY COUNCIL MEMBER LAWRENCE**
This was Item 13A on Agenda of June 24, 2009
52. **BUCK TERRELL ATHLETICS, INC** for Purchase and Installation of a Baseball Barrier Netting System at Turner Park through the Texas Local Government Purchasing Cooperative (Buy Board) for Parks & Recreation Department - **DISTRICT A - LAWRENCE**
TAGGED BY COUNCIL MEMBER LAWRENCE
This was Item 17A on Agenda of June 24, 2009

MATTERS HELD - continued

53. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and the **GREATER HOUSTON PARTNERSHIP, INC** for Professional Services - \$885,000.00 - Enterprise Fund - **TAGGED BY COUNCIL MEMBERS GREEN and BROWN**
This was Item 27 on Agenda of June 24, 2009
54. ORDINANCE approving and authorizing Contract between the City and the **HOUSTON ARTS ALLIANCE (Formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the Support of the Arts Community - \$11,194,000.00 - Enterprise Fund
TAGGED BY COUNCIL MEMBERS JOHNSON, HOLM, KHAN, GREEN, CLUTTERBUCK and LAWRENCE
This was Item 28 on Agenda of June 24, 2009
55. ORDINANCE approving and authorizing Contract between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP** to provide Delinquent Collection Services for Municipal Courts Administration Department - 3 Years with two one-year options - Revenue
TAGGED BY COUNCIL MEMBERS JOHNSON, BROWN and CLUTTERBUCK
This was Item 46 on Agenda of June 24, 2009
56. ORDINANCE appropriating \$3,504,972.00 out of Metro Project Commercial Paper Series E Fund and \$138,690.00 out of Water & Sewer System Consolidated Construction Fund awarding contract to **BEYER CONSTRUCTION, L.L.P.** for Mercury Drive Paving: US 90 to Wallisville Road; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER RODRIGUEZ**
This was Item 51 on Agenda of June 24, 2009

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

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

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

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

CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
JUNE 30, 2009 - 9:00 AM

AGENDA

<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
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MR. BILL GOEKE – 2600 Citadel – 77008 – 713-866-6098 – Revision to the Sign Code – Item 14

<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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MR. BILL HUNTSINGER – 820 Gessner, Ste. 1800 – 77024 – 713-973-3521 – Sign Code changes – Item 14

MR. TOMMY FRIEDLANDER – 5333 Gulfton – 77081 – 713-662-7745 – Sign Code changes – Item 14

MR. AL ROSS – 2611 El Camino St. – 77054 – 713-306-9154 – Sign Code changes – Item 14

MR. ALAN ATKINSON – 6 Pinehill Ln. – 77019 – 832-428-1141 – On Premise – Sign Code – Item 14

MR. PERCY CREUZOT – 2025 McDuffie – 77019 – 713-569-9333 – On Premise – Sign Code – Item 14

NON-AGENDA

<u>2MIN</u>	<u>2MIN</u>	<u>2MIN</u>
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MS. JEANETTE HARRIS – 69 Heights Blvd. – 77007 – 713-298-9364 – Washington Corridor

<u>3MIN</u>	<u>3MIN</u>	<u>3MIN</u>
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MR. RAY LOCKE – Post Office Box 66062 – 77266-6062 – 281-832-6433 – 80% Hurricane Ike money spent on private apartments not repairs

MR. TIMOTHY WILLIAMS – 4627 Charriton Dr. – 77039 – 832-971-2210 – Abuse and work hours

MS. LOIS MYERS – 9701 Westview Dr. – 77055 – 713-461-7447 – Flooding in my Subdivision

MS. NANCY MARANITO – 1926 Triway Ln. – 77043 – 713-464-9702 – Cool Tie

MR. CHRIS PASSMORE – 2425 Sage Rd, No. 11 – 77056 – 832-443-4024 - Recycling and Transportation Rail System

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - 202-FA3-4511 - Behavior Coward Conspiracy who in 1979 to use my children

MS. JANET THOMAS – 19335 Cypress Canyon Dr. – Katy – TX – 77449 – 713-291-6408 – Officers killed by Illegal immigrants (Officer Canales) – Immigration

MR. ROBERT PRICE – 1585 W Sam Houston Pkwy N. – 832-721-0797 – Death of Office Canales

MS. DEBORAH ELAINE ATKINS – Post Office Box 263252 – 832-292-5203 – Digital TV – no need to mess up everybody’s TV

MS. JUANITA HARRIS – 2419 Wichita – 77004 – 713-522-3452 – Building City put in our neighborhood is destroying our neighborhood

MS. PHYLLIS MOSS – 2520 Wichita – 77004 – 713-524-7074 – Riverside Terrance

MR. JOHN JOHNSON – 7102 Wendemere St. – 77088 – 832-453-1900 – Does the City have any control over SWE Homes

MR. ISIAKA OWOLABI – 7447 Neal Ridge – Missouri City – TX – 77489 – 832-880-0512 – Cab driving issues

MR. BRANDT MANNCHEN – 5431 Carew – 77096 – 713-664-5962 – Need money to repair sidewalks

MR. TINO BEKARD – 6006 Fairdale – 77057 – 713-977-1118 – Water Department problems

MR. DAN NORRIS – 24003 Rolling Timber – 77028 – 281-638-5153 – Sanctuary City

MR. ANTHONY JEFFERSON – 7200 Pinemont, No. 2111 – 77040 – 281-506-8161 – Complaint about forgery

MS. RITA FORETICH – 12751 Zavalla – 77085 – 713-729-9826 – Streets and Ditches repairs

PREVIOUS

1MIN	1MIN	1MIN
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MR. JOHNNY ROBINSON – 7926 Shotwell – 77016 – 713-205-4995 – Triangle Gardens Civic Association

MR. WILLIAM BEAL - 4718 Boicewood - 77016 - 713-633-0126 – Clark Kent: Daily Planet newspaper:
Michael Jackson Resurrection come back

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Mayor B/White – Families Mafia
Terrorist Home Operation W/Cops W/City Hall



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

1

JUN 30 2009

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 2-17-09 date

COUNCIL MEMBER: _____

June 17, 2009

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Chapter 451 of the Texas Transportation Code, I am submitting the following name for appointment, subject to Council confirmation, as a City of Houston appointee to the Board of the Metropolitan Transit Authority.

Mr. Terence Fontaine, appointment to Position 3, for a term to expire May 1, 2010.

The résumé is attached for your review.

Sincerely,

Bill White

Bill White
Mayor

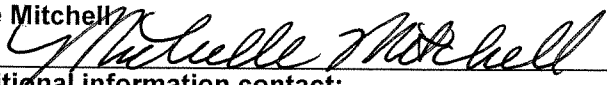
Attachment

cc: Mr. Frank J. Wilson, President and Chief Executive Officer (CEO), Metropolitan Transit Authority
Mr. David S. Wolff, Chair, Metropolitan Transit Authority



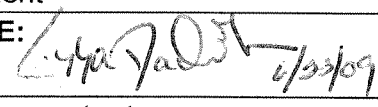
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of the Proposed Equipment Acquisition Plan for FY2010.		Page 1 of 1	Agenda Item # 21
FROM (Department or other point of origin): Finance Department	Origination Date June 15, 2009	Agenda Date JUN 30 2009	
DIRECTOR'S SIGNATURE: Michelle Mitchell 	Council District affected: ALL		
For additional information contact: James Tillman Phone: (713) 837-9615	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve by Motion the Equipment Acquisition Plan for FY2010.			
Amount of Funding: N/A		Finance Budget:	
SOURCE OF FUNDING: N/A			
SPECIFIC EXPLANATION: <u>Background</u> – Annually, City Council is presented a Plan for equipment acquisition/technology for general fund departments. The primary source of funding is the Equipment Acquisition Consolidated Fund (Fund 1800), which is used to purchase rolling stock; IT equipment, software and services; and other equipment (e.g. radios and mobile display terminals (MDT's) for emergency vehicles, call center consoles for the HEC, etc.). Equipment replacement requests were received by the Finance Department for rolling stock and other equipment from departments where they were reviewed for reasonableness as to age, mileage and indications of excessive maintenance costs. The IT department assessed the needs for computer technology. The acquisitions will initially be funded with commercial paper, which will be consolidated and converted to bonds consistent in duration to the useful life of the underlying asset. To ensure that funds are available, and to avoid excessive commitment fees for commercial paper availability, Council will periodically be asked to approve appropriations for Fund 1800. The FY2010 Equipment Acquisition Plan is proportioned as follows: Rolling Stock - \$26,614,581 IT - \$24,955,240 Other equipment - \$ 2,475,757 <u>Recommendation</u> – The Finance Department recommends that City Council approve the FY2010 Equipment Acquisition Plan for the purchase of equipment as described herein. cc: Arturo Michel, City Attorney Marty Stein, Agenda Office			
Finance Director:	Other Authorization:	Other Authorization:	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Council Motion determining Construction Manager at Risk method is the best value for the Central Permitting Center for the Public Works and Engineering Department.		Page 1 of 1	Agenda Item <u>3</u>
FROM (Department or other point of origin): General Services Department	Origination Date 6-24-09	Agenda Date JUN 30 2009	
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 	Council Districts affected: H		
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:		
RECOMMENDATION: Determine the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Central Permitting Center for the Public Works and Engineering Department.			
Amount and Source of Funding: N/A		Finance Budget:	

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council determine the Construction Manager at Risk Alternative Delivery Method offers the best value for the City for the Central Permitting Center for the Public Works and Engineering Department.



GSD has reviewed the project and determined that the Construction Manager at Risk method will provide the best value for the City because this method allows the construction manager to provide pre-construction assistance during the design phase, which helps to control construction costs as a result of earlier contractor involvement, reduces the need for change orders and avoids delays during the construction phase due to design misinterpretation. Additionally, this method allows for improved communication and project coordination, and commitment to construction prices. Under this method, the City enters into separate contracts with the contractor and architect.

PROJECT LOCATION: 1002 Washington Avenue (Key Map 493L)

IZD:JLN:PJG:RAV:CL:si

c: Marty Stein, Michael S. Marcotte, P.E., D.WRE, BCEE, Andy Icken, Jacquelyn L. Nisby, File 507

5

REQUIRED AUTHORIZATION			CUIC # 25CONS106
General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division	Other Authorization:	Public Works and Engineering Department:  Michael S. Marcotte, P.E., D.WRE, BCEE Director	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Mesa Drive Reconstruction from Tidwell Road to Little York Road; WBS No. N-000680-0002-4.

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1 of 1

Agenda Item
4

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

6-25-09

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:


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

Council District affected:

B 

For additional information contact:

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

Phone: (713) 837-7074

Date and identification of prior authorizing
Council action:

Ord. # 2006-671 dated 06/21/2006

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$10,280,893.86 or 1.59% under the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required [Total (Original) appropriation of \$11,498,009.00 with \$9,926,279.00 from Series E Commercial Paper Metro Project Fund No. 49M and \$1,571,730.00 from Water and Sewer System Consolidated Construction Fund No. 755].

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Capitol Improvement Program and was required to improve the traffic flow/ circulation, reduce congestion and eliminate potential hazards.

DESCRIPTION/SCOPE: This project consisted of reconstruction of existing asphalt pavement with road side ditches to four (4) lanes concrete pavement with curbs and upgrades of storm sewers, water and sanitary sewers. JNS Consulting Engineers, Inc. designed the project with 540 calendar days allowed for construction. The project was awarded to Triple B Services, L.L.P. with an original Contract Amount of \$10,446,736.15.

LOCATION: The project area is generally bound by Little York Road on the north and Tidwell Road on the south. The project is located in Key Map Grids 415-U, Y and 455-C.

CONTRACT COMPLETION AND COST: The Contractor, Triple B Services, L.L.P., has completed the work under subject Contract. The project was completed within the Contract Time with an additional 168 days approved by Change Orders No. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 and 2 is \$10,280,893.86. This is a decrease of \$165,842.29 or 1.59% under the original Contract Amount.

The decreased cost is primarily a result of difference between planned and measured quantities. This decrease is primarily of an underrun in Bid Item No. 19 – Flyash, which was not necessary to complete the work.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 18.20%. Contractor M/WBE performance evaluation was rated Outstanding.

MSM:DRM:JTL:JLS:EK:ha

Z:\E&C Construction\East Sector\PROJECTS\N-000680-0002-3 Mesa\Closeout\RCA\RCA - Closeout.doc

C: Velma Laws

Craig Foster

Waynette Chan

Marty Stein

File No.: N-9100-02-02/21.0

REQUIRED AUTHORIZATION

20HA6I

Finance Department:

Other Authorization:

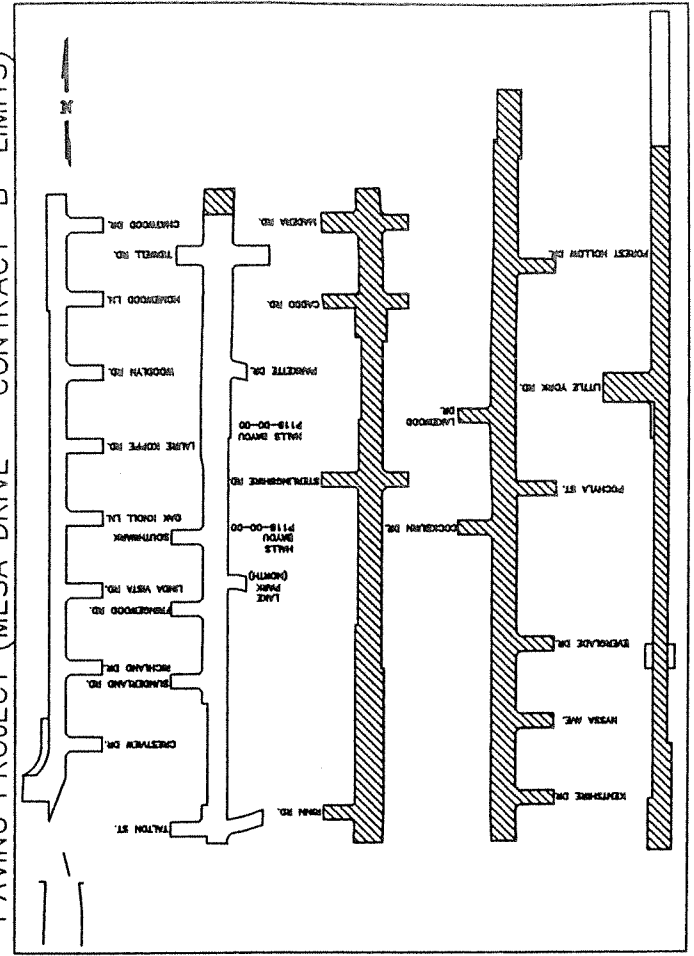
Other Authorization:



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

[illegible]

S.I.N.



KEY MAP NO.: 455(C): 415(Y,U)

SUBJECT: Accept Work for Northgate and MUD 203 Wastewater Treatment Plant Improvements WBS No. R-000265-0036-4.

Page 1 of 1

Agenda Item #

5

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date
6/25/09

Agenda Date
JUN 30 2009

DIRECTOR'S SIGNATURE

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

Council Districts affected:
B

For additional information contact:

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

J. Timothy Lincoln
Phone: (713) 837-7074

Date and Identification of prior authorizing Council Action:
Ord. #2007-587 dated 05/16/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,309,825.90, which is 1.32% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.

(Original appropriation of \$1,493,400.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's program to renew/replace inefficient components of the existing Wastewater Treatment Plant (WWTP) facilities.

DESCRIPTION/SCOPE: The project consisted of re-rating two multistage centrifugal blowers, remove and replace four blower motors, air headers, air drops and diffusers in digesters, RAS channels, and chlorine basin. The project also consisted of replacement of existing Scum Pumps for Clarifiers 2 and 3. Binkley & Barfield Consulting Engineers designed the project with 240 calendar days allowed for construction. The project was awarded to Industrial TX Corp. with an original Contract Amount of \$1,327,360.00.

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

Facility	Address	Key Map Grid
1. Northgate Wastewater Treatment Plant	303 Benmar	373-N
2. MUD 203 Wastewater Treatment Plant	1215 Gears Road	372-P

CONTRACT COMPLETION AND COST: The Contractor, Industrial TX Corp. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 90 days allowed by Change Order Nos. 1 and 2. The final cost of the project, including Change Order Nos. 1 and 2 and overrun and underrun of estimated bid quantities is \$1,309,825.90, a decrease of \$17,534.10 or 1.32% under the original Contract Amount.

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

M/WBE PARTICIPATION: The M/WBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 22.39%. The Contractor was awarded an "Outstanding" rating for M/WBE compliance.

MSM:DRM:JTL:AWS:RC:mq

S:\E&C Construction\Facilities\Projects\R-000265-0036-4 Northgate & MUD\closeout\RCA\RCA.DOC

jc: File No. R-000265-0036-4 – Closeout

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ103

MOT

Finance Department:

Other Authorization:

Jun Chang
Jun Chang, P.E., Interim Deputy Director
Public Utilities Division

Other Authorization:

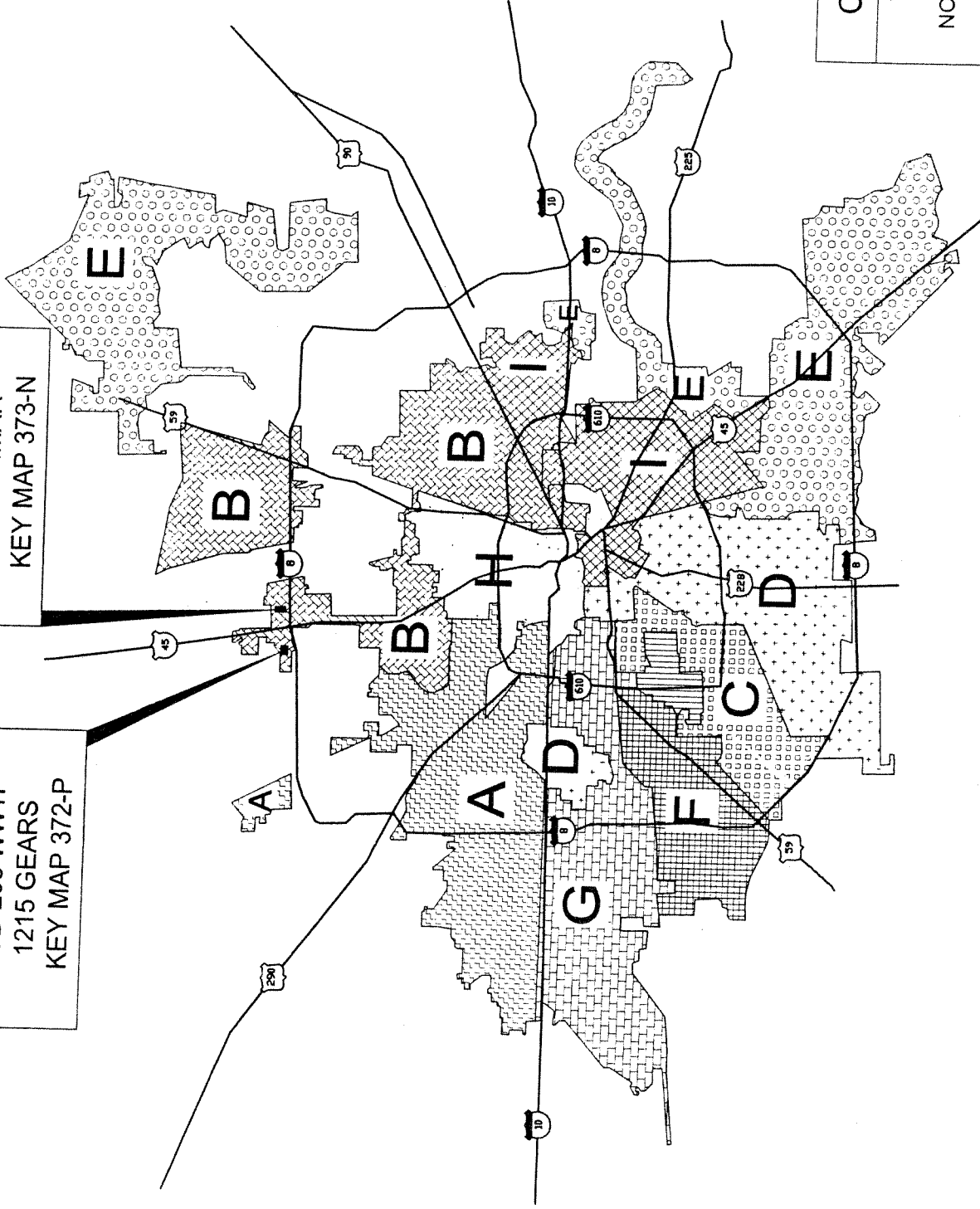
Daniel R. Menendez
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

5



NORTHGATE WWTP
303 BENMAR
KEY MAP 373-N

MUD 203 WWTP
1215 GEARS
KEY MAP 372-P



CITY OF HOUSTON

WBS NO. R-000265-0036-4

NORTHGATE & MUD 203 WWTP
IMPROVEMENTS
COUNCIL DISTRICT MAP
HOUSTON, TEXAS

DATE	PROJECT NO.	SCALE	N.T.S.
03/26/07	00-991663		

SUBJECT: Accept Work for Water Line Replacement in Woodview Area.

WBS No. S-000035-00F7-4.

Page 1 of 2

Agenda Item #

6

FROM (Department or other point of origin):

Department of Public Works and Engineering

**Origination
Date**

6-25-09

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

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

For additional information contact:

J. Timothy Lincoln, P.E.

Senior Assistant Director

Phone: (713) 837-7074**Council Districts affected:**

A, B, C, D, & I

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

Ord. #2007-1039 dated 09/12/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,763,673.61, which is 6.36% under the original Contract Amount, accept the Work and authorize the final payment.**Amount and Source of Funding:** No additional appropriation required.

(Original appropriation of \$3,341,100.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase circulation and availability of water.**DESCRIPTION/SCOPE:** This project consisted of construction of 30,142 linear feet of 8-inch water lines with all related appurtenances in Woodview Area. Ratnala & Bahl, Inc. designed this project.

This project also consisted of 12-inch and 16-inch water line replacements and pipe support structures along seven bridges at different locations. Sander Engineering Corporation designed this project under the On-Call design contract.

The project was awarded to RWL Construction, Inc. with 320 calendar days allowed for construction an original Contract Amount of \$2,951,406.00.

LOCATION: The Woodview project area is generally bound by Long Point Road on the north, Pine Lake Drive and Long Branch Lane on the south, Oak Tree Drive on the east and Gessner on the west. The project is located in the Key Map Grids 450-W & X.

Water line replacement and pipe support structure locations are as follows:

<u>Location</u>	<u>Council District</u>	<u>Key Map</u>
1. Highway 290 Inbound Feeder Road	A	410-X
2. Long Point	A	450-V
3. Hollister	A	410-Z
4. East Little York	B	415-T
5. Mesa Road	I	455-U
6. West Orem	D	572-J
7. Beechnut	C	531-R

CONTRACT COMPLETION AND COST: The Contractor, RWL Construction, Inc. has completed the Work under subject Contract. The project was completed within Contract Time with 58 additional days allowed by previously approved Change Order No. 3. The final cost of the project, including previously approved Change Order 1, 2, and 3 and overrun and underrun of estimated bid quantities is \$2,763,673.61, a decrease of \$187,732.39 or 6.36% under the original Contract Amount.

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

REQUIRED AUTHORIZATION**CUIC ID# 20MZQ108****Finance Department:****Other Authorization:**Jun Chang, P.E. Deputy Director
Public Utilities Division**Other Authorization:**Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

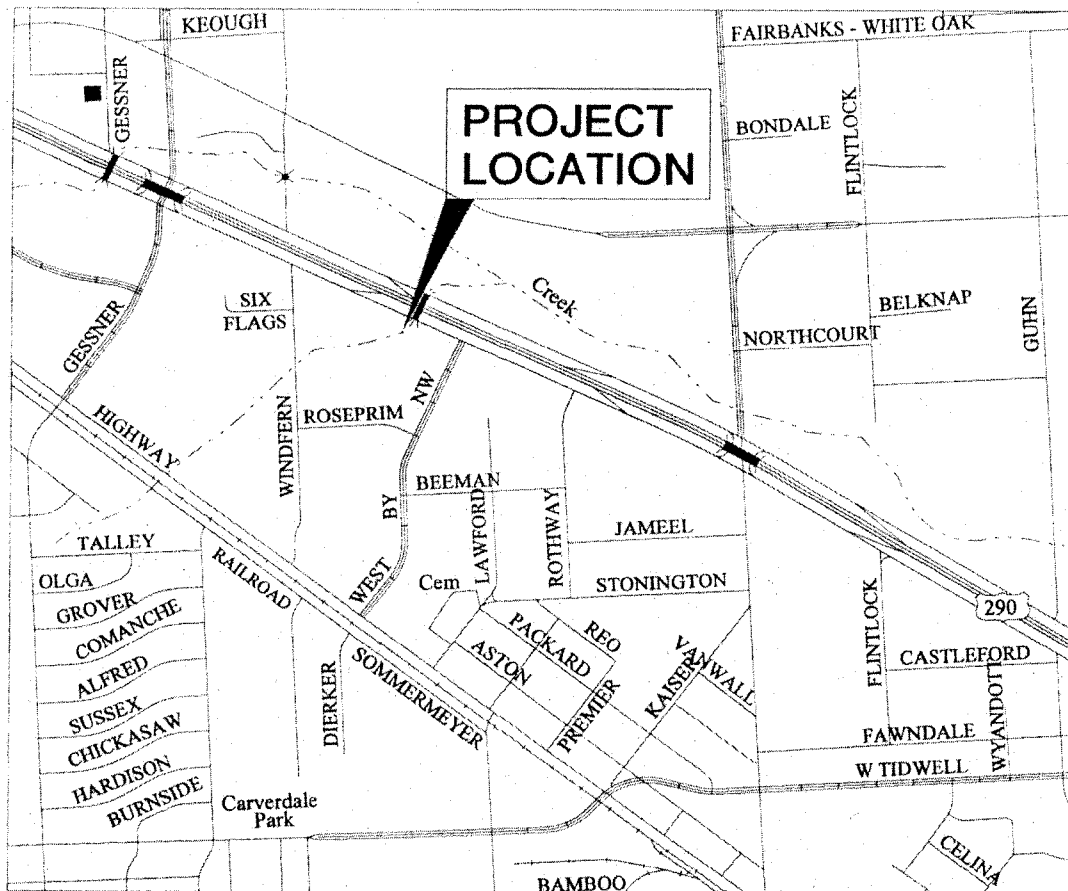
ND1

Date	SUBJECT: Accept Work for Water Line Replacement in Woodview Area. WBS No. S-000035-00F7-4.	Originator's Initials	Page 2 of 2
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M/WBE PARTICIPATION: The M/WBE goal for this project was 10.03%. According to Affirmative Action and Contract Compliance, the actual participation was 9.66%. The Contractor achieved an "Satisfactory" rating for M/WBE compliance.

MSM:DRM:JTL:JAK:JC:mq
 E&C Construction\South Sector\PROJECT FOLDER\S-000035-00F7-4\WL Replacement Woodview Area\Closeout\RCA\RCA-rev.DOC

:: Velma Laws File No. S-000035-00F7-4 – 21.0

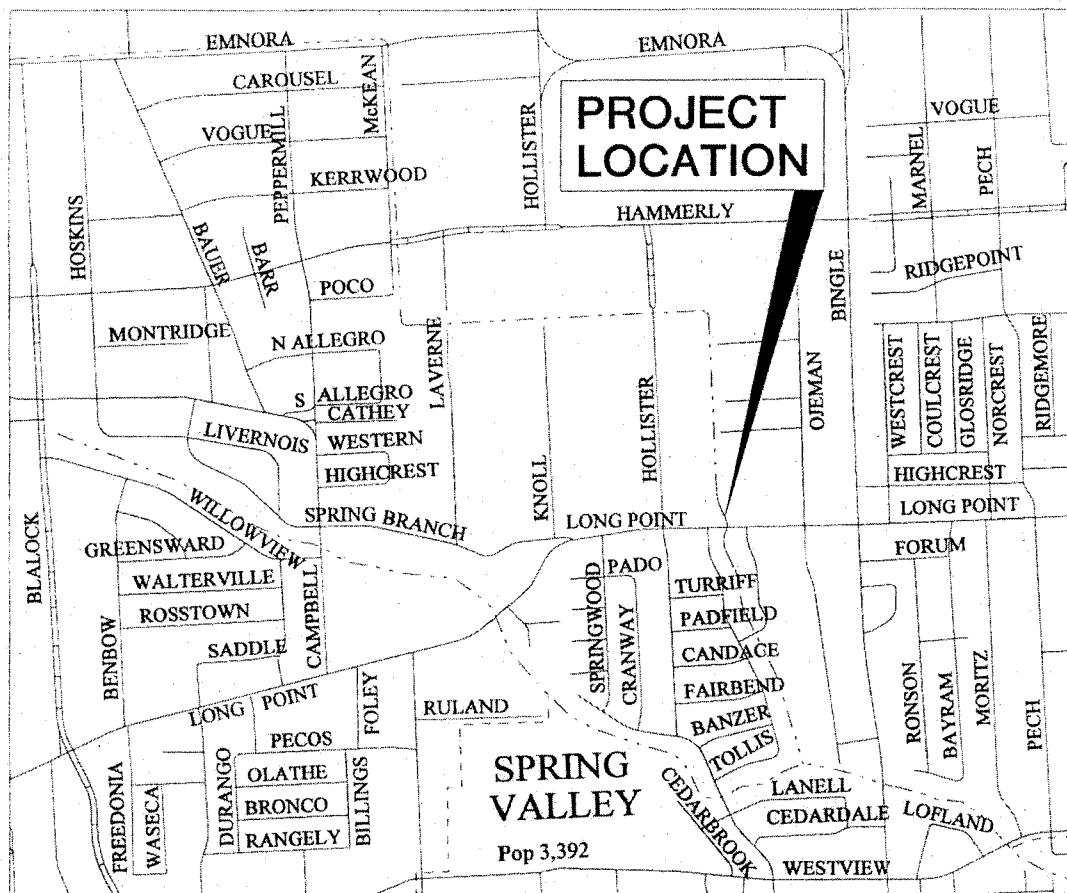


VICINITY MAP - LOCATION A

KEY MAP NO. 410X

GIMS MAP NO. 4961B

council District: A

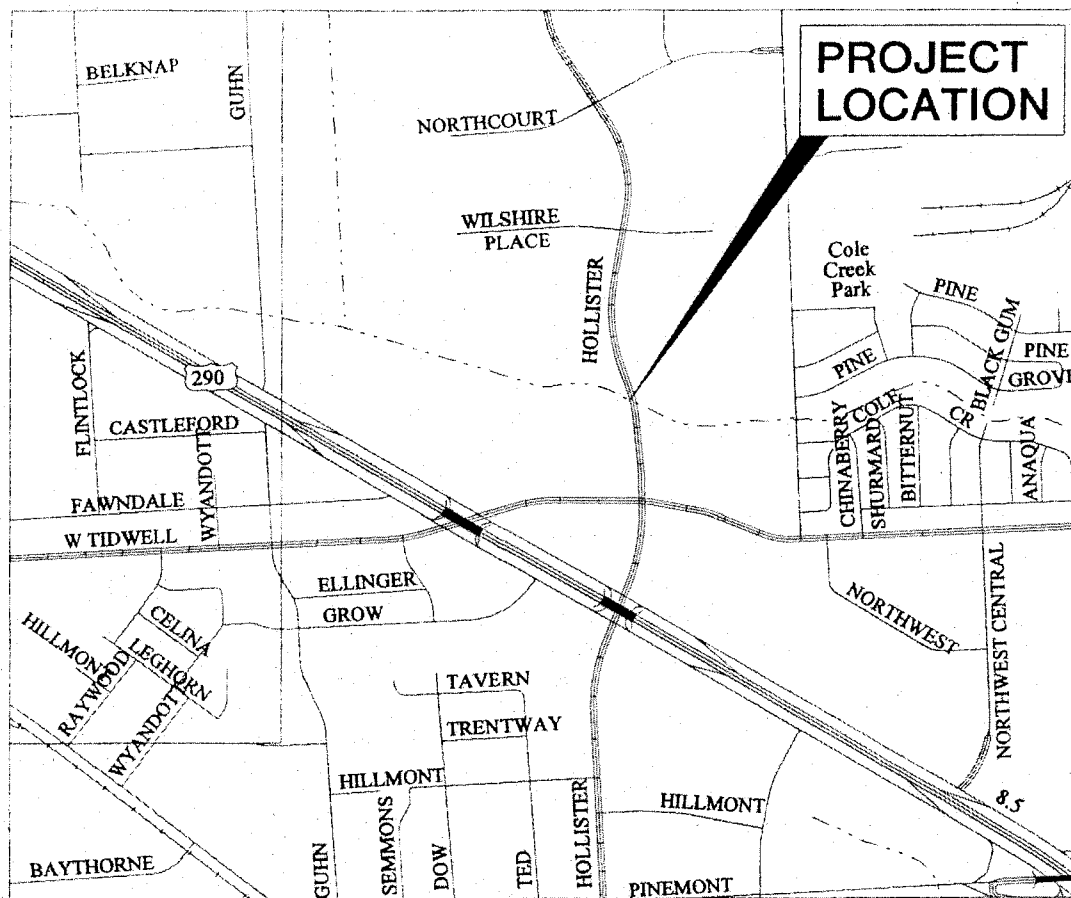


VICINITY MAP - LOCATION B

KEY MAP NO. 450V

GIMS MAP NO. 5059D

Council District: A

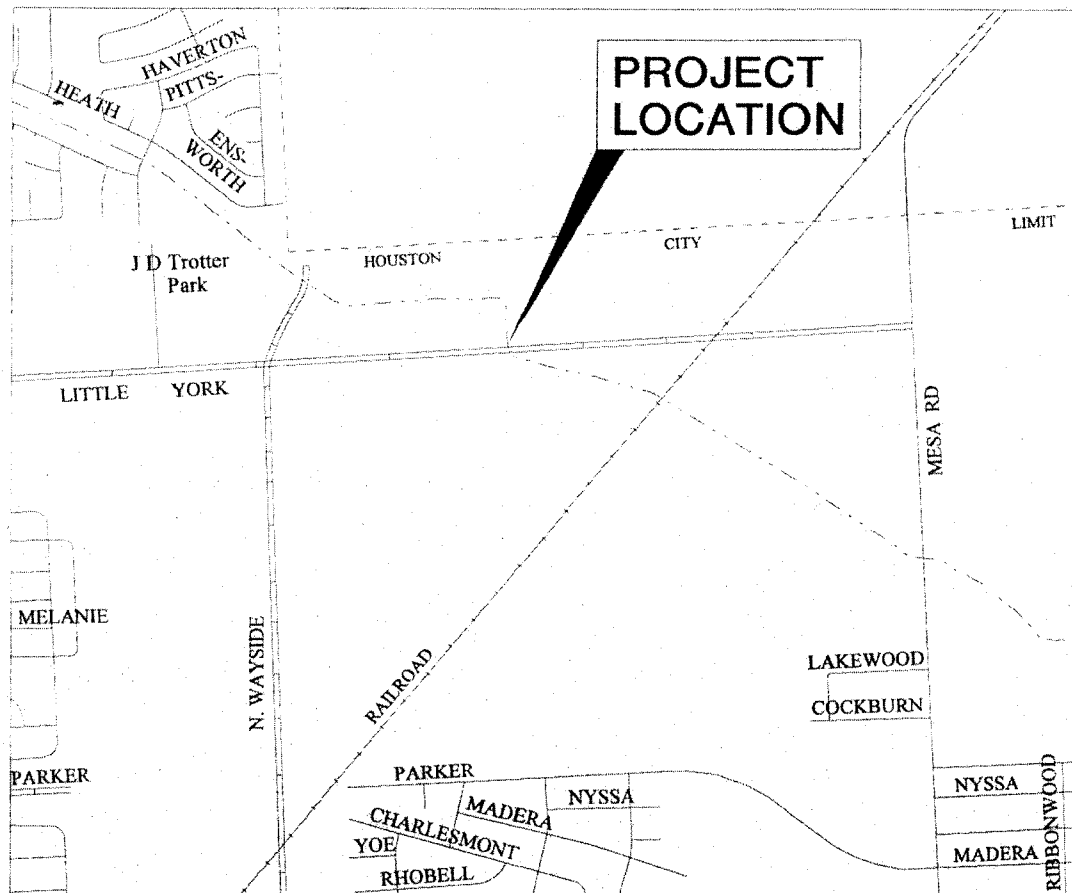


VICINITY MAP - LOCATION C

KEY MAP NO. 410Z

GIMS MAP NO. 5061D

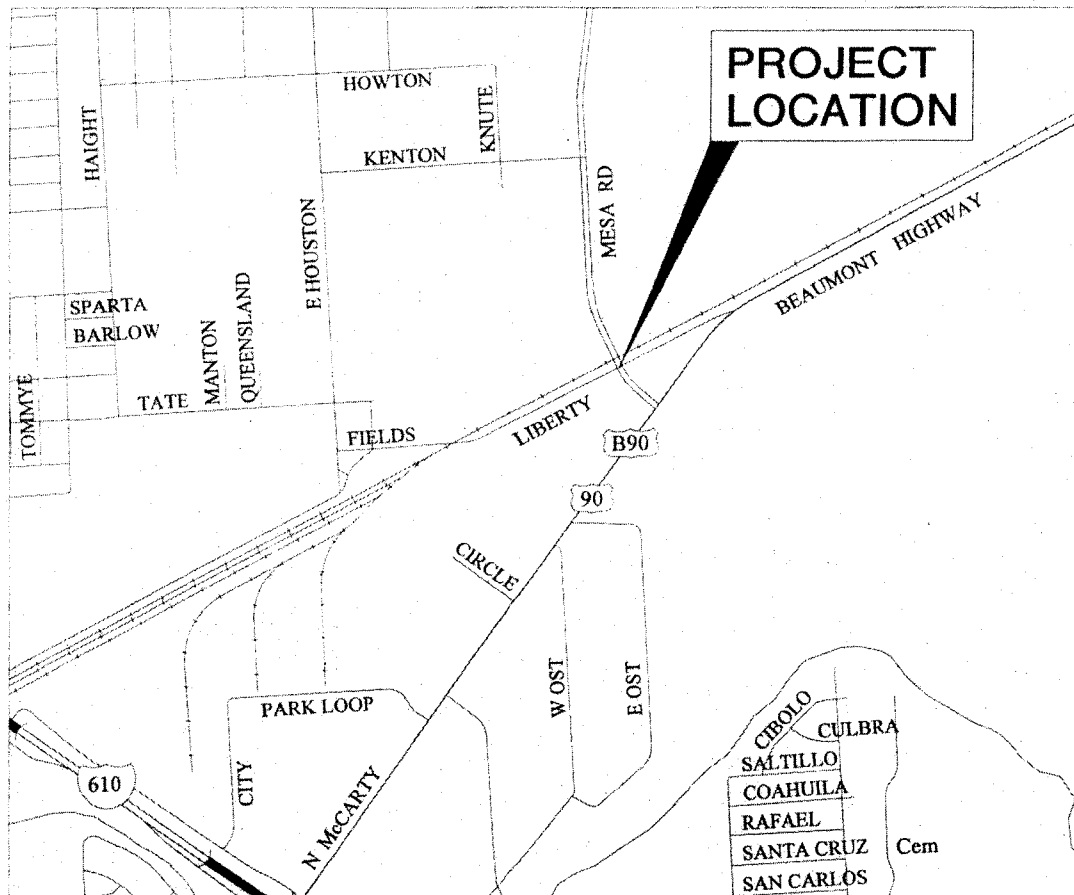
Council District: A



VICINITY MAP - LOCATION D

KEY MAP NO. 415T
GIMS MAP NO. 5662C

Council District: B

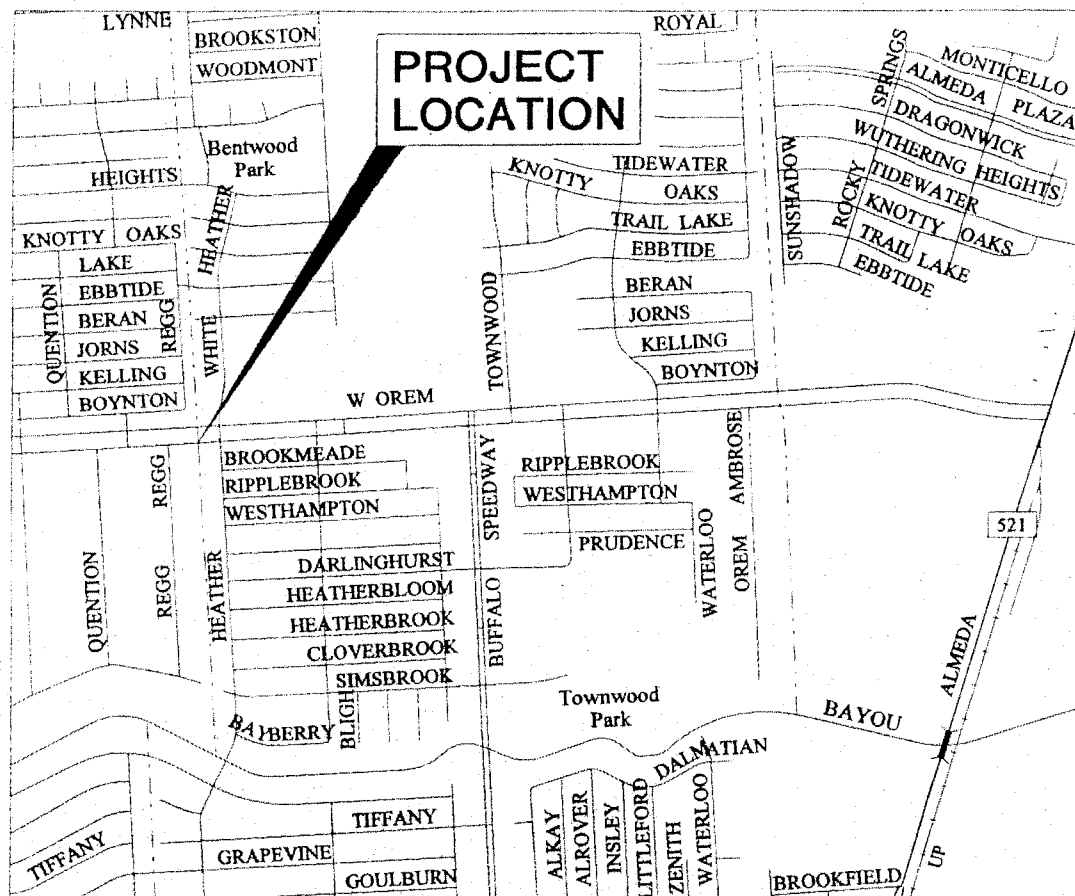


VICINITY MAP - LOCATION E

KEY MAP NO. 455U

GIMS MAP NO. 5659B

Council District: I

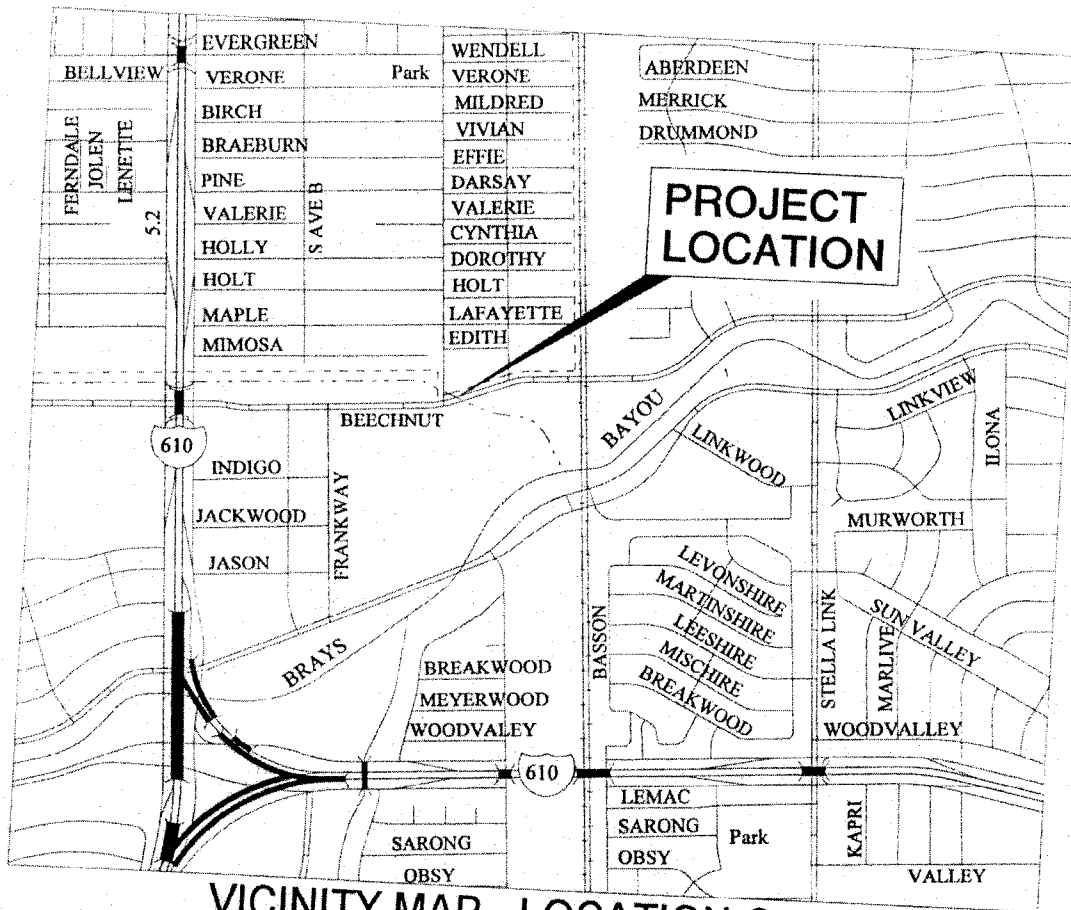


VICINITY MAP - LOCATION F

KEY MAP NO. 572J

GIMS MAP NO. 5251A

Council District: D



VICINITY MAP - LOCATION G

KEY MAP NO. 531R
GIMS MAP NO. 5254A

Council District: C

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Water Line Replacement in Broad Oaks.
WBS No. S-000035-00L5-4.

Page 1 of 1

Agenda Item #

7

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

6-25-09

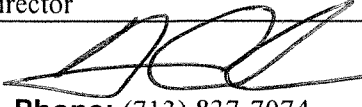
Agenda Date

JUN 30 2009

Department of Public Works and Engineering

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

G

For additional information contact:J. Timothy Lincoln, P.E.
Senior Assistant Director
Phone: (713) 837-7074**Date and Identification of prior
authorizing Council Action:**


Ord. #2007-1247 dated 11/07/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,859,203.51, which is 6.06% under the original Contract Amount, accept the Work and authorize the final payment.**Amount and Source of Funding:** No additional appropriation required.

(Original appropriation of \$2,351,900.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.**DESCRIPTION/SCOPE:** This project consisted of 2,381 linear feet of 12-inch, 16,977 linear feet of 8-inch, 2,519 linear feet of 6-inch, and 806 linear feet of 4-inch diameter water lines, valves, and appurtenances. Kuo & Associates, Inc. designed the project with 225 calendar days allowed for construction. The project was awarded to R. K. Wheaton, Inc. with an original Contract Amount of \$1,979,229.90.**LOCATION:** The project area is generally bound by Briar & Tecumesh on the north, Woodway on the south, Pine Shadows on the east and Tecumesh, Arbor Way and Chimney Rock on the west. The project is located in the Key Map Grids 491-F, G, K, & L.**CONTRACT COMPLETION AND COST:** The Contractor, R. K. Wheaton, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,859,203.51, a decrease of \$120,026.39 or 6.06% under the original Contract Amount.

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

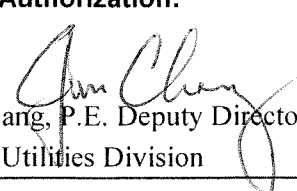
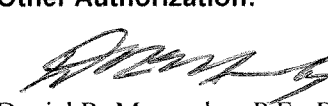
M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to Affirmative Action and Contract Compliance, the actual participation was 29.68%. The Contractor was awarded an "Outstanding" rating for M/WBE compliance.
MSM:DRM:JTL:JAK:AH:mq
Z:\E&C Construction\South Sector\PROJECT FOLDER\S-000035-00L5-4 (Broad Oaks)\21.0 Close-out Documents\RCA\RCA.DOC

c: Velma Laws

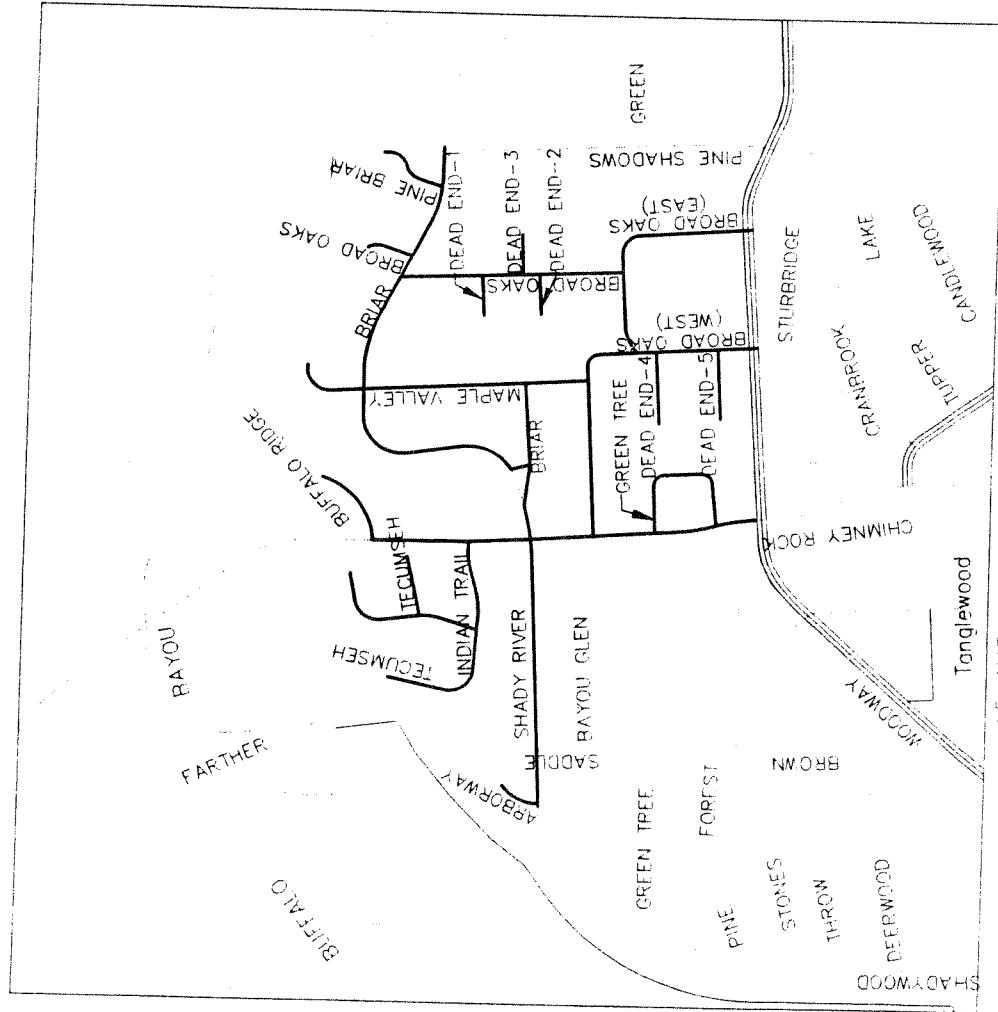
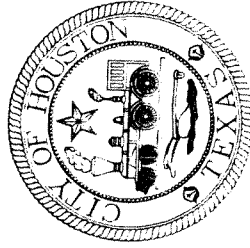
File No. S-000035-00L5-4 - 21.0

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ110

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

DEPARTMENT OF PUBLIC WORKS & ENGINEERING
ENGINEERING AND CONSTRUCTION DIVISION
WATER LINE REPLACEMENT IN BROAD OAKS
WBS NO. S-000035-00L5-4



N.T.S.

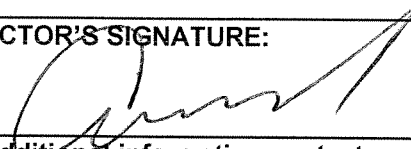
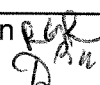

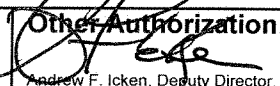
STREET NAME	FROM	TO	SIZE (inch)	LENGTH (feet)
INDIAN TRAIL	CHIMNEY ROCK	END	8	1330
TECUMSEH	INDIAN TRAIL	END	8	970
TECUMSEH-2	TECUMSEH	END	4	320
BUFFALO RIDGE	CHIMNEY ROCK	END	4	330
ARBORWAY	SHADY RIVER	END	4	250
SHADY RIVER	MAPLE VALLEY	ARBORWAY	8	2550
BRIAR	MAPLE VALLEY	SHADY RIVER	8	1250
BRIAR	PINE SHADOWS	MAPLE VALLEY	8	1600
BROAD OAKS	BROAD OAKS WEST	BRIAR	8	1300
BROAD OAKS	BRIAR	END	6	350
PINE BRIAR	BRIAR	END	6	150
MAPLE VALLEY	BRIAR	END	6	400
MAPLE VALLEY	BAYOU GLEN	BRIAR	8	1300
DEAD END-1	BROAD OAKS	END	6	350
DEAD END-2	BROAD OAKS	END	6	350
DEAD END-3	BROAD OAKS	END	4	480
DEAD END-4	BROAD OAKS WEST	END	6	380
DEAD END-5	BROAD OAKS WEST	END	6	380
BROAD OAKS WEST	WOODWAY	BROAD OAKS	8	1700
BROAD OAKS EAST	WOODWAY	BROAD OAKS	8	900
GREEN TREE	CHIMNEY ROCK	CHIMNEY ROCK	8	1350
CHIMNEY ROCK	BUFFALO RIDGE	WOODWAY	12	2750
TOTAL				20,140

EXHIBIT - 7

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

CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

WATER LINE REPLACEMENT IN BROAD OAKS
WBS NO. S-000035-00L5-4

SUBJECT: Parcels AY3-056 AY3-057 & AY3-059; <i>City of Houston v. Robert P. Archer, et al.</i> , Cause No. 932,439; Keegan's Bayou Bikeway Project (WBS No. N-000420-0025-2-01); L.D. File No. 052-0600011-031		Category #	Page 1 of 2	Agenda Item # 8
FROM (Department or other point of origin): Legal Department, Real Estate Division Arturo G. Michel, City Attorney		Origination Date 05/27/09	Agenda Date JUN 30 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: "F" M. J. Khan, P.E.; K.M.# 569C		
For additional information contact: Russell G. Richardson  Phone: 832.393.6285 (alternatively Joseph N. Quintal @ 832.393.6286)		Date and identification of prior authorizing Council action: BAO.#2006-729, psd. 06/28/06		
RECOMMENDATION: (Summary) That the City Attorney be authorized, by Motion, to acquire the needed property by Deed for the total consideration of \$156,000.00 and pay the City's costs of Court associated with the eminent domain case. Funding will be provided by a previously approved blanket Appropriation Ordinance.				
Amount of Funding: \$162,247.00; No additional funding required (covered under blanket Appropriation Ordinance No. 2006-729, psd. 06/28/06; WBS# N-00420B-00RE-2)		FIN Budget:		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund Street and Bridge Consolidated Construction Fund 437; SAP Fund No. 4506 <input type="checkbox"/> Other (Specify) Blanket Appropriation Ordinance No. 2006-729, psd. 06/28/06				
SPECIFIC EXPLANATION: The Keegans' Bayou Bikeway Project will provide a safer route of travel for bicyclist and/or hikers away from street traffic. Various trails will encourage an alternative method of commuting within the City. This particular eminent domain proceeding involves the acquisition of permanent easements containing 8,817 square feet of land located on the north side of Keegans' Bayou near US Highway 59 and Emerald Lane, along the boundary line of property owned by Robert P. Archer and James E. Archer and part of the Archer Motor Company Collision Repair facility. The City's final offer of \$56,492.00 was rejected by the landowner's legal representative as being below market value for the property interest being acquired, but no counter-offer was submitted. Efforts by Public Works & Engineering, Real Estate Division to negotiate the purchase of the parcel failed and the matter was referred to the Legal Department to initiate condemnation proceedings. The Legal Department initiated eminent domain proceedings against the property, cited the landowners as parties to the lawsuit and retained the same appraiser to value the property and testify at the Special Commissioners' Hearing. The landowners are represented by the law firm of Vinson & Elkins, L.L.P. The landowners and their attorney appeared at the Special Commissioners' Hearing, without an appraiser, and proceeded to present testimony regarding the loss and recapture of nineteen (19) parking spaces, land values and prescriptive land rights. The Archers are claiming ownership rights to and requesting compensation for an additional 10,367 square feet of land adversely possessed, but never legally adjudicated. This disputed area is used for parking and is partially fenced. The City's petition in condemnation describes and condemns 8,817 s.f of land. CUIC # 90AH219				
REQUIRED AUTHORIZATION				
FIN Director:  Michael S. Marcotte, P.E., D. WRE, BCEE, Director		Other Authorization:  Andrew F. Icken, Deputy Director, Planning and Development Services Division		

Date 05/27/09	Subject: Parcels AY3-056, AY3-057 & AY3-059; <i>City of Houston v. Robert P. Archer, et al</i> ; Keegans' Bayou Bikeway Project (WBS No. N-000420-0025-2); L.D. File No. 052-0600011-031	Originator's Initials RGR	Page 2 of 2
<p><u>Landowners:</u> Robert P. Archer and James E. Archer</p> <p><u>Project:</u> Keegans' Bayou Bikeway Project</p> <p><u>Property:</u> 8,817 s.f. of permanent easements; being Parcel AY3-056 (1,838 s.f.); Parcel AY3-057 (2,078 s.f.) and Parcel AY3-059 (4,901 s.f.).</p> <p><u>City's Testimony Before the Special Commissioners:</u> \$74,467.00 (i.e. \$11.00 psf for 3,916 sf; \$11.00 psf x 10% for 4,901 sf of land encumbered by a flood control easement; \$17,000.00 for the improvements located thereon and \$9,000 as damage to the remainder in the form of costs to cure).</p> <p><u>Landowner's Testimony Before the Special Commissioners:</u> \$254,376.32 (i.e. \$183,815.93 or \$81,817.93 for the property interest being acquired; \$2,394.00 for the improvements thereon which consist of 276 lf of fencing and \$99,604.00 as damages to the remainder in the form of costs to cure and \$70,560.39 for the 10,367 s.f of land being adversely possessed.)</p> <p><u>Award of Special Commissioners:</u> \$142,000.00. The landowners' attorney filed objections to the award of special commissioners and the matter has been placed on the Court's trial docket.</p> <p>During the course of post hearing discussion, the parties were able to reconcile their respective differences and arrive at a proposed settlement of all issues and matter in controversy in this matter, subject to City Council's approval. The proposed settlement requires the City to pay the total the total sum of \$156,000.00 for the property interest being acquired in this matter and to acquire the needed property interest by Deed rather than proceeding with the eminent domain litigation. The City will dismiss the eminent domain proceeding upon consummation of the purchase process.</p> <p>The "Costs of Court" are as follows, to wit: \$172.00 Filing fee; \$75.00 Service of process fee; \$1,500.00 Special Commissioners' fees (i.e. \$500.00 x 3); \$4,500.00 Appraiser's fee; Total: \$6,247.00. These "costs of court" account for the monetary difference between the settlement amount and the total amount of funds being requested herein.</p> <p>We recommend that the City Attorney be authorized, by Motion, to acquire the needed property by Deed for the total consideration of \$156,000.00 and pay the City's costs of Court associated with this eminent domain case. Funding will be provided by a previously approved blanket Appropriation Ordinance.</p>			
CUIC# 90AH219			

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EMERALD DRIVE
 (40' PRIVATE ROAD EASEMENT)
 FND. 1/2" IRON ROD

COMMENCING
 POINT AY3-058
 X = 3092409.89
 Y = 679258.13
 FROM WHICH BEARS
 CITY OF HOUSTON
 MON. NO. 4953-0402
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 Y = 679835.14
 N 79°22'36" W - 3141.17'

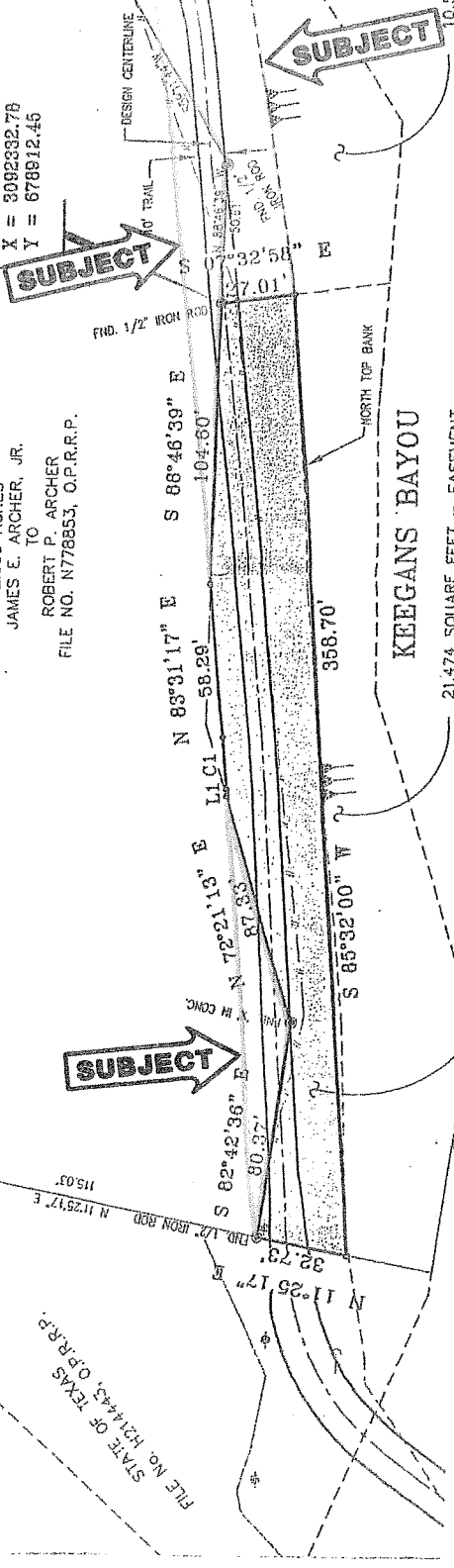
CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	02°19'24"	485.00'	19.67'

LINE TABLE		
LINE	LENGTH	BEARING
L1	2.58	N85°50'41"E

BROOKLYN
 DAN L.
 FILE NO.

2.960 ACRES
 JAMES E. ARCHER, JR.
 TO
 ROBERT P. ARCHER
 FILE NO. N778853, O.P.R.R.P.

BEGINNING
 POINT AY3-058
 X = 3092332.78
 Y = 678812.45



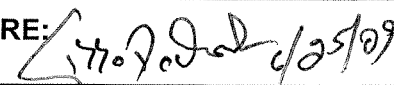

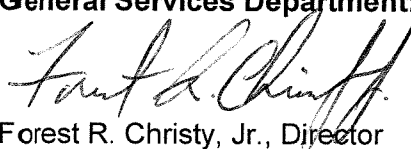
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 MILFORD E. BEKKELUND, I

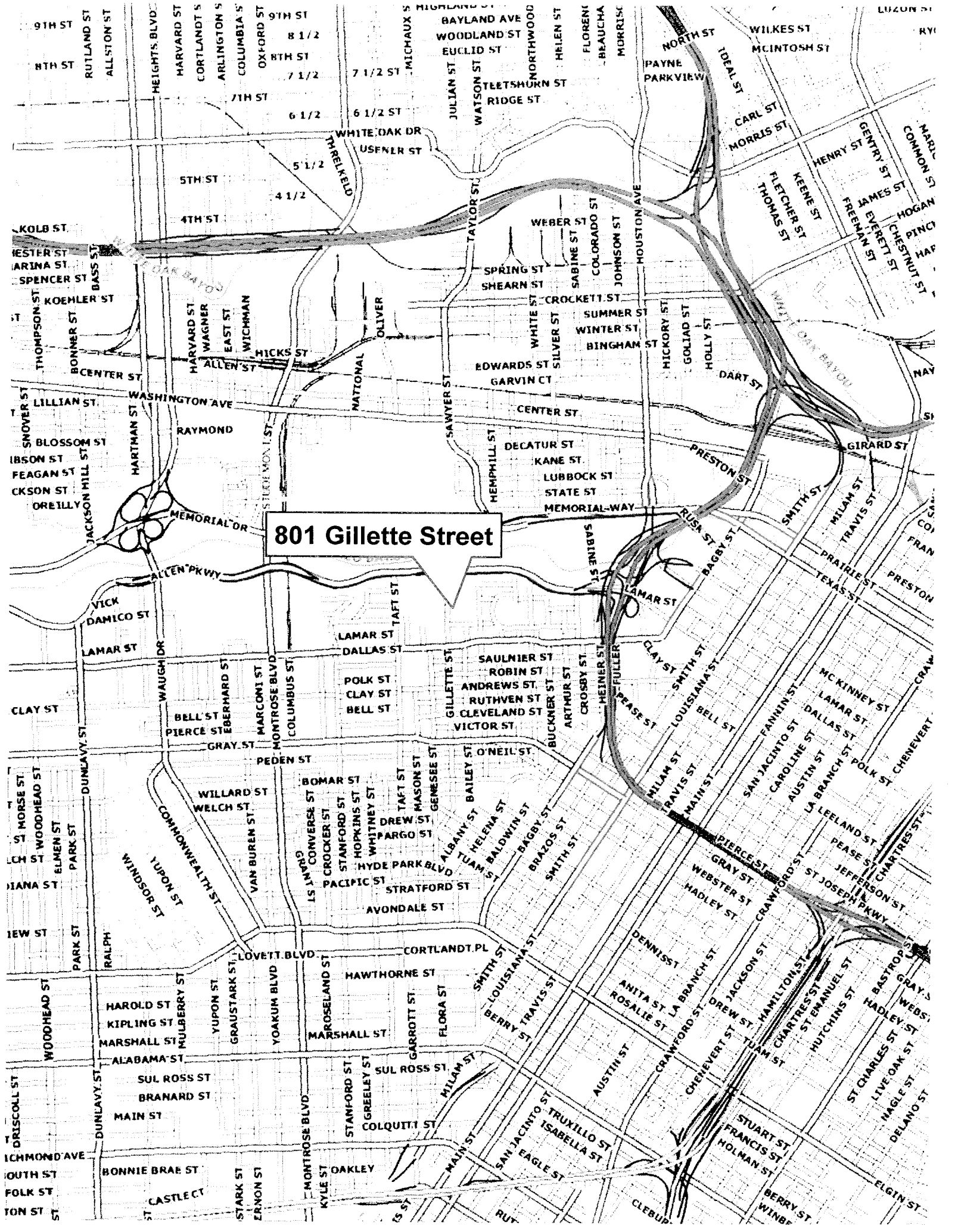
21,474 SQUARE FEET - EASEMENT
 KEEGAN'S BAYOU

STATE OF TEXAS
 FILE NO. H214443, O.P.R.R.P.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appointment of two independent appraisers and an alternate appraiser in connection with the sale of approximately 10.5 acres of land located at 801 Gillette Street (Parcel SY7-077).		Page 1 of 1	Agenda Item 9
FROM (Department or other point of origin): General Services Department		Origination Date 6-25-09	Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 		Council District affected: I	
For additional information contact: Jacquelyn L. Nisby  Phone: (832) 393-8023		Date and identification of prior authorizing Council action: Ordinance No. 2008-0664; 07/23/08	
RECOMMENDATION: Approve a motion to appoint two independent appraisers and an alternate appraiser to determine the fair market value in connection with the sale of approximately 10.5 acres of land located at 801 Gillette Street (Parcel SY7-077).			
Amount and Source Of Funding: N/A		Finance Budget:	
SPECIFIC EXPLANATION: On July 23, 2008, Ordinance No. 2008-0664, City Council amended Article VI, of Chapter 2 of the Code of Ordinances, entitled <i>City Property</i> , to provide that the City must obtain two independent appraisals to determine fair market value when the City intends to sell or lease real property with an estimated value over \$1 million. The General Services Department recommends that City Council approve the appointment of two independent appraisers and an alternate appraiser as listed below to determine the fair market value in connection with the sale of approximately 10.5 acres of land located at 801 Gillette Street: <ul style="list-style-type: none">• Gerald A. Teel - The Gerald A. Teel Company, Inc.• Stephen DuPlantis – CB Richard Ellis, Inc.• David Lewis – Lewis Realty Advisors (Alternate)			
IZD:BC:JLN:WW:ddc xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby			
REQUIRED AUTHORIZATION CUIC ID# 25 WW 03			
General Services Department:  Forest R. Christy, Jr., Director Real Estate Division			



801 Gillette Street

SUBJECT: Abandonment and sale of a portion of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, all located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877. **Parcels SY9-084 and DY9-044**

Page
1 of 1

Agenda Item #

10

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

6-25-09

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:



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

Council District affected: D

Key Map 572L

20

For additional information contact:

Nancy P. Collins Phone: (713) 837-0881
Senior Assistant Director-Real Estate



Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of a portion of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, all located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877. **Parcels SY9-084 and DY9-044**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Francisco Torres, Interplan Architects, Inc., 19855 Greenwind Chase, Houston, Texas, 77094, on behalf of Zaki Niazi requested the abandonment and sale of a portion of a 16-foot-wide utility easement and the attendant aerial easement, located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877. Zaki Niazi plans to replat the two tracts of land into one reserve for retail development.

This is Part One of a two-step process in which the applicant will first receive a City Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an Ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request, subject to the conveyance to the City of a 16-foot-wide sanitary sewer easement. Therefore, it is recommended:

1. The City abandon and sell a portion of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, all located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;
4. The applicant be required to cut, plug, and abandon the 6-inch sanitary sewer line in the utility easement from the manhole (AS014003) of the 8-inch sanitary sewer line in the utility easement south to its terminus and pay the depreciated value fee. Any existing service connections must be relocated to the existing 8-inch sanitary sewer line in the utility easement. All of the foregoing items must be completed at no cost to the City and under the proper permits;
5. The Legal Department be authorized to prepare the necessary transaction documents; and,
6. Inasmuch as the value of the property interests is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:dob

c: Phil Boriskie
Arturo G. Michel

Jun Chang, P.E.
Marty Stein

Marlene Gafrick

s:\dob\sy9-084.rc1.doc

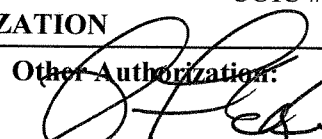
CUIC #20DOB9074

REQUIRED AUTHORIZATION

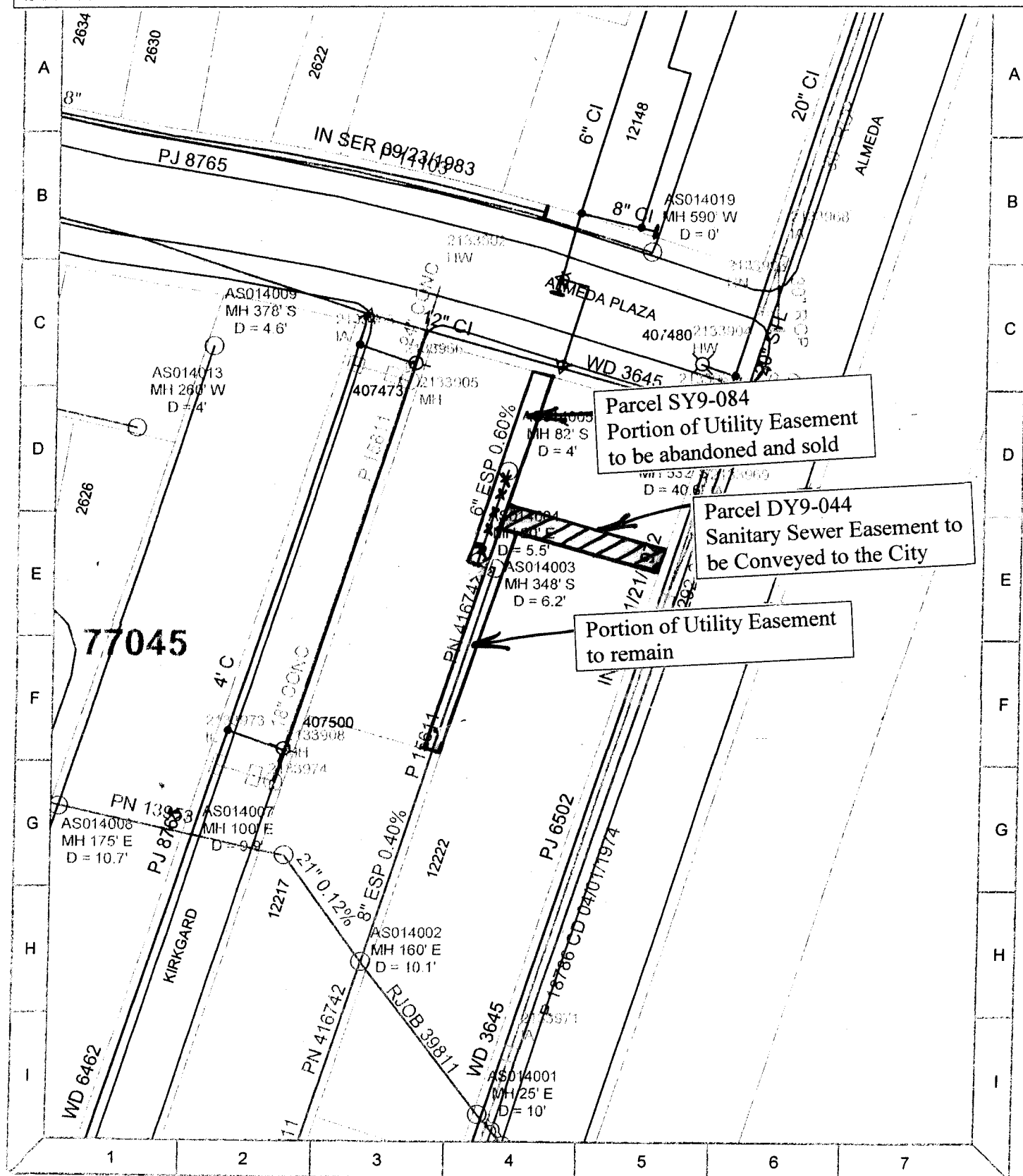
Finance Department:

Other Authorization:

Other Authorization:


Andrew F. Icken, Deputy Director
Planning and Development Services Division

Abandonment and sale of a portion of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for the conveyance to the City of a 16-foot-wide sanitary sewer easement, all located in Reserve B2 and Tract 8 of Block 2, within the Alameda Square Replat, out of the James Hamilton Survey, A-877. **Parcels SY9-084 and DY9-044**



1 inch equals 100 feet
 0 10 20 30 40
 Feet



CITY OF HOUSTON
Department of Public Works & Engineering
 Geographic Information & Management System (GIMS)
DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY. THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS. FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8348

Subject: Amend CM 2009-0035, Passed January 28, 2009 for a Change Order for Installation of Three Art Canopies for the General Services Department
S30-C23010

Category #
4

Page 1 of 1

Agenda Item

11-11A

FROM (Department or other point of origin):

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

Origination Date

June 02, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE

MS Calvin D. Wells

Council District(s) affected

1

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

CM 2009-0035, Passed 01/28/09

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$16,112.50 out of the Public Library Consolidated Construction Fund (Fund 4507) and amend Council Motion No. 2009-0035, passed on January 28, 2009, for a Change Order in an amount not to exceed \$20,150.00 for installation of three art canopies at the Jesse H. Jones Library for the General Services Department.

Change Order Amount: \$20,150.00

Finance Budget

[Signature]

\$16,112.50 Public Library Consolidated Construction Fund (4507) WBS - E-000185-0004-01-01

\$ 4,037.50 Public Library Consolidated Construction Fund (4507) - (Appr. Ord. No. 09-0046, 01/28/09)

\$20,150.00 Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$16,112.50 out of the Public Library Consolidated Construction Fund (Fund 4507). It is further recommended that City Council amend Council Motion No. 2009-0035, passed January 28, 2009 for a Change Order for installation of three art canopies at the Jesse H. Jones Library for the General Services Department and that authorization be given to issue a purchase order to the contractor, Specialty Construction in an amount not to exceed \$20,150.00.

Council Motion No. 2009-0035 approved an award to Specialty Construction for the installation of three art canopies in the total amount of \$84,787.50. Under the original scope of work, the contractor was required to furnish and install three art canopies at the Jesse H. Jones Library. This change order is to enhance the structural integrity of the art canopies. The art canopies were initially designed as one of five components of an art project for the plaza in conjunction with the renovation of the Library. The City's Code Enforcement Division suggested structural design changes to increase the strength of the canopies with additional steel framing and bracing. As a result, the amount of steel required increased, which caused a monetary increase for material and labor to complete the project.

Buyer: Arturo Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

11-1A

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 8389****Subject:** Approve a Council Motion Authorizing a Fourth Amendment to Council Motion No. 2006-0037 for a Vehicle Locator System for Various Departments
TC-0-09900-029-12916-A4Category #
4

Page 1 of 1

Agenda Item

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

June 26, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE**For additional information contact:**David Guernsey Phone: (713) 238-5241
Douglas Moore Phone: (832) 393-8724**Council District(s) affected**
All**Date and Identification of prior authorizing Council Action:**

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

RECOMMENDATION: (Summary)

Approve a Council Motion authorizing a fourth amendment to Council Motion 2006-0037 between the City of Houston and Teletrac, Inc. to extend the term from June 30, 2009 to September 30, 2009 for a vehicle locator system for various departments.

No Additional Funding Required

Finance Budget**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve a council motion authorizing a fourth amendment to Council Motion No. 2006-0037 between the City of Houston and Teletrac, Inc. to extend the term of the agreement from June 30, 2009 to September 30, 2009 for a vehicle locator system for various departments.

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

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

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

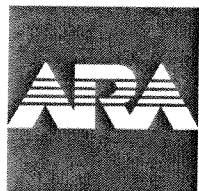
Buyer: Conley Jackson

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:



Administration &
Regulatory Affairs

Memorandum

To: Marty Stein
Agenda Director
Calvin D. Wells, Deputy Director

From: City Purchasing Agent
Strategic Purchasing Division

Date: June 26, 2009

Subject: No Tag Memo

RE: ***RCA No. 8389 for Approval of a Amendment to Council
Motion No. 2006-0037 for Vehicle Locator System for
Various Departments***

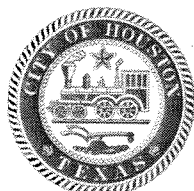
The Strategic Purchasing Division (SPD) has been reviewing and analyzing all active agreements more closely prior to agreement renewals to identify any potential cost savings to ensure that the City will receive the best overall pricing available upon award of the new agreement. Additionally, this Vehicle Locator System agreement with Teletrac, Inc. has taken longer than usual to process due to the complexity of the technology, and changes in the market condition which required industry updates and more specifics as it related to the scope of services as published. Furthermore, SPD conducted a thorough market analysis to determine if there were more competitors in the market to generate competition which should result into a better overall price for the system, as the current agreement was established as a sole source in December 2000. Lastly, due to the current agreement being a sole source, SPD and the respective user-department subject matter experts did not anticipate that this RFP solicitation would attract **fifteen respondents** to submit proposals. Subsequently, it took the evaluation team longer than expected to evaluate each proposal and make a final determination of the best overall value to the City.

Therefore, with this ninety-day extension to the current agreement, it is anticipated that the evaluation team should have their evaluations/demonstrations completed within the next couple of weeks with a recommendation to develop an agreement to the Legal Department by the end of July 2009. SPD anticipates presenting this new contract to City Council for award in early September 2009.

The ninety day extension is critical to ensure that the required services continue; furthermore, **no additional funding is required**. It is for the aforementioned reasons that we respectfully request that Council does not tag this amendment.

If you should require additional information regarding this request, please contact Douglas Moore at 832-393-8724.

Calvin D. Wells, Deputy Director
City Purchasing Agent



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending the Houston Sign Code (Chapter 46 of the Houston Construction Code) to establish new standards for on-premise signs; ground signs (shorter, smaller signs, plus new neighborhood standards), changeable message signs, wall signs, window signs, and roof signs.

Page
1 of 2

Agenda Item
#

14

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

6-25-09

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

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

Council District affected:

For additional information contact:

Andrew F. Icken

Phone: (713) 837-0510

Deputy Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Adopt an ordinance revising the on-premise sign code, Chapter 46 of the Houston Building Code (the Houston Sign Code). The revisions will include new standards for all major categories of on-premise signs.

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION: In June 2008, the Administration established an On-Premise Sign Task Force to make recommendations and improvements to the City of Houston's Sign Code. The task force membership included representatives of developers, small and large businesses, restaurants, realtors, apartments, scenic organizations, quality of life organizations, and city staff. Since its inception, the task force has recommended banning attention getting devices (approved by City Council in Nov. 2008) and made changes to allow for directional signage for large campuses of higher education (adopted by City Council in Dec. 2008).

The task force recommends that current ground signs be reduced in height and size. Ground signs along major thoroughfares will be reduced 25% in height and size and ground signs along freeways will be reduced 20% in total size. In addition, a new category of "neighborhood" signs will be established for local streets that is 45% smaller in height and size than current standards for "scenic districts". These "neighborhood" streets make up 70% of the city.

The task force also recommends limiting the size of wall signs to 25% or 1,000 sq. feet (whichever is less), prohibiting roof signs, and requiring signs in windows be limited to no more than 20 percent of the storefront and requiring a permit for any interior sign larger than 6 square feet that is meant to be seen from the right of way.

The task force recommends the following standards be set for electronic changeable message signs:

- Businesses will be allowed only one changeable message sign
- No changeable message signs will be allowed on "neighborhood" streets or within 150 feet of the property line of a single family home on a collector street
- The changeable message will be limited to 50 percent of the size of the sign or 100 sq. feet, whichever is less
- Brightness standards will be adopted to cover all new and existing changeable message signs (and all digital/LED signs).
- When replacing an existing sign with a changeable message sign, the entire replaced sign will be brought into conformance with the current code height and size standards

REQUIRED AUTHORIZATION

CUIC 20AFI43

Finance Department:

Other Authorization:

Other Authorization:

Andrew F. Icken, Deputy Director
Planning & Development Division, PWE

Subject: Ordinance amending the Houston Sign Code (Chapter 46 of the Houston Construction Code) to establish new standards for on-premise signs; ground signs, changeable message signs, wall signs, window signs and roof signs

**Originator's
Initials:**

**Page
2 of 2**

In addition, the ordinance provides that the City will undertake a study of the impact of changeable message signs on the community and complete it within three years of passage. The purpose of the study is to collect data and statistical information regarding the number, type, use, business impact, impact on adjacent properties, and impact of the City's regulation on such signs, and any other criteria or information deemed appropriate by the Director.

Provisions of the proposed Sign Code changes will go into effect on September 1, 2009.

The proposed ordinance has the support of many stakeholder groups, including Scenic Houston, Quality of Life Coalition, Houston Building Owners and Managers Association (BOMA), Houston Apartment Association (HAA), Houston Real Estate Council (HREC) and the Institute of Real Estate Management (IREM).

The Council Quality of Life Committee reviewed the proposed Sign Code amendments on June 11, 2009.

Attachments

Proposed Standards for Ground Signs

Category A: Scenic districts and historical rights of way (currently includes local streets, proposed scenic districts only)

"New" Category D: Local (neighborhood) streets, 45% smaller than scenic district standards, 70% of streets in Houston are local streets

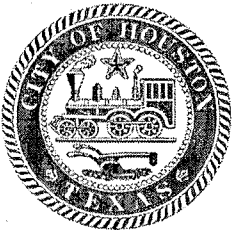
Sign Type	Category A (Scenic/Hist.) Current Ht./Sq.Ft	Category A (Scenic/Hist.) Proposed Ht./Sq.Ft	Category D (Local Sts.) Proposed Ht./Sq.Ft
One Business	14/100	14/100	8/60
Multi-tenant 2-3 Businesses	19/200	19/200	10/120
Multi-tenant 4 or more businesses	24/300	24/300	12/180
% of City Streets	79%	9%	70%

Proposed Standards for Ground Signs

Category B: Major thoroughfares (inclusive of collector streets); **Proposed standard is 25% smaller than current standard**

Category C: Freeways: **Proposed standard is 20% smaller than current standard**

Sign Type	Category B (Major Thor. and Collectors) Current Ht./Sq.Ft	Category B (Major Thor & Collectors) Proposed Ht./Sq.Ft	Cat. C (Freeways) Current Ht./Sq.Ft.	Cat. C (Freeways) Proposed Ht./Sq.Ft
One Business	24/200	20/150	42.5/300	42.5/225
Multi-tenant 2-3 Businesses	30/400	26/300	42.5/525	42.5/450
Multi-tenant 4 or more businesses	36/600	31/450	42.5/750	42.5/600
% of City Streets	20%	20%	10%	10%



CITY OF HOUSTON

Public Works & Engineering

Interoffice

Correspondence

To: Marty Stein

From: Deputy Director
Planning & Development Services Division

Date: June 19, 2009

Subject: On-Premise sign ordinance

In June 2008, the Administration established an On-Premise Sign Task Force to make recommendations and improvements to the City of Houston's Sign Code. The task force membership included representatives of developers, small and large businesses, restaurants, realtors, apartments, scenic organizations, quality of life organizations and city staff. Since its inception, the task force has recommended banning attention getting devices (approved by City Council in November 2008) and made changes to allow for directional signage for large campuses of higher education (adopted by City Council December 2008).

The Task Force developed and PWE recommended several changes to the Quality of Life Committee on June 11, 2009. Letters of support for their recommendations have been received from Scenic Houston, Quality of Life Coalition, Building Owners Management Association, Institute of Real Estate Management, Houston Real Estate Council, and Houston Apartment Association.

During the Quality of Life Committee meeting, several issues were raised that require some discussion and comment.

- Amortization of signs – the Task Force looked extensively at ways and means to have these proposed revisions also apply to the existing 66,000 On-Premise signs. Unilaterally applying it today would cost the community \$100 to 300 million (estimates vary widely). The task force did not recommend this step. Several speakers at the committee urged the Administration to consider an amortization of existing signs. We have not included that recommendation in this proposal, however, Committee Chair Lovell agreed to consider this, in the future, if a cost effective way of achieving this can be established and it is supported by Scenic Groups and Business Organizations.
- Variance process – The Sign Association voiced a view requesting a defined variance process that is additional to the existing process. Currently, the Sign Code allows businesses to appeal decisions of the Sign Administrator to the General Appeals Board, and ultimately to City Council. The Task Force does not recommend this step, largely because we believe the current Sign Code provides a clear and consistent set of rules that apply to all. The legal department has also consulted experts in the industry and similarly do not recommend a "sub" variance process.

- Schools or Churches exemption – This proposed ordinance bans changeable message signs on all city local streets (70% of total streets) and within 150' of a single family residence on a collector street. There was a request to exempt Schools and Churches from this requirement (there was also a request to allow these facilities to change the message every 8 seconds rather than the currently defined “every 5 minutes”). The Task Force has considered and does not recommend this exemption for Schools and Churches. The Task Force believes this rule should apply to all business and institutions so that the goal of minimizing clutter, protecting neighborhoods, ensuring drivers pay attention to driving and ultimately treating all equally, makes sense.

There are other issues concerning unique rules applying to Real Estate signage, signage for apartment complexes and larger corporate campuses that were considered by the Task Force. No recommendations were made in this ordinance for these facilities; however, we expect to bring a recommendation to Council concerning these issues by the end of the year.



Andrew F. Icken

AFI:dm

Attachments

c: Council Member Lovell
Tommy Friedlander

On-Premise Sign Task Force Members

Tommy Friedlander, Chairman	RPI Management Company
Al Ross	Greater Houston Sign Association
Dave Richards	Pappas Restaurants
Bill Huntsinger	MetroNational
Larry Schenk	City of Houston Legal
Max Watson	Quality of Life Coalition
Anne Culver	Scenic Houston
Nancy Brewer	City of Houston, Public Works
Bill Goeke	Weingarten Realty
Phillip Schneidau	BMS Management
Percy Creuzot, III	Frenchy's
Carlos Garcia II	Carlos Garcia Realty
Andy Teas	Houston Apartment Association
Susan Luycx	City of Houston, Public Works



June 25, 2009

The Honorable Bill White
Members of Houston City Council
City of Houston
P.O. Box 1562
Houston, TX 77251-1562

RE: Support for ordinance strengthening the Houston Sign Code

Dear Mayor White and Members of City Council:

Scenic Houston fully endorses and supports adoption of the proposed ordinance to improve and strengthen Houston's current regulations of on-premise signage. This proposed ordinance reflects the recommendations of the On-Premise Sign Task Force, a well-balanced citizen committee made up of sign users, scenic organizations and the sign industry's trade association. The Task Force has worked diligently on behalf of the City for over a year, to produce very well thought out and necessary improvements to current sign code regulations.

Scenic Houston strongly urges Council's adoption of the ordinance, which will help ensure that Houston maintains an appealing and visually inviting environment in which to live and to do business in an economically competitive marketplace.

Very truly yours,

Jeff E. Ross
Chairman, Board of Directors
Scenic Houston

Anne Culver
Executive Director, Scenic Houston
Member, On-Premise Sign Task Force



www.qolhouston.org

June 24, 2009

The Honorable Bill White &
City Council Members
City of Houston
P.O. Box 1562
Houston, TX 77251-1562

By email & hard copy

RE: Support for proposed Sign Code Ordinance

Dear Mayor & City Council Members:

On behalf of the Quality of Life Coalition, we have reviewed the on-premise sign code changes contained in the most recent proposed Sign Code Ordinance, and we support and recommend adoption of the proposed ordinance when it is considered by council.

The Coalition, with its 85+ endorsing organizations, has long supported improving Houston's freeway corridors and streetscape through significant reduction in the height, size and number of on-premise signs allowed in the City; creation of conformity standards for existing (grandfathered) and abandoned signs to comply with current code standards; and management of the fast-growing changeable message signs. The proposed ordinance, which will be considered by city council soon, is an important first step in addressing the City's signage blight, clutter, safety and enforcement problems and helps work toward improving the City's ability to adequately compete with other cities for economic development and improved quality of life.

The Coalition also commends the work of the Mayor's On-Premise Task Force, comprised mainly of sign manufacturers and small business sign users, for their work in reviewing and making recommendations to strengthen the on-premise sections of the Houston Sign Code. The Task Force met monthly for almost a year and reviewed many aspects of the sign code - making substantive recommendations on ground, wall, roof, window, projecting, abandoned and changeable message signs. We believe that these changes represent an improvement over the current sign code regulations.

1960 Area Community Alliance
Alton Oaks Civic Club
American Institute of Architects - Houston
American Planning Association - Houston Section
American Society of Landscape Architects -
Texas Chapter, Houston Gulf Coast Section
Catholic Charities - Gulf Coast Section
Cypress Creek
Bayou Preservation Association
Bike Houston
Boulevard Oaks Civic Association
Brays Bayou Association
Buffalo Bayou ArtPark
Buffalo Bayou Partnership
Center for Houston's Future
Central Houston, Inc.
Christ Church Cathedral
Commercial Real Estate Women - Houston
Downtown Houston Historic District
Energy Corridor Management District
Emerson Environmental Group
Friends of Anahuac Refuge
GHASP
Girl Scouts - San Jacinto Girl Scout Council
Greater East End Management District
Greater Houston Partnership
Greater Houston Preservation Alliance
Greater Southeast Management District
Greenspoint Chamber of Commerce
Gulf Coast Institute
Hermann Park Conservancy
Houston Advanced Research Center (HARC)
Houston Association of Realtors
Houston Audubon Society
Houston Canoe Club
Houston Citizens Chamber of Commerce
Houston Dog Park Association
Houston Economics Club
Houston Green
Houston Inland Chamber of Commerce
Houston Museum of Natural Science
Houston Northwest Chamber of Commerce
Houston Parks Board
Houston West Chamber of Commerce
Houston Wilderness
Katy Prairie Conservancy
Keep Houston Beautiful
League of Women Voters of Houston Area
Legacy Land Trust
Main Street Coalition
Making Main Street Happen, Inc.
Memorial Park Conservancy, Inc.
Midtown Management District
Midtown Redevelopment Authority/TIRZ
George and Cynthia Mitchell Center
for Sustainable Development/HARC
Museum District Business Alliance
Neartown Association
North Houston Association
North Houston/Greenspoint Chamber of Commerce
The Park People
Real Estate Association Latinos (R.E.A.L.)
Ridgecrest Civic Club
Rotary Club of Harrisburg
Scenic Houston
Scenic Texas
Sierra Club of Houston
Southeast Texas Nursery Growers Association
Spring Branch Oaks Civic Association
Spring Creek Greenway Association
Stella Link Redevelopment Association
Tanglewood Homes Association, Inc.
Texas Economic & Demographic Association
Texas Department of Transportation
Texas Children's Hospital
The Houston Garden Club
Trees for Houston
Trust for Public Land
TreeScape
University Place Association
Upper Kirby Management District
Uptown Management District
Urban Land Institute - Houston District Council
Washington Westcott Roundabout Initiative, Inc.
West Houston Association
Westchase District
White Oak Bayou Association
Willow Waterhole Greenspace Conservancy
Woodcrest Neighborhood Civic Association
The YMCA of the Greater Houston Area



www.qolhouston.org

Since Houston is a dynamic and rapidly growing city, we also believe that continued discussion and action should take place next year and beyond to improve the Houston Sign Code in a way that provides an even playing field, increases clarity in the regulations and helps to provide the City with an appealing and visually inviting environment in an economically competitive marketplace.

When presented to council, we urge you to support passage of the proposed Sign Code ordinance. Thank you!

Ann Lents
Co-Chair

Charles McMahon
Co-Chair

Alan

Alan Atkinson

Tom Bacon

Chuck Carlberg

Bill Coats

Mack Fowler

Max Watson

Richard (Dick) Weekley

Ed Wulfe



Houston Building Owners and Managers Association
The voice for Houston's Commercial Real Estate Professionals

June 23, 2009

The Honorable Sue Lovell
Chairman, Quality of Life Committee
Houston City Council
P. O. Box 1562
Houston, Texas 77251

Dear Chairman Lovell:

Houston BOMA has reviewed the draft sign ordinance with the changes recommended by the Mayor's On Premises Sign Task Force and recommends that the version drafted June 22, 2009 be adopted as drafted. Houston BOMA, having been a stakeholder in the task force process, believes that there has been give and take by business owners in the process and can work with this ordinance going forward for the betterment of the City.

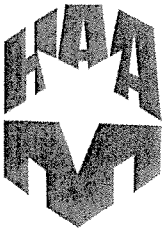
Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Carey'.

Bill Carey, CPM®
Houston Building Owners and Managers Association
Legislative Advocacy Chairperson

cc: Mayor Bill White

Tommy Friedlander, Chairman, Mayor's on -Premise Sign Task Force
Andy Icken, City of Houston Public Works Department



Houston Apartment Association

June 26, 2009

The Honorable Sue Lovell, Chair
Quality of Life Committee
Houston City Council
P O Box 1562
Houston TX 77251-1562

Dear Chairman Lovell:

I am writing on behalf of the Houston Apartment Association, a non-profit trade association representing the owners and managers of over 500,000 apartment units in the Houston area.

It has been my privilege to participate in the Mayor's On-Premises Sign Task Force over the past several months. HAA is supportive of proposed changes in the sign ordinance that will be submitted for consideration by City Council next week.

We especially appreciate the administration's promise to address the continued problem of apartment communities, medical facilities and other properties with more than one entrance on a single, long frontage. Current law allows a ground sign at only one entrance, which creates unnecessary confusion for drivers. While this needed change is not contained in the amendments being considered next week, we have been assured that it will be addressed quickly.

Sincerely,

Andy Teas
Vice President of Public Affairs

Brewer, Nancy - PWE

From: Bill Goeke [BGoeke@Weingarten.com]
Sent: Friday, June 26, 2009 11:39 AM
To: Brewer, Nancy - PWE
Cc: tfriedlander@rfminc.com
Subject: FW: IREM letter
Attachments: RE: IREM letter

IREM will not be able to get letter out today. However, via email (see attached), IREM has authorized me to communicate to the council " *The EC supports the changes and approved you as our representative to speak in favor of them.*"

Bill Goeke, CPM
713.866.6098 O | 713.301.0053 C
WEINGARTEN REALTY
People-to-People. Coast-to-Coast

14
JUN 30 2009
Red Line

**CITY OF HOUSTON
BUILDING CODE
CHAPTER 46**

HOUSTON SIGN CODE

NOTE: ALTHOUGH THIS SIGN CODE CONSTITUTES CHAPTER 46 OF THE CITY OF HOUSTON BUILDING CODE (BASED UPON THE 2003 INTERNATIONAL BUILDING CODE), IT IS SEPARATELY PUBLISHED.

Current through Ordinance No. 2009-
Effective September 1, 2009
Compiled by the City of Houston Legal Department

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Chapter 46

HOUSTON SIGN CODE

SECTION 4601--SCOPE

(a) General. The provisions of this Chapter 46 shall apply to all "signs," as that term is defined herein, within the "sign code application area," as that term is defined herein.

(b) Toll Road Signs. Signs regulated under this chapter that are visible from the main-traveled way of toll roads within Harris County are subject to additional regulation under the regulations adopted by Harris County Commissioners Court at Volume 126, page 348, of the Commissioners Court records and amendments thereto. A separate permit may be required from the county engineer and the county regulations may be more restrictive. Approval of plans, issuance of a permit or approval of work by the City does not constitute the approval of Harris County.

Section 4601

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SECTION 4602--DEFINITIONS

In this chapter, the following terms shall have the meanings herein ascribed to them, unless the context of their usage clearly indicates another meaning:

ADVERTISING shall mean to seek the attraction of or to direct the attention of the public to any goods, services or merchandise whatsoever.

BUSINESS PURPOSES shall mean the erection or use of any property, building or structure, permanent or temporary, for the primary purpose of conducting in said building or structure or on said property a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; a business purpose shall not include any property, building or structure erected or used for the primary purpose of securing a permit to erect a sign.

CABINET shall mean that portion of a sign structure containing the advertising display.

CANDELA shall mean a unit of luminous intensity equal to 1/60 of the luminous intensity per square centimeter of a blackbody radiating at the temperature of solidification of platinum (2,046°K). Also called *candle*.

CHANGEABLE MESSAGE SIGN shall mean any on-premise sign that is capable of changing its message, copy or appearance by electronic processes, and shall include but not be limited to those on-premise signs employing changeable message light emitting diode technology, commonly referred to as LED signs.

CITY CODE shall mean the Code of Ordinances of the City of Houston, Texas, as amended.

CURB LINE shall mean an imaginary line drawn along the edge of the pavement on either side of a public street.

COMMERCIAL OR INDUSTRIAL ACTIVITY shall mean property that is devoted to use for commercial or industrial purposes and not for residential purposes. "Commercial or industrial activity" shall not include the following:

- (1) Signs;
- (2) Agricultural, forestry, ranching, grazing, farming and related activities, including but not limited to temporary wayside fresh produce stands;

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- (3) Activities not housed in a permanent building or structure;
- (4) Activities not visible from the traffic lanes of the main-traveled way;
- (5) Activities conducted in a building primarily used as a residence; and
- (6) Railroad right-of-way.

CONSTRUCTION CODE shall mean the City of Houston Building Code, the City of Houston Plumbing Code, the City of Houston Mechanical Code and the City of Houston Electrical Code. This Chapter 46, which is sometimes referred to as the Houston Sign Code, constitutes a chapter of the City of Houston Building Code.

EFFECTIVE DATE. Except as otherwise provided herein, the meaning of the term "effective date" depends upon the location of a sign or proposed sign within the sign code application area, and it shall be determined as follows:

- (1) With respect to any area within the corporate limits of the City of Houston as the corporate limits existed on May 8, 1980: May 8, 1980.
- (2) With respect to any area annexed into the corporate limits of the City of Houston between May 8, 1980, and May 31, 1985: the date of the first publication of notice for a public hearing regarding the proposed annexation as required pursuant to Section 6 of former Article 970 (a), Texas Revised Civil Statutes Annotated.
- (3) With respect to the area of extraterritorial jurisdiction of the City of Houston as defined by Section 42.021 of the Local Government Code, as the area of extraterritorial jurisdiction existed on May 31, 1985: May 31, 1985.
- (4) With respect to any area annexed into the corporate limits of the City of Houston after May 31, 1985, and any extension of the area of extraterritorial jurisdiction of the City of Houston that resulted from such an annexation: the date of the first publication of notice for a public hearing regarding the proposed annexation as required pursuant to Section 6 of former Article 970 (a), Texas Revised Civil Statutes Annotated

or Section 43.052 of the Local Government Code, as applicable.

ELECTRONIC SIGN shall mean any off-premise sign that is capable of changing its message, copy or appearance by electronic or mechanical processes, and shall include but not be limited to those signs employing changeable message light emitting diode technology, commonly referred to as LED signs.

FEDERAL PRIMARY SYSTEM shall mean the Interstate and Freeway Primary System and the Nonfreeway Primary System.

FREEWAY shall mean any state highway or federal highway or county highway within the sign code application area to or from which access is denied or controlled, in whole or in part, from or to abutting land or intersecting streets, roads, highways, alleys or other public or private ways.

FRONTAGE shall mean that portion of any tract of land that abuts a public street right-of-way.

GENERAL RIGHT-OF-WAY shall mean a right-of-way that is not classified as a predominantly residential right-of-way or scenic or historical right-of-way or district and that is owned, leased or otherwise legally controlled by the person placing a sign thereon.

HIGH TECHNOLOGY SIGN shall mean any sign that utilizes electronic processes, such as light emitting diode (LED) technology, rather than mechanical or other means, to display a fixed and unchangeable message.

HIGHWAY shall mean any state highway, federal highway, or county highway that does not constitute a freeway.

INSTITUTION OF HIGHER EDUCATION shall mean a private or independent institution of higher education, as defined in Section 61.003(15) of the Texas Education Code, located on a single campus comprising an area in excess of twenty acres and located within the corporate limits of the city. In determining the size of the campus, areas containing dedicated streets shall be included as part of the campus.

INTERSTATE AND FREEWAY PRIMARY SYSTEM shall mean that portion of the national system of interstate and defense highways located within Texas that are now or hereafter may be officially designated the "Interstate System" by the Texas Transportation Commission and approved pursuant to Title 23, United States Code, Section 131, as amended.

Section 4602

LIGHTER- OR HEAVIER-THAN-AIR CRAFT shall mean a structure for navigation of the air or floating in the air that (1) is supported either by its own buoyancy or by the dynamic action of air against its surfaces, (2) is carrying one or more natural persons and (3) is not in contact with or tethered to the ground in any manner.

~~**LIGHT STANDARD DECORATION** shall mean a decorative, outdoor display that is attached to a privately owned security or parking lot light standard pole, that is situated wholly on private premises utilized for business purposes, and that is not maintained by an electric utility. Light standard decorations shall not include devices that contain or display any written message, pictorial representation, logo, corporate symbol, silhouette or other visual representation identifying or advertising a particular business, good, service or merchandise sold or offered for sale on the premises where the device is erected, displayed or maintained.~~

LOCAL STREET shall mean any public street not designated as a major thoroughfare, freeway, or highway.

LOGO shall mean any pictorial symbol, device or other visual representation commonly utilized by, and associated with, any commercial business or commercial service entity as a means of identifying or advertising such entity.

MAJOR THOROUGHFARE shall mean (1) a public street that is designated on the most recent "Major Thoroughfare and Freeway Plan" approved by the City Planning Commission, or (2) any street that is designated as an express street pursuant to Section 45-39 of the City Code, and that is shown in the "Express Street Map" of the Traffic Management Maintenance Division of the Department of Public Works and Engineering, and (3) those streets listed by the Traffic Engineer or his authorized designee, as collector streets upon finding that such streets carry high traffic volumes and traffic-control measures are used on them to expedite the safe movement of through traffic.

NIT shall mean a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

NONFREEWAY PRIMARY SYSTEM shall mean that portion of the connective main highways located within Texas that are now or hereafter may be designated the "Primary System" by the Texas Highway and Public Transportation Commission and approved pursuant to Title 23, United States Code, Section 131, as amended.

NON RATED shall mean "No requirements for fire resistance" as established in Table 302 of this Code.

PERSON shall mean an individual, company, corporation, partnership, association or any other entity.

PREDOMINANTLY RESIDENTIAL RIGHT-OF-WAY shall mean a public right-of-way between two intersecting public streets in which a majority of the total front footage is used for residential purposes.

PUBLIC RIGHT-OF-WAY shall mean any part of a right-of-way that is not privately owned or controlled and that is the responsibility of the city or other similar public agency to maintain.

PUBLIC STREET shall mean the entire width between property lines of any road, street, way, alley, bridge or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

RATED shall mean fire rated as established in Table 302 of this Code.

RESIDENTIAL PURPOSES shall mean property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhouses, townhomes, patio homes and apartments; property used for hotels, motels and boarding houses shall not be considered as used for residential purposes. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

RIGHT-OF-WAY shall mean the property fronting on, immediately adjacent to and on either side of a public street or a nonpublic street.

SCENIC OR HISTORICAL RIGHT-OF-WAY OR DISTRICT shall mean ~~the following those areas described in Appendix A to this chapter,~~ each of which is specified with its date of creation:

- ~~(1) T.C. Jester from 11th Street to 43rd Street, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(2) Memorial Drive from Houston Avenue to the limits of Hunters Creek Village, thence through Bunker Hill Village to the west boundary of the city limits of the City of Houston, designated by Ordinance No. 80-351, effective May 8, 1980 (Dairy Ashford Road).~~

Section 4602

- ~~(3) — Woodward from Memorial Drive to Voss Road, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(4) — Allen Parkway from Bagby to Kirby Drive to San Felipe, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(5) — North Braeswood from Hillcroft to Frankway, from Frankway to Braeswood to N. MacGregor to Alameda, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(6) — South Braeswood from Gessner to Main, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(7) — North MacGregor from Alameda to Calhoun, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(8) — South MacGregor from Alameda to Calhoun, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(9) — South Freeway State Highway 288 (the South Freeway) from Highway 59 to Loop 610, designated by Ordinance No. 80-351, effective May 8, 1980.~~
- ~~(10) — Post Oak Scenic District as designated by City Council Motion No. 83-3403, effective December 26, 1983.~~
- ~~(11) — Hardy Toll Road from the North Loop East (Loop 610) to Halls Bayou, as designated by City of Houston Ordinance No. 85-710, effective May 15, 1985.~~
- ~~(12) — Richmond/Weslayan Scenic District, being the following area:~~
 - ~~Beginning at a point at the intersection of Lake Street and West Alabama and going west along the south side of West Alabama to Loop 610 West, then south along Loop 610 to the intersection of Highway 59, then following the north right-of-way line of 59 east to the east right-of-way line of Weslayan, then south along the east right-of-way line of Weslayan to the Southern Pacific railroad tracks to the west right-of-way line of Buffalo Speedway, then north along the west right-of-way line of Buffalo Speedway to the north right-of-way line of Highway 59, then east along the north right-of-way line of Highway 59 to the west right-of-way line of Kirby, north on Kirby to Lory Park, west on Lory Park to Lake Street and then North on Lake Street back up to the intersection of West Alabama and Lake~~

Section 4602

~~Street as designated by Ordinance No. 85-1079, effective June 26, 1985.~~

~~(13) Heights Boulevard Scenic District, being the following area:~~

~~A corridor 450 feet in width, extending 225 feet on both sides of the center line of Heights Boulevard; said corridor being bounded on the south by the intersection of Heights Boulevard and the northerly right-of-way line of Interstate Highway 10, and being bounded on the north by the intersection of Heights Boulevard and the southerly right-of-way line of 20th Street, as designated by Ordinance No. 86-284, effective February 25, 1986.~~

~~(14) Tanglewood Area Scenic District, being the following area:~~

~~Beginning at the intersection of the center line of Woodway Drive and the center line of Buffalo Bayou;~~

~~Thence, in a westerly direction, along the center line meanders of Buffalo Bayou to a point 300 feet west of the west right-of-way of Voss Road;~~

~~Thence, in a southerly direction along a line 300 feet west of and parallel to the west right-of-way of Voss Road to a point 300 feet south of the south right-of-way of Westheimer Road;~~

~~Thence, in an easterly direction along a line 300 feet south of and parallel to the south right-of-way line of Westheimer Road to a point of intersection in the center line of Chimney Rock Road;~~

~~Thence, in a northerly direction along the center line of Chimney Rock Road to the intersection with the center line of Woodway Drive;~~

~~Thence, in an easterly direction along the center line of Woodway Drive to the point of beginning.~~

~~Save and except any area that may be within the corporate limits of any other city.~~

~~Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-693, effective May 20, 1986.~~

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- ~~(15) South Freeway II Scenic District, being the following area:~~
- ~~Commencing at the intersection of the south right-of-way line of Interstate Highway 610 with the east right-of-way line of SH 288, thence easterly along the south right-of-way of Interstate Highway 610 to a point for corner, said point being 660 feet east of the east right-of-way line of SH 288 and the point of beginning;~~
 - ~~Thence, in a generally southerly direction 660 feet east of and parallel to the east right-of-way line of SH 288 to the center line of Clear Creek, also being the Harris County Line;~~
 - ~~Thence, in a westerly direction along the meanders of the center line of Clear Creek, also being the Harris County Line, to a point for corner, said point being 660 feet west of the west right-of-way line of SH 288;~~
 - ~~Thence, in a generally northerly direction 660 feet west of and parallel to the west right-of-way line of SH 288 to a point for corner, said point being the intersection with the south right-of-way line of Interstate Highway 610;~~
 - ~~Thence, in an easterly direction along the south right-of-way line of Interstate Highway 610, crossing SH 288 and continuing easterly to the point of beginning;~~
 - ~~Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;~~
 - ~~Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1282, effective July 29, 1986.~~
- ~~(16) Richmond Avenue Scenic District, being the following area:~~
- ~~Commencing at the intersection of the east right-of-way line of Dairy-Ashford Road and the north right-of-way of Richmond Avenue, thence northerly 300 feet to a point for corner, said point also being the point of beginning;~~
 - ~~Thence, easterly along an imaginary line 300 feet north of and parallel to the north right-of-way line of Richmond Avenue to the intersection with the westerly right-of-way line of Wilcrest Drive;~~

- ~~Thence, continuing easterly across the right-of-way line of Wilcrest Drive to the intersection with the easterly right-of-way line of Wilcrest Drive and point for corner;~~
- ~~Thence, southerly along the easterly right-of-way line of Wilcrest Drive, crossing the right-of-way of Richmond Avenue and continuing southerly 300 feet to a point for corner;~~
- ~~Thence, westerly along an imaginary line 300 feet south of and parallel to the southerly right-of-way line of Richmond Avenue to the intersection with the easterly right-of-way line of Dairy-Ashford Road and point for corner;~~
- ~~Thence, northerly along the easterly right-of-way line of Dairy-Ashford Road, crossing the right-of-way of Richmond Avenue and continuing northerly 300 feet to the point of beginning;~~
- ~~Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;~~
- ~~Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1283, effective July 29, 1986.~~
- ~~(17) Dairy-Ashford Scenic District, being the following area:~~
 - ~~Commencing at the south right-of-way line of Interstate Highway 10 and the east right-of-way line of Dairy-Ashford Road, thence, easterly along the south right-of-way line of Interstate Highway 10 a distance of 300 feet to a point for corner and the point of beginning;~~
 - ~~Thence, in a southerly direction along an imaginary line 300 feet east of and parallel to the east right-of-way line of Dairy-Ashford Road to the intersection with the north right-of-way line of Alief-Clodine Road and point for corner;~~
 - ~~Thence, westerly along the north right-of-way line of Alief-Clodine Road, crossing the right-of-way of Dairy-Ashford Road and continuing westerly 300 feet to a point for corner;~~
 - ~~Thence, northerly along an imaginary line 300 feet west of and parallel to the westerly right-of-way line of Dairy-Ashford Road to the intersection with the south right-of-way line of Interstate Highway 10 and point for corner;~~

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- ~~Thence, easterly along the south right-of-way line of Interstate Highway 10, crossing the right-of-way of Dairy-Ashford Road and continuing east a distance of 300 feet to the point of beginning;~~
- ~~Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;~~
- ~~Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1283, effective July 29, 1986.~~
- ~~(18) Lindale Park Area Scenic District, being the following area:~~
 - ~~Beginning at the intersection of the easterly right-of-way line of the North Freeway (Interstate Highway 45) and the northerly right-of-way line of Cavalcade Street;~~
 - ~~Thence, northerly along the easterly right-of-way line of the North Freeway (Interstate Highway 45) to a point for curve to the right;~~
 - ~~Thence, continuing along a curve to the right to the intersection with the southerly right-of-way line of the North Loop (Interstate Highway 610);~~
 - ~~Thence, easterly along the southerly right-of-way line of the North Loop (Interstate Highway 610) to a point for corner, said point being 125 feet east of the east right-of-way line of Robertson Street;~~
 - ~~Thence, southerly along an imaginary line 125 feet east of and parallel to the easterly right-of-way line of Robertson Street to the intersection with an imaginary line 400 feet south of and parallel to the southerly right-of-way line of Cavalcade Street and point for corner;~~
 - ~~Thence, westerly along said imaginary line 400 feet south of and parallel to the southerly right-of-way line of Cavalcade Street to the intersection with the easterly right-of-way line of Fulton Street;~~
 - ~~Thence, continuing westerly, crossing Fulton Street along the westerly projection of the previously described imaginary line to the intersection with the easterly right-of-way line of the North Freeway (Interstate Highway 45) and point for corner;~~

- ~~Thence, northerly along the easterly right-of-way line of the North Freeway (Interstate Highway 45) to the intersection with the northerly right-of-way line of Cavalcade Street and point of beginning;~~
- ~~Save and except any area that may be within the corporate limits of any other city;~~
- ~~Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1715, effective September 30, 1986.~~
- ~~(19) Beltway 8 Scenic District, being all that real property situated within 660 feet as measured in any direction from any point situated upon the right-of-way, whether acquired or proposed, for the Beltway 8 system, as described on the following maps of the Texas Department of Transportation (formerly the Texas Department of Highways and Public Transportation - SDHPT), Harris County Engineering Department (HCED) and the Texas Turnpike Authority (TTA), to wit:~~
- ~~1. SDHPT Account Maps No. 8012-1-73, Part 1;~~
 - ~~2. SDHPT Account Maps No. 8012-1-73, Part 2;~~
 - ~~3. SDHPT Account Maps No. 8012-1-70;~~
 - ~~4. SDHPT Account Maps No. 8012-1-63;~~
 - ~~5. SDHPT Account Maps No. 8012-1-68, Part 1;~~
 - ~~6. SDHPT Account Maps No. 8012-1-68, Part 2;~~
 - ~~7. SDHPT Account Maps No. 8012-1-72, Part 1;~~
 - ~~8. SDHPT Account Maps No. 8012-1-72, Part 2;~~
 - ~~9. SDHPT Account Maps No. 8012-1-71;~~
 - ~~10. SDHPT Account Maps No. 8012-1-69;~~
 - ~~11. SDHPT Account Maps No. 8012-1-76;~~
 - ~~12. SDHPT Account Maps No. 8012-1-64;~~
 - ~~13. SDHPT Account Maps No. 8012-1-67;~~
 - ~~14. SDHPT Account Maps No. 8012-1-65, Part 1;~~
 - ~~15. SDHPT Account Maps No. 8012-1-65, Part 2;~~
 - ~~16. SDHPT Account Maps No. 8012-1-65, Part 3;~~
 - ~~17. SDHPT Account Maps No. 8012-1-74;~~
 - ~~18. SDHPT Account Maps No. 8012-1-75;~~
 - ~~19. HCED Right-of-Way Maps Series No. 35390; and~~
 - ~~20. TTA Right-of-Way Maps File No. 5017-017.~~
- ~~Microfilm negatives of the foregoing maps are on file in the Office of the City Secretary for copying and inspection and are incorporated herein by reference.~~

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- ~~Save and except any portion that is not within the corporate limits of the City of Houston or the area of its extraterritorial jurisdiction.~~
- ~~Save and except any portion that is within an existing scenic or historic district, as designated by Ordinance No. 86-2193, effective December 16, 1986.~~
- ~~(20) F.M. 1093 Scenic District, being the following area:~~
 - ~~Commencing at the intersection of the center line of F.M. 1093 and State Highway 6, thence easterly along the center line of F.M. 1093 to a point for corner, said point being 660 feet east of the center line of State Highway 6;~~
 - ~~Thence in a generally southerly direction, perpendicular to the center line of F.M. 1093 to the POINT OF BEGINNING, said point being 660 feet south of the south right-of-way line of F.M. 1093;~~
 - ~~Thence in a generally westerly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet south of the south right-of-way line of F.M. 1093;~~
 - ~~Thence along a curve to the left being 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the easterly projection of a line 660 feet south of and parallel to the southerly right-of-way line of F.M. 1093;~~
 - ~~Thence in a generally southwesterly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet south of the south right-of-way line of F.M. 1093;~~
 - ~~Thence along a curve to the right being 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the easterly projection of a line 660 feet south of and parallel to the southerly right-of-way line of F.M. 1093;~~
 - ~~Thence in a generally westerly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for corner, said point being on Houston's five-mile extra territorial~~

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jurisdiction line as established in Ordinance No. 72-901, finally approved August 16, 1972;

~~Thence in a generally northerly direction along Houston's five mile extra territorial jurisdiction line to a point for corner, said point being 660 feet north of the north right-of-way line of F.M. 1093;~~

~~Thence in a generally easterly direction parallel to the north right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet north of the north right-of-way line of F.M. 1093;~~

~~Thence along a curve to the left being 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the westerly projection of a line 660 feet north of and parallel to the northerly right-of-way line of F.M. 1093;~~

~~Thence in a generally northeasterly direction 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet north of the north right-of-way line of F.M. 1093;~~

~~Thence along a curve to the right being 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the westerly projection of a line 660 feet north of and parallel to the northerly right-of-way line of F.M. 1093;~~

~~Thence in a generally easterly direction 660 feet north of and parallel to F.M. 1093 to a point for corner, said point being 660 feet east of the center line of State Highway 6;~~

~~Thence in a generally southerly direction to the POINT OF BEGINNING, said point being 660 feet south of the south right-of-way line of F.M. 1093;~~

~~Save and Except any area that may be within the corporate limits or extra territorial jurisdiction of any other city;~~

~~Save and Except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 90-1092, effective September 12, 1990. The operation of the said scenic district does not extend to any on-premise sign that is situated within that portion of the City's area of extra~~

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~~territorial jurisdiction that lies in Harris County, Texas, as provided in the said ordinance.~~

~~(21) Gateway U.S. 59/Midtown Scenic District, being the following:~~

~~Beginning at a point at the intersection of Loop 610 and the north right-of-way line of U.S. Highway 59;~~

~~Then east along the north right-of-way line of U.S. Highway 59 to its intersection with the east right-of-way line of Wesleyan;~~

~~Then south along the east right-of-way line of Wesleyan to its intersection with the Southern Pacific railroad tracks;~~

~~Then east along the Southern Pacific railroad tracks to its intersection with the west right-of-way line of Buffalo Speedway;~~

~~Then north along the west right-of-way line of Buffalo Speedway to its intersection with the north right-of-way line of U.S. Highway 59;~~

~~Then east along the north right-of-way line of U.S. Highway 59 to its intersection with the west right-of-way line of Kirby Drive;~~

~~Then north along the west right-of-way line of Kirby Drive to its intersection with Norfolk;~~

~~Then west along the south right-of-way line of Norfolk to its intersection with the west right-of-way line of Lake Street;~~

~~Then north along the west right-of-way line of Lake Street to its intersection with the south right-of-way line of West Alabama;~~

~~Then east along the south right-of-way line of West Alabama to its intersection with the east right-of-way line of Montrose;~~

~~Then north along the east right-of-way line of Montrose to its intersection with the south right-of-way line of Westheimer;~~

~~Then east along the south right-of-way line of Westheimer to its intersection with the west right-of-way line of Brazos Street;~~

~~Then north along the west right-of-way line of Brazos Street to its intersection with the south right-of-way line of Tuam Avenue;~~

- ~~———— Then west along the south right-of-way line of Tuam to its intersection with the west right-of-way line of Bagby Street;~~
- ~~———— Then north along the west right-of-way line of Bagby to its intersection with the south right-of-way line of McGowen;~~
- ~~———— Then west along the south right-of-way line of McGowen Avenue to its intersection with the southwest right-of-way line of Bailey Street;~~
- ~~———— Then north along the southwest right-of-way line of Bailey Street to its intersection with the north right-of-way line of West Webster;~~
- ~~———— Then east along the north right-of-way line of West Webster to its intersection with the north right-of-way line of Webster;~~
- ~~———— Then west along the north right-of-way line of Webster to its intersection with the south right-of-way line of West Gray;~~
- ~~———— Then east along the south right-of-way line of West Gray to its intersection with the west right-of-way line of Baldwin Street;~~
- ~~———— Then north along the west right-of-way line of Baldwin Street to its intersection with the south right-of-way line of Arthur Street;~~
- ~~———— Then west along the south right-of-way line of Arthur to its intersection with the north right-of-way line of Cleveland;~~
- ~~———— Then east along the north right-of-way line of Cleveland to its intersection with the south right-of-way line of Interstate Highway 45;~~
- ~~———— Then east along the south right-of-way line of Interstate Highway 45 to its intersection with the east right-of-way line of Smith Street;~~
- ~~———— Then south along the east right-of-way line of Smith Street to its intersection with the north right-of-way line of Gray;~~
- ~~———— Then east along the north right-of-way line of Gray to its intersection with the west right-of-way line of State Highway 288/U.S. 59;~~

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- ~~———— Then south along the west right-of-way line of State Highway 288 to its intersection with the south right-of-way line of MacGregor Way;~~
- ~~———— Then westerly along the south right-of-way line of MacGregor Way to Hermann Drive;~~
- ~~———— Then westerly along the south right-of-way line of Hermann Drive to its intersection with the east right-of-way line of Montrose;~~
- ~~———— Then north along the east right-of-way line of Montrose to its intersection with the south right-of-way line of Bissonnet;~~
- ~~———— Then west along the south right-of-way line of Bissonnet to its intersection with the east right-of-way line of Kirby Drive;~~
- ~~———— Then westerly following the boundary lines between the cities of West University Place and Bellaire and Houston to the east right-of-way line of Loop 610;~~
- ~~———— Then north along the east right-of-way line of Loop 610 to its intersection with the north right-of-way line of U.S. Highway 59; the point of beginning.~~
- ~~———— Save and except any portion that is within an existing scenic or historic district; created by Ordinance No. 2000-948, effective November 1, 2000.~~

~~(22) Downtown Scenic District, being the following:~~

~~Beginning at the intersection of the centerline of the right-of-way of Hutchins Street with the centerline of the right-of-way of Webster Avenue;~~

~~Thence in a northwesterly direction with the centerline of the right-of-way of Webster Avenue to the centerline of the right-of-way of U.S. Highway 59;~~

~~Thence in a northeasterly direction with the centerline of the right-of-way of U.S. Highway 59 to the centerline of the right-of-way of Gray Avenue;~~

~~Thence in a northwesterly direction with the centerline of the right-of-way of Gray Avenue to the centerline of the right-of-way of Baldwin Street;~~

~~Thence in a northeasterly direction with the centerline of the right-of-way of Baldwin Street to the centerline of the right-of-way of Pierce Avenue;~~

~~Thence in a northwesterly direction with the centerline of the right-of-way of Pierce Avenue to the extended centerline of the right-of-way of Buckner Street;~~

~~Thence in a northerly direction with the extended centerline of Buckner Street to the centerline of the right-of-way of Cleveland Street;~~

~~Thence in an easterly direction with the centerline of the right-of-way of Cleveland Street to the centerline of the right-of-way of Arthur Street;~~

~~Thence in a northerly direction with the centerline of the right-of-way of Arthur Street to the centerline of the right-of-way of West Dallas Street;~~

~~Thence in an easterly direction with the centerline of the right-of-way of West Dallas Street to the centerline of the right-of-way of Crosby Street;~~

~~Thence in a northerly direction with the centerline of the right-of-way of Crosby Street to the centerline of the right-of-way of Allen Parkway;~~

~~Thence in an easterly direction with the centerline of the right-of-way of Allen Parkway to the centerline of the right-of-way of Sabine Street;~~

~~Thence in a northerly direction with the centerline of the right-of-way of Sabine Street to the centerline of the right-of-way of Memorial Drive;~~

~~Thence in an easterly direction with the centerline of the right-of-way of Memorial Drive to the centerline of the right-of-way of Houston Avenue;~~

~~Thence in a northerly direction with the centerline of the right-of-way of Houston Avenue to the centerline of the right-of-way of Washington Avenue;~~

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~~Thence in an easterly direction with the centerline of the right-of-way of Washington Avenue to the centerline of the right-of-way of Elder Street;~~

~~Thence in a northeasterly direction with the centerline and extended centerline of the right-of-way of Elder Street to the centerline of the right-of-way of Dart Street;~~

~~Thence in a westerly direction with the centerline of the right-of-way of Dart Street to the centerline of the right-of-way of Beachton Street;~~

~~Thence in a northerly direction with the centerline of the right-of-way of Beachton Street to the centerline of the right-of-way of Bingham Street;~~

~~Thence in a westerly direction with the centerline of the right-of-way of Bingham Street to the centerline of the right-of-way of Holly Street;~~

~~Thence in a northerly direction with the centerline of the right-of-way of Holly Street to the centerline of the right-of-way of the Southern Pacific Railroad;~~

~~Thence in an easterly direction with the centerline of the right-of-way of the Southern Pacific Railroad to the centerline of the right-of-way of McKee Street;~~

~~Thence in a southerly direction with the centerline of the right-of-way of McKee Street to the centerline of the right-of-way of Lyons Avenue;~~

~~Thence in an easterly direction with the centerline of the right-of-way of Lyons Avenue to the centerline of the right-of-way of Jensen Drive;~~

~~Thence in a southerly direction with the centerline of the right-of-way of Jensen Drive to the centerline of the right-of-way of Cline Street;~~

~~Thence in a westerly direction with the centerline of the right-of-way of Cline Street to the centerline of the right-of-way of the Houston Belt and Terminal Railroad;~~

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~~Thence in a southerly direction the with centerline of the right-of-way of the Houston Belt and Terminal Railroad to the centerline of the right-of-way of Hutchins Street;~~

~~Thence in a southwesterly direction with the centerline of the right-of-way of Hutchins Street to the centerline of the right-of-way of Preston Avenue;~~

~~Thence in a southeasterly direction with the centerline of the right-of-way of Preston Avenue to the centerline of the right-of-way of Bastrop Street;~~

~~Thence in a southwesterly direction with the centerline of the right-of-way of Bastrop Street to the centerline of the right-of-way of Rusk Avenue;~~

~~Thence in a northwesterly direction with centerline of the right-of-way of Rusk Avenue to the centerline of the right-of-way of Hutchins Street;~~

~~Thence in a southwesterly direction with the centerline of the right-of-way of Hutchins Street to the point of beginning at the centerline of the right-of-way of Webster Avenue.~~

~~Save and except any portion that is within an existing scenic or historic district; created by Ordinance No. 2002-238, effective April 9, 2002. Notwithstanding any other provision of this Code to the contrary, the creation and existence of the Downtown Scenic District shall not preclude placement and maintenance of the special facility display signs that are authorized in Section 4620 of this Code.~~

~~(23) Any other areas designated under the provisions of Section 4610.~~

SIGN shall mean any outdoor display, design, pictorial or other representation that shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same is designed, intended, or used to advertise or inform ~~shall be used for advertising, or any similar display, design, pictorial, or other representation appearing in a window in a manner to be visible from the right-of-way.~~ The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classifications set forth in this chapter.

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SIGN CODE APPLICATION AREA shall mean the corporate limits of the City of Houston and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code. For purposes of the regulation of on-premise signs only, the sign code application area shall not be deemed to include those portions of the City of Houston's area of extraterritorial jurisdiction that are situated in Harris County. **Note:** See the regulations adopted by the Harris County Commissioners Court on May 17, 1988, at Volume 138, page 263, of the Commissioners Court records and any amendments thereto.

SIGN STRUCTURE shall mean any structure that supports or is capable of supporting any sign, including all inter-related parts and materials designed to be used or intended to be used to support a sign face whether containing a message or not. A sign structure may be a single pole and may or may not be an integral part of a building.

SINGLE FAMILY RESIDENCE shall mean the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered a single-family residence. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be a single-family residence.

SPECIAL EMPLOYMENT DISTRICT shall mean one or more tracts of land containing 50 acres or more of land that have the following characteristics:

- (1) All of such tracts are located in a contiguous area less than ten square miles in area;
- (2) A majority of the tracts are restricted to predominantly nonprofit or noncommercial medical or educational purposes;
- (3) There are located on such tracts medical and/or educational entities that employ, on an annual basis, not less than 25,000 persons and that provide, on an annual basis, medical or educational services to more than 500,000 members of the public; and
- (4) A majority of the 500,000 persons receiving such services arrive at the special employment district by motor vehicle.

As used in this definition, the contiguous area shall be calculated by circumscribing the tracts proposed to be included in the special employment

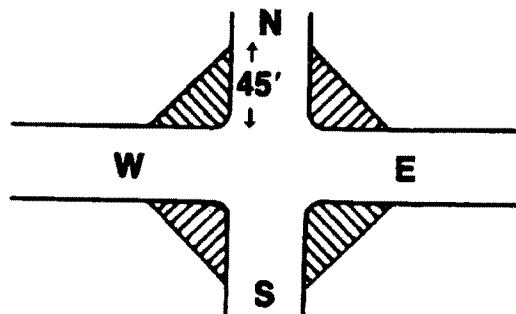
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district by tangent lines connecting the points on each tract external to the contiguous area.

TOTAL FRONT FOOTAGE shall mean the total length of the footage of property fronting on both sides of a public street.

VISIBLE shall mean capable of being seen from a right-of-way, whether legibly or not, by a person of normal visual acuity without the use of visual aids.

VISIBILITY TRIANGLE shall mean the triangular area adjacent to the intersection of any public street or public alley within which sight lines are maintained for vehicular traffic. The triangle is established by measuring a distance of 45 feet from the intersection of the extended curb or edge of the pavement of the street or alley. A straight line connecting the ends of each measured distance that forms the hypotenuse shall establish the visibility triangle.



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SECTION 4603--CLASSIFICATIONS

(a) On-premise Signs and Off-premise Signs. For the purposes of this chapter and the regulations and provisions hereof, a sign shall be first classified as either an "on-premise sign" or an "off-premise sign."

ON-PREMISE SIGN shall mean any sign identifying, ~~or advertising~~, ~~or providing information about~~ the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

OFF-PREMISE SIGN shall mean any sign that advertises a business, person, activity, goods, products or services not usually located on the premises where the sign is installed and maintained, or that directs persons to any location not on the premises.

(b) Types of Signs. All signs shall further be classified into one of the following types of signs:

BANNER SIGN shall mean any sign constructed of cloth, canvas, light fabric or other light material, not to exceed 40 square feet in size; provided that portable signs, flag signs, ~~light standard decorations~~ and awning signs shall not be considered banner signs.

GROUND SIGN shall mean a sign that is supported by uprights or braces in or upon the ground, including portable signs.

MARQUEE SIGN shall mean a sign attached to or hung from a canopy or covered structure projecting from and supported by a frame or pipe support extending beyond a building.

PROJECTING SIGN shall mean any sign that is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

ROOF SIGN shall mean any sign or portion of a sign erected, constructed or maintained above the roofline of any building.

WALL SIGN shall mean any sign affixed to or painted upon the wall of any building.

(c) Special Function Signs. Any on-premise or off-premise sign of any type may also be included within one or more of the following additional classifications according to special functions:

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AWNING SIGN shall mean any sign constructed of a fabric type material stretched over a rigid metal frame that is attached to the wall, roof or mansard of a building. Such signs shall be classified as wall signs.

ELECTRICAL SIGN shall mean any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

FENCE SIGN shall mean any sign affixed to or painted upon a fence. A fence sign shall be classified as a ground sign, but shall not be required to comply with the structural requirements of Section 4609.

FLAG SIGN shall mean any flag except the flags of the United States, Texas or any other governmental entity, used for advertising, that contains or displays any written message, business name, pictorial representation, logo, corporate symbol, silhouette or other visual representation identifying or advertising a particular business, good, service or merchandise sold or available for sale on the premises where the flag is erected, displayed or maintained.

MESSAGE BOARD SIGN shall mean any sign or portion of a sign containing a sign face designed to allow the removal or replacement of individual letters, words or symbols on the sign face for the purpose of changing an advertising message.

MULTI-TENANT SIGN shall mean an on-premise sign displaying commercial advertising for two or more distinct commercial businesses or commercial service entities upon a single sign structure.

PORTABLE SIGN shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other nonmotorized mobile structure; a portable sign that has its wheels removed shall still be considered a portable sign hereunder. For the purposes of this chapter, trailer signs and signs on benches are portable signs.

PROVISIONAL SIGN shall mean a sign of light weight material to be used until permanent signage can be fabricated and erected.

SPECTACULAR SIGN shall mean a sign that has one or more of the following as elements in its physical structure:

- (1) Automatically changing message advertising that changes more often than once every five minutes ~~(not including date, time, temperature, weather and stock market information);~~

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- (2) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating or spot lights, or similar devices;
- (3) Lights or colored elements creating a continuously moving, shimmering or prismatic effect; or
- (4) Rotating or moving parts.

(d) The various classifications established in this section shall also constitute definitions for purposes of the interpretation of this chapter.

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SECTION 4604--SIGN ADMINISTRATION AND ENFORCEMENT

(a) Sign Administrator. The Director of Public Works and Engineering shall appoint a Sign Administrator to administer and enforce the terms and conditions of this chapter and all other provisions of law relating to signs. The Sign Administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the Sign Administrator. The Sign Administrator and such other persons shall constitute the Sign Administration Section of the Department of Public Works and Engineering. The Sign Administrator is directed to enforce and carry out all provisions of this chapter.

(b) Enforcement Responsibility. The duties of the Sign Administrator shall include not only the issuance of permits as required by this chapter, but also the responsibility of ensuring that all signs comply with this chapter and any other applicable laws, and that all signs for which a permit is required do, in fact, have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses any instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this chapter.

(c) Powers of Sign Administrator. The Sign Administrator shall have the power and authority to administer and enforce the conditions of this chapter and all other laws relating to signs. Included among such powers are the following specific powers:

- (1) Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator. When deemed advisable by the Sign Administrator, a sign may be inspected at the point of manufacture if such point is within or adjacent to the sign code application area.
- (2) Upon presentation of proper identification to the owner, agent or tenant in charge of such property, the Sign Administrator or his representative may enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure or other premises or property during normal business hours, provided, however, that in cases of emergency where extreme hazards are known to exist that may involve imminent injury to persons, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property is not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any person on the premises. Whenever the Sign Administrator or his representative shall enter upon private property, under any circumstances, for the purpose of

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inspecting and/or investigating signs or sign structures, which property has management in residence, such management, or the person then in charge, shall be notified of his presence and shown his proper and official credentials. The Sign Administrator or his representative, when on private property, shall observe the establishment's rules and regulations concerning safety, internal security and fire protection. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this chapter. In applying for such a warrant, the Sign Administrator shall submit to the magistrate his affidavit setting forth his belief that a violation of this chapter exists with respect to the place sought to be inspected and his reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question, he shall issue a warrant authorizing the search, such warrant describing the premises with sufficient certainty to identify the same. Any warrant so issued shall constitute authority for the Sign Administrator to enter upon and inspect the premises described therein.

- (3) Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this chapter or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with Section 4604(c)(4), unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.
- (4) The Sign Administrator shall have, and is hereby granted, the power and authority to revoke any and all licenses or permits authorized by this chapter for violation of the terms and provisions of this chapter, provided that the Sign Administrator shall conduct a hearing prior to the revocation of any license or permit authorized under this chapter to determine the facts incident to the pending revocation. The person whose license or permit is under consideration shall be given at least ten calendar days' written notice of the hearing and shall be permitted to present relevant facts and legal argument regarding the pending revocation. Following such hearing, the Sign Administrator shall

consider the merits of the case and shall present a written opinion prior to any action. Provided further, however, that if, in the opinion of the Sign Administrator, the health, safety or welfare of the citizens of the sign code application area is endangered by any violation of this chapter, the Sign Administrator may immediately revoke any or all licenses or permits authorized by this chapter and shall conduct the necessary hearing as soon as possible thereafter, but in no case later than three business days after the effective date of the revocation unless the affected licensee or permittee shall request in writing a later date.

- (5) The Sign Administrator shall have the authority to adopt regulations required to implement the provisions of this chapter.
- (6) Pursuant to and in accordance with any agreement between the City and the State of Texas or the United States government, the Sign Administrator is hereby authorized to enforce any applicable terms and provisions of Chapter 391 of the Texas Transportation Code. The Agreement for Carrying out National Policy Relative to Control of Outdoor Advertising, entered into between the United States of America and the State of Texas by instrument dated May 2, 1972, any supplements or amendments to that agreement, and any rules or regulations promulgated by the State of Texas and/or the Texas Department of Transportation pursuant to the said act or agreements with regard to signs.

(d) Violations and Penalties. Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than \$300.00 and not more than \$500.00 for each violation. Each day in which any violation continues shall constitute a separate offense. To the extent that any violation of any provision of this chapter also constitutes a violation of state law, then it shall be punishable as provided by the applicable state law. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to assure compliance with this chapter.

(e) Appeals.

- (1) Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this chapter may, within ten business days after the decision, appeal the same to the General Appeals Board, pursuant to its rules and regulations, and thence to the City Council. Either party in the appeal to the General Appeals Board, whether the original appealing party or the Sign Administrator, may appeal the decision of the General Appeals Board to the City Council by giving notice of appeal in writing to the City Secretary within ten days following the decision of the

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General Appeals Board appealed from, and provided further, that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise. Rule 12 of the City Council's Rules of Procedure (Section 2-2 of the City Code) shall be applicable.

- (2) An appellant who has complied with Rule 12 shall file with the City Secretary, within 60 days following the decision appealed from, a record consisting of the written transcript of the hearing before the General Appeals Board, along with the written exceptions, if any, of each party to the proceedings to the facts and administrative rulings and decisions made by the General Appeals Board. An extension of time for the preparation of the record, not to exceed 30 additional days from the last date for filing the record, may be obtained by filing a statement with the City Secretary not later than 15 days after the last date for filing the record. Such statement shall reasonably explain the need therefor and shall be executed and verified under oath by the appellant, the appellant's legal representative or the certified court reporter responsible for preparation of the transcript. Failure to comply with the provisions of this subsection shall render appellant's notice of appeal void and of no effect and the decision of the General Appeals Board shall thereupon become final and not appealable to the City Council.
- (3) This subsection (e) shall not apply and no appeal shall be granted hereunder regarding any matter under this chapter for which a citation to Municipal Court has been issued by the Sign Administrator.

(f) Sign Advisory Council

There is hereby ~~created~~ authorized a Sign Advisory Council consisting of ten members, to serve on an ad hoc basis as the Mayor shall determine. Six members at a meeting shall constitute a quorum. The positions on said Council shall be filled as follows:

Position 1	A representative of the on-premise sign industry
Position 2	A representative of the off-premise sign industry
Positions 3 & 4	Local civic group representatives
Position 5	At-large member who shall be chair of the Sign Advisory Council
Positions 6 & 7	Business persons located in the city who utilize signs
Positions 8 & 9	Land developers operating in the city
Position 10	The Sign Administrator of the City of Houston, or his designee, who shall also serve as the Secretary of the Sign Advisory Council.

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The Sign Administrator may, ~~from time to time,~~ designate, in writing, a person under his supervision to act in his place as his duly authorized representative, said representative to enjoy all rights and privileges of the position. A copy of such a designation, specifying the dates any such person shall act as representative of the Sign Administrator, shall be filed with the minutes of the Sign Advisory Council. The Mayor shall designate as chairman a member of the local business community.

~~Upon a determination by the Mayor that the Sign Advisory Council should be constituted, Mm~~members of the Sign Advisory Council shall be appointed by the Mayor, with the approval of the City Council, and shall serve for ~~such a term as the Mayor shall designate, with the approval of the City Council, not to exceed one of two years.~~ The terms of office for the appointees to Positions 1, 3, 5, 7 and 9 shall expire on the second day of January of the uneven numbered years, and the terms of appointees to Position 2, 4, 6 and 8 shall expire on the second day of January of the even numbered years; however, all members shall continue in office until their respective successors shall have been appointed.

Whenever any position on the Sign Advisory Council becomes vacant by reason of death, resignation or removal, said vacancy shall be filled for the unexpired term of the member being replaced. Should a vacancy occur on the Sign Advisory Council, the Mayor shall appoint, subject to the consent of City Council, another qualified person to serve the unexpired term of such vacancy. Any member of the Sign Advisory Council may be removed at any time by the Mayor without consent of City Council. Each member of the Sign Advisory Council shall serve without compensation.

A City employee member of the Sign Advisory Council shall not vote as a member of such Council on any motion, resolution or recommendation by the Sign Advisory Council ~~concerning proposed amendments to the Sign Code,~~ but shall be permitted to give a written opinion or report to the Mayor and City Council concerning any such resolution or recommendation by the Sign Advisory Council.

The ~~duty duties~~ of the Sign Advisory Council ~~are: shall be~~ to consider and make recommendations to the Mayor and City Council concerning proposals to create scenic or historical districts or rights-of-way. The Sign Advisory Council may submit a written recommendation to the City Council concerning a scenic or historic district or right-of-way proposed to be created under the provisions of Section 4610 at any time prior to final City Council action on such proposal. ~~The Sign Advisory Council may also submit opinions or recommendations to the Sign Administrator regarding the interpretation of this chapter or any of the regulations, rules or policies pertaining to signs.~~ Any such report, opinion or recommendation of the Sign Advisory Council is advisory only.

The Sign Advisory Council shall adopt reasonable rules and regulations for the conduct of its duties. A majority of the members of the Sign Advisory Council present, and lawfully meeting, shall determine the wishes of the Sign Advisory

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Council. All reports or recommendations delivered to the Mayor and City Council shall be rendered in writing with copies to the Sign Administrator.

The Sign Advisory Council shall prepare an agenda ~~one week~~ in advance of its ~~regularly scheduled~~ meetings. The agenda shall be published by conspicuously posting a copy thereof at the City Hall and in the Sign Administration Office.

SECTION 4605--SIGN PERMITS AND FEES

(a) Permit Required. No person shall erect, reconstruct, alter, relocate or use a sign within the sign code application area without first having secured a written permit from the Sign Administrator to do so, subject to the exceptions set forth in Section 4605(b). It is an affirmative defense to prosecution under this subsection if a sign is excepted from having a permit under Section 4605(b).

(b) Exceptions. No permit shall be required under this chapter for on-premises signs of the following descriptions, unless any such sign is a spectacular sign or portable sign. Any sign listed hereunder shall be erected and maintained in a safe condition in conformity with the Construction Code.

- (1) Signs painted on glass surfaces or windows or doors; provided however, that electrical signs or signs with structures greater than six square feet in size, that appear in a window in a manner to be visible from the right-of-way shall require a permit as a wall sign. In addition, no more than twenty percent of a glass storefront may be covered with advertising content.
- (2) Signs erected by or on behalf of the State of Texas (including political subdivisions thereof such as counties and school districts) or by or on behalf of the federal government and the lessees of such governmental entities. This exception shall not extend to signs erected by the City and City lessees unless the signs are situated upon property under the jurisdiction of the City's Aviation Department or property leased to the Harris County - Houston Sports Authority. Prior to April 9, 2002, this exception included signs erected by all City departments and City lessees; any sign lawfully erected by the City or any of its lessees as part of a construction project for which the building permit or a sign permit was issued before that date may be erected and continue to be repaired and maintained and may also be replaced with an equivalent sign erected in like manner in the event that the sign is destroyed by a casualty or in the event that the sign is removed and relocated for purposes relating to expansion or renovation of the facility that it serves.
- (3) Railroad signs.
- (4) Legal notices and house numbers.
- (5) A sign not over 40 square feet in area setting forth information concerning a building or other structure under repair or construction or advertising the sale or rental of the premises.
- (6) Signs authorized by and subject to the provisions of the City Code.

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- (7) Signs otherwise required by federal, state or local laws.
- (8) **Directional and Locational Signs**

 - a. On-premise signs no larger than 6 square feet in size, and no more than 5 feet in height, that display only business names or logos, setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of the on-premise traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the Construction Code. Such directional signs shall be limited to a maximum of two in number for each entrance utilized for vehicular access to the business premises. A sign permit is required.
 - b. Institutions of higher education may utilize a single directional sign per entrance in lieu of the two signs permitted above, provided such sign is no larger than 25 square feet in total size and no more than 8 feet in height, or no larger than 30 square feet in total size and no more than 6 feet in height; any illumination is indirect; and no more than 20 percent of the sign surface is devoted to the logo or entity name. Electronic signs, spectacular signs, and changeable message signs are prohibited. A sign permit is required.
- (9) Signs displayed, designed or used for or upon motor vehicles; except that any sign displayed, designed or used for or upon a vehicle primarily used for the purposes of advertising is not excepted from the provisions of this chapter or of the City Code.
- (10) Signs designed and used for display upon or with lighter or heavier-than-air craft.
- (11) Signs not exceeding 200 square feet that are painted on the face of a building no higher than the roof line and that form an integral part of a canopy or marquee entrance and state only the street number, name of the proprietor and the name of the premises therein, provided that the number of such signs shall not exceed the number of vehicular entrances for such premises, and provided, further, that such signs shall be counted as marquee signs for purposes of Section 4611(b)(1).
- (12) Provisional signs installed by a licensed sign contractor holding current and valid permits for the erection of permanent signage on the location where the provisional signs are erected, until the permanent

signage can be installed. The number of provisional signs shall not exceed the number of permanent signs for which permits have been issued, and any provisional sign must be removed immediately upon the final installation or completion of the permanent sign. No additional permits will be required for the provisional signs.

~~(13) Light standard decorations.~~

(c) Application Procedure.

- (1) The application for a permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this chapter. Construction permit applications for any new ground signs, when erected or constructed to heights exceeding eight 30 feet above ground level or in excess of sixty square feet in size, or for new roof signs shall be accompanied by a design drawing of the sign structure and the sign, followed by an as-built drawing based on an on-the-ground inspection, both of which have been prepared by and certified by a professional engineer registered in the State of Texas; the Sign Administrator at his option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.
- (2) Every application shall be executed and verified under oath by both the owner of the premises upon which the sign is to be or has been constructed, or the authorized lessee of such premises, and the sign company if the sign is an off-premise sign, that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain the sworn affidavit of the owner or lessee and the sign company that the sign does not violate any applicable deed restriction or other similar restrictions on the premises.
- (3) If the location, plans and specifications set forth in any application for a permit conform to all of the requirements of this chapter and other applicable provisions of the Construction Code, the Sign Administrator shall issue the permit.

(d) Operating Permit Effectiveness--Renewal Permit. Each operating permit issued shall be effective for a period of three years. Not less than 30 days nor more than 60 days prior to the conclusion of each three-year period, applications may be made for a three-year extension of the permit. Such application shall be submitted in such form as the Sign Administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in Section 4605(c)(2). If the application for

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extension of permit fully meets the requirements of applicable law in effect at the time of such application, the Sign Administrator shall issue a renewal permit for an additional three-year period or such other time as may be required by law.

(e) Existing Signs--Operating Permits.

- (1)** After the effective date, all signs then existing must receive operating permits according to the following schedule:
 - a.** All portable signs, by 180 days after the effective date.
 - b.** All other signs located south of Buffalo Bayou and west of South Main Street, by 180 days after the effective date.
 - c.** All other signs located south of Buffalo Bayou and east of South Main Street, by 270 days after the effective date.
 - d.** All other signs located north of Buffalo Bayou, by 360 days after the effective date.
- (2)** In order to receive operating permits, all signs existing on the effective date must conform to the requirements of Section 4607 and Section 4608(a) through (l) when an operating permit is issued; with reference to the remainder of this chapter, all signs existing on the effective date must conform to the requirements of this chapter as follows:
 - a.** Existing portable signs must conform when an operating permit is issued.
 - b.** Existing spectacular signs must conform with the provisions of Section 4608(m)(1) when an operating permit is issued; otherwise, existing spectacular signs must conform six years after the effective date.
 - c.** Existing on-premise signs, unless portable signs or spectacular signs, if they were legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, must conform with the provisions of Section 4611 when an operating permit is issued following six years after the effective date. If such existing on-premise signs were not legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, they shall conform when an operating permit is issued.
 - d.** All other existing signs need not conform if they were legally and properly permitted or legally and properly exempt from

having a permit prior to the effective date, provided that when an operating permit is issued following six years after the effective date, such existing signs must conform to the height, location and size limitations of this chapter. If such other existing signs were not legally and properly permitted or legally and properly exempt from having a permit prior to the effective date, they shall conform when an operating permit is issued.

- e. Any sign required by any proper authority to be licensed or permitted in an unincorporated area and not so licensed or permitted when said area is brought into the sign code application area by an annexation or extension of the area of extraterritorial jurisdiction shall not be considered to have been "legally and properly permitted" for the purposes of this subsection.

- (3) When any sign or a substantial part thereof is blown down or otherwise destroyed, or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols or other matter on such sign, it shall not be reerected, reconstructed, repaired or rebuilt, except in full conformance with this chapter. For purposes of this subsection, a sign or substantial part thereof is considered to have been destroyed if the cost of reerecting, reconstructing, repairing or rebuilding the sign is more than 60 percent of the cost of erecting a new sign of the same size, type and equivalent construction at the same location.
- (4) For purposes of Section 4605(e)(3), as to on-premise signs only, the phrase "changing the letters, symbols or other matter on such sign" shall not include replacing the sign cabinet. Any on-premise sign cabinet replacement shall remain the same size as previously permitted and shall meet the structural requirements of this chapter, provided that the voluntary replacement of an on-premise sign cabinet, not incident to the sign structure being blown down or destroyed, shall not be permitted unless the sign structure is re-erected, reconstructed, repaired or rebuilt in full conformance with this chapter.

(f) Subterfuge. Any permit secured before or after the effective date that, in the opinion of the Sign Administrator, has been secured through subterfuge and not in full compliance with the provisions of this chapter shall be revoked by the Sign Administrator, provided that such revocation shall conform with the provisions of Section 4604(c)(4) regarding notice and hearing.

(g) Identification of Signs. Every sign for which a permit is required shall be plainly marked with the name of the owner, lessee or the sign company erecting

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and maintaining the sign and shall have affixed on the front thereof or on some other location so as to be conspicuous and easily identifiable from an adjacent public street an individually numbered sticker, tag or token provided by the city.

(h) Construction Permit Effectiveness--Renewal Permit. Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days or the permit is renewed for an additional 180 days, in which case an additional fee shall be payable equal to one-half the original fee paid and the proposed sign shall meet all of the requirements of this chapter on the date of renewal.

(i) Fees. Permit fees, plan examination fees, reinspection fees and plan reexamination fees shall be as set forth in Section 117 of this Code. All proceeds derived from the fees collected under this chapter shall be deposited in the Building Inspection Fund and accounted for separately within said fund. All such proceeds shall be used solely to pay the administrative and related costs of enforcing this chapter, provided, however, where a question arises as to the propriety of a cost arising under this chapter, the Mayor shall have the authority to judge the propriety of said cost. Fees for operating permits that are not paid within thirty days following the mailing of a bill therefor by the City will be assessed a 15 percent surcharge.

(j) No Refund of Fees. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(k) Deposit or Bond. When any work on a sign or sign structure that is to be done beyond the curbline or on or above public property may cause the City to sustain loss, damage or injury to public property or to be put to expense in correcting conditions resulting therefrom, the Sign Administrator shall require the person proposing to do such work to furnish a bond in the amount of \$25,000.00, in the form determined by the City Legal Department, or to post a deposit of a like amount, to indemnify the City against any cost that may be incurred or any loss, damage or injury that may be sustained by the City because of such work, and as a guaranty of compliance with this and other applicable laws and ordinances. Such required bond or deposit shall be furnished or posted before any permit is issued to work.

(l) Electrical Signs. Any electrical sign shall conform fully to the requirements of the City of Houston Electrical Code and shall receive a permit under the provisions therein.

SECTION 4606--SIGN COMPANIES

(a) License Required. Any person wishing to engage in leasing or erecting signs for any other person shall first obtain a license from the Sign Administrator to do so.

(b) License Fee. Any person required to obtain a license under the terms of this section shall pay an annual license fee of \$400.00.

(c) Address and Agent for Service of Process. Any person who is required to obtain a license under the terms of this section shall at all times maintain an office within the sign code application area, the current address of which is recorded with the Sign Administrator, or shall appoint and file of record with the Sign Administrator an agent within the sign code application area for service of process.

(d) Insurance. Each person licensed under the terms of this section shall submit evidence that the performance of work in connection with each sign will be covered by approved public liability and property damage insurance in the amount of \$100,000.00 for any person injured, \$300,000.00 for injury to more than one person and \$100,000.00 for property damage. Such policies of insurance shall be in a form selected or approved by the City Attorney and shall indemnify the City of Houston from all claims for personal injury, death or property damage arising from the construction or maintenance of the sign for which the permit is issued. Such policies of insurance shall be issued by an insurance company duly authorized to do business and issue such policies of insurance in the State of Texas and maintaining an office or represented by an authorized agent in the State of Texas and shall require that the insured give 10 days' written notice to the Sign Administrator before cancellation of the policy. Whenever any policy of insurance is cancelled, the Sign Administrator shall require that all work to which such policy applies be stopped immediately.

(e) Removal Bond. Each person licensed under the terms of this section shall furnish a bond in the amount of \$25,000.00 in a form determined by the City Attorney, or post a deposit in such amount, as a guaranty of compliance with this chapter and other applicable laws, including the removal of signs when required.

(f) Electrical Sign Contractor. Each person licensed under the terms of this section whose operations include signs that in any manner include the use of electricity shall adhere to the requirements of the City of Houston Electrical Code and shall pass such examinations and tests and hold such licenses and permits as are required thereunder.

(g) Vehicle Identification. Each person engaged in the leasing or erecting of signs shall identify all vehicles used by employees in connection with installing, erecting and maintaining signs with the name of their company and their license number. Such information shall be set out on each side of the vehicle in clearly

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visible, legible and proportionally spaced letters at least 2 inches high with a brushstroke width of at least 3/8 inch that are full view at all times. The required information may be painted on the vehicle, permanently attached by decals, or painted on a sign that is permanently attached to the vehicle. The letters shall be of a color that contrasts with the color of the vehicle or with any background color on the decal or sign. Signs attached with nuts and bolts or magnets are deemed not to be permanently attached and will not satisfy the requirements of this section.

SECTION 4607--MAINTENANCE, SAFETY, REMOVAL

(a) Maintenance. All signs shall be kept in good repair and, unless of galvanized or noncorroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary, consistent with good maintenance. All braces, bolts, clips, supporting frames and fastenings shall be free from deterioration, termite infestation, rot or loosening. All signs shall be able to withstand safely at all times the wind pressure specified in Section 4609(a)(2). In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign or to remove the sign.

(b) Unsafe Signs. Should any sign, in the opinion of the Sign Administrator, become insecure or in danger of failing, or otherwise unsafe, the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Said person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this chapter.

(c) Unlawful Signs. It shall be unlawful to install, erect, construct, reconstruct, alter, relocate, maintain or use any sign in violation of any of the terms of this chapter. Any such violation shall subject the owner, lessee, or person responsible for said sign to citation to Municipal Court by the Sign Administrator; shall subject the owner, lessee, or person responsible for said sign to the process set out in subsection (d) of this section for removal of the sign, revocation of permit, and forfeiture of removal bond; and shall subject the owner, lessee, or person responsible for said sign to any other enforcement process available under this chapter or otherwise available under the law. In addition to these enforcement remedies, the Sign Administrator may give written notice to the owner, lessee or person responsible for said sign ordering said owner, lessee or person to alter the sign so as to comply with this chapter or to remove the sign within a specified period of time, not to exceed ten working days, exclusive of Saturdays, Sundays, and holidays observed by the closure of City offices. For portable and banner signs, the specified period shall not exceed 72 hours; provided, however, that such violation does not create an immediate threat to the public safety. In the event that the Sign Administrator determines that the sign poses an immediate threat to the public safety, the notice period shall not exceed 24 hours. The provisions of this subsection shall not apply to signs on the public right-of-way, which shall be governed by the provisions of Section 4608(c).

(d) Removal of Signs. Any written notice to alter or to remove a sign installed, erected, constructed, reconstructed, altered, relocated, maintained or used in violation of any of the terms of this chapter shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee or person responsible for the sign, or the owner's agent. For those non-compliant signs for which a permit has been issued, if such order is not complied with within ten days of the posting or service of such notice, the Sign Administrator

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shall initiate proceedings under Section 4604(c)(4) to revoke the permit and remove the sign at the expense of the owner, lessee or person responsible therefor. The sign company that received a permit for any such sign shall be deemed to have forfeited the removal bond required by Section 4606(e), and the Sign Administrator shall use the proceeds of said bond to remove the sign.

(e) Non-use of On-premise Sign Structure. No on-premise sign structure shall be erected or maintained on any premises on which there is no business currently in operation that would require the use of such on-premise sign for advertising. The owner, property owner or permittee shall keep such sign in good repair as required under this section, and shall, in addition, paint over, blank out or otherwise obliterate any existing advertising message on the existing sign face or faces that by virtue of any cessation of business operations on the premises no longer applies to those premises. Provided, further, that any such on-premise sign structure composed of a face or faces circumscribed by one or more cabinets of metal or other material shall at all times have a blank sign face contained within each such cabinet.

SECTION 4608--MISCELLANEOUS SIGN PROVISIONS

(a) Displays and Certain Banners. Seasonal-holiday displays and banners as described in Section 40-30 of the City Code, and similar temporary displays erected without advertising shall not be subject to the provisions of this chapter, but shall be subject to the Fire Code and rules and regulations for fire safety promulgated by the fire marshal.

(b) Special Event Banners. Special event banners, as defined in Section 40-31 of the City Code, shall not be subject to the provisions of this chapter, but shall be subject to the Fire Code and rules and regulations for fire safety promulgated by the fire marshal.

(c) Signs on Public Rights-of-way.

- (1)** With the exception of signs lawfully permitted or erected prior to the effective date, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, on any public bridge or part of same, or on any public building or structure of any kind belonging to the city, or in any public place or on any public improvement unless express consent therefor shall have been first granted by the City Council. This subsection does not apply to public property leased for private business purposes.
- (2)** Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The employees of the Police Department, the Planning and Development Department, the Solid Waste Management Department and the Department of Public Works and Engineering are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of a fee to the City through the custodian thereof, consisting of a total of \$50.00 for hauling the same to storage, plus \$10.00 per day storage fee for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the Surplus Section of the Property Management Division of the Finance and Administration Department of the City of

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Houston to be sold at public auction in the same manner as surplus property of the City.

EXCEPTION: Stake-type signs constructed of cloth, wood, paper or similar lightweight materials that are picked up in the right-of-way may be disposed of immediately, without regard to the foregoing impoundment provisions.

(d) Signs on Private Property. No person shall place a sign on private property without the written consent of the owner or agent for the owner of said private property.

(e) Signs Resembling Official Signs. No sign shall be constructed so as to resemble any official marker erected by the city, state or any governmental agency or so that by reason of position, shape or color it would conflict with the proper functioning of any traffic sign or signal, or so that its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop," "look," "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic is prohibited.

(f) Signs on Traffic Islands. Signs are prohibited on traffic islands, being areas of less than 5,000 square feet entirely bounded by, or located within, the curb lines of a public street or streets, or being any area having a minimum distance of less than 50 feet between the curb lines of any street or streets.

(g) Signs Not to Obstruct.

- (1)** No sign shall be erected, constructed or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation or fire fighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any other part thereof.
- (2)** No sign shall be attached to any exterior stairway, fire escape, fire tower balcony or balcony serving as a horizontal exit.
- (3)** No sign shall be erected, constructed or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape, and no projecting sign shall be erected, constructed or maintained without a minimum of 7 feet of clearance over any such counterbalanced section.
- (4)** No sign shall obstruct the free use of any window above the first story.

(h) Signs Employing Motion Picture Machines. No sign shall employ a stereopticon or motion picture machine.

(i) Signs Not to Create Easements. No permit for a sign extending beyond private property onto a public street, public sidewalk or public alley shall constitute a permanent easement, and every such permit shall be revocable at any time by action of the City Council, and the City shall not be liable for any damages to the owner by reason of such revocation.

(j) Change of Ornamental Features, ~~Electrical Wiring~~ or Advertising Display. No sign permit is required for the change of any of the ornamental features, ~~electrical wiring or devices~~, or the advertising display of a sign previously permitted. This provision shall not apply to signs under new ownership, to spectacular signs with respect to advertising display, or to converting existing signs to electronic signs, high technology signs, or changeable message signs, nor shall it release a person from complying with all other applicable permitting requirements of the City, including those of the Construction Code.

(k) Signs Obscuring or Interfering with View. Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(l) Proper Shielding of Lighted Signs--Interference with Drivers of Motor Vehicles. Signs containing lights that are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(m) Spectacular Signs. Spectacular signs are prohibited, ~~except that a sign located upon a premises having frontage on a major thoroughfare or a freeway may have moving or intermittent lights that are only used to give date, time and temperature information, brief weather reports, or stock market quotations.~~

(n) Visibility Triangle. Within the area of a visibility triangle, no part of the face of a sign shall be lower than a height of 8 feet above grade level of the nearest street.

(o) Flag Signs. Flag signs shall conform to the applicable requirements of Section 4609, including the height requirements of Table 4609. Flag signs shall be counted as ground signs for the purposes of Section 4611(b), notwithstanding their method of attachment, display or installation upon the building or premises where they are located. All flag signs must be permitted; however, one flag sign per frontage, with a maximum of two per business, shall be exempted from the total allowable on-premise sign limitations of Section 4611(b), and such signs shall be

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exempted from the requirement of operating permits only. Provided, however, all flag signs shall comply with the height requirements set forth in Table 4609 and the structural requirements set forth in Section 4609.

(p) Limited Use Banner Sign. In addition to the on-premise signs authorized under Section 4611(b)(1) of this chapter, a permit may be issued in accordance with Section 4605 hereof and in accordance with this subsection for an on-premise, limited use banner sign. Each such sign must otherwise comply with the requirements of this chapter for on-premise banner signs, provided rope or other such lightweight support material may not be used in the construction of the sign, the sign may not exceed 40 square feet in size, and the sign must at all times be securely attached and maintained flush against an exterior wall of a building. Only one such sign may be used on any premises at anytime, and such sign may only be displayed on consecutive days, for a maximum of seven days in any 30 day period. Each such display period shall require the issuance of a separate permit and the payment of appropriate site inspection, plan exam, construction permit, and administration fees as set forth in Section 117 of this Code.

SECTION 4609--STRUCTURAL REQUIREMENTS

(a) Design.

- (1) **General.** All signs and sign structures shall be designed and constructed to resist wind forces as specified in this section and Chapter 16 of this Code. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements of the building.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load-resisting moment for all signs. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building for all signs. The weight of earth superimposed over footings may be used in determining the dead-load-resisting moment. Such earth shall be carefully placed and thoroughly compacted.

The allowable stresses in wire ropes and steel guy rods and their fastening shall not exceed one-fourth of their rated tensile strength.

- (2) **Wind loads.** All signs and sign structures shall be designed to resist wind loads as prescribed in wind design requirements of Chapter 16 of this Code.
- (3) **Vertical design loads.** Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind loads.
- (4) **Working stresses.** All signs shall be designed to conform with the requirements of this Code regarding allowable working stresses. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel rods.

(b) Construction.

- (1) **General.** The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed and erected in conformance with the requirements of this Code.
- (2) **Materials.** Materials for construction of all signs and sign structures shall be of the quality and grade as specified for buildings in this Code and be consistent with the City of Houston Fire Code.

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- (3) **Nonstructural trim.** Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof, consistent with the City of Houston Fire Code.
- (4) **Anchorage.** Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values stated in Section 4609(a)(1). All ground signs shall be anchored to resist the wind load specified in Section 4609(a)(2) acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force 25 percent greater than the required resistance to overturning.
- (5) **Signs attached to masonry.** Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied.
- (6) **Wooden blocks.** No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. Whenever anchors or supports consist of wood embedded in the soil, the wood shall be pressure treated with a preservative approved by the Sign Administrator.
- (7) **Unbraced parapet wall.** No anchor or support of any sign will be connected to or supported by an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in this Code.
- (8) **Display surfaces.** Display surfaces in all types of signs may be made of metal, wood, glass or "approved plastics," as that term is defined in Section 4609(d)(2), unless otherwise prohibited herein or prohibited by the City of Houston Fire Code.

- (9) **Glass thickness.** Glass thickness and area limitations shall be as follows:

SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS			
Maximum Size of Exposed Glass Panel Any Dimension Area		Minimum Thickness of Glass (In Inches)	Type of Glass
(in inches)	(in square inches)		
30	500	1/8	Plain, Plate or Wired
45	700	3/16	Plain, Plate or Wired
144	3,600	1/4	Plain, Plate or Wired
Over 144	Over 3,600	1/4	Wired

(c) Electrical Requirements.

- (1) All electrical fixtures, equipment and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the City of Houston Electrical Code.
- (2) With the exception of electrical signs covered by the provisions of Section 4611(c)(3), all electrical signs shall be limited to bulbs of 150 watts for bulbs located in the face of the sign. Signs shall have electrical circuits limited to the normal voltage used in most commercial buildings, shall contain a sunshade screen dimmer, and shall not use reflectorized lights as part of the face of the sign. For the purpose of this section, "reflectorized lights" shall mean any lamp constructed with reflector-type materials so as to focus, intensify, flood or spot such lamp in a certain direction, including, but not limited to, lamps designated by the manufacturers as flood, spot, reflector flood, reflector spot, reflector light or clear reflector.

(d) Use of Plastic Materials.

- (1) For the purpose of this subsection, the following definitions shall apply:

DISPLAY SURFACE shall mean the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

SIGN FACING or **FACING** shall mean a separate and distinguishable portion of the overall display surface.

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- (2) Notwithstanding any other provisions of this chapter, plastic materials that burn at a maximum rate of 2 1/2 inches per minute, in sheets of 0.060 thickness when tested in accordance with "Test for Flammability of Rigid Plastics Over 0.050 Inches in Thickness", ASTM D 635-1974, shall be deemed "approved plastics" for the purposes of this chapter and may be used as the display surface material and for the letters, decorations and facings on signs, provided that the structure of the sign in which the plastic is mounted or installed is noncombustible.
- (3) Individual plastic facings of electrical signs shall not exceed 200 square feet in area. If the area of a display surface exceeds 200 square feet, the area occupied or covered by approved plastics shall be limited to 200 square feet plus 50 percent of the difference between 200 square feet and the total square footage area of the sign.
- (4) The area of plastic on a display surface shall not in any case exceed 550 square feet.
- (5) Letters and decorations mounted upon an approved plastic facing or display surface shall be made of approved plastics.

(e) Height and Size Limitations.

- (1) Except as stated herein, no ground sign shall be established, constructed or erected that exceeds an overall height of 42 1/2 feet, including cutouts extending above the rectangular border, measured from the highest point on the sign to the grade level of the ground surface in which the sign supports are placed. On-premise ground signs shall be further limited in height and size in accordance with Table 4609. On-premise roof signs shall not at any point exceed 8 feet above the roof level; an on-premise wall sign erected upon a facade, false front, mansard or other similar architectural construction that extends above the actual roof shall not at any point exceed 8 feet above the highest point of the actual roof. Projecting signs shall be a minimum of 14 feet in height above the grade. These height limitations shall not apply to on-premise signs lawfully permitted or lawfully erected prior to the effective date.
- (2) The maximum height limit above grade for signs in the "central business district" as that term is defined by Chapter 42 of the City Code, as amended, shall be 42 1/2 feet. A wall sign may extend no higher than 8 feet above the roof line of the building.

Exception. The height limit of 42½ feet for signs in the central business district shall not apply to a headquarters logo sign that meets each of the following criteria:

1. The sign may display only the registered trademark or a portion of the registered trademark of the principal occupant of a headquarters building. For purposes of this requirement, a headquarters building is a structure that has 750,000, or more, square feet of gross usable floor space, provided that at least 45 percent of the gross usable floor space is occupied by the holder of the registered trademark as the headquarters for its operations in the world, within the United States, or within a region of the world that includes all of the United States.
2. The sign shall be displayed upon the surface structure of the headquarters building. The display may be created by light projection, video projection, laser technology, or other technology that causes the image to appear upon the surface structure of the building and shall appear upon the roof structure, a parapet wall, or other building surface that is situated above the highest occupiable story of the building. The sign shall be visible only between sunset and sunrise. The sign may utilize projection equipment or other light sources that are not readily visible from ground level but shall not utilize any conventional sign cabinet or structure.
3. Evidence must be provided with the sign permit application that (i) the entity to be represented on the sign is the principal occupant of the headquarters building, meaning that it occupies more space within the building than any other occupant, (ii) that the criteria set forth in Item (1) above are applicable, and (iii) that the building owner accepts and agrees to the removal requirement specified below. The building owner's agreement to remove the sign shall be accompanied by evidence of title demonstrating ownership of the building, shall be in the form of a covenant running with the title to the property that is approved by the city attorney, and shall be recorded at the applicant's expense in the real property records of Harris County.
4. The sign illumination must be a continuous image that is not blinking or animated in any manner.

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5. No more than two signs, each not exceeding 1500 square feet in area, may be placed on any building under this exception.

A sign authorized under this exception is authorized for only so long as each of the criteria specified above remains in effect. Upon request of the Sign Administrator, the permit holder shall provide evidence of compliance with the requirements of this section. Upon failure to timely provide evidence of compliance or upon any change of circumstances that causes a sign to no longer be authorized, the Sign Administrator shall revoke the permit, and the building owner shall upon request of the Sign Administrator cause the sign to be removed.

- (3) The aggregate size of all wall signs shall cover no more than 50% of the wall surface upon which they are mounted or painted.
- (4) Except as stated herein, and subject to such further restrictions on size as are established under Table 4609, no on-premise sign other than an on-premise wall sign shall be established, constructed, or erected that has a face area exceeding 300 square feet, including cutouts, but excluding uprights, or that has face dimensions that exceed 30 feet in width. No off-premise sign shall be established, constructed or erected that has a face area exceeding 672 square feet, including cutouts, but excluding uprights. No double faced off-premise sign shall be established, constructed or erected unless each face is 75 square feet or less and the faces are abutting on one edge. Additional restrictions on the height and size of signs, according to the type of sign and the category of right-of-way adjacent to the frontage where the sign is located, are shown in Table 4609 as follows:
- (5) "Sign type," for purposes of Table 4609, refers to the number of separate and distinct business entities, service entities, persons or organizations utilizing a single sign structure for their respective commercial advertising messages. The term "single business sign" shall mean any sign, regardless of the number of faces, messages or cabinets on the sign structure, that contains advertising for a single business or service entity only. Regardless of the number of the sign faces on any single sign structure advertising separate business or service entities, no business or service entity shall have a sign larger in size than that authorized for a single business or service entity. The size in square feet referred to in Table 4609 is the total area allowable for the combined area of all sign faces on any one side of a single sign structure. For purposes of Table 4609, any sign that is located along and visible from more than one category of right-of-way

shall be subject to the least restrictive requirements established for signs of any category of right-of-way from which the sign is visible and along which the sign is located.

(f) Method of Determining the Area of a Sign. In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. In measuring ground signs with more than one cabinet, each cabinet will be circumscribed. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of the sign area shall include the actual area of the cutout or extended facings. For signs of a double-faced, back-to-back or V-type nature, each face shall be considered a separate sign in computing the face area.

No on-premise, "single business sign," as that term is defined in Section 4609(e)(5), shall be comprised of more than three cabinets when being circumscribed as one ground sign with visible air space between cabinets.

(g) Clearances.

- (1)** Clearances from high voltage power lines shall meet the distances prescribed in the National Electrical Safety Code in the version adopted in the City of Houston Electrical Code, a copy of which is on file in the City Secretary's Office.
- (2)** No portion of a sign or sign structure shall project into any public alley unless said portion is a minimum of 14 feet in height above grade.

(h) Fire Prevention Requirements.

- (1)** For the purposes of this section, the following definitions shall apply:

NONCOMBUSTIBLE MATERIAL shall mean material no less flammable than steel, iron, or other similar metal, or as the term shall be otherwise defined by the City of Houston Fire Code or this Code, or by the Sign Administrator, "noncombustible material" shall include "incombustible" material.

COMBUSTIBLE MATERIAL shall mean material more flammable than metal, but no more flammable than wood or "approved plastics," as that term is defined in Section 4609(d)(2); no material more flammable than wood or approved plastic shall be used in any sign.

- (2)** When signs are required herein to be constructed of noncombustible material, all parts of such signs, including the sign structure, shall be

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of noncombustible material, except that the following parts made out of combustible material shall be permitted:

- a. Small ornamental moldings, battens, cappings and nailing strips;
 - b. Individual letters, symbols, figures and insignia supported by or within a noncombustible frame or a permitted combustible facing as permitted by Section 4609(h)(2)c;
 - c. Portions of each face of a sign, up to but not exceeding 100 square feet of facing, as long as the total area of facing for such sign does not exceed 200 square feet;
 - d. Wood posts and braces for signs whose surface is no more than 10 feet 6 inches in height at any point when measured from the ambient ground level if the sign is determined to be nonhazardous by the Sign Administrator, based on health and safety considerations, including, but not limited to, their location, their proximity to other flammable materials, the proximity to occupied structures and the proximity to necessary fire-fighting equipment.
- (3) Notwithstanding any other provision of this chapter, non-electrical signs attached to a building may be constructed of combustible materials when attached or affixed to a non rated building. All building signs attached or affixed to a rated building shall be constructed of noncombustible materials.

(i) Ground Signs.

- (1) Lighting reflectors on ground signs may project beyond the face of the sign.
- (2) Every ground sign shall provide rigid construction to withstand wind action in all directions.
- (3) Any person, including owner, lessee or other person using any vacant lot or premises for the location of a ground sign shall keep such premises clean, sanitary, inoffensive and free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such ground sign.

(j) Wall Signs. Wall signs attached to exterior walls of solid masonry, concrete or stone shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than 3/8 inch diameter and

shall be embedded at least 5 inches. Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

(k) Roof Signs.

- (1) All on-premise roof signs shall be so constructed as to display no space between the top of the roof and the lowest part of the sign. In addition, no portion of any roof sign structure shall project beyond an exterior wall.
- (2) Every roof sign affixed to a rated building shall be constructed entirely of steel, including the upright supports and braces. Roof signs shall not be located on any roof in such a manner that the location would impede access to any portion of the roof by Fire Department personnel.
- (3) The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building shall be designed to avoid overstress of these members.
- (4) All roof signs shall be thoroughly secured to the building upon which they are installed, erected or constructed by iron, metal anchors, bolts, supports, chains, stranded cables, steel rods or braces, and they shall be maintained in good condition as set forth in Section 4607(a).

(l) Projecting Signs.

- (1) All projecting signs shall be securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.
- (2) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guys or steel rods having net cross-sectional dimension of not less than 3/8 inch in diameter. Such supports shall be erected or maintained at an angle of at least 45 degrees with the horizontal to resist the dead load and at an angle of 45 degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 square feet in one facial area, there shall be provided at least two such supports on each side of the sign not more than 8 feet apart to resist the wind pressure.

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- (3) All supports shall be secured by an expansion shield to a bolt or expansion screw of such size that will develop the strength of the supporting chain, guy or steel rod, with a minimum 5/8 inch bolt or lag screw. Turn buckles shall be placed in all chains, guys or steel rods supporting projecting signs.
- (4) Chains, cables, guys or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated and fastened on the wall in a secure manner.
- (5) A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed 18 inches, may be erected to a height not exceeding 2 feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

(m) Marquee Signs. Marquee signs shall be attached to or hung from a marquee. The lowest point of a sign hung from a marquee shall be at least 8 feet above the ambient sidewalk or ground level, and further, such a sign shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of said marquee, provided that no sign shall extend more than 6 feet above nor 1 foot below such marquee, nor have a vertical dimension greater than 8 feet.

(n) Portable Signs.

- (1) New portable signs are prohibited. No new construction permits shall be issued for portable signs. Provided, however, legally permitted on-premise portable signs may be relocated during the remainder of their useful life to any business premises upon payment of any applicable inspection or related fee; provided, further, that such relocation complies with the provisions of this subsection and all other applicable provisions of this chapter for on-premise signs.
- (2) Every portable sign that is designed or constructed as a trailer shall be equipped with a trailer hitch and locking device approved by the Sign Administrator to hold the trailer in a securely locked position

during transport. All such hitching equipment shall also comply with all applicable federal, state and local laws regulating same.

- (3) Every portable sign not in transit shall be securely anchored to the ground by cables, ground supports or other means acceptable to the Sign Administrator to prevent overturning in high winds.
- (4) Portable signs shall for the purposes of this chapter be considered nonmobile, nonportable ground signs and thereby are subject to all provisions of this chapter, including the structural requirements, spacing requirements, permitting and fee requirements, on-premise and off-premise provisions, and all other provisions of this chapter applicable to ground signs unless a provision that applies by its terms to portable signs is in conflict with a provision applying to ground signs, in which case the provision applying specifically to portable signs would control.

(o) Signs of V-type or Back-to-back Construction.

- (1) The angle between the faces of V-type signs shall be no greater than 45 degrees measured back to back and if the area of each face is 300 square feet or less, the maximum distance at the nearest point between the two backs, as measured at the apex, shall not exceed 1 1/2 feet; if the area of either face exceeds 300 square feet, then the maximum distance between the two backs, as measured at the apex, shall not exceed 3 1/2 feet.
- (2) Back-to-back signs must be on common supports, and if the area of each is 300 square feet or less, then the nearest point between the two backs shall not exceed 5 feet plus the diameter of the intervening upright or support.

(p) Flag Signs. Flag signs shall meet all requirements for flag pole structures set forth in the Guide Specifications for Design Loads of Metal Flag Poles published by the National Association of Architectural Metal Manufacturers Manual (NAAMM Standard F P-1-86, Second Edition).

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TABLE 4609¹
ALLOWABLE ON-PREMISE GROUND SIGN HEIGHTS AND SIZES
BY SIGN TYPE AND CATEGORY OF RIGHT-OF-WAY

SIGN TYPE	CATEGORY A		CATEGORY B		CATEGORY C	
	Height	Size	Height	Size	Height	Size
	(Ft.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)
SINGLE BUSINESS	14	100	24	200	42½	300
MULTI-TENANT 2 OR 3 BUSINESSES	19	200	30	400	42½	525
MULTI-TENANT 4 OR MORE BUSINESSES	24	300	36	600	42½	750
FLAG	20	—	40	—	60	—

CATEGORY A shall mean visible from and located on premises with frontage on local streets, predominantly residential rights-of-way and scenic and historical rights-of-way and districts.

CATEGORY B shall mean visible from and located on premises with frontage on major thoroughfares other than predominantly residential rights-of-way or scenic and historical rights-of-way and districts.

CATEGORY C shall mean visible from and located on premises with frontage on freeways other than predominantly residential rights-of-way or scenic and historical rights-of-way and districts.

1. Applies to signs initially permitted prior to September 1, 2009. For signs permitted after that date, see Table 4611.

SECTION 4610--DESIGNATION OF SCENIC OR HISTORICAL RIGHTS-OF-WAY OR DISTRICTS

(a) This section shall govern the designation of scenic or historical rights-of-way or districts within the sign code application area. The provisions of this section shall not apply to signs lawfully erected and lawfully existing on the date of creation of any scenic or historical right-of-way or district that are on the Federal Primary System and subject to regulation under the provisions of Chapter 391 of the Texas Transportation Code, including all amendments (the Texas Act), or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et seq., including all amendments (the Federal Act).

(b) Citizens of the sign code application area may petition the City Council of the City of Houston to designate any area or any public right-of-way within the sign code application area as a scenic or historical right-of-way or district.

(c) Any such petition must meet the following requirements to be considered by the City Council.

- (1)** Contain the signatures of property owners whose property fronts on either side of the right-of-way proposed for designation or who own property in the area proposed for designation as a district and who represent 20 percent of the total front footage along the right-of-way or 20 percent of the total area; and
- (2)** Contain the signatures of at least 1,000 citizens of the sign code application area, each of whom was above the age of 18 years old when signing the petition; and
- (3)** Indicate that the signatures thereon were collected within a 60-calendar-day period; and
- (4)** Indicate that the signatories thereon desire the area or right-of-way to be designated a scenic or historical right-of-way or district.

(d) Any such petition must be submitted to City Council within 90 calendar days of the date of the first signature thereon.

(e) Following the filing of any such petition with the City Secretary, the City Council shall, within 45 days of the date of filing, conduct a public hearing to consider the merits of the petition.

(f) The City Secretary shall give notice as to the filing of any such petition and the date, time and place of the City Council hearing by posting same, at least 14 days in advance of such hearing, at a place convenient to the public in the City Hall.

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Any interested person shall have the opportunity to participate in any hearing conducted under the provisions of this section and to present any relevant evidence and testimony.

(g) As a result of such hearing, City Council shall determine the following:

- (1)** Whether or not the petition complies with the requirements of this section; and
- (2)** Whether or not the proposed right-of-way or area has scenic or historical significance; and
- (3)** Whether or not the proposed right-of-way or area has scenic or historical significance sufficient to justify preservation; and
- (4)** Whether or not designation of the proposed right-of-way or area would best serve the health, safety, welfare and public convenience and necessity of the citizens of the sign code application area.

(h) Should a majority of the City Council decide that the proposed right-of-way or area meets all the criteria stated in Section 4610(g), the City Council shall designate the proposed area of right-of-way as a scenic or historical right-of-way or district. Any such designation shall for existing on-premise signs be effective six years after designation hereunder consistent with Section 4611(c), and shall for off-premise signs be effective immediately after designation hereunder consistent with Section 4612(e). The terms and provisions of Section 4611(c) and Section 4612(e) shall apply with full force and effect to existing signs within or along the area or right-of-way designated as a scenic or historical right-of-way or district hereunder following six years after designation, even though such signs were duly permitted and not subject to Section 4611(c) or Section 4612(e) prior to designation. In addition, no new off-premise signs and only on-premise signs conforming with Section 4611(c) shall be permitted in an area or on a right-of-way after designation hereunder as a scenic or historical right-of-way or district.

(i) Should a majority of the City Council decide that the proposed right-of-way or area does not meet the criteria stated in Section 4610(g), the proposed area or right-of-way shall not be designated as a scenic or historical right-of-way or district. No subsequent petition seeking designation of any portion of a right-of-way or area under this section which failed to meet the criteria of this section under a prior petition shall be considered by City Council until one year has elapsed from the date of the filing of the prior petition.

(j) This section shall not be construed to limit the authority of City Council consistent with the provisions of this section to designate other areas as scenic or historical rights-of-way or districts without a public petition.

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(k) Designation of a historic district under Article VI of Chapter 33 of the City Code, does not constitute a designation under this section.

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SECTION 4611--ON-PREMISE SIGNS

(a) On-premise Sign Provisions. The provisions of this section shall apply only to "on-premise signs," as that term is defined in Section 4603(a), within the sign code application area.

(b) On-Premise Sign Limitations.

- (1)** No business shall have more than a total of five on-premise signs, provided, however, that each business may select any combination of the signs described below in this subsection to reach that total:
 - a.** Each business shall place no more than one on-premise ground sign or projecting sign per frontage. However, if a business has more than 350 feet of frontage, two on-premise ground signs, projecting signs, or a combination of these signs that totals two, will be allowed along the frontage; provided, however, that the two signs shall be spaced a minimum of 350 feet apart as measured parallel to the frontage. The total number of signs from all of the foregoing sign classifications shall not exceed two in number for each business.
 - b.** Each business shall place no more than four on-premise roof signs, wall signs, or combination of roof and wall signs.
 - c.** Roof signs, designed to be architecturally compatible with the building. Wall signs shall not occupy more than 50 percent of the total wall surface. Wall signs shall not extend above the roofline of the building to which they are attached.
 - d.** On-premise projecting signs shall not extend above the uppermost portion of the building to which they are attached except as provided in Section 4609(l)(5).
 - e.** Each business shall place no more than three on-premise marquee signs.
- (2)** With the exception of on-premise signs lawfully permitted or erected prior to the effective date, all on-premise signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way, provided that on-premise projecting signs may extend up to 10 feet outward from the building to which they are attached, as long as such extension is no closer than 2 feet behind the curb line.

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- (3) Spectacular signs shall be prohibited, except as provided in Section 4608(m).

(c) Residential Rights-of-way, Scenic and Historical Rights-of-way and Districts. All on-premise signs on residential rights-of-way and scenic and historical rights-of-way and districts shall conform in all respects to the requirements set forth in Section 4611(b) for general rights-of-way and shall be subject to the following additional restrictions:

- (1) Ground signs shall comply with the height and size provisions of Table 4609.
- (2) Spectacular signs shall be prohibited.
- (3) Electrical signs shall be limited to not more than 10 bulbs of 100 watts or less, shall be limited to 120 volts in the lighting circuit and may be illuminated only indirectly.

(d) Business Purpose Required. An on-premise sign must be erected in connection with a "business purpose," as that term is defined in this chapter; any sign not connected with a business purpose shall be considered an off-premise sign.

(e) Relocation of Certain On-premise Signs. Notwithstanding the provisions of Section 4605(e)(3), any on-premise sign that has a valid operating permit and that exceeds the height and size limitations contained in Section 4609 may be relocated on the same premises without having to conform with such height and size limitations, if the sign meets the following requirements and conditions:

- (1) The sign is required to be removed from its present location because of the acquisition of the property upon which the sign is located by the city, the state, or any political subdivision of the state through eminent domain or purchase; and
- (2) The sign is relocated at the height and size indicated on the sign's current permit and without any substantial alterations in the construction materials of the sign; and
- (3) The sign otherwise conforms with all other provisions of this chapter at the time of relocation.

(f) Special Employment Districts.

- (1)** Notwithstanding any other provision or provisions of this code to the contrary, on-premise ground signs located in a special employment district shall comply with the provisions of this subsection.
- (2)** A special employment district may not contain on the average more than two on-premise ground signs per acre.
- (3)** An on-premise ground sign may be erected and maintained in a special employment district if each of the following requirements is met:

 - a.** The sign only provides directions to or identifies sites or locations of facilities within the special employment district.
 - b.** The sign identifies that the sign itself and the sites or locations are situated within the special employment district. Such identification may be by use of words or graphic representations such as logos, symbols or insignia. Graphic representations that are used on such signs shall not occupy more than 10 percent of the total area of a sign face.
 - c.** The sign complies with all other provisions of this chapter relating to size, construction, safety and maintenance other than the number restriction provided in this subsection.
 - d.** The City's Traffic Engineer finds that the system of on-premise ground signs within the special employment district will facilitate the movement of vehicular and pedestrian traffic in the public streets and sidewalks adjacent to the special employment district.
- (4) Designation procedures.**

 - a.** Any person may petition the City Council to designate an area of the City as a special employment district. The petition shall contain the following:

 - 1.** The signatures of 90 percent of the property owners of the total area of the tracts within the proposed district.
 - 2.** A verified statement by such property owners that the area to be included in the district has the characteristics

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contained in the definition of an area that may be designated as a special employment district.

3. A plat or map of the proposed district prepared by a registered surveyor or engineer showing the boundaries of the proposed special employment district.
 4. A plan for the removal and elimination of all existing on-premise ground signs that do not comply with the provisions of this chapter.
 5. A landscaping plan for the installation of trees, shrubs and plants in the right-of-way within the special employment district (reviewed by a landscape architect licensed by the State of Texas.)
- b. The City Council shall call a public hearing on the question of the designation of an area as a special employment district within 30 days of the filing of a petition in the Office of the City Secretary that complies with the provisions of Section 4611(f)(4)a.
- c. Any designation of a special employment district shall be conditioned on the continuing compliance of the property owners within the special employment district with the requirements that:
1. All existing on-premise ground signs not in conformance with the requirements of this chapter be removed; and
 2. That the trees, plants and shrubs are installed and maintained in the right-of-way in compliance with the landscaping plan.
- d. In the event that the property owners in the special employment district shall fail to comply with the requirements of the City Council to maintain the designation of the special employment district, the Sign Administrator shall notify the City Council of such facts in writing. Upon notice and hearing, the City Council shall revoke and cancel a special employment district designation, and the property owners shall bring all signs into compliance with the provisions of this code other than this subsection within a period of six months from the date of such revocation.

(g) Identifying Number Required. Each business premises containing one or more on-premise ground signs shall have an identifying number posted and maintained on at least one on-premise ground sign structure. For purposes of this subsection, the term "identifying number" shall mean the address number for that business premises assigned by the building official, or where no such has been assigned by the building official, any number, letter or number and letter combination that is distinct from any other number, letter or number and letter combination used on the same premises. All numbers that are to be posted and maintained on an on-premise ground sign shall be:

- (1) Permanently affixed to the outside of the sign;
- (2) Of a color that is in contrast to the background; and
- (3) At least 3 inches in height.

(h) Changeable Message and High Technology Signs. Save and except for signs erected pursuant to the provisions of Section 4620, the following provisions shall apply to all existing and new changeable message and high technology signs:

- (1) Blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, or spot lights are prohibited.
- (2) Lights or colored elements creating a continuously moving, shimmering, or prismatic effect, or the use of rotating or moving parts in association with such lights or colored elements, are prohibited.
- (3) A changeable message sign may not change the message more often than every five minutes and must change the message within one second or less; a high technology sign may not change the message without a new permit.
- (4) Brightness limits shall be set at a maximum of 6500 nits between sunrise and sunset, and at a maximum of 1250 nits between sunset and sunrise, and each sign shall be fitted with a qualified light sensing device to automatically adjust the brightness in accordance with these standards.

(i) Additional On-Premise Sign Provisions. Beginning September 1, 2009, and save except for signs erected pursuant to the provisions of Section 4620, the following additional provisions shall apply to new on-premise signs for which an initial permit is requested after said date; provided, however, that in the event of a conflict between these provisions and other provisions of this chapter (except for Section 4620), the more stringent provisions shall control.

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(1) **Definitions and references.** In this subsection, the following terms shall have the meanings herein ascribed to them, unless the context of their usage clearly indicates another meaning:

a. All references in this Code to the size and height limitations contained in Table 4609 of this Code shall be interpreted to refer to the new size and height limitations contained in Table 4611.

b. **BUSINESS** shall mean any entity that uses an on-premise sign.

(2) **Additional restrictions for ground signs.**

a. For any business to which the multi-tenant standards of Category B and Category C of Table 4611 of this Code could apply that instead applies for a permit to utilize a single business ground sign, the single business ground sign shall be permitted and constructed in accordance with the size and height limitations for the next smaller category of right-of-way; that is, a single business Category C sign shall be permitted and constructed to the Category B standards of Table 4611, and a single business Category B sign shall be permitted and constructed to the Category A standards of Table 4611. This provision shall not apply to any new ground sign that is more than 350 feet from another ground sign at the same location.

b. All permanent signs other than wall signs and marquee signs will be counted as ground signs, including flag and fence signs.

(3) **Additional restrictions for roof signs.** Roof signs are prohibited.

(4) **Additional restrictions for wall signs.**

a. The area of wall signs shall not exceed in the aggregate 25 percent of the area of the wall on which they are mounted or painted, or 1000 square feet, whichever is smaller.

b. Wall signs may be attached only to buildings devoted exclusively to business purposes; wall signs attached to buildings or other structures not used exclusively in the furtherance of the primary business purpose shall be treated as ground signs. For the purposes of this provision, wall signs on parking garages located on the premises of the business shall be considered for business purposes.

- c. No wall sign may extend above the supporting exterior wall unless mounted on a mansard or facade, and in any event no wall sign may extend more than ten feet above the roof line of the supporting wall.
- d. In the central business district the maximum height of a wall sign shall not exceed 42-1/2 feet.

(5) Additional restrictions for projecting signs.

- a. No projecting sign shall extend above the roof line of the supporting exterior wall.
- b. In the central business district the maximum height of a projecting sign shall not exceed 42-1/2 feet.

(6) Additional restrictions for changeable message signs.

- a. Only one changeable message sign shall be permitted per business.
- b. No changeable message sign shall be located on a local street.
- c. No changeable message sign located on or facing a collector street shall be permitted within 150 feet of the property line of a single family residence.
- d. For a changeable message sign located on or facing a collector street, that portion of the sign where the changeable message is located shall not exceed in height those standards for Category A signs contained in Table 4611.
- e. That portion of the face of a changeable message sign devoted to changing the message shall be limited in area to fifty percent of the total area of the sign face, not to exceed 100 square feet.
- f. The height of a changeable message wall sign shall not exceed thirty-five feet or the roof line of the supporting exterior wall, whichever is shorter.

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- g. An existing sign may only be converted into a changeable message sign in conformance with the standards for a new changeable message sign.

TABLE 4611
ALLOWABLE ON-PREMISE GROUND SIGN HEIGHTS AND SIZES
BY SIGN TYPE AND CATEGORY OF RIGHT-OF-WAY

SIGN TYPE	CATEGORY A		CATEGORY B		CATEGORY C		CATEGORY D	
	Height	Size	Height	Size	Height	Size	Height	Size
	(Ft.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)	(Ft.)	(SFt.)
SINGLE BUSINESS	14	100	20	150	42½	225	8	60
MULTI-TENANT 2 OR 3 BUSINESSES	19	200	26	300	42½	450	10	120
MULTI-TENANT 4 OR MORE BUSINESSES	24	300	31	450	42½	600	12	180
FLAG	20	—	35	—	50	—	—	—

CATEGORY A shall mean visible from and located on premises with frontage on scenic and historical rights-of-way and districts.

CATEGORY B shall mean visible from and located on premises with frontage on major thoroughfares including collector streets other than scenic and historical rights-of-way and districts.

CATEGORY C shall mean visible from and located on premises with frontage on freeways and highways other than scenic and historical rights-of-way and districts.

CATEGORY D shall mean visible from and located on premises with frontage on local streets.

SECTION 4612--OFF-PREMISE SIGNS

(a) Off-premise Sign Provisions. The provisions of this section shall apply only to "off-premise signs," as that term is defined in Section 4603(a), within the sign code application area.

(b) Prohibition of New Off-premise Signs.

- (1) From and after the effective date, no new construction permits shall be issued for off-premise signs within the sign code application area. This prohibition shall apply to all classifications of signs, types of signs, and special function signs, and all other signs used as off-premise signs, including portable signs, with the exception that off-premise signs that advertise the sale or rental of real property or direct persons to the location of real property for sale or rental, which signs shall be limited to 40 square feet in area, shall continue to be permitted for a single three-year term.
- (2) ~~Off-premise electronic and off-premise high technology signs are prohibited. This prohibition shall include the construction, reconstruction, upgrading, or conversion of an existing off-premise sign to an off-premise electronic or off-premise high technology sign, such that no off-premise electronic or off-premise high technology signs are permitted.~~

(c) General Location.

- (1) All off-premise signs shall be located within 800 feet of a commercial or industrial activity.
- (2) No off-premise sign shall be located in a predominantly residential area.
- (3) No off-premise sign shall be erected, constructed or established such that the face of the structure may be viewed from a scenic or historical right-of-way or district.
- (4) All off-premise signs other than those located on the Interstate and Freeway Primary System shall be subject to the following spacing requirements from other off-premise signs on the same side of the public right-of-way (see Table 4612):
 - a. No off-premise sign having a face area in excess of 300 square feet shall be located within 400 feet of another off-premise sign.

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- b. No off-premise sign having a face area of from 100 to 300 square feet shall be located within 200 feet of another off-premise sign.
 - c. No off-premise sign having a face area up to 100 feet shall be located within 100 feet of another off-premise sign.
- (5) The spacing provisions stated in this section relating to the location of off-premise signs shall not apply to the following signs:
 - a. Signs lawfully erected and lawfully existing on the effective date that are on the Federal Primary System and subject to regulation under the provisions of Chapter 391 of the Texas Transportation Code, including all amendments (the Texas Act), or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et seq., including all amendments (the Federal Act). Location and spacing of signs subject to the Texas Act or the Federal Act shall be regulated by the City only to the extent required by and in accordance with the directives of the appropriate state or federal agencies regulating such signs. Signs governed by the Texas Act or the Federal Act with respect to location and spacing shall be subject to the remaining provisions of this chapter, unless specifically excluded therefrom by the Texas Act or the Federal Act or by the rules and regulations of the state and federal agencies implementing such acts.
 - b. Signs separated by buildings, natural surroundings or other obstructions in such a manner that only one sign located within the above space distances is visible from the highway or street at any one time.
 - c. Signs at street intersections that are located so that each is to be viewed primarily from a separate street; in no instance, however, shall any off-premise sign be located less than 25 feet from any other off-premise sign when located on street corner intersections.
- (6) Each double-faced back-to-back or V-type sign shall be considered a single off-premise sign for spacing purposes. The largest face on a double-faced, back-to-back or V-type sign will govern spacing requirements.

- (7) In computing the distance between off-premise signs, all measurements shall be made parallel to the edge of the street and on the same side of the street. In measuring the distance from back-to-back and V-type signs, the measurements shall be made from the street end of the nearest sign on the back-to-back or V-type structure.

(d) Location on Property. All off-premise signs and sign structures shall be within the deeded front building line, or if no such line exists, within the property line, but in no event closer than 20 feet to the curb of any public street.

(e) Removal of Off-premise Signs from Scenic and Historical Rights-of-way and Districts. With the exception of off-premise signs lawfully erected and lawfully existing on the effective date that are on the Federal Primary System and subject to regulation under the provisions of Chapter 391 of the Texas Transportation Code, including all amendments, or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et seq., including all amendments, all existing off-premise signs located on existing scenic and historical rights-of-way and districts shall be removed by the owner at the owner's expense six years after the date of designation of the scenic or historical area or district.

(f) Construction of Certain Off-premise Sign Structures. All off-premise sign structures constructed, established or erected after May 1, 1975, that are not located on the Interstate and Freeway Primary System shall be supported by not more than three steel columns or three columns of material that is of the strength equal to or stronger than steel, if the face area of the sign is over 300 square feet. If the face area of any such sign is 300 square feet or less, the structure shall be supported by not more than two steel columns or two columns of material that is of strength equal to or stronger than steel. This provision applies from May 1, 1975, to such structures resulting from the conversion of side-by-side or stacked structures with a combined face area of 700 square feet or less.

(g) Visibility Triangle. Within the area of a visibility triangle, no part of the face of an off-premise sign shall be lower than a height of 8 feet above the grade level of the nearest street.

(h) Abandonment of Off-premise Sign Structures. Any off-premise sign structure lawfully erected and maintained that has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be a violation of this section, and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the Sign Administrator of such violation. If the owner or permittee fails to restore the off-premise sign structure to use or remove the abandoned off-premise sign structure within the specified 30 days, the sign company that received a permit for the sign shall be deemed to have forfeited the removal bond required by Section

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4606(e) and the Sign Administrator shall use the proceeds to remove the abandoned off-premise sign structure.

(i) Off-premise Sign Lists. Each person engaging in the off-premise sign business shall file with the Sign Administrator a certified list of all off-premise sign structures owned by him as of January 1 of each year. This list shall be filed on or before January 1 of each year and shall describe the location, type, dimensions, facing direction and permit number of each off-premise sign structure. In describing the location of an off-premise sign, the owner shall give the street address of the sign location and the facing direction, or the owner shall first reference the sign structure to the street from which the sign is to be primarily viewed, then the side of such street, then the distance in feet to the nearest intersecting street on the same side of the primary street as the sign structure is located, then the direction the sign faces. For example: 303 X Street, west facing, or X Street, north line, 120 feet east of Y Street, west facing (X Street NL 120' E Y Street WF).

**TABLE 4612
SPACING OF OFF-PREMISE SIGNS**

Face Area of Sign	Distance to Other Signs in Feet		
	Face Area greater than 300 up to 900 sq. ft.	Face Area 100 - 300 sq. ft.	Face Area less than 100 sq. ft.
In excess of 300 sq. ft.	400	400	400
100 - 300 sq. ft.	400	200	200
Less than 100 sq. ft.	400	200	100
All signs on the Interstate and Freeway Primary System	500	500	500

SECTION 4613--IMPLEMENTATION IN AREA OF EXTRATERRITORIAL JURISDICTION

NOTE: *This section is readopted by reference to its former codification in Ordinance 93-554; however, it is not reprinted in this Code. This section establishes an implementation schedule for signs that were in the City's area of extraterritorial jurisdiction on May 31, 1985.*

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SECTION 4614--APPLICATION OF FIRE CODE AND CONSTRUCTION CODE

The various provisions of the Construction Code and of the City of Houston Fire Code shall, to the extent that they are incorporated by reference in this chapter, be applicable to signs located or constructed within the area of the City's extraterritorial jurisdiction established by Section 42.021 of the Local Government Code with the same force and effect as if they were located within the corporate limits of the City.

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SECTION 4615--PENAL PROVISIONS IN AREA OF EXTRATERRITORIAL JURISDICTION

Any penal provision of:

- (1) This chapter;
- (2) Any other provision of the Construction Code, to the extent that it relates in any manner to the location, maintenance or construction of signs and is incorporated by reference in this chapter; and
- (3) The City of Houston Fire Code, to the extent that the provisions thereof relate in any manner to the location, maintenance or construction of signs and are incorporated by reference in this chapter;

shall apply to offenses arising within the City of Houston's area of extraterritorial jurisdiction as established by Section 42.021 of the Local Government Code in the same manner as to offenses arising within the corporate limits of the City of Houston. The municipal courts of the City of Houston shall have jurisdiction over all criminal cases arising under the foregoing provisions within the City of Houston's area of extraterritorial jurisdiction as established by Section 42.021 of the Local Government Code in the same manner as for criminal cases arising under ordinances of the City of Houston within its corporate limits.

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SECTION 4616--MUNICIPAL BOARD ON SIGN CONTROL

(a) Definitions. The following definitions shall apply to this section:

ACT shall mean Chapter 221, Acts of the 69th Legislature of the State of Texas, Regular Session (1985), which has been codified in part as Chapter 216 of the Local Government Code.

AREA OF EXTRATERRITORIAL JURISDICTION shall mean the area of the City of Houston's extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

BOARD shall mean the Municipal Board on Sign Control of the City of Houston.

(b) Organization.

- (1)** Notwithstanding any other City of Houston ordinance to the contrary, members of the board may be persons who reside either within the corporate limits of the City of Houston or within the area of extraterritorial jurisdiction. Additionally, the member of the board who is an employee of the Texas Department of Transportation is not required to be a resident of the City of Houston or the area of extraterritorial jurisdiction.
- (2)** Three members of the board at a meeting shall constitute a quorum.
- (3)** Members of the board shall serve for a term of two years. The Mayor shall designate a member to be chairman of the board.

(c) Compensation. Each member of the board, with the exception of the member who is an employee of the Texas Department of Transportation, shall be compensated at the rate of \$15.00 per hour for each hour he attends a meeting at which a quorum is present. Fractions of an hour shall be prorated, to the nearest quarter hour, for purposes of computing a member's compensation.

(d) Duties. The duties of the board shall be those authorized by Article 1 of the Act.

(e) Procedures. The board shall adopt such rules and procedures as may be necessary or desirable for the conduct of its duties, consistent with the requirements of Article 1 of the Act. Appeals from decisions of the board shall be made according to the procedures provided in Article 1, Section 7 of the Act.

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(f) Former Provisions. To the extent that any provision of this chapter or any other City of Houston ordinance requires a sign to be relocated, reconstructed or removed by a certain date or within a specified period of time, such provision shall no longer be effective, and the sign shall instead be amortized under Section 4616(g) or otherwise compensated for under Section 4616(h), provided, however, that no sign is required to be amortized or otherwise compensated for if it was erected in violation of any ordinance or other law applicable at the time of its erection.

(g) Amortization Policy. Except as otherwise provided pursuant to Section 4616(h), it is hereby declared to be the policy of the City of Houston to compensate all owners of signs required to be relocated, reconstructed or removed by this chapter or any other City of Houston ordinance by means of amortization as provided by Article 1, Section 6 of the Act, and not by the alternative methods of payment under Article 1, Sections 6(h)(3) and 6(j). Each sign shall be amortized for the minimum amount of time allowed under the Act, with due allowance under Article 1, Section 6(h)(1), as applicable, for any period a sign has already been under amortization. It shall be a primary duty of the board, in cooperation with the Sign Administrator, to ascertain and provide for the amortization of all signs within the City of Houston and the area of extraterritorial jurisdiction that are required to be relocated, reconstructed or removed under any provision of this chapter or any other City of Houston ordinance.

(h) Alternative Methods of Compensation. The amortization policy stated in Section 4616(g) shall not be construed to apply to the relocation, reconstruction or removal of any sign or signs for which the City Council may by ordinance elect compensation by any other manner provided by law.

(i) Other. This section shall not be construed to apply to off-premise signs located in the Interstate and Freeway Primary System to the extent that any provision of Chapter 391 of the Texas Transportation Code or the Federal Highway Beautification Act, 23 U.S.C.A. §131, et seq., prohibits compensation in the manner prescribed herein.

SECTION 4617--SPECIAL PERMIT

(a) A special permit shall be issued for the alteration or relocation of an existing off-premise sign situated within the Sign Code application area under the following limited circumstances:

- (1)** The sign to be altered or relocated must be situated, both before and after its alteration or relocation, along the federal primary system and be subject to control under Subchapter B of Chapter 391 of the Texas Transportation Code.
- (2)** The alteration or relocation of the sign must be required for a publicly funded transportation system improvement project being undertaken by the State of Texas or a political subdivision of the State of Texas. The decision to offer the sign owner the option of seeking a special permit to alter or relocate a sign pursuant to this section shall be at the discretion of the undertaking unit of government. In determining whether to make such an offer, the governmental unit shall take into consideration the probable cost of compensating the sign owner, in conjunction with the probable costs of compensating other sign owners affected by the project, as it relates to the economics and timeliness of the completion of the project and its effect on the public interest.
- (3)** The sign to be altered or relocated must be a sign that has been lawfully constructed and maintained in accordance with all applicable state and local regulatory and permit requirements, and it must have been constructed and maintained with the permission of the person or persons owning the tract or parcel of land upon which it is situated.
- (4)** The sign must be situated after its alteration or relocation according to the following priority:
 - a.** First, upon the remainder of the same tract or parcel of land upon which it was situated before its alteration or relocation, if any; or
 - b.** Second, if there is no remainder or if the remainder is not of sufficient size or suitable configuration for the alteration or relocation of the sign, then upon the property abutting the highway at the original sign location or upon the property abutting the insufficient remainder, if available; or
 - c.** Third, upon another tract or parcel of land owned by the same person or persons as the tract from which it was relocated; or

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- d. Fourth, any location as described in Section 4617(a)(1).
- (5) If the alteration or relocation is under Section 4617(a)(4)a or (4)c, then the person or persons who own the tract or parcel of land upon which the sign was situated must enter into a written agreement with the unit of government undertaking the transportation system improvement project waiving and releasing any claim for damages against the unit of government for the temporary or permanent taking of the real property that is based in any manner upon the relocation or alteration of the sign to accommodate the transportation system improvement project. This provision shall not be construed to preclude the payment of compensation to the real property owner for the acquisition of the real property or any other interest therein, but the use of the tract as an off-premise sign site shall not be considered in the determination of the compensation paid therefor.
 - (6) The sign owner must enter into a written agreement with the unit of government undertaking the transportation system improvement waiving and releasing any claim for damages against the unit of government for any temporary or permanent taking of the sign in consideration of the payment by the unit of government of a mutually agreed specified amount of money calculated to cover the cost to the sign owner of the alteration or relocation of the sign.
 - (7) The sign to be relocated or altered must, after its relocation or alteration, be in full compliance with all applicable regulations promulgated by the State of Texas pursuant to Chapter 391 of the Texas Transportation Code and all applicable requirements of this code. To the extent of any difference between the requirements of this code and the state regulations, the more restrictive requirement shall apply, except that the height of a sign after its relocation or alteration shall be governed by the less restrictive requirement.
 - (8) Notwithstanding Section 4617(a)(7), signs to be altered or relocated under this section must meet the following requirements as to location and spacing following their alteration or relocation:
 - a. For a sign that is to be altered or relocated on the remainder of the same tract on which it was previously located, or on the abutting property, under Section 4617(a)(4)a or (4)b, and is to be placed in the same relative position as to line of sight and not to exceed 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, the sign must: (i) be within 800 feet of one or more

commercial or industrial activities and must not be located within 500 feet of another off-premise sign on the same side of the highway, if the highway is on the interstate and freeway primary system, or within 300 feet of another off-premise sign on the same side of the highway, if the highway is on the nonfreeway primary system outside of the city limits, or within 100 feet of another off-premise sign on the same side of the highway, if the highway is on the nonfreeway primary system within the city limits; or (ii) comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.

- b. For a sign that is to be altered or relocated under Section 4617(a)(4)a or (4)b but is not to be placed within 1500 feet to either side of the perpendicular placement as the original sign was situated in relation to the highway, or a sign that is to be altered or relocated under Section 4617(a)(4)c or (4)d, the sign must: (i) be within 800 feet of two or more commercial or industrial activities and must not be located closer than 1500 feet to another off-premise sign on the same side of the highway, regardless of whether the highway is classified as an interstate, freeway or nonfreeway primary highway and is within or without the city limits; or (ii) comply with the then current criteria for location and spacing set by the state regulations, whichever is more restrictive.
- (9) The sign may not be altered within or relocated to a scenic or historical right-of-way or district or on any part of the federal primary system where the Texas Transportation Commission has by minute order requested that scenic easements be acquired or to any scenic or historical right-of-way or district created by the State of Texas or any political subdivision of the State of Texas.
- (10) A special permit issued under this section shall be effective for a period of ten years from the date of issuance and shall be nonrenewable. The owner of the sign and the owner or owners of the tract or parcel of land upon which it is altered or upon which it is to be relocated must agree in consideration of the issuance of a special permit under this section for the continued use of the sign in lieu of its immediate monetarily compensated removal to accommodate the transportation system improvement project that they will remove the sign by the expiration of ten years from the date of issuance of the special permit, during which time period they may continue to enjoy the use of the sign as altered or relocated under the special permit.

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The agreement shall be accompanied by a right of entry without notice upon the tract or parcel of land upon which the sign is altered or relocated from the owner thereof, providing for the removal of the sign by the city if not removed by the expiration of the aforesaid ten-year period, which right of entry agreement shall be in a form approved by the City Attorney. The agreement shall additionally be secured by a bond for each sign to cover the city's costs of removal of the sign in the event that the owner fails to remove the sign by the expiration of ten years from the date of issuance of the special permit. Such bond shall be in a form approved by the City Attorney and may be provided in one of the following forms:

- a. A surety bond issued by the sign owner as principal and a corporate surety authorized to transact business in Texas in the sum of \$10,000; or
- b. A secured deposit bond in the form of an assignment of an account with a financial institution insured by the Federal Deposit Insurance Corporation to the city. The account shall have a principal deposit of not less than \$5,000. Under the terms of the assignment, the financial institution must agreed not to make any payment from or otherwise divert or dispose of the funds in the account, except that it shall agree to disburse all or any portion of the funds in the account only as directed by City Council resolution. In the event that the sign owner fails to remove the sign secured by the account by the expiration of ten years from the date of issuance of the special permit, the City Council shall cause the funds or such portion thereof as may be required to accomplish the work to be utilized for the removal of the sign and shall authorize the balance, if any, to be restored to the sign owner. In the event that the sign owner removes the sign secured by the account by the expiration of ten years from the date of issuance of the special permit, the City Council shall cause the existing balance of the account to be restored to the sign owner; or
- c. A nonrefundable cash bond in the sum of \$2,000. Cash bonds shall be collectively accounted for within the Building Inspection Fund created under Section 4605(i) and the proceeds shall be used to remove the sign in the event that any holder of a special permit secured by a cash bond fails to remove the sign by the expiration of ten years from the date of issuance of the special permit. Special permit holders who tender a cash bond and who timely remove their sign shall be entitled to the sign structure for salvage purposes; however

they shall not be entitled to the refund of any portion of the cash bond or any interest thereon.

- (11)** Notwithstanding Section 4605(e)(3), a sign lawfully erected under a special permit that is blown down or otherwise destroyed by any casualty may be replaced for the remainder of the ten-year period during which the special permit is in effect, provided that it is rebuilt at the same location, height, size and dimensions, and with the same materials and configuration as originally altered or relocated pursuant to the special permit.
- (12)** Each application for a special permit shall be referred by the Sign Administrator to the Texas Department of Transportation together with the complete plans and specifications for the alteration or relocation of the sign and any other data that may be required by the said department to determine compliance with its applicable regulations. No special permit shall be granted unless an authorized representative of the Texas Department of Transportation certifies in writing that the proposed alteration or relocation of the sign will comply with all applicable state laws, rules and regulations.
- (13)** Each application for a special permit must be signed by the owner of the sign and the owner of the property upon which it is to be altered or relocated, who shall each certify that all applicable provisions of this section have been complied with, and be accompanied by written consent to the alteration or relocation of the sign, signed by the duly authorized representative of the unit of government undertaking the transportation system causing the need for the sign to be altered or relocated.

(b) Fees for special permits shall be as otherwise provided in Section 117 of this Code. The operating permit for a sign altered or relocated pursuant to a special permit issued under this section shall transfer to the sign as altered or relocated. During the period that the special permit is in effect, operating permits for signs altered or relocated pursuant to this section shall be extended for three-year periods in accordance with Section 4605(d), provided that, notwithstanding any language to the contrary contained in any operating permit extension issued for a sign altered or relocated under a special permit, no operating permit extension shall be construed to authorize the continued existence, operation or maintenance of any such sign for any period in excess of ten years following the date of issuance of the special permit. The provisions of this section shall not be deemed to authorize any practice otherwise prohibited under this chapter, except to the limited extent and under the limited circumstances enumerated in this section. Nothing contained in this section shall be construed to abrogate the right of a sign owner or underlying property owner to refuse to accept the proposal by the governmental unit for the

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alteration or relocation of a sign under this section and to choose instead to seek monetary compensation.

SECTION 4618--RENEWAL OF OPERATING PERMITS

NOTE: *This section is readopted by reference to its former codification in Ordinance 93-554; however, it is not reprinted herein. The section established a staggered issuance schedule for sign operating permits*

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SECTION 4619--ABATEMENT OF OFF-PREMISE SIGNS

(a) Authority. To the extent of any conflict, the provisions of this section will take precedence over any other provision contained in this chapter.

(b) Declared Nonconformity. All off-premise signs within the sign code application area are hereby declared to be nonconforming and unauthorized. The subject signs shall be removed following amortization as provided in Article 1, Section 6(k) of Chapter 221, Acts of the 69th Legislature, Regular Session, 1985.

(c) Exclusion. The provisions of this section shall not be construed to require the removal of a structure that is used exclusively and at all times (except when there is no copy at all on the structure) for messages that do not constitute advertising, including, but not limited to, political messages, religious or church related messages, public service, governmental and ideological messages and other copy of a nature that is not commercial advertising because such a structure is not a "sign" (either on-premise or off-premise), as that term is defined, for purposes of this chapter and is not subject to regulation under this chapter. A structure that is subject to regulation under this chapter may contain non-commercial messages in lieu of or in addition to any other messages, but the structure shall not be exempt from regulation as a sign under this chapter unless used exclusively and at all times as provided above for non-commercial messages.

(d) Signs Protected by State or Federal Law. The provisions of this section shall not be construed to require the removal by amortization of any off-premise sign if its removal by amortization, without other compensation, would contravene state or federal law. Any determination under this section shall be made on the basis of the law in effect at the time of the proposed removal of the off-premise sign, and this subsection shall not prohibit placing any off-premise sign under amortization. To the extent that funds are available for that purpose the city reserves the right to purchase any off-premise sign that is protected by law from removal by amortization.

(e) Previously Nonconforming Signs. The provisions of this section shall not be construed to excuse or delay the removal of any off-premise sign that is nonconforming under any other provision of this chapter; and it has been the intent of the City Council in adopting this section that each and every off-premise sign within the sign code application area be removed by amortization as soon as permitted by state and federal law.

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SECTION 4620--SPECIAL DISPLAY SIGNS AT CERTAIN FACILITIES

(a) Definitions. The following definitions shall apply to this section:

COUNTY COMPLEX shall mean a sports, convention, and entertainment complex of more than 300 acres of land owned by a county, with three or more buildings housing three or more venues that collectively attract more than 2,000,000 visitors per year.

COUNTY COMPLEX DISPLAY SIGN shall mean an on-premise sign at a county complex that displays automatically changing information, changes more often than once every five minutes, and advises viewers as to the name, time, sponsor or other information related to sports or other entertainment or convention events to be held at such county complex, provided that:

- (1) No change in illumination produces an apparent motion of the visual image, including, but not limited to, illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation, scrolling, or any similar effect of animation;
- (2) No change of message or picture occurs more often than once every 3 seconds for those portions of a sign that convey date, time, and temperature information brief weather reports, or stock market quotations, more often than every 10 seconds for those portions of a sign that contain traffic or directional information, or more than once every 20 seconds for all other information on the sign;
- (3) No portion of the sign, as measured within any circular area of two feet in diameter, has a luminance greater than 200 foot-lamberts when all elements of the sign are fully and steadily illuminated; and
- (4) The authorized display sign shall not exceed 700 square feet in size and may be constructed as a stand-alone sign or as a contiguous component of a larger sign.

EAST SIDE SPORTS AND CONVENTION COMPLEX DISTRICT shall mean the area contained within the following metes and bounds description:

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BEGINNING at the intersection of the center line of the right-of-way of Congress Avenue with the center line of the right-of-way of Hamilton Street,

Thence in a southwesterly direction along the center line of the right-of-way of Hamilton Street to its intersection with the center line of the right-of-way of Preston Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Preston Avenue to its intersection with the center line of the right-of-way of Bastrop Street,

Thence in a southwesterly direction along the center line of the right-of-way of Bastrop Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Hamilton Street,

Thence in a southwesterly direction along the center line of the right-of-way of Hamilton Street to its intersection with the center line of the right-of-way of Capitol Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Capitol Avenue to its intersection with the center line of the right-of-way of Chartres Street,

Thence in a southwesterly direction along the center line of the right-of-way of Chartres Street to its intersection with the center line of the right-of-way of Clay Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Clay Avenue to its intersection with the center line of the right-of-way of Jackson Street,

Thence in a southwesterly direction along the center line of the right-of-way of Jackson Street to its intersection with the center line of the right-of-way of Leeland Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Leeland Avenue to its intersection with the center line of the right-of-way of Labranch Street,

Thence in a northeasterly direction along the center line of the right-of-way of Labranch Street to its intersection with the center line of the right-of-way line of Polk Avenue,

Thence in a southeasterly direction along the center line of the right-of-way line of Polk Avenue to its intersection with the center line of the right-of-way of Crawford Street,

Thence in a northeasterly direction along the center line of the right-of-way of Crawford Street to its intersection with the center line of the right-of-way of Lamar Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Lamar Avenue to its intersection with the center line of the right-of-way of Avenida de las Americas,

Thence in a northeasterly direction along the center line of the right-of-way and then a projection of the center line of the right-of-way of Avenida de las Americas to its intersection with the center line of the right-of-way of Capitol Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Capitol Avenue to its intersection with the west right-of-way line of Hamilton Street,

Thence in a northeasterly direction along the west right-of-way line of Hamilton Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Crawford Street,

Thence in a northeasterly direction along the center line of the right-of-way of Crawford Street to its intersection with the center line of the right-of-way of Congress Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Congress Avenue to its intersection with the center line of the right-of-way of Hamilton Street to the Point of Beginning, including, without limitation, all air space above and all subsurface below said property and excluding Lots 1 through 5A of Block 164, of the City of Houston on the South Side of Buffalo Bayou.

~~NIT shall mean one candela per square meter (Cd/m^2) of luminous intensity.~~

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RETAIL AND ENTERTAINMENT DISTRICT shall mean that area located within and supported by a downtown tax increment reinvestment zone and contained within the following metes and bounds description:

BEGINNING at the intersection of the center line of the right-of-way of Main Street with the center line of the right-of-way of Dallas Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Dallas Avenue to its intersection with the center line of the right of way of Caroline Street,

Thence in a southwesterly direction along the center line of the right-of-way of Caroline Street to its intersection with the center line of the right of way of Polk Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Polk Avenue to its intersection with the center line of the right of way of Main Street,

Thence in a northeasterly direction along the center line of the right-of-way of Main Street to its intersection with the center line of the right of way of Dallas Street to the Point of Beginning, including, without limitation, all air space above and all subsurface below said property.

SPECIAL FACILITY shall mean an enclosed theater, sports, or convention/trade show venue, restaurant/entertainment venue, retail venue, hotel or any combination thereof that is situated within the boundaries of the Theater District, the Retail and Entertainment District, or the East Side Sports and Convention Complex District upon land contained within the boundaries of any one or more of the districts as defined herein, including but not limited to land owned by a nonprofit organization, a governmental entity, or a for-profit entity located within and supported by a downtown tax increment reinvestment zone, provided that within the Theater District or the East Side Sports and Convention Complex District, the venue:

- (1) If a theater, seats at least 750 persons and is primarily used for live performances of a performing arts nature;
- (2) If a sports venue, seats at least 750 persons and is primarily used for professional sporting events;
- (3) If a restaurant/entertainment venue, includes one or more restaurants as well as one or more public amusement or

educational features, such as carnival-type rides, zoological or horticultural exhibits or museum-type exhibits;

- (4) If either a restaurant/entertainment venue or a hotel, includes one or more ballrooms, special functions rooms, or banquet rooms that have a total combined seating capacity of 750 or more persons and are regularly made available for rent to the public with food catering for meetings, receptions, and other events; and
- (5) If a convention center complex, has over 1,500,000 gross square feet of space and is primarily used for convention/trade show functions.

A facility with a movable roof that closes shall be considered to be enclosed but parks and plazas that are not otherwise fully covered and enclosed shall not be.

SPECIAL FACILITY DISPLAY SIGN shall mean an on-premise sign that displays automatically changing information at a special facility that changes more often than once every five minutes and that displays only information regarding a performance or event at the special facility and associated sponsor information for the performance or event, provided that:

- (1) No change of displayed information may occur more often than once every 8 seconds. This requirement shall not preclude a display in the nature of a photograph or still video, provided that the display remains static between changes and changes at intervals of not less than 8 seconds;
- (2) The sign display remains static between changes and contains no blinking, rotating, moving, chasing, flashing, scrolling, glaring, strobe, scintillating, or spot lights or similar devices;
- (3) Any display of sponsor information shall be limited to identification of the sponsor by name or logo and shall be a part of a message text providing information about the sponsored performance or event; sponsorship information shall be integral to performance information and may not be displayed as a separate message. For purposes of the foregoing provision, a "logo" may be the sponsor's registered trademark or another symbol customarily used by the sponsor in its general advertising;
- (4) Except as otherwise provided herein, the sign shall be a ground sign, a marquee sign, or a wall sign:

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- a. Within the East Side Sports and Convention Complex District, the size of the sign if a wall sign shall not exceed 1000 square feet, and the size of the sign if a ground or marquee sign shall not exceed 250 square feet at convention center facility venues or 400 square feet at other types of venues;
 - b. Within the Theater District, the size of the sign if a ground or marquee sign shall not exceed 250 square feet, and the size of the sign if a wall sign shall not exceed 500 square feet;
 - c. Within the Retail and Entertainment District, there shall be only wall signs, no more than two, located on adjacent walls, not to exceed 250 square feet in size per sign;
- (5) The height of the sign shall not exceed the following, as applicable, when measured from the highest point on the sign to the grade level of the ambient ground surface:
- a. In the Theater District, wall signs may be up to 50 feet high;
 - b. In the East Side Sports and Convention Center Complex District, wall signs may be up to 50 feet high for convention center venues and up to 42½ feet high for other types of venues;
 - c. In the Theater District, ground or marquee signs may be up to 24 feet high;
 - d. In the East Side Sports and Convention Center Complex District, ground or marquee signs may be up to 24 feet high for convention center venues and up to 42½ feet high for other venues;
 - e. In the Retail and Entertainment District, the maximum height above grade for the two special facility display signs shall not exceed 42½ feet;
- (6) No portion of the sign, as measured within any circular area of two feet in diameter, shall have a luminance greater than 6000 nits when all elements of the sign are fully and steadily illuminated between the hours of sunrise and sundown, nor

greater than 3500 nits when all elements of the sign are fully and steadily illuminated between the hours of sundown and sunrise; in addition to the foregoing brightness limitations, the sign shall be equipped with automatic brightness compensation features to adjust the brightness to compensate for sun angle and ambient light conditions and ensure that the sign is visible but not unnecessarily radiant;

- (7) No special facility display sign shall be placed so as to be visible from an elevation five feet above any travel lane of any freeway. This requirement shall not preclude visibility of the sign's cabinet or the sign's face, provided that the sign is at least 2000 feet distant or is at an oblique angle, in either case so that it is not practicably viewable and readable; and
- (8) In addition to providing information about its own performances and events, a live performing arts theater special facility's sign may also be utilized to provide information about live performing arts performances and events at another live performing arts theater situated in the same structure or contiguous complex of structures, including live performances and events at secondary theaters that may have fewer than 750 seats.

THEATER DISTRICT shall mean the area contained within the following metes and bounds description:

BEGINNING at a point at the intersection of the center line of the right-of-way of Interstate Highway 45 with the center line of the right-of-way of Franklin Avenue,

Thence in an easterly direction along the center line of the right-of-way of Franklin Avenue to its intersection with the center line of the southbound ramp to Interstate Highway 10, a continuation of Smith Street,

Thence in a southwesterly direction along the center line of the right-of-way of Smith Street to its intersection with the center line of the right-of-way of Prairie Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Prairie Avenue to its intersection with the center line of the right-of-way of Louisiana Street,

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Thence in a southwesterly direction along the center line of the right-of-way of Louisiana Street to its intersection with the center line of the right-of-way of Texas Avenue,

Thence in a southeasterly direction along the center line of the right-of-way of Texas Avenue to its intersection with the center line of the right-of-way of Milam Street,

Thence in a southwesterly direction along the center line of the right-of-way of Milam Street to its intersection with the center line of the right-of-way of Capitol Avenue,

Thence in a northwesterly direction along the center line of the right-of-way of Capitol Avenue to its intersection with the center line of the right-of-way of Smith Street,

Thence in a southwesterly direction along the center line of the right-of-way of Smith Street to its intersection with the center line of the right-of-way of Walker Avenue,

Thence in a northwesterly direction along the center line and then a projection of the center line of Walker Avenue to its intersection with the center line of the right-of-way of Interstate Highway 45,

Thence in a northeasterly direction along the center line of the right-of-way of Interstate 45 to its intersection with the center line of the right-of-way of Franklin Avenue, the point of Beginning, including, without limitation, all air space above and all subsurface below said property.

(b) Notwithstanding any provision of this code governing spectacular signs or the use of motion picture machines to the contrary, county complex display signs and special facility display signs shall be authorized in the manner defined in this section. The number of county complex display signs authorized under this section shall not exceed three per county complex. The number of special facility display signs authorized under this section in the Retail and Entertainment District shall be limited to two, which shall be wall signs located on adjacent walls. Otherwise, the number of special facility display signs authorized under this section shall not exceed two per special facility, except that a convention center complex with over 1,500,000 gross square feet of space may have a maximum of eight signs to include not more than seven ground or marquee signs and one wall sign. A hotel that is associated with a convention center complex may have two special facility display signs in addition to those otherwise authorized for the convention center complex.

With respect to special facilities, the provisions of the foregoing paragraph are not intended to allow more than the number of signs authorized therein to be placed for or upon any structure or attached and contiguous complex of structures even if the structure or structures contain two or more venues that constitute special facilities.

Exception: Where the special facility venues do not share the same primary lobby or have contiguous lobbies and the primary public entrances to the primary lobbies of the venues are on different streets or different block faces of the same street, then each special facility venue may have the number of special facility display signs authorized in this subsection.

(c) The Sign Administrator shall have the right to revoke the permit for any county complex display sign or special facility display sign that is erected or utilized in any manner that is inconsistent with this section or any other provision of this code. Any such revocation shall be subject to the sign owner's rights under this code, including appeals to the General Appeals Board and City Council, as provided in Section 4604. Upon revocation of the permit for any sign governed by this section and conclusion of any appeals that may be timely initiated as authorized in Section 4604, or upon expiration of the permit if not timely renewed, the owner of the sign shall cause the sign to be removed from the county complex or special facility within 30 days. If the owner fails to timely remove the sign, the Sign Administrator shall have the right to enter upon the property upon which the sign is situated and remove the sign at the permit holder's sole risk and expense. The Sign Administrator and his contractors or agents shall exercise reasonable care, consistent with standard construction practices, in removing the sign, but shall not be responsible for any consequential damage to the sign or the special facility or county complex that is caused by the removal process. Each permit for a special facility sign or county complex display sign shall be secured by a right of entry agreement executed by the owner of the property (if not the City or political subdivisions of the State of Texas such as counties) and any lessees and other persons having a right of possession, control, or use of the property upon which the sign will be situated. If the sign and the property upon which it is situated are not also under the ownership, operation, and control of the City or political subdivisions of the State of Texas such as counties, then the permit shall additionally be secured by a removal bond executed by the sign operator as principal and a corporate surety authorized to transact business in Texas. The amount of the bond shall be equal to one and one-half times the cost of removing the sign as estimated by the Sign Administrator and the penal condition of the bond shall be that the surety will cause the sign to be removed or reimburse the City for the expense thereof, at the City's option, if the sign is not timely removed by the principal as required by this subsection. All bonds and agreements required under this subsection shall be in a form approved by the City Attorney. Where the same person or persons hold permits for two or more signs, the agreement and bond may be combined.

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(d) Save and except for the special facility display signs located in the Retail and Entertainment District, which shall be governed by the other provisions of this Section 4620, and save and except for signage on the office tower located in the Retail and Entertainment District, the following provisions shall apply to signs located in the Retail and Entertainment District:

- (1) The limitations of Section 4611(c)(3) shall not apply, provided:
 - a. For wall signs, direct lighting shall not be used to illuminate more than fifty-percent (50%) of the total surface area of any given wall, and the total square footage of wall signs illuminated by direct lighting shall not in the aggregate exceed thirty-three percent (33%) of the total outer wall surface in the district, excluding the outer wall surface of the office tower;
 - b. No direct lighting shall be used for ground or marquee signs in excess of 200 square feet in size.
- (2) The size of any wall sign shall not exceed 1000 square feet, the size of any ground or marquee sign shall not exceed 400 square feet, and the size any of projecting sign shall not exceed 200 square feet.
- (3) The maximum height above grade for wall signs and projecting signs for each respective business shall not exceed the maximum ceiling height of that portion of the building used for that business and approved for retail use under the City of Houston Building Code.

APPENDIX A

SCENIC OR HISTORICAL RIGHTS-OF- WAY OR DISTRICTS

SCENIC OR HISTORICAL RIGHTS-OF-WAY OR DISTRICTS shall mean the following areas, each of which is specified with its date of creation:

- (1) T.C. Jester-from 11th Street to 43rd Street, designated by Ordinance No. 80-351, effective May 8, 1980.
- (2) Memorial Drive-from Houston Avenue to the limits of Hunters Creek Village, thence through Bunker Hill Village to the west boundary of the city limits of the City of Houston, designated by Ordinance No.80-351, effective May 8, 1980 (Dairy Ashford Road).
- (3) Woodway-from Memorial Drive to Voss Road, designated by Ordinance No. 80-351, effective May 8, 1980.
- (4) Allen Parkway-from Bagby to Kirby Drive to San Felipe, designated by Ordinance No. 80-351, effective May 8, 1980.
- (5) North Braeswood-from Hillcroft to Frankway, from Frankway to Braeswood to N. MacGregor to Almeda, designated by Ordinance No. 80-351, effective May 8, 1980.
- (6) South Braeswood-from Gessner to Main, designated by Ordinance No. 80-351, effective May 8, 1980.
- (7) North MacGregor-from Almeda to Calhoun, designated by Ordinance No. 80-351, effective May 8, 1980.
- (8) South MacGregor-from Almeda to Calhoun, designated by Ordinance No. 80-351, effective May 8, 1980.
- (9) South Freeway State Highway 288 (the South Freeway)-from Highway 59 to Loop 610, designated by Ordinance No. 80-351, effective May 8, 1980.
- (10) Post Oak Scenic District as designated by City Council Motion No. 83-3403, effective December 26, 1983.
- (11) Hardy Toll Road from the North Loop East (Loop 610) to Halls Bayou, as designated by City of Houston Ordinance No. 85-710, effective May 15, 1985.
- (12) Richmond/Weslayan Scenic District, being the following area:

Beginning at a point at the intersection of Lake Street and West Alabama and going west along the south side of West Alabama to Loop 610 West, then south along Loop 610 to the intersection of Highway 59, then following the north right-of-way line of 59 east to the

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east right-of-way line of Wesleyan, then south along the east right-of-way line of Wesleyan to the Southern Pacific railroad tracks to the west right-of-way line of Buffalo Speedway, then north along the west right-of-way line of Buffalo Speedway to the north right-of-way line of Highway 59, then east along the north right-of-way line of Highway 59 to the west right-of-way line of Kirby, north on Kirby to Lory Park, west on Lory Park to Lake Street and then North on Lake Street back up to the intersection of West Alabama and Lake Street as designated by Ordinance No. 85-1079, effective June 26, 1985.

- (13) Heights Boulevard Scenic District, being the following area:

A corridor 450 feet in width, extending 225 feet on both sides of the center line of Heights Boulevard; said corridor being bounded on the south by the intersection of Heights Boulevard and the northerly right-of-way line of Interstate Highway 10, and being bounded on the north by the intersection of Heights Boulevard and the southerly right-of-way line of 20th Street, as designated by Ordinance No. 86-284, effective February 25, 1986.

- (14) Tanglewood Area Scenic District, being the following area:

Beginning at the intersection of the center line of Woodway Drive and the center line of Buffalo Bayou;

Thence, in a westerly direction, along the center line meanders of Buffalo Bayou to a point 300 feet west of the west right-of-way of Voss Road;

Thence, in a southerly direction along a line 300 feet west of and parallel to the west right-of-way of Voss Road to a point 300 feet south of the south right-of-way of Westheimer Road;

Thence, in an easterly direction along a line 300 feet south of and parallel to the south right-of-way line of Westheimer Road to a point of intersection in the center line of Chimney Rock Road;

Thence, in a northerly direction along the center line of Chimney Rock Road to the intersection with the center line of Woodway Drive;

Thence, in an easterly direction along the center line of Woodway Drive to the point of beginning.

Save and except any area that may be within the corporate limits of any other city.

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-693, effective May 20, 1986.

- (15) South Freeway II Scenic District, being the following area:

Commencing at the intersection of the south right-of-way line of Interstate Highway 610 with the east right-of-way line of SH 288, thence easterly along the south right-of-way of Interstate Highway 610 to a point for corner, said point being 660 feet east of the east right-of-way line of SH 288 and the point of beginning;

Thence, in a generally southerly direction 660 feet east of and parallel to the east right-of-way line of SH 288 to the center line of Clear Creek, also being the Harris County Line;

Thence, in a westerly direction along the meanders of the center line of Clear Creek, also being the Harris County Line, to a point for corner; said point being 660 feet west of the west right-of-way line of SH 288;

Thence, in a generally northerly direction 660 feet west of and parallel to the west right-of-way line of SH 288 to a point for corner, said point being the intersection with the south right-of-way line of Interstate Highway 610;

Thence, in an easterly direction along the south right-of-way line of Interstate Highway 610, crossing SH 288 and continuing easterly to the point of beginning;

Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1282, effective July 29, 1986.

- (16) Richmond Avenue Scenic District, being the following area:

Commencing at the intersection of the east right-of-way line of Dairy-Ashford Road and the north right-of-way of Richmond Avenue, thence northerly 300 feet to a point for corner, said point also being the point of beginning;

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Thence, easterly along an imaginary line 300 feet north of and parallel to the north right-of-way line of Richmond Avenue to the intersection with the westerly right-of-way line of Wilcrest Drive;

Thence, continuing easterly across the right-of-way line of Wilcrest Drive to the intersection with the easterly right-of-way line of Wilcrest Drive and point for corner;

Thence, southerly along the easterly right-of-way line of Wilcrest Drive, crossing the right-of-way of Richmond Avenue and continuing southerly 300 feet to a point for corner;

Thence, westerly along an imaginary line 300 feet south of and parallel to the southerly right-of-way line of Richmond Avenue to the intersection with the easterly right-of-way line of Dairy-Ashford Road and point for corner;

Thence, northerly along the easterly right-of-way line of Dairy-Ashford Road, crossing the right-of-way of Richmond Avenue and continuing northerly 300 feet to the point of beginning;

Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1283, effective July 29, 1986.

(17) Dairy-Ashford Scenic District, being the following area:

Commencing at the south right-of-way line of Interstate Highway 10 and the east right-of-way line of Dairy-Ashford Road, thence, easterly along the south right-of-way line of Interstate Highway 10 a distance of 300 feet to a point for corner and the point of beginning;

Thence, in a southerly direction along an imaginary line 300 feet east of and parallel to the east right-of-way line of Dairy-Ashford Road to the intersection with the north right-of-way line of Alief-Clodine Road and point for corner;

Thence, westerly along the north right-of-way line of Alief-Clodine Road, crossing the right-of-way of Dairy-Ashford Road and continuing westerly 300 feet to a point for corner;

Thence, northerly along an imaginary line 300 feet west of and parallel to the westerly right-of-way line of Dairy-Ashford Road to the

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intersection with the south right-of-way line of Interstate Highway 10 and point for corner;

Thence, easterly along the south right-of-way line of Interstate Highway 10, crossing the right-of-way of Dairy-Ashford Road and continuing east a distance of 300 feet to the point of beginning;

Save and except any area that may be within the corporate limits or extraterritorial jurisdiction of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1283, effective July 29, 1986.

- (18) Lindale Park Area Scenic District, being the following area:

Beginning at the intersection of the easterly right-of-way line of the North Freeway (Interstate Highway 45) and the northerly right-of-way line of Cavalcade Street;

Thence, northerly along the easterly right-of-way line of the North Freeway (Interstate Highway 45) to a point for curve to the right;

Thence, continuing along a curve to the right to the intersection with the southerly right-of-way line of the North Loop (Interstate Highway 610);

Thence, easterly along the southerly right-of-way line of the North Loop (Interstate Highway 610) to a point for corner, said point being 125 feet east of the east right-of-way line of Robertson Street;

Thence, southerly along an imaginary line 125 feet east of and parallel to the easterly right-of-way line of Robertson Street to the intersection with an imaginary line 400 feet south of and parallel to the southerly right-of-way line of Cavalcade Street and point for corner;

Thence, westerly along said imaginary line 400 feet south of and parallel to the southerly right-of-way line of Cavalcade Street to the intersection with the easterly right-of-way line of Fulton Street;

Thence, continuing westerly, crossing Fulton Street along the westerly projection of the previously described imaginary line to the intersection with the easterly right-of-way line of the North Freeway (Interstate Highway 45) and point for corner;

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Thence, northerly along the easterly right-of-way line of the North Freeway (Interstate Highway 45) to the intersection with the northerly right-of-way line of Cavalcade Street and point of beginning;

Save and except any area that may be within the corporate limits of any other city;

Save and except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 86-1715, effective September 30, 1986.

- (19) Beltway 8 Scenic District, being all that real property situated within 660 feet as measured in any direction from any point situated upon the right-of-way, whether acquired or proposed, for the Beltway 8 system, as described on the following maps of the Texas Department of Transportation (formerly the Texas Department of Highways and Public Transportation - SDHPT), Harris County Engineering Department (HCED) and the Texas Turnpike Authority (TTA), to wit:

1. SDHPT Account Maps No. 8012-1-73, Part 1;
2. SDHPT Account Maps No. 8012-1-73, Part 2;
3. SDHPT Account Maps No. 8012-1-70;
4. SDHPT Account Maps No. 8012-1-63;
5. SDHPT Account Maps No. 8012-1-68, Part 1;
6. SDHPT Account Maps No. 8012-1-68, Part 2;
7. SDHPT Account Maps No. 8012-1-72, Part 1;
8. SDHPT Account Maps No. 8012-1-72, Part 2;
9. SDHPT Account Maps No. 8012-1-71;
10. SDHPT Account Maps No. 8012-1-69;
11. SDHPT Account Maps No. 8012-1-76;
12. SDHPT Account Maps No. 8012-1-64;
13. SDHPT Account Maps No. 8012-1-67;
14. SDHPT Account Maps No. 8012-1-65, Part 1;
15. SDHPT Account Maps No. 8012-1-65, Part 2;
16. SDHPT Account Maps No. 8012-1-65, Part 3;
17. SDHPT Account Maps No. 8012-1-74;
18. SDHPT Account Maps No. 8012-1-75;
19. HCED Right-of-Way Maps Series No. 35390; and
20. TTA Right-of-Way Maps File No. 5017-017.

Microfilm negatives of the foregoing maps are on file in the Office of the City Secretary for copying and inspection and are incorporated herein by reference.

Save and except any portion that is not within the corporate limits of the City of Houston or the area of its extraterritorial jurisdiction.

Save and except any portion that is within an existing scenic or historic district, as designated by Ordinance No. 86-2193, effective December 16, 1986.

- (20) F.M. 1093 Scenic District, being the following area:

Commencing at the intersection of the center line of F.M. 1093 and State Highway 6, thence easterly along the center line of F.M. 1093 to a point for corner, said point being 660 feet east of the center line of State Highway 6;

Thence in a generally southerly direction, perpendicular to the center line of F.M. 1093 to the POINT OF BEGINNING, said point being 660 feet south of the south right-of-way line of F.M. 1093;

Thence in a generally westerly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet south of the south right-of-way line of F.M. 1093;

Thence along a curve to the left being 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the easterly projection of a line 660 feet south of and parallel to the southerly right-of-way line of F.M. 1093;

Thence in a generally southwesterly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for curve; said point being 660 feet south of the south right-of-way line of F.M. 1093;

Thence along a curve to the right being 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the easterly projection of a line 660 feet south of and parallel to the southerly right-of-way line of F.M. 1093;

Thence in a generally westerly direction 660 feet south of and parallel to the south right-of-way line of F.M. 1093 to a point for corner, said point being on Houston's five-mile extra territorial jurisdiction line as established in Ordinance No. 72-901, finally approved August 16, 1972;

Thence in a generally northerly direction along Houston's five mile extra territorial jurisdiction line to a point for corner, said point being 660 feet north of the north right-of-way line of F.M. 1093;

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Thence in a generally easterly direction parallel to the north right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet north of the north right-of-way line of F.M. 1093;

Thence along a curve to the left being 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the westerly projection of a line 660 feet north of and parallel to the northerly right-of-way line of F.M. 1093;

Thence in a generally northeasterly direction 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for curve, said point being 660 feet north of the north right-of-way line of F.M. 1093;

Thence along a curve to the right being 660 feet north of and parallel to the north right-of-way line of F.M. 1093 to a point for tangency, said point being the intersection with the westerly projection of a line 660 feet north of and parallel to the northerly right-of-way line of F.M. 1093;

Thence in a generally easterly direction 660 feet north of and parallel to F.M. 1093 to a point for corner, said point being 660 feet east of the center line of State Highway 6;

Thence in a generally southerly direction to the POINT OF BEGINNING, said point being 660 feet south of the south right-of-way line of F.M. 1093;

Save and Except any area that may be within the corporate limits or extra territorial jurisdiction of any other city;

Save and Except any area that may be within an existing scenic or historic district, as designated by Ordinance No. 90-1092, effective September 12, 1990. The operation of the said scenic district does not extend to any on-premise sign that is situated within that portion of the City's area of extra territorial jurisdiction that lies in Harris County, Texas, as provided in the said ordinance.

- (21) Gateway U.S. 59/Midtown Scenic District, being the following:

Beginning at a point at the intersection of Loop 610 and the north right-of-way line of U.S. Highway 59;

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Then east along the north right-of-way line of U.S. Highway 59 to its intersection with the east right-of-way line of Wesleyan;

Then south along the east right-of-way line of Wesleyan to its intersection with the Southern Pacific railroad tracks;

Then east along the Southern Pacific railroad tracks to its intersection with the west right-of-way line of Buffalo Speedway;

Then north along the west right-of-way line of Buffalo Speedway to its intersection with the north right-of-way line of U.S. Highway 59;

Then east along the north right-of-way line of U.S. Highway 59 to its intersection with the west right-of-way line of Kirby Drive;

Then north along the west right-of-way line of Kirby Drive to its intersection with Norfolk;

Then west along the south right-of-way line of Norfolk to its intersection with the west right-of-way line of Lake Street;

Then north along the west right-of-way line of Lake Street to its intersection with the south right-of-way line of West Alabama;

Then east along the south right-of-way line of West Alabama to its intersection with the east right-of-way line of Montrose;

Then north along the east right-of-way line of Montrose to its intersection with the south right-of-way line of Westheimer;

Then east along the south right-of-way line of Westheimer to its intersection with the west right-of-way line of Brazos Street;

Then north along the west right-of-way line of Brazos Street to its intersection with the south right-of-way line of Tuam Avenue;

Then west along the south right-of-way line of Tuam to its intersection with the west right-of-way line of Bagby Street;

Then north along the west right-of-way line of Bagby to its intersection with the south right-of-way line of McGowen;

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Then west along the south right-of-way line of McGowen Avenue to its intersection with the southwest right-of-way line of Bailey Street;

Then north along the southwest right-of-way line of Bailey Street to its intersection with the north right-of-way line of West Webster;

Then east along the north right-of-way line of West Webster to its intersection with the north right-of-way line of Webster;

Then west along the north right-of-way line of Webster to its intersection with the south right-of-way line of West Gray;

Then east along the south right-of-way line of West Gray to its intersection with the west right-of-way line of Baldwin Street;

Then north along the west right-of-way line of Baldwin Street to its intersection with the south right-of-way line of Arthur Street;

Then west along the south right-of-way line of Arthur to its intersection with the north right-of-way line of Cleveland;

Then east along the north right-of-way line of Cleveland to its intersection with the south right-of-way line of Interstate Highway 45;

Then east along the south right-of-way line of Interstate Highway 45 to its intersection with the east right-of-way line of Smith Street;

Then south along the east right-of-way line of Smith Street to its intersection with the north right-of-way line of Gray;

Then east along the north right-of-way line of Gray to its intersection with the west right-of-way line of State Highway 288/U.S. 59;

Then south along the west right-of-way line of State Highway 288 to its intersection with the south right-of-way line of MacGregor Way;

Then westerly along the south right-of-way line of MacGregor Way to Hermann Drive;

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Then westerly along the south right-of-way line of Hermann Drive to its intersection with the east right-of-way line of Montrose;

Then north along the east right-of-way line of Montrose to its intersection with the south right-of-way line of Bissonnet;

Then west along the south right-of-way line of Bissonnet to its intersection with the east right-of-way line of Kirby Drive;

Then westerly following the boundary lines between the cities of West University Place and Bellaire and Houston to the east right-of-way line of Loop 610;

Then north along the east right-of-way line of Loop 610 to its intersection with the north right-of-way line of U.S. Highway 59, the point of beginning.

Save and except any portion that is within an existing scenic or historic district; created by Ordinance No. 2000-948, effective November 1, 2000.

(22) Downtown Scenic District, being the following:

Beginning at the intersection of the centerline of the right-of-way of Hutchins Street with the centerline of the right-of-way of Webster Avenue;

Thence in a northwesterly direction with the centerline of the right-of-way of Webster Avenue to the centerline of the right-of-way of U.S. Highway 59;

iThence in a northeasterly direction with the centerline of the right-of-way of U.S. Highway 59 to the centerline of the right-of-way of Gray Avenue;

Thence in a northwesterly direction with the centerline of the right-of-way of Gray Avenue to the centerline of the right-of-way of Baldwin Street;

Thence in a northeasterly direction with the centerline of the right-of-way of Baldwin Street to the centerline of the right-of-way of Pierce Avenue;

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Thence in a northwesterly direction with the centerline of the right-of-way of Pierce Avenue to the extended centerline of the right-of-way of Buckner Street;

Thence in a northerly direction with the extended centerline of Buckner Street to the centerline of the right-of-way of Cleveland Street;

Thence in an easterly direction with the centerline of the right-of-way of Cleveland Street to the centerline of the right-of-way of Arthur Street;

Thence in a northerly direction with the centerline of the right-of-way of Arthur Street to the centerline of the right-of-way of West Dallas Street;

Thence in an easterly direction with the centerline of the right-of-way of West Dallas Street to the centerline of the right-of-way of Crosby Street;

Thence in a northerly direction with the centerline of the right-of-way of Crosby Street to the centerline of the right-of-way of Allen Parkway;

Thence in an easterly direction with the centerline of the right-of-way of Allen Parkway to the centerline of the right-of-way of Sabine Street;

Thence in a northerly direction with the centerline of the right-of-way of Sabine Street to the centerline of the right-of-way of Memorial Drive;

Thence in an easterly direction with the centerline of the right-of-way of Memorial Drive to the centerline of the right-of-way of Houston Avenue;

Thence in a northerly direction with the centerline of the right-of-way of Houston Avenue to the centerline of the right-of-way of Washington Avenue;

Thence in an easterly direction with the centerline of the right-of-way of Washington Avenue to the centerline of the right-of-way of Elder Street;

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Thence in a northeasterly direction with the centerline and extended centerline of the right-of-way of Elder Street to the centerline of the right-of-way of Dart Street;

Thence in a westerly direction with the centerline of the right-of-way of Dart Street to the centerline of the right-of-way of Beachton Street;

Thence in a northerly direction with the centerline of the right-of-way of Beachton Street to the centerline of the right-of-way of Bingham Street;

Thence in a westerly direction with the centerline of the right-of-way of Bingham Street to the centerline of the right-of-way of Holly Street;

Thence in a northerly direction with the centerline of the right-of-way of Holly Street to the centerline of the right-of-way of the Southern Pacific Railroad;

Thence in an easterly direction with the centerline of the right-of-way of the Southern Pacific Railroad to the centerline of the right-of-way of McKee Street;

Thence in a southerly direction with the centerline of the right-of-way of McKee Street to the centerline of the right-of-way of Lyons Avenue;

Thence in an easterly direction with the centerline of the right-of-way of Lyons Avenue to the centerline of the right-of-way of Jensen Drive;

Thence in a southerly direction with the centerline of the right-of-way of Jensen Drive to the centerline of the right-of-way of Cline Street;

Thence in a westerly direction with the centerline of the right-of-way of Cline Street to the centerline of the right-of-way of the Houston Belt and Terminal Railroad;

Thence in a southerly direction the with centerline of the right-of-way of the Houston Belt and Terminal Railroad to the centerline of the right-of-way of Hutchins Street;

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Thence in a southwesterly direction with the centerline of the right-of-way of Hutchins Street to the centerline of the right-of-way of Preston Avenue;

Thence in a southeasterly direction with the centerline of the right-of-way of Preston Avenue to the centerline of the right-of-way of Bastrop Street;

Thence in a southwesterly direction with the centerline of the right-of-way of Bastrop Street to the centerline of the right-of-way of Rusk Avenue;

Thence in a northwesterly direction with centerline of the right-of-way of Rusk Avenue to the centerline of the right-of-way of Hutchins Street;

Thence in a southwesterly direction with the centerline of the right-of-way of Hutchins Street to the point of beginning at the centerline of the right-of-way of Webster Avenue.

Save and except any portion that is within an existing scenic or historic district; created by Ordinance No. 2002-238, effective April 9, 2002. Notwithstanding any other provision of this Code to the contrary, the creation and existence of the Downtown Scenic District shall not preclude placement and maintenance of the special facility display signs that are authorized in Section 4620 of this Code.

- (23) Any other areas designated under the provisions of Section 4610.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8151

Subject: Approve an Appropriation Ordinance and Approve the Awarding of a Contract to the Best Respondent for the Towed Vehicle Reporting Management System for the Houston Police Department S46-T22694

Category #
4

Page 1 of 2

Agenda Item

15

FROM (Department or other point of origin):

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

Origination Date

June 01, 2009

Agenda Date

JUN. 3 0 2009

DIRECTOR'S SIGNATURE

[Signature]
For additional information contact:

Joseph Fenninger *JP* 6/4/09 Phone: (713) 308-1708
Douglas Moore Phone: (832) 393-8724

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$358,080.00 from the Equipment Acquisition Consolidated Fund (1800) and approve an ordinance awarding a contract to UR International, Inc., in an amount not to exceed \$1,309,339.00 for the towed vehicle reporting management system for the Houston Police Department.

Maximum Contract Amount: \$1,309,339.00

Finance Budget

\$ 951,259.00 - General Fund (1000)

\$ 358,080.00 - Equipment Acquisition Consolidated Fund (1800) - WBS X-100021

\$1,309,339.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$358,080.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and approve an ordinance awarding a three-year contract, with two one-year options to UR International, Inc. in an amount not to exceed \$1,309,339.00 for the towed vehicle reporting management system for the Houston Police Department. The Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

Project Background

There are approximately 155,000 vehicles towed and stored each year at more than 65 private storage lots in the City of Houston. The Houston Police Department (HPD) is establishing this contract to provide a new towed vehicle reporting system that will allow citizens around-the-clock access via web portals or telephone portals to a web-based, state-of-the-art tracking system to locate vehicles that have been towed without the owner's consent. Further, the system will provide HPD with up-to-the-minute vehicle tracking information from the time a car is towed forward to its ultimate recovered or auctioned disposition.

The scope of work requires the contractor to provide all labor, equipment, materials, supplies and supervision necessary to implement a towed vehicle reporting management system which consists of hardware, software and required support personnel. The implementation and system support will include the following:

- Development and installation of the Towed Vehicle Reporting Management System.
- Ongoing hardware and software maintenance support
- Interactive Voice Recognition (IVR) system

REQUIRED AUTHORIZATION

65CDW8151B

NDI

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 6/4/09

3-A

Date: 6/1/2009	Subject: Approve an Appropriation Ordinance and Approve the Awarding of a Contract to the Best Respondent for the Towed Vehicle Reporting Management System for the Houston Police Department S46-T22694	Originator's Initials EA	Page 2 of 2
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- System Support
- Toll-free service for over-flow calls

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws, and as a result, proposals were received from UR International, Inc., GO IT Services Inc. and Complied Logic Corporation. The evaluation committee consisted of Houston Police Department personnel subject matter experts. The proposals were evaluated based upon the following criteria:

- Conformance to Scope of Work
- Responsiveness to Request for Proposal
- Cost
- Financial Strength of Proposer
- Expertise/Experience/Qualifications
- M/WBE Subcontracting

UR International, Inc. received the highest overall score.

MWBE Goal

This RFP was issued as a goal-oriented contract with an 11% M/WBE participation level for the professional services portion of the work, which totals \$986,139.00. There is no M/WBE opportunity available in the purchase of the related hardware. In accordance with guidance from the Affirmative Action and Contract Compliance Division, UR International, Inc. has designated the below-named company as its certified M/WBE subcontractor with a 12% participation goal.

Subcontractor	Type of Work	Amount	Pct of Award
Sybor Technologies, Inc.	Information Technology	\$118,337.00	12%

The Affirmative Action Division will monitor this contract.

Pay or Play Program

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

Estimated Spending Authority:

Department	FY 09	Out Years	Totals
Police	\$358,080.00	\$951,259.00	\$1,309,339.00

Buyer: Eric Alexander

SAFECLEAR MANAGEMENT GROUP

% 2104 Lyons Avenue, Houston, TX 77020

713-881-3198

May 12, 2009

Houston Police Department
1200 Travis, 17th Floor
Houston, TX 77002

Attention: Captain William C. Staney

RE: Web-Based Towing Information System

The Safe Clear Management Group is comprised of eleven contractors who tow and store vehicles under the Safe Clear program. The Management Group works with additional subcontractors to make the Safe Clear program a success and thereby represents a total of 33 local towing companies.

Our group supports the installation of an automated system which would allow the electronic transfer of data related to towed and stored vehicles from tow companies to the Houston Police Department's Auto Dealers Division. We feel that the use of a web-based reporting system would be more efficient for the general public, the users in the Houston Police Department and our companies as well.

The transfer of data by electronic means is an accepted practice by most businesses and government entities today and we see it as a benefit to the public in allowing them to locate towed vehicles in a timelier manner. We hope that in the near future all law enforcement agencies within this region will use a web-based program to allow access to this very important information.

While supporting the concept of a web-based information system, we also ask that the final product to be designed by the City's vendor includes protection of our members' confidential and proprietary information. We look forward to working with the Houston Police Department to achieve a system that will best serve the public while also helping our member companies to become more efficient.

Sincerely,

SAFE CLEAR MANAGEMENT GROUP

SIGNATURE PAGE:
(WEB-BASED TOWING INFORMATION SYSTEM)

DATED: MAY 12, 09

Allied Collision Center, Inc.

ISS

KTL Enterprises, Inc.

Ken Ulmer

Canning West, Inc.

Charles Roth

Milam Street Auto Storage, Inc.

Jeannette Rosh

Corporate Auto Service, Inc.

[Signature]

National Auto Collision

[Signature]

Fiesta Wrecker Service

Art Mann

North Houston Motors, Inc.

Jeff Conant

T & T Motors, Inc.

Jesse Farmer

Unified Auto Works

Ernie Johnson


Westside Wrecker Service Inc.

[Signature]

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Mayor Bill White

FROM: 
Harold L. Hurtt, Chief of Police
Office of the Chief

DATE: June 25, 2009

SUBJECT: **Compiled Logic Protest Letter**

The Houston Police Department is ready to present to Council an item awarding a design contract to UR International, Incorporated for a Towed Vehicle Reporting Management System (TVRMS). Once in operation, the TVRMS will provide citizens with around-the-clock access via web portals or telephone portals to a state-of-the-art tracking system that will allow them to locate vehicles that have been towed without the owners' consent. As part of the due diligence of bringing the item to Council, the RCA and a program detail were presented first to the Public Safety Committee on June 8, 2009. Compiled Logic Corporation, one of the losing vendors, also appeared at the meeting and presented a letter to the Committee members that expressed their objections to the award of the contract to UR International, Incorporated. Listed below are their protests and our responses.

Issue: Over 18 months has transpired since the TVRMS Request for Proposals was issued, making the requirements and technology obsolete.

Response: *Compiled Logic argues that, due to the passage of time, the requirements are obsolete, and that technology has changed in the 18+ months since release of the RFP. There are two separate concepts here. The functionalities (requirements) defined for this system are as valid today as they were 18 months ago – and they are separate and apart from the technology that delivers those functionalities. Changes over time can make technologies obsolete – but this does not hold true for the specifications. Bids from competitors responded to the same specifications, defined at the same point in time, but each used different technical solutions.*

The functional objective of TVRMS is to enable car owners to locate their vehicles. The RFP did not specify the technology to be used to provide this functionality – that is the vendor's option. HPD is indifferent as to how it gets done; only that it gets done. Because it is not privy to responses from the other vendors, Compiled Logic's complaint that the technology is obsolete can only be with respect to the technology it has chosen. It may be that Compiled Logic's selected technology contributed to their proposed bid amount almost 5 times higher than the winning bid.

As far as timeliness is concerned, this procurement process is typical of an average Request for Proposal. It is not unusual for more technically complicated RFPs to require more time for proposal formulation and analysis. Examples are the HPD Records Management System which required 2.5 years to complete and HPD Automated Fingerprint System which required 1.5 years to complete. The Strategic Purchasing Division oversaw the entire RFP process and has concluded the process was fair, timely and performed within state laws and City policies.

Issue: Compiled Logic worked in good faith with the City to develop a fully operational system that was used on the ground by HPD and believed there would be a fair and timely outcome for the selection of the TVRMS vendor. Had HPD followed through on a pre-RFP commitment to sole source our solution, they would have a TVRMS solution in place for almost a year and a half.

Response: *Though HPD worked with Compiled Logic to validate potential system requirements, neither the City nor HPD entered into any agreement nor did HPD make any commitment for the development, consulting work or engineering for any type of system with Compiled Logic Corporation or any other vendor. In 2004, HPD solicited a Request for Information outlining the project requirements and received responses from six potential vendors, thus negating any ability to sole source the procurement. Funding was not available at the time and the procurement process was delayed until the Request for Proposal was issued in December of 2007. Compiled Logic elected to respond to the Request for Proposals and had no objection to the competitive bidding process at that time. Raising objections now, after agreeing to the competitive bidding terms, as did all other bidders, appears to be an attempt to impugn a fair process.*

Issue: Obsolete requirements – Technology has changed dramatically in the last 18 months. With the recent selection of the Records Management System vendor, OLO integration may not be necessary since it will not be the final repository for towing data. The RFP does not address electronic tow slips now operational in HPD patrol cars.

Response: *Because Compiled Logic is unaware of the timelines involved with the OLO/RMS conversion, they make a speculative and inaccurate statement pertaining to integration. The system must include an OLO component to be able to integrate with HPD's existing mainframe until the new Records Management System becomes operational in approximately three years. At that time, the migration to RMS will be accomplished via the RMS contract. HPD has already developed a Towed Slip component for the mobile data computers which will integrate seamlessly with any Towed Vehicle Reporting Management System. Further, the RFP does not dictate what technology is to be used, but only defines the functionality of the delivered product. Technology implementation decisions are left up to the responders and are reflected in the competitive process through the cost of the individual proposals.*

Issue: Missing requirements – Including a TVRMS requirement for automated, electronic processing and mailing of notification letters could move the department to a paperless process resulting in legal compliance within a single day. Also, the TVRMS could be used to pursue a booting policy where vehicles of interest are identified and electronic holds are placed on them until the tickets are paid.

Response: *It is true that these are desirable features, but they were not part of the original specifications. It is not difficult to conceive additional features after-the-fact – but to do so and conclude the original specification is therefore “deficient” is a spurious argument. Add-on, wish-list specs, though they may be nice to have, don't obviate the fundamental designs of the program. There is no doubt that these and other desirable enhancements will be considered as*

the system is developed and matures. These features, and others, can be added to the system at a future date as requested by HPD and the towing lot vendors.

Issue: Cost savings – Compiled Logic’s product would shift the costs away from the City and to the owners of the towed vehicles. Building yet another custom software package that needs to be upgraded and maintained by the department is the old way of doing business. Adding a call center to the RFP results in another stop on the dialing for dollars marathon to find a car before the tow bill exceeds its value.

Response: *The cost for the five-year development and support of the system from the winning vendor, UR International, is \$1,309,339 compared to Compiled Logic’s cost of \$6,242,400. Compiled Logic’s cost is approximately five times higher than the winning bid and therefore clearly does not constitute good value. Whether or not their selected technology contributed to this high bid is unknown. Additionally and contrary to their letter, Compiled Logic’s proposal requires the City rather than the towed vehicle owners to pay \$5.56 to \$6.06 per tow. Even in the event that Compiled Logic opted not to charge these fees, their proposal would still cost the City \$100,000 to \$235,000 more per year than UR International based on a 135,000 tows per year.*

Further, Compiled Logic opines that a call center would add no value to the system – yet this is a critical functional element for the program as defined in the specification – and Compiled Logic needs to acknowledge that this is not an option. A call center and the use of Integrated Voice Recognition technology are critical to the success of the system. As an example, any person without access to a computer would be able to make a call to locate their vehicle rather than first being required to access the internet. As this system accepts any phone calls, one can immediately see the flexibility and user friendliness considering the pervasive use of cell phones.

Issue: Compiled Logic requests an opportunity for all responders to submit a Best and Final offer.

Response: *After the evaluation process, Compiled Logic’s proposal was found not to be in the best interest of the City and a Best and Final Offer opportunity was afforded to the two top competitors; URI at \$1.3 Million and GoIT Services at \$1.7 Million . At the time Compiled Logic submitted their bid, they accepted the competitive process and the attendant risk without protest. Again, the Strategic Purchasing Division oversaw the entire RFP process and has concluded the process was fair, timely and performed within state laws and City policies. Both SPD and HPD are of the opinion that the RFP process has ensured that the City has received the overall best value for this project.*

I extended the courtesy to meet with the principals of Compiled Logic Corporation so we could discuss their concerns. In view of the responses documented above, and having reviewed the procurement process, I am satisfied that all procurement processes and policies were properly observed and that the best vendor was selected. I stand by the decision to award the design contract to UR International, Incorporated. Please contact me if I can provide further information.

Harold L. Hurtt, Chief of Police
Office of the Chief

Attachments:

1. Compiled Logic Corporation letter dated June 7, 2009
2. Bid detail from the TVRMS Request for Proposal process



C LOGIC

Ron Smith
VP, Sales & Marketing

rsmith@compiledlogic.com

Compiled Logic Corporation
P.O. Box 235
Bellaire, Texas 77402-0235

281-451-0766 Office

June 7, 2009

I would like to thank you for the opportunity to address the Public Safety Committee and provide comments on the TVRMS RFP and our experience during the procurement process.

First, I would like to express our disappointment in the procurement process. Over 18 months has transpired since the Towed Vehicle Reporting Management System (TVRMS) RFP was issued, 38 months – over 3 years, since we began a close partnership with the Houston Police Department and specifically Auto Dealers, to design, build and deploy a system to improve non-consent towing reporting and oversight.

Our direct assistance to the department included best practices consulting, process reengineering, software requirements definition and culminated with the development of a fully operational system that was used on the ground by HPD, without charge, in the summer of 2007. Our system collected thousands of towing records and validated the concepts of MDT-based tow slip reporting, a citizen search site and the remote reporting of Private Property Impounds and vehicle releases by storage lot operators.

Along the way, we invested over \$800K in internal company funds. We did so under good faith efforts with HPD, a willingness to help the city, HPD and area law enforcement, as well as the towing & storage industry to find the best solution. Most importantly, we saw this as an opportunity to help the citizens of our community to find their missing or towed car. Throughout the process, field officers, Dealer Services management, HPD command staff and Chief Hurtt stated that our solution and efforts exceeded the department expectations for a TVRMS. Our efforts also moved the city past the idea of developing the system internally and on December 3, 2007 this RFP was issued. At that time, we and the other vendors involved, believed there would be a fair and timely outcome for the selection of a TVRMS vendor.

We are steadfast that our solution, built specifically to HPD requirements, represents the lowest risk and quickest time to value for the city. Our belief has only strengthened over the past 18 month as we have invested an additional \$3MM in our solution and dramatically increased our operational experience in 8 Metro Atlanta jurisdictions including APD, in the California cities of San Diego, San Francisco and Sacramento, in Durham North Carolina, in Albuquerque New Mexico and throughout other U.S cities. Interestingly, had HPD followed through on a pre-RFP commitment to sole source our solution, they would have a TVRMS solution in place for almost a year and a half.

At this point in the procurement process, we believe the decision to move forward in any manner, regardless of vendor, is flawed. We believe the prudent course is to allow all vendors to submit a best and final offer. The TVRMS RFP is stale in terms of requirements, costs and missing functionality needed by the department today. I would like to highlight a few examples in each area.

Obsolete Requirements – I think everyone in this room today can all agree that technology has changed dramatically in the last 18+ months since released. Again, released – this does not include the time it took to be drafted and approved. With the recent selection of a new RMS vendor, OLO integration may not be necessary since it will not be the final repository for towing data. The RFP does not address electronic tow slips now operational in the HPD patrol cars. Since submitting our response, Compiled Logic has spent over \$3MM to expand the functionality of our candidate system.

Missing Requirements – HPD processes over 46,000 auction letters annually, over 170 a week, through a manual paper-based process. Today that process is 30 days beyond compliance with the 7-day legal reporting requirement. Including a TVRMS requirement for automated, electronic processing and mailing of notification letters could move the department to a paperless process and result in legal compliance within in a single day. Also, with the city pursuing a booting policy to deal with delinquent parking tickets, the TVRMS system could easily be used to identify vehicles of interest and automatically put electronic holds on them until the tickets are paid. Parking ticket integration is a NOT a requirement in the current RFP.

Cost Savings – In today's economic climate and with the need of cities to offset increasing departmental costs, TVRMS provides a unique opportunity to cover the city and HPD's costs associated with non-consent towing. Moving to a software as a service solution that would allow HPD to take advantage of national best practices, receive new functionality without additional development costs and shift the cost to towed vehicle owners is the new model. Building yet another custom software package that needs to be upgraded and maintained by the department is the old way of doing business.

TVRMS is about two things. One is helping HPD to better manage the internal towing process. The other is to promote data sharing of towing information across the city, county, state boundaries. Multi-jurisdictional sharing of towing information is a powerful tool in fighting auto theft, locating vehicles of interest and helping people find their cars quicker; all at a lower cost.

To this point, I would ask the PSC what is the cost impact of selecting a vendor not in the towing management software business. Will HPD end up with a solution that will not share information with the other 32 jurisdictions, 65 storage lots and at the end of the day, won't help all of the citizens of the Houston Metropolitan Area find their vehicles. Adding a Call Center to the RFP doesn't eliminate or alleviate this problem. It just results in another stop on the dialing for dollars marathon to find a car before the tow bill exceeds its value.

Compiled Logic would like to formally ask the City of Houston and HPD to allow the TVRMS responders to submit a Best and Final Offer. A Best and Final Offer has advantages to all parties involved. It allows the city and HPD to get the best possible solution based on current requirements and cost. It allows vendors to update responses based on today's experience, updated functionality and current pricing models. Best and Final Offers are an established best practice and common practice for dealing with extraordinarily delayed RFP selections. It is the fair and equitable answer.

To end as we began, over 18 months have transpired since this RFP was issued, 38 months – over 3 years, since we began a partnership with the Houston Police Department. Compiled Logic has invested heavily to help HPD and the City of Houston in terms of resources, expertise and even building an operational system to validate the requirements of the TVRMS. Today, the RFP and responses are stale and don't fairly reflect the best alternate or cost to the HPD and the city. We ask the city to reward our best faith efforts with the opportunity to submit a Best and Final Offer.

Thank you

Towed Vehicle Reporting Management Systems

UR INTERNATIONAL		Cost Type	Quantity	Rate/Line Cost	Total Amount
Development Costs			800 Hrs	\$75/hr	\$72,000
Servers	4	\$5,000			\$20,000
Software (Windows OS)	4	\$2,500			\$10,000
Software (SSL)	2	\$500			\$1,000
Software (SQL Server License)	2	\$5,000			\$10,000
T3 Connectivity	12	\$1,000/Hr			\$12,000
IVR Unit (1 unit)	1	\$25,000			\$25,000
IVR Configuration	120 Hrs	\$100/Hr			\$12,000
Telephone Lines for IVR	20	\$25 per line per month			\$6,000
Toll free service for over-flow calls (12 lines)	12	\$2,000			\$24,000
System support (not to exceed 480 hrs)	480	\$60.00			\$28,800
Call support (1 FTE, 24x7, 365 days)	6240	22.00			\$137,280
Total Year 1 Fees					\$359,080
HW Maintenance (Server)	4	\$1,200/year			\$4,800
IVR Maintenance Fees	1	\$4,000/year			\$4,000
Telephone Line Charges	240	\$25 per line per month			\$6,000
T3 Connectivity	12	\$1,000/Month			\$12,000
Support Personnel (1 FTE)	2,000 Hrs	\$63/Hour			\$30,240
Toll free service for over-flow calls (12 lines)	12	\$2,000/month			\$24,000
Call support (1 FTE, 24x7, 365 days)	6240	\$	23.00		\$143,520
Total Year 2 Fees					\$221,560
HW Maintenance (Server)	4	\$1,200/year			\$4,800
IVR Maintenance Fees	1	\$4,000/year			\$4,000
Telephone Line Charges	20	\$25 per line per month			\$6,000
T3 Connectivity	12	\$1,000/Month			\$12,000
Support Personnel (not to exceed 480 hrs)	480	\$66/Hour			\$31,680
Toll free service for over-flow calls (12 lines)	12	\$2,000			\$24,000
Call support (1 FTE, 24x7, 365 days)	6,240	\$24.00			\$149,760
Total Year 3 Fees					\$238,240
HW Maintenance (Server)	4	\$1,200/year			\$4,800
IVR Maintenance Fees	1	\$4,000/year			\$4,000
Telephone Line Charges	240	\$25 per line per month			\$6,000
T3 Connectivity	12	\$1,000/Month			\$12,000
Call support (1 FTE, 24x7, 365 days)	6240	\$25/Hour			\$156,000
Toll free service for over-flow calls (12 lines)	12	\$2,000			\$24,000
System support (not to exceed 480 hrs)	480	69.46			\$33,339
Total Year 4 Fees					\$240,139
HW Maintenance (Server)	4	\$1,200/year			\$4,800
IVR Maintenance Fees	1	\$4,000/year			\$4,000
Telephone Line Charges	20	\$25 per line per month			\$6,000
T3 Connectivity	12	\$1,000/Month			\$12,000
Call support (1 FTE, 24x7, 365 days)	6240	\$27/Hour			\$168,480
Toll free service for over-flow calls (12 lines)	12	2000			\$24,000
System support (not to exceed 480 hrs)	480	\$73/Hour			\$35,040.00
Total Year 5 Fees					\$254,320
Grand Total for 5 Years					\$1,309,339

GO IT SERVICES				
Cost Type	Quantity	Rate/Unit Cost	Total Amount	
IVR Development and Setup	1	\$40,000.00	\$40,000.00	
IVR Ports-Concurrent Callers	50	\$1,080.00	\$54,000.00	
Voice Channels for PBX	50	\$239.40	\$11,970.00	
Man Hrs of 24x7 call center operation (ea agent handling 20 calls per hr)	8760	\$17.29	\$151,460.00	
PBX capable of 100 lines wical accounting	1	\$15,980.00	\$15,980.00	
TURVIS Application Development	1	\$50,000.00	\$50,000.00	
WEB & DB Hardware, Internet, Hosting	1	\$15,980.00	\$15,980.00	
System Maintenance/Support	1	\$75,855.00	\$75,855.00	
Professional Services Cost	1	\$85.00		
Training Cost	1	\$750.00		
Travel Cost	1	\$ 0.00		
Total Year 1 Fees			\$397,205.40	
IVR Ports-Concurrent Callers	50	\$1,082.29	\$54,114.39	
Voice Channels for PBX	50	\$251.37	\$12,568.50	
Man Hrs of 24x7 call center operation (ea agent handling 20 calls per hr)	8760	\$18.15	\$159,033.42	
WEB & DB Hardware, Internet, Hosting	1	\$16,758.00	\$16,758.00	
System Maintenance/Support	1	\$60,747.75	\$60,747.75	
Professional Services Cost	1	\$85.00		
Training Cost	1	\$750.00		
Total Year 2 Fees			\$303,222.05	
IVR Ports-Concurrent Callers	50	\$1,136.40	\$56,820.09	
Voice Channels for PBX	50	\$263.84	\$13,196.93	
Man Hrs of 24x7 call center operation (ea agent handling 20 calls per hr)	8760	\$19.05	\$168,985.09	
WEB & DB Hardware, Internet, Hosting	1	\$17,595.60	\$17,595.60	
System Maintenance/Support	1	\$63,785.14	\$63,785.14	
Professional Services Cost	1	\$90.00		
Training Cost	1	\$800.00		
Total Year 3 Fees			\$318,383.15	
IVR Ports-Concurrent Callers	50	\$1,193.22	\$59,681.10	
Voice Channels for PBX	50	\$277.14	\$13,856.77	
Man Hrs of 24x7 call center operation (ea agent handling 20 calls per hr)	8760	\$20.02	\$175,334.35	
WEB & DB Hardware, Internet, Hosting	1	\$18,475.70	\$18,475.70	
System Maintenance/Support	1	\$66,974.39	\$66,974.39	
Professional Services Cost	1	\$90.00		
Training Cost	1	\$800.00		
Total Year 2 Fees			\$324,322.90	
IVR Ports-Concurrent Callers	50	\$1,252.88	\$62,644.15	
Voice Channels for PBX	50	\$290.99	\$14,549.61	
Man Hrs of 24x7 call center operation (ea agent handling 20 calls per hr)	8760	\$21.02	\$184,101.06	
WEB & DB Hardware, Internet, Hosting	1	\$19,399.48	\$19,399.48	
System Maintenance/Support	1	\$70,323.11	\$70,323.11	
Professional Services Cost	1	\$95.00		
Training Cost	1	\$650.00		
Total Year 5 Fees			\$351,017.42	
Grand Total for 5 Years			\$1,704,130.32	

COMPILED LOGIC		Quantity	Rate/Unit Cost	Total Amount
TVRMS	Cost Type			
TVRMS	Compiled Logic Professional Service Hrs	135,000 tows	\$5.56	\$750,600.00
	Optional IVR Service	80 Hrs	\$0.00	\$0.00
		135,000 tows	\$0.68	\$91,800.00
	Optional Call Center Service	135,000 tows	\$2.72	\$367,200.00
	Professional Services Cost (hourly)		\$250.00	\$0.00
	Training Cost (Daily)		\$2,000.00	\$0.00
Travel Cost			\$0.00	\$0.00
Total Cost Year 1 (Base TVRMS)				\$750,600.00
Total Year 1 Fees (Optional Services)				\$1,209,600.00
TVRMS	Compiled Logic Professional Service Hrs	135,000 tows	\$5.56	\$750,600.00
	Optional IVR Service	80 Hrs	\$0.00	\$0.00
		135,000 tows	\$0.68	\$91,800.00
	Optional Call Center Service	135,000 tows	\$2.72	\$367,200.00
	Professional Services Cost (hourly)		\$250.00	\$0.00
	Training Cost (Daily)		\$2,000.00	\$0.00
Travel Cost			\$0.00	\$0.00
Total Cost Year 2 (Base TVRMS)				\$750,600.00
Total Year 2 Fees (Optional Services)				\$1,209,600.00
TVRMS	Compiled Logic Professional Service Hrs	135,000 tows	\$5.56	\$804,900.00
	Optional IVR Service	80 Hrs	\$0.00	\$0.00
		135,000 tows	\$0.71	\$95,850.00
	Optional Call Center Service	135,000 tows	\$2.77	\$373,950.00
	Professional Services Cost (hourly)		\$250.00	\$0.00
	Training Cost (Daily)		\$2,000.00	\$0.00
Travel Cost			\$0.00	\$0.00
Total Cost Year 3 (Base TVRMS)				\$804,900.00
Total Year 3 Fees (Optional Services)				\$1,274,400.00
TVRMS	Compiled Logic Professional Service Hrs	135,000 tows	\$6.06	\$818,100.00
	Optional IVR Service	80 Hrs	\$0.00	\$0.00
		135,000 tows	\$0.71	\$95,850.00
	Optional Call Center Service	135,000 tows	\$2.77	\$373,950.00
	Professional Services Cost (hourly)		\$250.00	\$0.00
	Training Cost (Daily)		\$2,000.00	\$0.00
Travel Cost			\$0.00	\$0.00
Total Cost Year 4 (Base TVRMS)				\$818,100.00
Total Year 4 Fees (Optional Services)				\$1,274,400.00
TVRMS	Compiled Logic Professional Service Hrs	135,000 tows	\$6.06	\$818,100.00
	Optional IVR Service	80 Hrs	\$0.00	\$0.00
		135,000 tows	\$0.71	\$95,850.00
	Optional Call Center Service	135,000 tows	\$2.77	\$373,950.00
	Professional Services Cost (hourly)		\$250.00	\$0.00
	Training Cost (Daily)		\$2,000.00	\$0.00
Travel Cost			\$0.00	\$0.00
Total Cost Year 5 (Base TVRMS)				\$818,100.00
Total Year 5 Fees (Optional Services)				\$1,274,400.00
Grand Total for 5 Years (BASE)				\$3,942,000.00
Grand Total for 5 Years (OPTIONAL)				\$6,242,400.00

SUBJECT: Ordinance amending Article III of Chapter 8 of the City of Houston Code of Ordinances relating to the reporting of towed vehicles through the implementation and use of an authorized electronic reporting system.

Page
1 of 1

Agenda Item #
15A

FROM: (Department or other point of origin):

Houston Police Department

Origination Date:

6/25/09

Agenda Date:

JUN 30 2009

DIRECTOR'S SIGNATURE:

Harold L. Hurtt, Chief of Police

Council District affected:

All

For additional information contact:

Joseph A. Fenninger
CFO and Deputy Director
Phone: 713-308-1770

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) The approval of an ordinance amending Article III of Chapter 8 of the City of Houston Code of Ordinances as it relates to the implementation and use of an authorized electronic reporting system as a means of tracking and making available accurate and up-to-date information regarding vehicles that have been towed to vehicle storage facilities without the owner's consent.

Amount and Source of Funding: N/A

Specific Explanation:

There are approximately 155,000 vehicles towed and stored each year in the City of Houston. Tows generally fall into two categories, consent tows and non-consent tows. Consent tows are performed with the permission of the vehicle owner, an example of which would be moving an inoperable vehicle from a residence to a repair facility. Non-consent tows are performed usually without the permission of the vehicle owner, examples of which include removal of an improperly parked vehicle by a business, recovery of a vehicle by a lien holder or removal of a vehicle at the request of the Houston Police Department (HPD). To facilitate HPD-requested removals, the City has entered into Police-Authorized Tow Service Agreements (PATSA) with approximately 200 towing companies. Additionally, the City has entered into Police Private Storage Lot Agreements (PPSLA) with approximately 65 storage lot companies to store HPD-authorized towed vehicles.

Under a separate action, HPD is requesting the award of a contract to provide a new towed vehicle reporting management system that will allow citizens around-the-clock access via web portals or telephone portals to a web-based, state-of-the-art tracking system to facilitate locating vehicles that have been towed without the owner's consent. Further, the system will provide HPD up-to-the-minute vehicle tracking information from the time a car is towed forward to its ultimate recovered or auctioned disposition.

In support of the proposed towed vehicle reporting management system, HPD recommends that City Council approve amendments to Article III, Chapter 8 of the City's Code of Ordinances to accomplish the following:

- Allow non-PATSA towing companies and non-PPSLA storage lot companies to utilize an authorized electronic reporting system when reporting vehicles that were towed without the owner's consent.
- Require PATSA towing companies and PPSLA storage lot companies to utilize an authorized electronic reporting system when reporting vehicles towed without the owner's consent.
- Allow storage lot companies to utilize an electronic transfer of funds to remit required fees to the City.
- Require non-PATSA companies who are towing a vehicle pursuant to a lien holder's request and who do not opt to utilize the authorized electronic reporting system to make a verbal report to HPD within one hour of picking up the vehicle.
- Require non-PPSLA storage companies who do not utilize the authorized electronic reporting system to forward a report to HPD each Monday via hand delivery or certified mail detailing specific information related to vehicles taken into their lots without the owners' permission.

REQUIRED AUTHORIZATION

10JGH001

Finance:

Other Authorization:

Other Authorization:

Joseph A. Fenninger,
CFO and Deputy Director

6/24/09

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

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE REPORTING OF TOWED VEHICLES THROUGH THE IMPLEMENTATION AND USE OF AN AUTHORIZED ELECTRONIC REPORTING SYSTEM; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the city's administration desires to implement eGovernment processes that improve upon citizen access to government records; and

WHEREAS, state law requires the operator of a licensed vehicle storage facility to report the impoundment of a vehicle towed to the facility without the consent of the vehicle owner to the Police Department; and

WHEREAS, the Police Department recommends the implementation of an authorized electronic reporting system as a means of facilitating more timely and efficient reporting of vehicles towed by tow operators and auto wrecker drivers to vehicle storage facilities without the vehicle owner's consent; and

WHEREAS, the Police Department anticipates that providing citizens real-time, web-based access to search and locate towed vehicles will improve upon the city's use of readily accessible technology in furtherance of the implementation of eGovernment processes through more efficient means; and

WHEREAS, the Police Department anticipates that citizens seeking information concerning a towed vehicle who opt to access the police department's web-based vehicle reporting system portal will reduce delays and extended hold times currently experienced by all users of the current towed vehicle telephone reporting process; and

WHEREAS, a web-based vehicle reporting system portal will provide information regarding consumer rights, the lawful charges for towing and storage services, and contact information of city and state agencies who investigate complaints; **NOW, THEREFORE**,

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

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

Section 2. That Subsection (e) of Section 8-123 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(e) In any case where a vehicle is released from a storage lot and fees are collected from the vehicle owner, an additional \$10.00 fee shall be collected and remitted to the police department to defray the costs of enforcement of complaints related to police private storage lot agreements and other costs associated with the towing of a vehicle without the consent of the vehicle owner. The time and method of remittance of the additional \$10.00 fee prescribed in this subsection shall be established by the police department so as to make the transfer of funds as close to the date and time of the release of the vehicle from the storage as is practical or possible. The time and method of remittance may include the electronic transfer of funds at the time of the release of the vehicle or at a later time as specified by the police department."

Section 3. That Section 8-124 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-124. Oral or authorized electronic report to police of tows authorized by persons other than vehicle owner.

Whenever a wrecker driver is authorized to pick up and tow any vehicle when such authorization was given by someone other than the vehicle owner, the wrecker driver shall make an oral or electronic report to the police department within one hour of the time the vehicle was picked up. An electronic report shall be filed using an authorized electronic reporting system implemented by the police department. In an oral report the wrecker driver shall inform the police department of the license plate number of the vehicle towed, its vehicle identification number, the location from which the vehicle was towed, the date and time the vehicle was towed, and the location to which the vehicle was towed. This section shall not apply when the vehicle was towed pursuant to authorization by a city police officer and the wrecker driver has signed the copy of the wrecker slip retained by the city police department."

Section 4. That the introductory paragraph of Subsection (a) of Section 125 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Whenever any person tows, carries, transports or otherwise takes a motor vehicle pursuant to a request by a lienholder incident to a lawful

repossession, the person so taking the vehicle who does not file an authorized electronic report shall make a verbal report to the police department within one hour of the time of picking up the vehicle, which shall include the following information:"

Section 5. That Section 8-126 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) to read as follows:

"(g) Tow operators and auto wrecker drivers operating pursuant to a current and valid police-authorized tow service agreement shall report the towing of vehicles via an authorized electronic reporting system implemented by the police department."

Section 6. That Section 8-143 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (f) to read as follows:

"(f) Each agreement holder shall report the receipt and release of vehicles delivered to its storage facility without the consent of the vehicle owner via the use of an authorized electronic reporting system implemented by the police department."

Section 7. That the introductory paragraph of Section 8-192 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Each private storage lot authorization holder who stores any vehicles that have been towed to such lot without the vehicle owner's permission and does not file an authorized electronic report shall forward a report to the police department each Monday by hand delivery or certified mail on a form designated by the police department containing the following information:"

Section 8. 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 9. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2009.

APPROVED this ____ day of _____, 2009.

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept. Richard O. J. Hammond
RVG:asw 06/16/2009 Assistant City Attorney
Requested by Harold L. Hurtt, Chief of Police
L.D. File No. 0870900001001

[Handwritten signature]

ARTICLE III. AUTO WRECKERS AND STORAGE YARDS

DIVISION 1. GENERALLY

15A
JUN 30 2009

Sec. 8-101. Definitions.

For the purposes of this article:

Accident means a situation where one or more motor vehicles have collided with any other motor vehicle or object.

Authorization holder means a person who is operating a private storage lot under an authorization issued under division 3 of this article, rather than under a Vehicle Storage Facility Act license.

Auto wrecker means any vehicle used for the purpose of towing, carrying, pushing or otherwise transporting any motor vehicle.

Consent tow means the tow of a motor vehicle conducted with the prior authorization of the vehicle owner.

Custodial arrest means a situation in which a law enforcement officer takes the vehicle owner into custody.

Freeway means the entire public right-of-way of a divided, controlled-access highway located within the city, including its roadway lanes, ramps, shoulders, and unimproved areas, but excluding frontage or service roads.

Heavy-duty wrecker means an auto wrecker having chassis rated at five tons or greater by the vehicle manufacturer and a winch capable of lifting a minimum of 30,000 pounds as rated by the winch manufacturer. Except where a distinction is made, the term "auto wrecker" includes a "heavy-duty wrecker."

Nearest place of safety means, during the period each day from 10:00 p.m. to 6:00 a.m., the nearest licensed storage facility that is lighted, manned on a 24-hour basis, and provides the vehicle owner with access to a telephone and other facilities or other safe place, and at all other times, the nearest licensed storage facility or other safe place.

Nonconsent tow means the tow of a motor vehicle in every instance in which the vehicle owner is unwilling or unable to designate a tow operator to remove the vehicle, including instances in which the vehicle is: (i) abandoned or stolen, or (ii) being operated by a person who is the subject of a custodial arrest or who is physically or mentally unable or unwilling to request a tow operator or destination, when a law enforcement officer determines that no other authorized person is present and able to remove the vehicle.

Police-authorized tow service agreement or PATSA means an agreement made pursuant to the provisions of section 8-126 of this Code.

Police private storage lot means a private storage lot for which the operator has a current and valid agreement with the city pursuant to section 8-143 of this Code.

Police scene means a place at which (i) an accident has taken place that is subject to a field investigation conducted by a law enforcement officer, (ii) a law enforcement officer has recovered a stolen vehicle, (iii) a vehicle has been abandoned in a roadway, (iv) a custodial arrest by a law enforcement officer has taken place, or (v) a vehicle is otherwise subject to removal or impoundment pursuant to law by a law enforcement officer.

Private storage lot means an automobile storage facility situated within the city that is either:

- (1) Operating under a current and valid license granted pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code); or
- (2) Operating under a current and valid authorization issued under division 3 of this article.

Recovery services means any and all actions relating to uprighting or otherwise moving a vehicle into a position from which it can be towed, securing a shifted or lost load of cargo, and cleaning up of debris from the scene. This definition also applies to scenes to which a heavy-duty wrecker is called.

Safe place means a location chosen with regard to the following criteria: the age, physical or other condition of the vehicle owner, including whether the vehicle owner is accompanied by one or more minor children, the remoteness of the location, the proximity of authorities or persons who could render aid or assistance, the time of day, the climatic conditions, the character of the location or surrounding neighborhood and the vehicle owner's knowledge or familiarity with the location or surrounding neighborhood.

Stalled vehicle means a vehicle that has a flat tire or other mechanical problem, is out of gas or, due to other factors other than physical damage from a collision, may not be operated in a normal manner.

Tow means the removal from public or private property of a vehicle, including a trailer towed by the vehicle, by means of an auto wrecker only.

Tow operator means the owner of an auto wrecker authorized to perform tows under applicable state law and this chapter.

Vehicle owner means the actual owner of the vehicle towed or transported or any driver of the vehicle who reasonably appears to have authority to operate the vehicle.

Wrecked vehicle means a vehicle that, due to a collision, is incapable of being driven or moved.

Wrecker driver means any individual who drives an auto wrecker.

Sec. 8-102. Penalty.

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

Sec. 8-103. Freeway towing.

(a) *Wrecked or stalled vehicle; traffic hazard.* A wrecked or stalled vehicle on a freeway is a traffic hazard and a threat to public safety. Wrecked vehicles, regardless of location, or stalled vehicles in a moving lane shall be removed from a freeway at the earliest possible opportunity consistent with safety and proper police procedures. Stalled vehicles on a shoulder shall be removed as directed by a law enforcement officer.

(b) *Police scene; law enforcement jurisdiction.* A wrecked or stalled vehicle on a freeway shall constitute a police scene.

(c) *Persons authorized.* A wrecked or stalled vehicle may be towed from a freeway only by an auto wrecker operated by:

- (1) A tow operator holding a contract to conduct SafeClear freeway towing under section 8-127 of this Code;
- (2) A PATSA tow operator called to a police scene on a freeway by a law enforcement officer; or
- (3) A tow operator called by the vehicle owner of a wrecked or stalled vehicle who arrives at the location of such vehicle before the law enforcement officer in charge of the scene directs the removal of the vehicle, including but not

limited to an auto wrecker operated by an automobile club, insurance company or other person having a contractual obligation to provide the vehicle owner with towing services.

(d) Except as provided in item (3) of subsection (c) of this section, it shall be unlawful for any auto wrecker not operated pursuant to items (1) or (2) of subsection (c) of this section to be present or remain at, or to tow any vehicle from, a freeway. It shall be an affirmative defense to prosecution under this subsection that (i) the wrecker driver was acting under the direction of a law enforcement officer, (ii) the auto wrecker is a heavy-duty wrecker summoned to the scene by a law enforcement officer pursuant to section 8-123 or (iii) the auto wrecker is acting to provide a warning to oncoming traffic pursuant to section 8-118 of this Code.

Secs. 8-104--8-110. Reserved.

DIVISION 2. AUTO WRECKERS

Subdivision A. Operational Rules and Regulations and Tow Agreements

Sec. 8-111. State registration.

Auto wreckers shall be registered as tow trucks under applicable provisions of state law, including, without limitation, Chapter 643 of the Texas Transportation Code.

Sec. 8-112. State licensing of wrecker drivers.

Auto wreckers shall be operated by persons who hold the type of state driver license that is required for their auto wrecker, as applicable.

Sec. 8-113. Information to be furnished owner of vehicle who requests towing at a police scene.

(a) No wrecker driver shall accept a motor vehicle to be towed with the vehicle owner's consent from a police scene unless he has informed the vehicle owner of the following:

- (1) The exact fee to be charged for the towing and any terms applicable to its payment, including the forms of payment that will be accepted and the time when payment will be due;
- (2) The name, business address and phone number of the auto wrecker company that will tow the vehicle;

- (3) The legibly printed name and state driver license number of the wrecker driver;
- (4) The state license plate number of the auto wrecker being used for the tow;
- (5) The location to which the vehicle will be towed; and
- (6) A complete description of the vehicle towed, including the license plate number and vehicle identification number.

(b) The information required above shall be provided in the form of a written wrecker slip. The wrecker driver shall provide a copy of the wrecker slip to the law enforcement officer in charge of the police scene and shall also provide a copy of the wrecker slip to the vehicle owner.

Sec. 8-114. Notice to vehicle owner or police when vehicle is not towed to place designated by vehicle owner.

If a wrecker driver has accepted a motor vehicle to be towed to a place designated by the vehicle owner, but is unable to deliver the vehicle to the place so designated, he shall inform the vehicle owner immediately as to the reasons why the vehicle was not taken to the place agreed and where the vehicle was taken. If the wrecker driver is unable to so notify the vehicle owner, he shall notify the police department immediately and shall send or cause to be sent notification to the vehicle owner by certified mail, return receipt requested, within 48 hours of the time the vehicle was towed; provided, however, if it is impossible to send such certified mail within 48 hours due to a federal holiday occurring on a Monday, such notice shall be mailed within two hours of the time the post office reopens after the holidays.

Sec. 8-115. When towing from public property authorized.

No person shall tow, carry or transport any motor vehicle without the consent of the vehicle owner from any public street, alley, road, right-of-way, or park except under the direction and authority of a law enforcement officer acting in his official capacity.

Sec. 8-116. Wrecker slip for towing vehicle under direction of law enforcement officer.

(a) Except as otherwise provided in subsection (c) of this section, no person shall tow, carry or transport a motor vehicle under the direction or authority of a law enforcement officer unless a wrecker slip has been issued to the wrecker driver by the officer. Such wrecker slip shall be filled out by the law enforcement officer on a form designated by the chief of police. The wrecker slip shall contain the following information:

- (1) A complete description of the vehicle to be towed, including the license plate number and the vehicle identification number;
- (2) Any visible damage to the inside or outside of the vehicle;
- (3) Any personal property contained within the vehicle that is visible from outside that vehicle;
- (4) Any visible missing parts or paraphernalia;
- (5) The location from which the vehicle is being towed;
- (6) The date and time the vehicle is picked up by the auto wrecker;
- (7) The reason the vehicle is being towed;
- (8) The police private storage lot or other police designated location to which the vehicle is to be towed;
- (9) The state license plate number of the auto wrecker being used for the tow;
- (10) The signature and employee number of the law enforcement officer authorizing the tow; and
- (11) The signature, legibly printed name, and state driver license number of the wrecker driver.

(b) The wrecker driver signing the wrecker slip shall be responsible to account for the vehicle at all times until the vehicle has been accepted by an agent of the destination set out in the wrecker slip. No fee shall be charged for towing any vehicle under the direction and authority of a law enforcement officer unless the wrecker driver has obtained a completed wrecker slip. The wrecker driver shall cause the vehicle to be delivered without delay to the location designated on the wrecker slip and may not redirect the vehicle to another destination unless:

- (1) Authorization has been obtained from the operator of the police private storage lot specified on the wrecker slip on a form specified by the police department to take the vehicle to another police private storage lot and the form is delivered to the police private storage lot accepting the vehicle for storage along with the original wrecker slip; or
- (2) Verbal authorization has been given by a supervisor in the auto dealers detail of the police department and noted on the wrecker slip.

(c) In accordance with orders established by the chief of police for that purpose, the signature and employee number of the authorizing officer as required in this section may be affixed to the wrecker slip by the wrecker driver by facsimile. The provisions of this authorization shall be limited to circumstances where the authorizing officer is not present at the police scene but is able to view the police scene from a remote location by televised link and/or able to communicate with the wrecker driver by telephone or radio.

Sec. 8-117. Notice to registered owner of vehicle when vehicle towed on order of police without owner's consent.

(a) Whenever a motor vehicle registered with the State of Texas has been towed without the consent of the vehicle owner but upon authorization of a law enforcement officer acting in his official capacity, the responsible law enforcement agency shall endeavor to give notice by regular mail to the last known registered owner within 48 hours of the time the vehicle was towed. The notice shall inform the vehicle owner of the name and address of the storage lot where the vehicle is being held.

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

Sec. 8-118. Parking at police scenes.

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

Sec. 8-119. Igniting matches, etc., or smoking at scene of accident.

It shall be unlawful for any person to ignite a match, lighter or any other flammable object within a distance of 50 feet in any direction from the location of a vehicular accident.

It shall further be unlawful for any person to enter into such area with a lighted cigarette, cigar, pipe or other burning material.

Sec. 8-120. V.I.N. inspection; transport authorization.

(a) It shall be unlawful for any wrecker driver to attach or cause or permit any auto wrecker to be attached to any motor vehicle without first personally inspecting the manufacturer's permanent vehicle identification number affixed to the motor vehicle to be transported.

(b) It shall be unlawful for any wrecker driver to attach or cause or permit any auto wrecker to be attached to any motor vehicle on which the manufacturer's permanent vehicle identification number has been removed or is not permanently affixed or is not clearly legible or that, upon visual examination of the manufacturer's permanent vehicle identification number, shows any evidence whatsoever of its possibly having been changed, altered or obliterated in whole or in part.

(c) It is a defense to prosecution under subsection (a) or (b) that the wrecker driver obtained, prior to attaching or causing or permitting the auto wrecker to be attached to the transporting vehicle and retained in his possession at all times while transporting the vehicle, a legible written authorization for the transport of the vehicle issued by a law enforcement officer setting forth:

- (1) The law enforcement officer's printed name, signature and badge number;
- (2) The state license plate number of the auto wrecker;
- (3) The printed name and signature of the wrecker driver;
- (4) A description of the transported vehicle;
- (5) The place to which the transported vehicle is authorized to be towed; and
- (6) The date upon which the tow is authorized to be conducted.

The aforesaid police transport authorization shall be required in addition to any other authorization required by law for the transportation of the vehicle, and the possession of a wrecker slip issued under section 8-116 of this Code shall not constitute a defense under this subsection. An authorization issued under this subsection shall only be a defense for the transport of the vehicle designated thereon by the wrecker driver and auto wrecker identified thereon to the place designated thereon on the date authorized thereon.

Sec. 8-121. Removal of or tampering with vehicles at police scene without consent of vehicle driver or before police investigation completed.

(a) No wrecker driver shall remove any vehicle that is involved in a police scene and requires towing or attach his auto wrecker to such a vehicle until a law enforcement officer responsible for the police scene authorizes the moving of the vehicle.

(b) The fact that no law enforcement officer is present at a police scene when an auto wrecker arrives shall not constitute an exception to this section, and it shall be the duty of any vehicle owner desiring to tow or haul any vehicle from the police scene to cause the police department of the city to be notified and to await the arrival of a law enforcement officer and the completion of his investigation.

(c) Taking into consideration the location of the vehicle insofar as it may obstruct traffic, traffic conditions, and related factors of traffic management, law enforcement officers shall afford any vehicle owner who is present at a police scene and is able and willing to do so a reasonable time to make arrangements with a wrecker driver of his choice for a consent tow. However, in the event that the vehicle owner of a vehicle involved in a police scene is not present or is incapable of making or unwilling to make his own arrangements with a wrecker driver to remove the vehicle within a reasonable time, the investigating law enforcement officer shall give such orders as may be necessary to remove the vehicle from the street through a police-authorized tow.

(d) The provisions of this section shall not apply to vehicles detained for police investigation or other purposes as authorized by state and federal law, which may be removed by police department auto wreckers or as otherwise directed by the law enforcement officer in charge of the police scene, or to tows on freeways conducted pursuant to section 8-127 of this Code.

Sec. 8-122. Debris glass, etc., at accident scenes.

Where vehicles to be towed have been involved in an accident, it is the responsibility of the vehicle owners for consent tows or the persons authorizing the tow for nonconsent tows to ensure that any glass or other debris or parts are removed from the scene of the accident. The owner or person authorizing the tow may perform the work or cause the work to be performed by another person, including but not limited to the wrecker drivers performing the tows of the affected vehicles. The fees established in section 8-123 of this Code for the nonconsent tows are inclusive of glass, parts, and debris cleanup and removal for services other than tows requiring heavy-duty wreckers. For consent tows, any additional service fees for those services shall be disclosed on the wrecker slip provided under section 8-113 of this Code. This section shall not apply to the towing of vehicles under section 8-127 of this Code.

Sec. 8-123. Towing charges.

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

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

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

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

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

- (1) A rate review for auto wreckers, including heavy-duty wreckers, shall be initiated by the director of administration and regulatory affairs during calendar years ending with the digits three or eight. The rate review shall be conducted in accordance with procedures established for that purpose by the director. Without limitation, the director may select a representative group of auto wrecker owners and request that they provide verified financial data and vehicle-operating data regarding their operating costs and return on investment for use as a basis in conducting the review. Following receipt and review of the required data, the director shall make a recommendation to city council whether any rate change is justified, and, if so, the amount of the

recommended increase or decrease. If a rate change is recommended to the city council, then the city council or a committee of city council shall conduct a hearing before adopting any increase or decrease. The increase or decrease may be adopted by motion and shall be effective on the first day of the next calendar year.

- (2) During any calendar year other than a calendar year ending with the digits three, four, eight, or nine, any tow operator that performs nonconsent tows within the city may request a rate study, which shall be performed in the same manner provided in item (1) above. Any such request must be made in writing to the director and accompanied by a nonrefundable fee of \$5,000.00 in the form of a cashier's check payable to the city to defray the cost of the study. If the study indicates that a rate increase is justified, then the director shall submit his recommendation to the city council. The provisions of this item shall not be applicable if a rate study has been performed within the preceding period of 12 months.
- (3) Except for years in which a rate adjustment adopted by city council under item (1) or (2) will take effect, the director shall adjust the rates effective January 1 of each year, based upon a weighted blend of the following indices with one-half attributed to the percentage increase or decrease in the Consumer Price Index, All Urban Consumers, All Items, United States average, and one-sixth each attributed to the percentage increase or decrease in:
 - a. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Motor Vehicle Maintenance & Repair;
 - b. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Vehicle Insurance; and
 - c. Consumer Price Index, All Urban Customers (CPI-U), Houston-Galveston-Brazoria Average, Gasoline;

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

(e) In any case where a vehicle is released from a storage lot and fees are collected from the vehicle owner, an additional \$10.00 fee shall be collected and remitted to the

police department to defray the costs of enforcement of complaints related to police private storage lot agreements and other costs associated with the towing of a vehicle without the consent of the vehicle owner. The time and method of remittance of the additional \$10.00 fee prescribed in this subsection shall be established by the police department so as to make the transfer of funds as close to the date and time of the release of the vehicle from the storage as is practical or possible. The time and method of remittance may include the electronic transfer of funds at the time of the release of the vehicle or at a later time as specified by the police department.

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

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

Sec. 8-124. Oral or authorized electronic report to police of tows authorized by persons other than vehicle owner.

Whenever a wrecker driver is authorized to pick up and tow any vehicle when such authorization was given by someone other than the vehicle owner, the wrecker driver shall make an oral or electronic report to the police department within one hour of the time the vehicle was picked up. An electronic report shall be filed using an authorized electronic reporting system implemented by the police department. In such an oral report the wrecker driver shall inform the police department of the license plate number of the vehicle towed, its vehicle identification number, the location from which the vehicle was towed, the date and time the vehicle was towed, and the location to which the vehicle was towed. This section shall not apply when the vehicle was towed pursuant to authorization by a city police officer and the wrecker driver has signed the copy of the wrecker slip retained by the city police department.

Sec. 8-125. Reports to police of towing pursuant to lienholder's request.

(a) Whenever any person tows, carries, transports or otherwise takes a motor vehicle pursuant to a request by a lienholder incident to a lawful repossession, the person so taking the vehicle who does not file an authorized electronic report shall make a verbal

report to the police department within one hour of the time of picking up the vehicle, which shall include the following information:

- (1) The license plate number of the repossessed motor vehicle;
- (2) The vehicle identification number of the repossessed motor vehicle;
- (3) The year, make, model and color of the repossessed motor vehicle;
- (4) The name, address and telephone number of the lienholder who requested the taking of the vehicle;
- (5) The state license plate number of the auto wrecker used, and the name and Texas driver license number of the wrecker driver;
- (6) The location from which the vehicle was towed, the date and time that the vehicle was picked up and the name, street address and telephone number of the place to which the vehicle was taken for storage.

(b) Within 72 hours of the time of picking up the vehicle the person shall also mail or deliver to the police department a written report of the repossession, including:

- (1) The information specified above;
- (2) The reporting number assigned by the police department by telephone at the time the oral report was made as required above; and
- (3) A copy of the court order or other legal document(s) that authorized the repossession.

(c) The chief of police shall designate a telephone number for the filing of oral reports under this section and an address for the filing of written reports under this section. The chief of police may also promulgate a form to be used for the filing of the written reports.

Sec. 8-126. Police-authorized tow service agreement.

(a) The chief of police may execute agreements for the mayor and on behalf of the city with persons to perform police-authorized tows. The right to enter into such agreements shall be extended on a uniform basis to all eligible persons.

(b) The chief of police may refuse to enter into an agreement hereunder if the auto wrecker owner (including partners if a partnership and stockholders if a corporation) or any employee has had an agreement terminated for cause within the preceding period of five

years. The police chief may require an affidavit and the furnishing of business records to demonstrate compliance with the foregoing provision. The foregoing provision shall apply to police-authorized tow service agreements that are not renewed or are terminated by the tow operator under threat of termination for cause in the same manner as to those that have actually been terminated for cause.

(c) An annual agreement fee in the amount of \$500.00 per covered auto wrecker shall be paid by the auto wrecker owner to the city for each agreement. The police chief may impose an additional fee not to exceed \$35.00 per year for the issuance of identification cards to drivers who are authorized to drive auto wreckers under police tow service agreements. The fees shall not be subject to proration or refund.

(d) Agreements under this section are not exclusive. The city shall not be precluded from using city-owned auto wreckers to perform police-authorized tows, such as for certain vehicles that are detained for criminal investigation needs, or from entering into other contracts and agreements, such as for towing of vehicles involved in parking violations.

(e) The agreements shall conform to the following requirements and terms, which shall be incorporated therein by reference:

- (1) Each auto wrecker shall be allowed to perform police-authorized tows in only one "zone," which for purposes of the agreements shall mean one of the five service areas that are described and depicted in Exhibits A and B to Ordinance 84-560. Consistent with the foregoing requirement, the agreement shall include the following clause:

"Operator shall choose one specific zone for each auto wrecker that is to be utilized by the Operator to perform police-authorized tows. Operator shall not allow an auto wrecker to tow any vehicle outside of the approved zone, except when authorized by the police department. No tow hereunder shall exceed a maximum distance of 20 miles unless the tow destination is located within the zone. Violation of this provision is grounds for revocation of this Agreement."

- (2) The agreement shall include the following clause regarding insurance requirements:

"The Operator shall obtain and maintain in effect during the term of this Agreement insurance coverage as set out below and shall furnish certificates of insurance, prior to the beginning of the term of this Agreement. All such policies, except Worker's Compensation or Occupational Safety Insurance, shall be primary to any other insurance and shall name the city as an additional insured. All liability policies shall be issued by a company with a Certificate of Authority from the State Department of Insurance to conduct

insurance business in Texas or a rating of at least B+ and a financial size of Class VI or better according to the current year's Best's rating. Operator shall maintain the following insurance coverage in the following amounts:

- A. Automobile liability insurance, \$1,000,000.00 combined single limit per occurrence.
- B. Cargo on hook coverage, \$50,000.00 per vehicle.
- C. Workers compensation or occupational safety insurance.
- D. All drivers of auto wreckers shall be named insured on Operator's liability insurance policy."

- (3) The agreement shall include the following clause regarding fee requirements:

"The Operator shall charge no fees for servicing a police scene in excess of the fees authorized under city ordinance for vehicles towed without the consent of a vehicle owner. Further, the Operator shall not obligate the owner of a vehicle removed from a police scene and placed in storage to pay any fees in excess of those authorized for a vehicle delivered to a state licensed vehicle storage facility without the consent of the vehicle owner. Under no circumstances will a vehicle owner be charged a fee of any type in excess of the fees applicable had the vehicle been towed without the vehicle owner's consent."

(f) It shall be unlawful for the driver of any auto wrecker that is not then being operated under a current and valid police-authorized tow service agreement to respond to a police scene or be or remain at a police scene if the police scene is not situated in the traffic management area (zone) for which the auto wrecker has been authorized under subsection 8-126(e)(1) of this Code. It is an affirmative defense to prosecution under this section that the driver of the auto wrecker was called to the police scene by the law enforcement officer in charge of the scene or by a vehicle owner requiring towing services from the police scene.

(g) Tow operators and auto wrecker drivers operating pursuant to a current and valid police-authorized tow service agreement shall report the towing of vehicles via an authorized electronic reporting system implemented by the police department.

Sec. 8-127. SafeClear--Freeway tow agreement.

On recommendation of the mayor and approval by the city council, the chief of police may execute non-exclusive agreements on behalf of the city with any tow operator then holding a valid police-authorized tow service agreement under section 8-126 of this

Code to provide towing or emergency road service on freeways in the manner and according to specifications required by this Code and described in such agreements. Such agreements shall be in a form approved by the city attorney and shall provide, without limitation, the following:

- (1) That the tow operator shall remove wrecked or stalled vehicles from a designated segment of a freeway on a 24-hour basis and shall respond to the scene within the time designated in the agreement;
- (2) That the term of the agreement shall not exceed five years from date of execution unless terminated earlier as outlined in the agreement;
- (3) That the tow operator shall perform nonconsent tows from a freeway and remove all such vehicles to a licensed storage facility within the zone for the rate set forth in section 8-123 of this Code;
- (4) That the tow operator shall remove to the nearest place of safety a wrecked vehicle, regardless of location, or a stalled vehicle in a moving lane for the rate established under section 8-123 of this chapter;
- (5) That the tow operator shall tow a stalled vehicle located on a shoulder to a safe place off the freeway within one mile from the nearest freeway exit, at no cost to the vehicle owner, except that during the period each day from 10:00 p.m. to 6:00 a.m. such vehicle shall be towed to the nearest licensed storage facility that is lighted, manned on a 24-hour basis and provides the vehicle owner with access to a telephone and other facilities, or other safe place;
- (6) That the tow operator shall provide continuous coverage of its designated freeway segment, respond immediately to a call for assistance from a law enforcement officer, and patrol its segment as required by the agreement;
- (7) That the tow operator shall cooperate with all law enforcement and other public service employees responding to or present at a police scene;
- (8) That solicitation of business of any kind whatsoever at a police scene is prohibited;
- (9) That the tow operator shall not employ any wrecker driver who does not meet the requirements of this Code relating to towing of vehicles and any current and valid police-authorized tow service agreement;
- (10) That, except as otherwise provided in this chapter, the tow operator shall respond to a police scene with no more towing capacity than necessary,

based on the number of wrecked or stalled vehicles at the scene, to minimize hazards and traffic obstructions within the time designated in the agreement and will expeditiously remove from the freeway any wrecked or stalled vehicle, debris, and other traffic impediment;

- (11) That any failure by the tow operator to timely respond to a call for assistance shall authorize an incident management supervisor or a law enforcement officer at a police scene who has determined that public emergency then exists to direct any PATSA auto wrecker to remove any wrecked or stalled vehicle, debris, or other traffic hazard or impediment;
- (12) That emergency road service shall consist of providing towing, gasoline, tire changing, or other services as designated in the agreement;
- (13) That the chief of police or his designee is authorized, upon a determination of a public emergency or when required in the interest of public safety, to direct the tow operator to direct its patrol activities to specific times and/or portions of the tow operator's freeway segment;
- (14) That the tow operator shall report any wrecked or stalled vehicle or other hazardous road condition to the police department and remain at the scene until a law enforcement officer arrives or he receives authorization to remove the hazardous condition;
- (15) That authorization to remove a wrecked or stalled vehicle shall be provided in the manner and form specified by the agreement; and
- (16) That removal of any wrecked or stalled vehicle at the direction of a law enforcement officer shall be documented on a police department vehicle disposition form.

Sec. 8-128. Wreckers not to solicit business at scene of accident until police investigation completed.

It shall be unlawful for any wrecker driver to solicit the business of towing, removing or repairing any abandoned or disabled vehicle at a police scene by words, cards, circulars or gestures, until such time as a law enforcement officer has completed his investigation or authorized the action.

Sec. 8-129. Obedience to police at accident scene; interference with police.

All wrecker drivers at a police scene shall obey all lawful orders given them by any law enforcement officer investigating such scene and shall not in any manner knowingly or intentionally interfere with such law enforcement officer in the performance of his duty.

Sec. 8-130. Reserved.

Subdivision B. Wrecker Driver Licenses

Sec. 8-131. License required.

It shall be unlawful for any wrecker driver to perform a nonconsent tow unless he has a current wrecker driver license issued by the city, which license shall be prominently displayed on his person during any nonconsent tow.

It shall be unlawful for any person to allow, permit or cause another to drive or operate any auto wrecker for the purpose of performing a nonconsent tow unless the wrecker driver has a current wrecker driver license issued by the city.

Sec. 8-132. Application.

(a) Each person desiring a wrecker driver license shall submit an application to the police chief or his designee on a form furnished by the city. On the application the applicant shall set forth:

- (1) The name and address of the applicant;
- (2) The applicant's date of birth, place of birth, sex, race, and each address where he has resided in the five years immediately preceding his application;
- (3) Whether the applicant has been arrested for any criminal offense in this state or any other state or country. If he has been arrested or jailed for any such offense, he shall set out the offense for which he was arrested or jailed, the date of the arrest or confinement, and the place, court and case number of the case;
- (4) The number of his driver's license issued by the state and a list of all driver licenses the applicant has held in the three years immediately preceding the submission of the application showing the state that issued each license and the type of license held. The applicant shall also show the police chief or his designee evidence that he has a current driver's license issued by the state and shall complete a form allowing the police department to obtain information as to the applicant's driving record from the state and from any state that had issued the applicant a driver license that was valid at any time within the three years immediately preceding the submission of the application.

- (5) Evidence that the applicant has passed a drug screening test administered within the 30 days preceding the date of the application under subsection (c) below.
- (6) Such other information as the police chief or his designee finds relevant.

After the application has been completed, the applicant shall sign the application and shall execute a sworn affidavit that all matters stated in the application are true and correct.

The applicant shall also provide the police chief or his designee with evidence that he is at least 18 years of age and submit himself at such times and places designated by the police chief or his designee to be photographed and to be fingerprinted.

(b) Upon initial application for a wrecker driver license and at each renewal, the police chief or his designee shall cause each applicant's criminal history to be researched by the Texas Department of Public Safety. The applicant shall complete any forms required for the police chief or his designee to obtain the report and provide funding to the police chief or his designee in a manner specified to cover any fees imposed by any state agency for the report. The provision of this requirement shall not be construed to preclude the police chief or his designee from obtaining interim reports at the expense of the city.

(c) Evidence that the applicant has passed the drug screen test administered within the 30 days preceding the date of the application shall be required for original applicants and all renewals. The police chief shall promulgate rules and regulations relating to the drug screening test. The test procedure shall be equivalent to that prescribed by the mayor for pre-employment drug screenings for city employees. The police chief or his designee shall authorize laboratories and facilities that meet nationally recognized standards to obtain samples and perform the tests. The responsibility for obtaining the test and all costs associated therewith shall rest with the applicant.

Sec. 8-133. Application fee.

Any person desiring a wrecker driver license shall pay a non-refundable application fee of \$15.00 at the time he submits his application for the license.

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

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

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

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

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

Sec. 8-135. Standards for review.

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

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;

- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's fitness, including letters of recommendation from:
 - a. Prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant;
 - b. The sheriff and chief of police in the community where the applicant resides; and
 - c. Any other person in contact with the applicant.

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

Sec. 8-136. Term; renewal; replacement of lost or destroyed license.

(a) Each wrecker driver license shall expire each year on the anniversary of the wrecker driver license holder's date of birth. The first license hereunder shall expire on the anniversary of the wrecker driver license holder's date of birth next following the expiration of one year from issuance. A permit may be renewed by filing an application pursuant to section 8-132 of this Code at least 30 days prior to the expiration of the permit and paying the application fee pursuant to section 8-133 of this Code. A renewal permit application shall be reviewed and approved pursuant to section 8-134 of this Code.

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

(b) A lost or destroyed wrecker driver license may be replaced upon the holder's compliance with the following conditions:

- (1) The filing of a sworn affidavit with the chief of police stating that the license has been lost or stolen and setting out the details of how the license was lost or stolen, or if such facts are not known, setting out the details of where and when the license holder last saw the license and when its loss was discovered;
- (2) Appearing at the police department for a replacement photograph and fingerprinting; and

- (3) Paying a fee of \$5.00 for the replacement license.

A replacement wrecker driver license shall expire on the date of expiration for the license that was lost or stolen.

Sec. 8-137. Revocation, suspension and refusal to renew.

(a) The police chief or his designee may suspend or revoke a wrecker driver license for violation of state laws or of city ordinances. Suspensions or revocations may also be based upon other grounds related to issuance, such as if the wrecker driver license was erroneously issued on the basis of incomplete or false information.

(b) A revoked wrecker driver license may not be renewed and shall not be subject to reissuance for a one year period as provided in section 8-134 of this Code. A suspended wrecker driver license may not be renewed until the period of suspension has expired.

(c) An individual whose wrecker driver license is revoked or suspended under this subsection is entitled to an appeal in the same manner as provided in sections 8-134 and 8-135 of this Code upon receipt of written notice of the revocation or suspension of his wrecker driver license.

Secs. 8-138--8-140. Reserved.

DIVISION 3. PRIVATE STORAGE LOTS

Subdivision A. General Provisions

Sec. 8-141. Application; affirmative defense.

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

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

Sec. 8-142. Authorization for police private storage lot use.

All persons who hold current and valid private storage lot authorizations issued under this division and all persons who hold current and valid licenses under the Vehicle

Storage Facility Act may, by entering into a police private storage lot agreement with the city, act as police private storage lots.

Sec. 8-143. Police private storage lot agreement.

(a) On recommendation of the police chief, the mayor may execute agreements on behalf of the city with persons who hold authorizations under this division 3 and with licensees under the Vehicle Storage Facility Act to serve as police private storage lots. The right to enter into such agreements shall be extended on a uniform basis to all eligible persons who operate a vehicle storage facility within the city limits. The agreement shall be for such term as the police chief may recommend, provided that all such agreements will provide for a right of any party thereto to terminate upon 30 days' written notice, without cause, and for suspension or termination for cause upon five days' written notice in the event of the failure of the storage facility operator to timely or fully comply with any provision of the agreement. A termination without cause shall not be effected by the city without the consent of the city council.

In the event of a proposed suspension or termination for cause, the storage facility operator shall be afforded an opportunity for a hearing before the director of administration and regulatory affairs or his designee ("the hearing officer") prior to suspension or termination of the agreement. The hearing officer shall render his decision at the conclusion of the hearing, which decision shall not be effective until the time for filing an appeal has expired. Each hearing before the hearing officer shall be video recorded by the police department. In the event that the hearing officer finds that the agreement should be suspended or terminated for cause, the storage facility operator may file a written appeal of that decision with the hearing officer within three days following rendition of the hearing officer's decision. The appeal shall be decided by the automotive board within 30 days of the filing of a written request therefor with the hearing officer or as soon thereafter as the board is able to convene a meeting. The timely filing of an appeal shall stay the action of the hearing officer for a period of ten days from the date of filing of the appeal. Unless additional information is requested in the manner provided below, the appeal shall be decided on the basis of the video record and any documents filed at the hearing before the hearing officer, a copy of which shall be made available to each member of the automotive board as soon as practicable after the filing of the appeal. The board may take additional evidence if five or more members of the board request that additional information be furnished. Any such request shall specifically state the person(s) or document(s) to be presented and the names of the five or more board members who requested that the information be provided. The notice shall be delivered in writing by the chairman of the board to the police chief and to the appellant at least 72 hours prior to the commencement of the board meeting at which the appeal will be considered. The police chief and the appellant shall make every reasonable effort to present the person(s) or document(s) requested to the extent that the person(s) are within their ability to control or the document(s) are within their possession or control. If the board fails to decide the matter

within the 30-day stay period, then on the 31st day, the hearing officer's decision shall be reinstated and shall be effective until the board decides the matter.

Each agreement holder who is not authorized under this division 3 shall be required to furnish a bond or account assignment in the same manner as provided in subsection (a) or (b) of section 8-153 of this Code for persons who are authorized under this division. The agreements shall contain such other terms and conditions as the police chief determines to be necessary or desirable in order to account for and safeguard the storage and disposition of vehicles towed without the vehicle owners' consent. All agreements shall be personal to the facility operator and owner to whom they are issued and shall become void upon any assignment, sublease, lease, sale or other transfer, unless prior written approval has been given for the same by the police chief.

(b) Notwithstanding the inapplicability of the various penal provisions of this division, except section 8-193, to licensees under the Vehicle Storage Facility Act, the agreements may require agreement holders acting as police private storage lots thereunder to comply with any or all provisions of this division, including but not limited to compliance with subsection (a) or (b) of section 8-153 of this Code and of subdivisions C, D, and E of this division in the same manner that they must be complied with by city private storage lot authorization holders, except to the extent that such compliance would result in a violation of any valid and applicable provision of the Vehicle Storage Facility Act or of a regulation issued by the Texas Department of Transportation thereunder.

(c) The chief of police may refuse to enter into an agreement for any police private storage lot if the operator or any employee or owner of the storage lot (including partners if a partnership and stockholders if a corporation) has had a police private storage lot agreement terminated for cause within the preceding period of five years. The police chief may require an affidavit and the furnishing of business records to demonstrate compliance with the foregoing provision. Without limiting the foregoing, in any instance in which a police private storage lot agreement is requested for a tract or parcel of land upon which there has been a police private storage lot holding an agreement that was terminated for cause during the preceding five years, the police chief shall require a full disclosure of the intended operator's, owners' and employees' names and the agreement shall not be made unless the intended operator demonstrates full compliance with this section. The foregoing provisions shall apply to police private storage lot agreements that are not renewed or are terminated by the operator under threat of termination for cause in the same manner as to those that have actually been terminated for cause.

(d) An annual agreement fee in the amount of \$1,000.00 per storage lot shall be payable by the storage lot owner to the city. The fee shall not be subject to proration or refund.

(e) Agreements under this section are not exclusive, and the city shall not be precluded from directing that vehicles, such as those impounded for criminal investigations, be taken to other premises.

(f) Each agreement holder shall report the receipt and release of vehicles delivered to its storage facility without the consent of the vehicle owner via the use of an authorized electronic reporting system implemented by the police department.

Secs. 8-144--8-150. Reserved.

Subdivision B. Authorization

Sec. 8-151. Required.

Except where specifically permitted by ordinance, no person shall store or permit any motor vehicle to be on his property when the motor vehicle was towed without the vehicle owner's consent unless a current authorization has been issued by the city for the property to be used as a private storage lot.

Sec. 8-152. Application.

(a) Each person who desires authorization to operate a private storage lot shall file an application with the police department on a form provided by the city. On the application, the applicant shall set forth:

- (1) The name and address of the applicant; if the applicant is an individual, the application shall so state. If the applicant is a partnership, the name and address for each partner shall be set out. If the applicant is a corporation, the applicant shall set forth:
 - a. The name and address of the corporation;
 - b. The names and addresses of the three principal officers;
 - c. The name and address of each person owning a controlling interest in the corporation. If no single person owns a controlling interest in the corporation, the applicant shall list the names of each person who owns 20 percent or more of the interest in the corporation. If the controlling interest is held by an entity or entities, and not by one or more individuals, the applicant shall list each individual who owns 20 percent or more of the interest in any such entity or entities.
- (2) The street address and the full property description of the storage lot, the traffic management area in which it is located, and the number of vehicle

storage or parking spaces thereon that will be used for the storage of motor vehicles.

- (3) The number of the telephone located at the storage lot.
- (4) The name under which business is conducted at the storage lot.
- (5) The number of the license issued by the city to operate as a storage lot under article II of this chapter.
- (6) The date of birth, place of birth, sex, race, and each address where the person has resided in the five years preceding the application for each person listed under paragraph (a)(1) above.
- (7) Whether any person listed under paragraph (a)(1) above has been convicted of any criminal offense in this state or any other state or country within five years immediately preceding his application or has spent any time in jail or prison within five years due to a conviction; provided, however, convictions for any traffic offenses that are classified as no greater than a Class C misdemeanor under the laws of Texas are not required to be listed on the application. If any such person has been convicted of any offense required to be listed on the application, or been in jail or prison due to a conviction, the applicant shall set out the offense convicted of, the date of the conviction, and the place, court and case number of the case. A signed authorization for the police department to investigate as to whether the person has committed any criminal offense shall be submitted by each person listed in paragraph (a)(1) above.
- (8) Each person listed in the application shall submit himself to be fingerprinted at the police department, or to the police department of any other city or town if such department will forward the fingerprints to the police department.

An application under this section shall be signed by the applicant. If a partnership, it shall be signed by each partner. If a corporation, it shall be signed by the president and attested by the secretary. In all cases, the person signing shall execute an affidavit, on the application form, that the statements contained in such application are true and correct.

(b) The applicant shall sign an agreement on a form provided by the police department in which the applicant shall be informed that it is the intention of the city council to fully comply with all requirements of due process as provided in the United States and Texas Constitutions. The applicant shall also be informed in the agreement that it is the intention of city council to fully abide by the decisions that have been rendered and that may be rendered by the courts of the United States and of the state defining the rights of

due process of those persons whose vehicles are towed without the vehicle owner's consent.

The applicant shall agree in the agreement that the storage lot will comply with all amendments or additions to the ordinances regulating storage lots as may be adopted by city council, and any requirements regarding the storage, handling or release of vehicles that have been towed without the vehicle owner's consent that may be imposed by any court of competent jurisdiction. If any future requirements set by a court of competent jurisdiction impose a greater burden on the applicant's business, the applicant may surrender his authorization to operate as a private storage lot to the city and the city will refund a proportionate amount of the fee that was paid for such authorization. The amount of refund shall be determined by multiplying one-twelfth of the annual fee paid by the storage lot by the number of months remaining after the date the storage lot surrenders its authorization to the next April 15. The applicant shall further agree that if he surrenders his authorization to operate as a private storage lot for any reason, he will abide by section 8-219.

Sec. 8-153. Bond and insurance.

(a) Prior to the issuance of any authorization to operate a private storage lot or renewal of such an authorization, the applicant shall file with the city a bond, executed by the applicant as principal and by a good and sufficient corporate surety company licensed to do business in the state as surety. The bond shall be in the sum of \$1,000.00 if the storage lot has space to store no more than 50 motor vehicles, \$2,000.00 if the storage lot has space to store more than 50 motor vehicles but less than 100 motor vehicles, and \$5,000.00 if the storage lot has space to store more than 100 motor vehicles. The bond shall be payable to the city for the use and benefit of any person entitled thereto, and conditioned that the principal and surety will pay all final judgments of a court of competent jurisdiction for damages to persons or their property caused by, arising from, or growing out of the negligent, wrongful, fraudulent or illegal conduct of the applicant, or his agents or employees in the operation of the storage lot, when the cause of action arose during the period the bond was in effect and suit was filed within two years of the date the cause of action arose. The bond shall provide that it will remain in full force and effect for the full year that the authorization is in effect, or it shall provide that it will remain in full force and effect for the full year that the authorization is in effect unless the surety has delivered notice in writing to the auto dealers' division of the police department of an intent to terminate the bond at least 30 days prior to any termination of the bond and has mailed such a notice to the storage lot operator at the address of the storage lot. The notice to the auto dealers' division of the police department may be delivered by personal delivery or by certified mail, return receipt requested.

(b) In lieu of the aforesaid bonds, an applicant may assign an account with a financial institution insured by the Federal Deposit Insurance Corporation to the city. Such account shall be in the amount of not less than \$1,000.00 if the storage lot has space to

store no more than 50 motor vehicles, \$2,000.00 if the storage lot has space to store more than 50 motor vehicles but less than 100 motor vehicles, and \$5,000.00 if the storage lot has space to store more than 100 motor vehicles. Under such an assignment, the financial institution must agree not to release, make payment from, or otherwise divert or dispose of the funds in such account except it shall agree to disburse all or such portion of the funds in the account as directed to do so by city council resolution.

The city council shall, by resolution, instruct a financial institution to disburse funds from an account assigned to the city pursuant to this section to any person holding a final judgment from a court of competent jurisdiction for damages to persons caused by, arising from, or growing out of the negligent, wrongful, fraudulent, or illegal conduct of the storage lot operator or his agents or employees in the operation of the private storage lot in the amount of such judgment, if the authorization holder has not satisfied the judgment within 60 days after it has become final.

The city council shall, by resolution, instruct a financial institution to disburse all remaining funds in an account assigned to the city pursuant to this section, to the authorization holder, if the authorization holder requests such a resolution at a time not less than two years after the authorization holder ceases to have authorization to operate a private storage lot in the city.

The authorization holder shall ensure that the balance in an account assigned to the city pursuant to this section does not fall below the amounts specified in this subsection at any time the authorization holder has any authorization to operate a private storage lot in the city.

(c) In addition to the aforesaid bond or assignment of an account to the city, each applicant for a private storage lot authorization shall file satisfactory proof that he has garagekeepers' legal liability insurance for the storage lot for which he seeks authorization to operate as a private storage lot. Such insurance shall include coverage for comprehensive, specified perils and collision and shall be issued by a company duly authorized to write such insurance in the state. Such insurance shall be in the amount of no less than \$9,000.00 for injury to or destruction of property of others if the storage lot has space to store no more than 50 motor vehicles, \$18,000.00 if the storage lot has space to store more than 50 motor vehicles but less than 100 motor vehicles, and \$25,000.00 if the storage lot has space to store more than 100 motor vehicles. No such policy shall have a deductible of more than the amount of the bond posted or the account assigned to the city by the authorization holder.

Said policy shall provide that the insurance company will give notice to the police department at least 30 days prior to any cancellation or expiration of the policy.

Such policy shall be kept in full force and effect for the entire duration of the authorization and all renewals thereof.

Sec. 8-154. Notice to applicant of application approval, denial, etc.

(a) The police department shall inform the applicant that the application has been approved upon submission of an application in accordance with section 8-152 and payment of the fee for such authorization, unless it finds that the application should not be approved under section 8-155 or notice of a hearing shall be given the applicant pursuant to section 8-157.

(b) Whenever an application for authorization to operate a private storage lot has been approved, the applicant shall be given written notice of such approval. Within 45 days of the date the applicant receives notice that the application was approved, the applicant shall provide the police department with satisfactory evidence that all requirements of sections 8-153 and 8-172 have been complied with. If an application for authorization to operate a private storage lot has been approved, and the applicant has submitted evidence that the requirements of sections 8-153 and 8-172 have been complied with within 45 days of the date he received notice of the approval of the application, the police department shall grant the applicant authorization to operate the storage lot unless it finds that the requirements of sections 8-153 or 8-172 have not in fact been complied with.

Notice that an application to operate a storage lot has been approved shall not grant any right to operate the storage lot, and no person shall operate any private storage lot until the police department has granted authorization to operate the storage lot.

Sec. 8-155. Standards for approval.

An application for authorization to operate a private storage lot shall not be approved if:

- (1) There is no current license issued by the automotive board under article II of this chapter for the applicant to operate an automobile storage lot at that location.
- (2) Any information set out in the application was incomplete or false.
- (3) The applicant has not signed an agreement as required under section 8-152(b).
- (4) The proposed private storage lot has less than ten vehicle storage or parking spaces that will be used for the storage of motor vehicles.

Sec. 8-156. Notice to applicant of reasons for denial.

If the police department does not approve the application for authorization to operate as a private storage lot, the applicant shall be given written notice by certified mail, return receipt requested, at the applicant's address as set out in the application. In such notice the police department shall set out the reasons the application was not approved and the applicant may fully comply with the requirements for approval within 14 days of the date of receipt of such notice without any additional application fee.

Sec. 8-157. Notice of hearing on application.

The police department shall give the applicant notice that a hearing will be held in regard to his application for authorization to operate a private storage lot if:

- (1) Any person required to be listed in the application has been convicted of or spent any time in jail or prison for any applicable offense specified in section 1-10 of this Code.
- (2) Authorization to operate a private storage lot held by any person listed on the application was revoked within five years immediately preceding the date the application was submitted to the police department, or grounds existed for the revocation of such authorization when the authorization expired.
- (3) Any storage lot license or authorization to operate a private storage lot at the same location as that in the application was revoked within five years immediately preceding the date the application was submitted to the police department, or grounds existed for the revocation of such a license or authorization that expired, was surrendered, or was not renewed; provided, however, the applicant shall not be denied approval of an application for authorization to operate a private storage lot under this subsection if he shows that the person or persons holding the license or authorization that was expired, was surrendered, or was not renewed, (or if the person holding the license or authorization was a corporation, any officer or person having an ownership interest in the corporation) does not have and will not have any ownership interest in the partnership or corporation seeking the authorization, and is not and will not be employed by or have any control over or connection with the storage lot so long as the storage lot is authorized to operate as a private storage lot.

Sec. 8-158. Application fee.

The applicant for authorization to operate a private storage lot shall submit a nonrefundable fee of \$100.00.

Sec. 8-159. Expiration and renewal.

(a) Each authorization to operate as a private storage lot shall expire on the same day that the authorization holder's storage lot license issued under article II of this chapter expires. To renew such authorizations, the applicant shall file an application for renewal on a form designated by the police department setting out such information as the police department finds is reasonably necessary to determine if the authorization should be renewed, and shall pay a renewal fee of \$50.00.

(b) No authorization to operate a private storage lot shall be renewed more than 30 days after the date of its expiration. If an authorization had expired and not been renewed within 30 days, the applicant may apply for a new authorization as an initial applicant. The fee for such a new authorization shall be the fee set out for an original authorization.

Sec. 8-160. Refusal to renew; revocation.

The police department may refuse to renew an authorization to operate a private storage lot and such authorization may be revoked at any time if:

- (1) Any person required to be listed on the application has committed or been convicted of any applicable offense specified in section 1-10 of this Code.
- (2) The authorization holder has not been in compliance with the requirements of section 8-153 at any time since the authorization was issued.
- (3) The storage lot license issued under article II of this chapter for the storage lot has been revoked or has not been renewed.
- (4) The authorization holder has committed any violation of the ordinances regulating private storage lots or of state laws requiring notice to vehicle owners and lienholders.
- (5) The authorization holder has violated any of the rules and regulations issued by the automotive board pursuant to this article.
- (6) There have been two or more violations of any of the ordinances regulating private storage lots or state laws requiring notice to vehicle owners or lienholders within any one year by agents or employees of the authorization holder.
- (7) There have been two or more violations within one year by one or more agents or employees of the authorization holder of the rules and regulations issued by the automotive board pursuant to this article.

- (8) Any person who held a storage lot license under article II of this chapter or authorization to operate a private storage lot that was revoked, or subject to revocation at the time it was not renewed obtains an ownership interest in the storage lot.
- (9) The authorization holder has employed or allowed a person to continue to serve as an agent or employee if the authorization holder has knowledge that such person had held a storage lot license under article II of this chapter or authorization to operate a private storage lot that was revoked or subject to revocation at the time it was not renewed.

The procedures set out in subdivision F of this division shall be applicable to any revocation or refusal to renew authorization to operate a private storage lot.

Sec. 8-161. Revocation upon surety giving notice of intent to revoke bond.

Whenever a surety has given the auto dealers division of the police department notice of intent to terminate a bond, the authorization to operate as a private storage lot shall be automatically revoked and shall become void on the date the bond is to be terminated by the surety unless prior to such date the storage lot authorization holder has filed a new bond with the city meeting the requirements of section 8-153(a) or has assigned an account to the city pursuant to the provisions of section 8-153(b).

Sec. 8-162. Transfer; change or partnership or corporate interest, etc., in applicant.

Each authorization to operate as a private storage lot shall be personal to the applicant and shall not be transferable.

If the applicant was a partnership and any person becomes a partner after the application was filed, or the authorization was issued, the authorization shall be void and shall be surrendered to the auto dealers detail of the police department.

If the applicant was a corporation, and there is any transfer in the interest of the corporation or of any entity having an interest in the corporation after the application was filed or after the authorization was issued so that any different individuals would be required to be listed on the application if a new authorization were sought, the authorization shall be void and shall be surrendered to the police department.

If the applicant was a corporation and any person not listed on the original application assumes the position of one of the three principal officers, the applicant shall file within 30 days of such change a supplement showing such person's name and address and the information required under section 8-152, paragraphs (a)(6), (a)(7) and (a)(8) regarding the person not listed on the original application.

If the police department would have been required to give notice of a hearing if a person listed on a supplement had been listed on the original application, the authorization shall be revoked pursuant to the procedures set out in this article for revocation of such authorizations.

Sec. 8-163. Transfer of location.

An authorization to operate as a private storage lot shall only be valid for the location set out in the application.

Secs. 8-164--8-170. Reserved.

Subdivision C. Operational Rules and Regulations

Sec. 8-171. Persons authorized to operate lot.

No person other than the person to whom an authorization to operate a private storage lot has been issued, or his agents or employees shall operate the storage lot.

Sec. 8-172. Business name; fences, paving, signs, etc.

(a) No name other than the name set out in the application as the name under which the business is conducted may be used for advertising, for telephone listing or for the conduct of the automobile storage business at a storage lot authorized to operate as a private storage lot.

If a storage lot authorization holder desires to change the name under which it conducts business, the authorization holder shall file a notice of such change with the police department on a form designated by the city at least ten days before the name of the storage lot is changed. Such notice shall show the license number issued under article II of this chapter for the storage lot, the current name under which business is conducted, the name that will be used, and the date on which the change of name shall be made. Only one name may be used at any one time for the conduct of business at a private storage lot.

(b) Each storage lot operating under an authorization issued under this article:

- (1) Shall be completely enclosed by a fence of at least six feet in height, with a gate that is locked at all times the authorization holder or an agent or employee is not at the storage lot;
- (2) Shall have an all-weather surface of concrete, asphalt, blacktop, stone, macadam, limestone, iron ore, gravel or shell;

- (3) Shall have a sign clearly readable from the street setting out the name of the storage lot, the street address, the hours vehicles will be released to vehicle owners, and the city license number of the storage lot;
- (4) Shall have a sign setting out the charges for towing vehicles, the per diem charge for storage and all other fees that may be charged by the storage lot. This sign shall be located so that it is clearly visible to a vehicle owner prior to payment of the fees;
- (5) Shall have an operable telephone. If at any time, the number of the telephone located at the storage lot is changed from the number set out in the application for authorization to operate as a private storage lot, the authorization holder shall give written notice of the change to the police department prior to the date the new number is used setting out in such notice the name of the storage lot, its location, its city license number, the old telephone number and the new telephone number.

Sec. 8-173. Inspection and report.

When the authorization holder, agent or employee of a private storage lot accepts a vehicle towed without the consent of the vehicle owner, such person shall inspect the vehicle and note as an addition on the wrecker slip any differences from the information previously set out thereon, but shall not write over or deface in any manner any prior writing on the wrecker slip. If the license plate number or vehicle identification number on the wrecker slip was incorrect, the storage lot shall notify the police department of the correct number within 30 minutes of the time the vehicle was delivered to the storage lot if delivered during hours the storage lot must ensure that vehicles may be released or within two hours from the time the storage lot must ensure vehicles may be released if the vehicle was delivered during any other time.

Sec. 8-174. Use of fenced area required.

No vehicle may be stored or kept on any private storage lot operating under an authorization issued under this article unless it is kept inside the fenced area at all times.

Sec. 8-175. Inspection by police.

The authorization holder shall ensure that all automobiles and parts thereof located on a storage lot are available and accessible for inspection by any police officer during the hours the storage lot must ensure that vehicles may be released to vehicle owners.

Sec. 8-176. Right of owner of stored vehicle to inspect wrecker slip.

Whenever a person claims ownership or right of possession to a motor vehicle located on a private storage lot operated under an authorization issued under this article, such person shall be entitled to inspect the wrecker slip for the motor vehicle, and shall not be required to pay any fees or charges prior to inspecting the wrecker slip.

Sec. 8-177. Release of liability, waiver of rights, etc., prohibited.

No private storage lot authorization holder, or agent or employee, shall ask or require any person to sign any statement or form containing a statement releasing a storage lot, its owner, or its agents or employees, from any liability or waiving any rights the person may have against the storage lot, or his agents or employees, prior to the release of a motor vehicle; provided, however, the storage lot may request a person to sign such a release or waiver if the vehicle is being released without any charges for towing, preservation or storage and there has been no hearing held in regard to the removal of the vehicle pursuant to chapter 685 of the Texas Transportation Code. A private storage lot may require persons claiming a vehicle to sign a receipt acknowledging that they have in fact received the vehicle after the vehicle has been delivered to the vehicle owner.

Sec. 8-178. Duty to provide attendant, etc.

The authorization holder of a private storage lot that has on its property vehicles that were towed without the consent of the vehicle owner shall be responsible to ensure that vehicles may be received at any time and that motor vehicles may be released to the vehicle owner at least between the hours of 9:00 a.m. and 8:00 p.m. daily. During the hours the authorization holder shall ensure that vehicles may be released, someone must be on the storage lot who has authority to release the vehicles to the vehicle owners or a phone must be provided so that a vehicle owner can contact someone who is able and will in fact be at the storage lot within 30 minutes of receiving such a call and who is able to release the vehicles.

Secs. 8-179--8-190. Reserved.

Subdivision D. Further Operational Requirements, Fees, Etc.

Sec. 8-191. Notice to owner and lienholders.

It shall be the duty of the authorization holder of a private storage lot to mail or cause to be mailed notices as provided in this section to the registered owner and primary lienholder of each vehicle that is towed or delivered to the private storage lot without the authorization of the vehicle owner. The notice must be given by certified U.S. mail, return receipt requested, and shall be deposited in the United States Mail not later than 48 hours

after but not sooner than 24 hours after the vehicle is received on the lot. The notice must contain:

- (1) The date and time the vehicle was accepted for storage;
- (2) The daily storage rate;
- (3) The type and amount of all other charges to be paid when the vehicle is claimed;
- (4) The full name, street address and telephone number of the private storage lot;
- (5) The hours during which the vehicle owner may claim the vehicle; and
- (6) Any additional information requested by the police chief to inform the owner/lienholder of his rights and obligations. The private storage lot authorization holder shall keep a record of the date and time that each notice was deposited in the United States mail.

Sec. 8-192. Weekly report to police of vehicles towed to lot without consent of vehicle owner.

Each private storage lot authorization holder who stores any vehicles that have been towed to such lot without the vehicle owner's permission and does not file an authorized electronic report shall forward a report to the police department each Monday by hand delivery, ~~by or~~ certified mail, ~~or authorized electronic means~~ on a form designated by the police department containing the following information:

- (1) A list of all vehicles received by the private storage lot that were taken to the lot without the vehicle owner's permission between 8:00 a.m. on the Monday immediately preceding the date of the report and 8:00 a.m. on the Monday on which the report is made. Such list shall contain:
 - a. The date and the time each such vehicle was delivered to the private storage lot;
 - b. The auto wrecker company, the name and state driver license number of the wrecker driver who delivered the vehicle to the private storage lot; and
 - c. The license plate number, the vehicle identification number, the year, the make, and the color of the vehicle.

- (2) A list of all vehicles that had originally been received by the private storage lot without the vehicle owner's permission and that had been delivered to the vehicle owner or taken from the private storage lot between 8:00 a.m. on the Monday immediately preceding the date of the report and 8:00 a.m. on the Monday on which the report is made. Such list shall contain:
 - a. The license plate number and the vehicle identification number, the year, the make, and the color of each such vehicle;
 - b. The date and time the vehicle was taken from the storage lot;
 - c. The name of the person receiving the vehicle; and
 - d. The amount of payment received by the storage lot.
- (3) All private storage lots shall comply with all requirements of state law in regard to giving notices. In giving notice to the police department as required by state law, the storage lot shall set out on a form designated by the police department the year, make, model, vehicle identification number and license plate number of the motor vehicle, the location of the private storage lot where the vehicle is being held, and all charges owed to the storage lot for such vehicle.

Sec. 8-193. Fees.

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

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

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

(d) Each fee charged by a private storage lot for towing, storage, or any other service that is regulated under this article shall be separately itemized and noted on the records of the storage lot and on a receipt which shall be given the vehicle owner. The

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

Sec. 8-194. Removal of stored vehicle from private storage lot without vehicle owner's consent.

(a) When a motor vehicle has been delivered to a private storage lot operated under an authorization issued under this article, it shall not be moved from that private storage lot without authorization by the vehicle owner; provided, however, the vehicle may be moved to another location after the vehicle has been at the private storage lot for not less than 15 days if the private storage lot has sent notice to the last known registered owners of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act by certified mail, return receipt requested, at least ten days prior to the date the vehicle is moved and the private storage lot has sent a copy of the notice to the police department prior to the date the vehicle is moved. Such notice shall state:

- (1) The private storage lot where the motor vehicle is located and the hours the vehicle can be released to the vehicle owner from that private storage lot;
- (2) The amount of all fees that must be paid before the vehicle is released; and
- (3) The date on which the vehicle will be moved from the private storage lot if it is not recovered by the vehicle owner prior to that date and the name, address, and telephone number of the private storage lot to which the vehicle will be taken.

(b) The authorization holder of the private storage lot from which a vehicle is moved pursuant to this section shall ensure that the following requirements are met:

- (1) That the vehicle owner is not charged any fees greater than those permitted under section 8-193 after the vehicle is towed to another location without the permission of the vehicle owner;

- (2) That no fee is charged for towing the vehicle except for one towing fee for the initial towing of the vehicle from the place where the vehicle was originally towed without consent of the vehicle owner;
- (3) That the vehicle owner can obtain possession of the vehicle upon demonstration of satisfactory evidence to show his right of possession and payment of all fees at any time between the hours of 9:00 a.m. and 8:00 p.m. daily on the same basis as is set out in section 8-178 at whatever location the vehicle may be;
- (4) That the private storage lot from which the vehicle is moved retains records and informs the vehicle owner upon request of the location where the vehicle is at all times from the date the vehicle is transferred from the private storage lot until such time as the vehicle is recovered by the vehicle owner or there was issued a new certificate of title, a certificate of authority to demolish, a police auction sales receipt or a transfer document issued by the state; and
- (5) The private storage lot from which the vehicle is moved maintains as part of its records a record of the ultimate disposition of the vehicle to include the date and name of the person to whom the vehicle is released if released to the vehicle owner or a description of the document under which the vehicle was sold or demolished if so disposed of.

Sec. 8-195. Separation of vehicles, records.

(a) Each police private storage lot shall, insofar as may be practicable, maintain all vehicles parked or stored without the consent of the vehicle owner upon authority of a city police officer acting in his official capacity pursuant to section 8-116 of this Code in a separate and totally fenced and enclosed area and apart from any other vehicles that may be parked or stored upon the lot for any reason.

If the vehicles are not to be separated in the aforesaid manner, then it shall be the duty of the operator to:

- (1) Furnish a map or other diagram to the chief of police designating the boundaries of the portion of the private storage lot that will be utilized as a police private storage lot; and
- (2) Place or cause to be placed upon each vehicle parked or stored without the consent of the vehicle owner upon authority of a city police officer acting in his official capacity pursuant to section 8-116 of this Code a marker tag to be furnished by the police department. The aforesaid tag shall be placed upon the vehicle within five minutes after the time of its receipt at the private storage lot and shall not be removed until the vehicle is released to the

vehicle owner or is sold pursuant to section 8-196 of this Code. The police department shall furnish the tags at a cost equivalent to their cost of manufacture and the chief of police shall specify the place and manner of their attachment to vehicles. In lieu of marker tags, the police department may authorize the vehicles to be marked in another manner.

(b) To the extent that a private storage lot or any other vehicle storage facility is operated in conjunction with a police private storage lot, the records for vehicles parked or stored without the consent of the vehicle owner upon authority of city police officers acting in their official capacities pursuant to section 8-116 of this Code shall be maintained in a separate filing system from the records regarding all other vehicles parked or stored at the premises.

Sec. 8-196. Sale of vehicles in police private storage lots.

Each vehicle parked or stored on a police private storage lot without the consent of the vehicle owner upon authority of a city police officer granted pursuant to section 8-116 of this Code that is not reclaimed by the vehicle owner or another person having a right of possession thereof shall, notwithstanding any other procedure that may be available by law for its disposition, be disposed of only by police department sale pursuant to chapter 683 of the Texas Transportation Code. Consistent with efficient utilization of police personnel resources and the objective of obtaining the highest price for each vehicle sold, the chief of police may, at his election, either cause such sales to be conducted at the various police private storage lots where the vehicles are parked or stored or may require that the vehicles be brought to another place within the city that he may designate, from time to time, for the conduct of such sales. Vehicles from various police private storage lots may be consolidated for joint sales at the direction of the chief of police.

Secs. 8-197--8-200. Reserved.

Subdivision E. Records; Rules and Regulations

Sec. 8-201. Vehicle records.

(a) Each authorization holder of a private storage lot shall keep written records on each vehicle that is kept or stored on the private storage lot. Such records shall contain the following information:

- (1) Year, make, color, correct license plate number, state issuing the license and correct vehicle identification number of the vehicle.
- (2) Date, time and location where towed from.

- (3) Name and state driver license number of the wrecker driver and the name of the company towing the vehicle.
- (4) The date the vehicle was released, the name of the individual to whom the vehicle was released, or if the vehicle was transferred to another location pursuant to section 8-194, the address of that location and the name of the auto wrecker owner and the wrecker driver who made that transfer.
- (5) If the vehicle ownership has been transferred due to any action of the private storage lot or the vehicle has been disposed of or demolished, a copy of the certificate of title issued after the vehicle came into the possession of the private storage lot, the certificate of authority to demolish, a police auction sales receipt, or a transfer document issued by the state for the vehicle.
- (6) All amounts charged for the vehicle.

(b) The receipts, records and other information required to be kept by this section, or by sections 8-193 and 8-194 of this Code shall be kept in the form of a separate file for each vehicle, that shall be maintained either:

- (1) By assembling all such data relating to the vehicle under a single staple, clip, binder or other attachment device that securely holds them together; or
- (2) By assembling all such data relating to the vehicle in a separate envelope or file folder.

All amounts charged or chargeable for each vehicle shall be separately itemized in the file relating to that vehicle. It shall be the duty of each authorization holder to ensure that the aforesaid separate files for each vehicle are kept on the storage lot premises where the vehicle was towed.

(c) The authorization holder shall ensure that the any police officer may, without prior notice, inspect and copy all the records required to be kept pursuant to this article without delay upon appearance at the storage lot at any time during the hours that the storage lot must ensure that vehicles can be released, provided that either the authorization holder, or someone else who is able to produce the records, is present at the storage lot. If the authorization holder or another person who can produce the records is not present at the storage lot, then it shall be the further duty of the authorization holder to ensure that the authorization holder or some other person who is able to produce those records comes to the storage lot within 30 minutes of a request made by a police officer during the hours the storage lot must ensure that vehicles can be released to their owners and given in either of the following manners:

- (1) In person to any employee or agent of the authorization holder at the private storage lot; or

- (2) By telephone to the same telephone number by which a vehicle owner can request someone to come to the private storage lot to release a vehicle to him pursuant to section 8-178.

Upon his arrival at the private storage lot, the authorization holder or other designated person shall make the records available to the police officer without delay.

Further, the authorization holder shall ensure that the name of the person who is to produce such records is made known to the police officer at the time he requests to see such records pursuant to this section.

Additionally, if a police officer asks any agent or employee of the authorization holder who is able to produce the records or the authorization holder to see the file that is required to be maintained on any specific vehicle or vehicles pursuant to subsection (b) above, and informs that person of the date or dates such vehicle or vehicles were towed to the private storage lot, the authorization holder or any employee or agent of his who is able to produce such records shall, without delay, produce the files on those vehicles.

(d) Each record required to be kept by this article shall be kept for two years from the date of the last transaction shown in the record.

Sec. 8-202. Rules and regulations authorized.

The automotive board shall issue rules and regulations governing the behavior of the private storage lot authorization holders, and their agents and employees, toward all persons with whom they come into contact in the course of their business and shall issue rules and regulations by which the private storage lot authorization holders, and their agents and employees, conduct their business if the automotive board finds that such rules and regulations will aid in assuring the operation of the private storage lots will be conducted in a courteous, fair, reasonable and equitable manner.

Sec. 8-203. Quarterly reports.

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

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

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

Secs. 8-204--8-210. Reserved.

Subdivision F. Hearing Procedures

Sec. 8-211. Notices to applicants for authorizations, etc.

Whenever the police department must give notice to an applicant of a hearing to be held on his application for an authorization to operate a private storage lot, written notice shall be given to the applicant setting forth the reasons the hearing will be held, the date, time and place of the hearing and such further information as may be required in section 1-9 of this Code.

Sec. 8-212. Notices for revocation or denial of authorizations, etc.

(a) Prior to revocation of an authorization to operate a private storage lot and at any time the city refuses to renew such an authorization after a proper application therefor has been filed, the city shall give written notice to the applicant or holder setting forth:

- (1) The grounds upon which the city will seek revocation of the authorization, or the grounds upon which the city has refused to renew the authorization.
- (2) The specific violations of this division and/or any federal or state law or laws upon which the city will rely in seeking revocation of the authorization to operate the storage lot or has refused to renew the authorization, or the specific convictions upon which the city will rely.
- (3) That the applicant or holder shall have the burden to present evidence concerning each of the matters set out in section 53.023 of the Texas Occupations Code, if the city is relying on one or more convictions in denying the request for renewal or seeking revocation of the authorization.
- (4) That a hearing will be held on the denial of the request for renewal or on the city's request to revoke the authorization.
- (5) The date, time and place of such hearing.

- (6) That the applicant or holder may appear in person and/or be represented by counsel, may present testimony, and may cross-examine all witnesses.

(b) The city may seek to have an authorization suspended for a period of not more than one year rather than refusing to renew the authorization or seeking to have the authorization revoked if:

- (1) The person designated by the chief of police to make such decisions is of the opinion that the public interest will be adequately protected by a suspension rather than a revocation, and
- (2) The city is not setting forth in the notice of hearing any grounds set out in 8-160(1).

Sec. 8-213. Service of notices.

All notices required hereunder shall be served by personal delivery or by certified mail, return receipt requested addressed to the applicant at the address shown on the application or the most recent supplement thereto; provided, however, the notice required in section 8-211 may be served by regular mail.

Sec. 8-214. Hearing officer or agency designated.

(a) Hearings on an application for authorization to operate a private storage lot or regarding revocation of or refusal to renew authorization to operate a private storage lot shall be conducted by the automotive board.

(b) All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, the following rules shall apply to such hearings:

- (1) All parties shall have the right to representation by a licensed attorney though an attorney is not required;
- (2) Each party may present witnesses on his own behalf;
- (3) Each party has the right to cross-examine all witnesses;
- (4) Only evidence presented before the automotive board at the hearing may be considered in rendering the decision.

Sec. 8-215. Failure to appear at hearing.

If an applicant fails to appear at a hearing on an application for or a refusal to renew an authorization to operate a private storage lot, the application or renewal shall be denied.

If the holder fails to appear at a hearing on a request by the city to revoke an authorization to operate a storage lot hereunder, the city shall present sufficient evidence to establish a prima facie case showing grounds for revocation.

Sec. 8-216. Standards for denial.

Following the hearing on an application for authorization to operate a private storage lot, the automotive board shall deny the application if the board finds facts did exist so that the police department was required to give notice of a hearing on the application under this article unless the board finds that the application should be approved pursuant to Chapter 53 of the Texas Occupations Code.

Sec. 8-217. Actions to be taken after hearing on denial of private storage lot authorization.

If, after the hearing on an appeal of a denial of authorization to operate a private storage lot, the automotive board finds that grounds exist for such denial, the finding and the reasons therefor shall be entered in the minutes of the meeting at which the decision is made. If the automotive board finds that grounds do not exist for the denial of the application for the authorization, such decision shall be entered into the minutes and the application shall be approved. Approval of an application for authorization to operate a private storage lot shall not grant any right to operate the storage lot, and no person shall operate any private storage lot until the police department has granted authorization to operate the storage lot pursuant to section 8-154(b).

Sec. 8-218. Action on results of hearing to revoke, or deny renewal of, private storage lot authorization.

If, after a hearing on a request by the city to revoke an authorization issued pursuant to this article, or upon an appeal of a refusal to renew such authorization, the automotive board finds that grounds exist for the revocation or refusal to renew, the hearing officials shall order the authorization revoked or denied, unless the hearing officials find that the public interest will be adequately protected by a warning, a suspension for a definite period of time not exceeding one year, or other penalties authorized under the law; provided, however, except as provided in Chapter 53 of the Texas Occupations Code, the automotive board must order the authorization revoked or denied if it finds the holder has committed or been convicted of any applicable offense specified in section 1-10 of this Code when the offense occurred in connection with the operation of the person's storage lot.

If the denial was based upon a conviction, and an appeal of that conviction is pending, the authorization shall be suspended during the pendency of the appeal and until the holder provides the hearing official with satisfactory evidence to show that the conviction was overturned unless the hearing official has determined that the public interest

will be adequately protected by a warning or a shorter suspension pursuant to the authority of this section.

Sec. 8-219. Actions to be taken after private storage lot authorization lapses or is suspended or revoked.

If authorization to operate a private storage lot is not renewed or is suspended or revoked, or if a storage lot surrenders its authorization for any reason, the former holder shall continue to comply with section 8-178 and all provisions of this article relating to the care of vehicles on the storage lot, the moving of such vehicles from the storage lot and the release of such vehicles to vehicle owners until all vehicles that have been brought to the lot without the vehicle owner's consent have been released to the vehicle owner or moved from the storage lot.

Sec. 8-220. Surrender of authorizations after suspension; no refund of fees after revocation.

In the event a private storage lot authorization is suspended for a definite period of time, the authorization shall be surrendered to the city immediately upon demand of the police department and shall be void and of no effect during the period of such suspension.

In the event a private storage lot authorization is revoked, the city shall not be liable to the holder for any refund or any part of the fee paid for the authorization.

Secs. 8-221--8-230. Reserved.

Subdivision G. Miscellaneous Requirements

Sec. 8-231. Conflicts of interests by city officials.

No member of the police department shall have any ownership interest in any or private storage lot that is required to be authorized under the provisions of this article or in any towing company that holds a police-authorized tow service agreement. No other appointed or elected official or employee of the city shall have any ownership interest in any private storage lot where there may be a conflict of interest due to the person's position or duties. This section shall not be applicable to members of the automotive board.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8408

Subject: Ordinance to change the Classified Personnel Ordinance adding positions to staff Fire Station 24.

Category #
3

Page 1 of 1

Agenda Item

16

FROM (Department or other point of origin):

Candy Clarke Aldridge
Acting Director
Human Resources

Origination Date

June 25, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE

CC Aldridge

Council District(s) affected

For additional information contact:

Karen Dupont
Jack Williams

Phone: (713) 859-4934
Phone: (713) 247-8793

Date and Identification of prior authorizing Council Action:

2009 - 0567

RECOMMENDATION: (Summary)

The Houston Fire Department recommends City Council approve an Ordinance to amend the Classified Personnel Ordinance to add eight Engineer Operator and four Captain positions to staff fire station 24.

Funding for these positions was approved in the FY10 Budget submission.

Finance Budget

SPECIFIC EXPLANATION:

The Houston Fire Department requests City Council approve changes to the Classified Personnel Ordinance to increase the number of Ordinance Engineer Operator by eight and Captain positions by four. This increase in staffing is to provide staffing positions for Fire Station 24 located at 2625 Reed Rd.

Construction of Fire Station 24 is nearly complete. At this time we are scheduled to begin service to the community from that location in October. Creation of the positions at this time will allow us to initiate the promotional process and begin training identified personnel on the apparatus.

Funding for these positions was included in the approved FY10 Budget Submission. The costs for FY10 associated with the creation of these positions is as follows and includes assignment pay and benefits.

Title	Present Positions	Amount Change	Proposed Total	FY10 Cost
Firefighter	2126	4	2130	\$295,072
Engineer/Operator	1058	8	1066	\$608,837

Personnel will be promoted from current promotional lists with an effective date of July 9th.

REQUIRED AUTHORIZATION

Finance Department:



Other Authorization:

[Signature]

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Sale and conveyance of a 40-foot wide (0.2865 acre) drainage easement across Houston Airport System property in the proximity of Hoods Bayou.		Category #	Page 1 of 1	Agenda Item # 17
FROM (Department or other point of origin): Houston Airport System		Origination Date June 22, 2009	Agenda Date JUN 30 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: B		
For additional information contact: Janet L. Schafer  Phone: 281/233-1796 James Valenta 281/233-1828		Date and identification of prior authorizing Council action: N/A		
AMOUNT & SOURCE OF FUNDING: REVENUE: \$20,000.00 (lump sum payment)		Prior appropriations:		
RECOMMENDATION: (Summary) Approve the sale and conveyance of a 40-foot wide (0.2865 acre) drainage easement to CCI-B Peyton Road III, LLC across Houston Airport System property out of Lot 9, Jerry C. Hayes Subdivision, Malcolm McCauley Survey, A-577, Harris County, Texas.				
SPECIFIC EXPLANATION: <p>The Houston Airport System (HAS) owns a 4.75-acre tract of land located on the south side of Peyton Road and abutting Hoods Bayou (Key Map 373R). HAS acquired the property as part of a federally mandated noise mitigation project that included the purchase of certain residential properties exposed to increased noise levels near George Bush Intercontinental Airport/Houston (IAH). CCI-B Peyton Road III, LLC ("CCI-B") owns land abutting the west side of HAS' property and seeks to purchase an approximately 40 foot by 312 foot (0.2865 acre) drainage easement across the back portion of the property to facilitate its property development.</p> <p>HAS has determined that establishment of the drainage easement will pose no adverse impact to the operation of IAH and that CCI-B's proposed development is compatible with airport operations. CCI-B has agreed to an easement value of \$20,000.00, an amount established by a professional appraiser under contract with the City.</p> <p>HAS recommends that City Council approve the sale and conveyance to CCI-B of a 40-foot wide (0.2865 acre) drainage easement out of Lot 9, Jerry C. Hayes Subdivision, Malcolm McCauley Survey, A-577, Harris County, Texas.</p>				

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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← Aldine Westfield Road →

HAS

HAS

HAS

HAS

Subject

Pertau Road

HAS

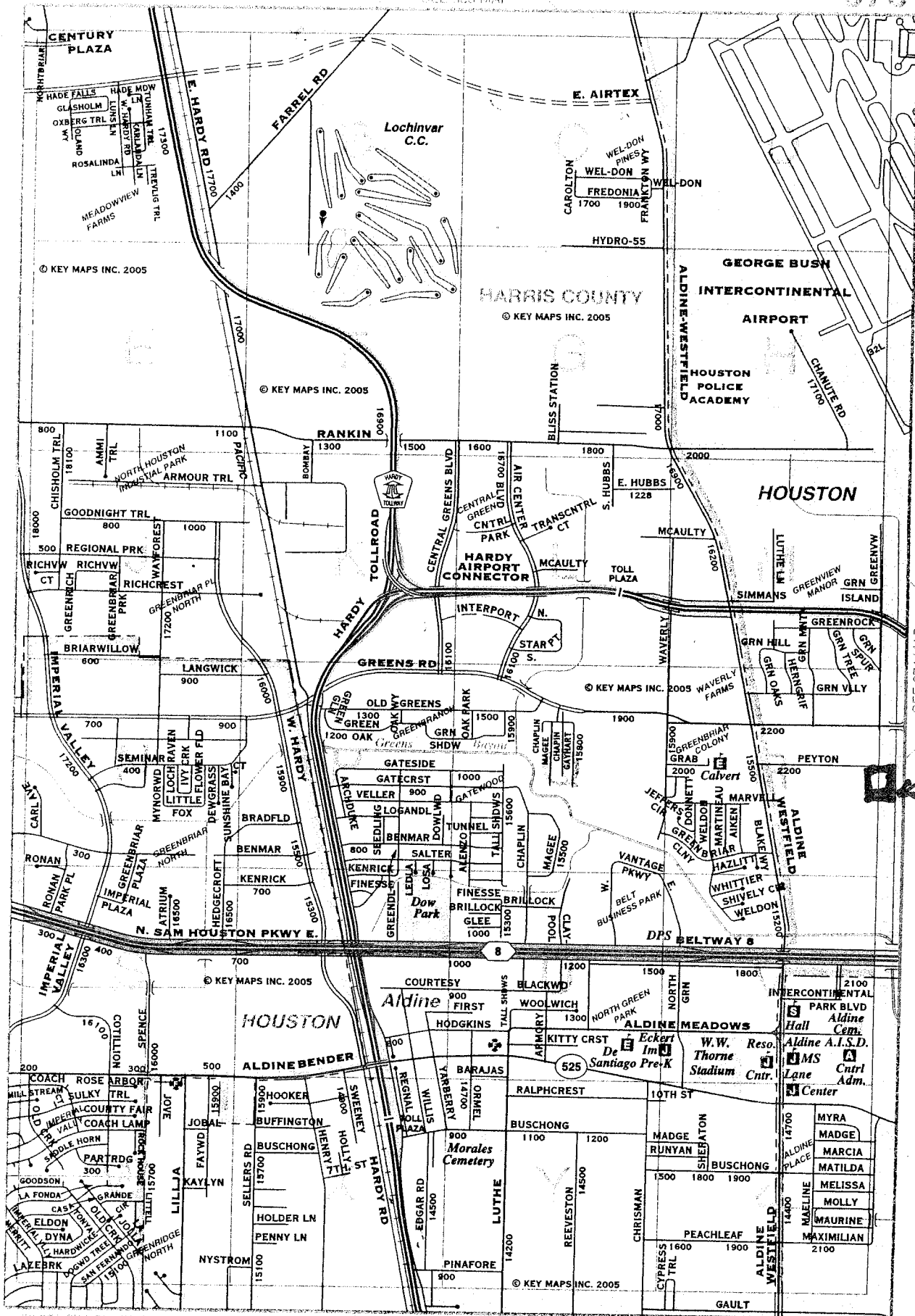
Hood's Bayou

Hood's Bayou →

HAS

Greens Rd.

Hardy Toll V






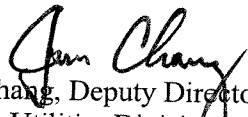
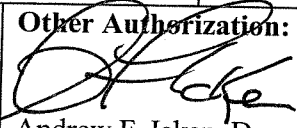
1911

Subject

SEE 374 MAP

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the acquisition of Parcel CY6-003 consisting of 1,906 square feet of land in fee, in exchange for the conveyance of Parcels SY6-035 consisting of 5,278 square feet of land in fee, with Parcel VY9-028, a 2,922-square-foot utility easement to be retained by the City of Houston for the PIPING ROCK LIFT STATION REPLACEMENT PROJECT. Parcels CY6-003, SY6-035 and VY9-028. WBS R-000267-0090-2 Owner: Briar Park Community Improvement Association, Inc., Bill Gray, President		Page 1 of 2	Agenda Item # 18
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date 6/25/09	Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: G  Key Map 488S	
For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate		Date and identification of prior authorizing Council Action: Ordinance 2005-1102, September 21, 2005	
RECOMMENDATION: (Summary) It is recommended that City Council authorize the acquisition of Parcel CY6-003 consisting of 1,906 square feet of land in fee, in exchange for the conveyance of Parcels SY6-035 consisting of 5,278 square feet of land in fee, with Parcel VY9-028, a 2,922-square-foot utility easement to be retained by the City of Houston for the PIPING ROCK LIFT STATION REPLACEMENT PROJECT. Parcels CY6-003, SY6-035, and VY9-028.			
Amount and Source of Funding: No Additional Funding Required (covered under Blanket Appropriation Ordinance 2005-1102, R-00019A-00RE-2-01 Water and Sewer System Consolidated Construction Fund 8500)			
SPECIFIC EXPLANATION: The PIPING ROCK LIFT STATION REPLACEMENT PROJECT is part of the City's ongoing program to upgrade its lift station facilities. The existing lift station is approximately 30 years old and is not in compliance with current City of Houston standards. In addition, the location of the current site has always presented a problem of maintenance access during work hours because it is adjacent to and shares an entrance driveway with Briar Park Village Recreation Facility. This project will provide for construction of a new replacement lift station on Parcel CY6-003. The current lift station will be demolished once the new lift station is constructed and passes all City tests. The Public Utilities Division of this department and the Joint Referral Committee reviewed and approved this request. The City desires to acquire Parcel CY6-003 owned by the Briar Park Community Improvement Association, containing 1,906 square feet of improved land in fee in exchange for Parcel SY6-035 consisting of 5,278 square feet of land in fee, which is currently the site of the existing Piping Rock Lift Station. The City will also retain Parcel VY9-028 for a 2,922 square foot utility easement out of Parcel SY6-035. All parcels involved in this exchange are located at 13902 Piping Rock Lane.			
REQUIRED AUTHORIZATION			CUIC #20CDR18
Finance Department:	Other Authorization:  Jun Chang, Deputy Director Public Utilities Division	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division	

SUBJECT: Ordinance authorizing the acquisition of Parcel CY6-003 consisting of 1,906 square feet of land in fee, in exchange for the conveyance of Parcels SY6-035 consisting of 5,278 square feet of land in fee, with Parcel VY9-028, a 2,922-square-foot utility easement to be retained by the City of Houston for the PIPING ROCK LIFT STATION REPLACEMENT PROJECT. Parcels CY6-003, SY6-035 and VY9-028. WBS R-000267-0090-2 Owner: Briar Park Community Improvement Association, Inc., Bill Gray, President	Page 2 of 2	Agenda Item #
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Parcel CY6-003 is 1,906 square feet of land, being out of Restricted Reserve "A" of Briar Village Section 2 Subdivision, in Volume 188, Page 42, Harris County Map Records; said Reserve "A" was conveyed to Briar Park Community Improvement Association, Inc. by deed recorded under Harris County Clerk's File E152521, located in the Joel Wheaton Survey, Abstract 80, Harris County, Texas according to the City of Houston field notes.

Parcel SY6-035 contains 5,278 square feet of land situated in the Joel Wheaton Survey, Abstract 80, Harris County, Texas and was conveyed to the City of Houston, Successor (via annexation) to Westheimer Road Municipal Utility District by deed recorded under Harris County Clerk's File C877567, of Harris County, Texas according to the City of Houston field notes.

Parcel VY9-028 contains 2,922 square feet of land situated in the Joel Wheaton Survey, Abstract 80, Harris County, Texas and was conveyed to the City of Houston, Successor (via annexation) to Westheimer Road Municipal Utility District by deed recorded under Harris County Clerk's File C877567, of Harris County, Texas according to the City of Houston field notes.

The valuations were based on appraisals by Gerald A. Teel, MAI, CRE, Independent Fee Appraiser. The valuations were reviewed and recommended for approval by a senior staff appraiser of this department. The values are as follows:

<u>Property interest from Briar Park Community Improvement Association, Inc. to the City of Houston (Fee)</u>	
Parcel CY6-003 (new lift station site in fee):	
1,906 square feet @ \$5.50 PSF.....	\$ 10,483.00
TOTAL	\$10,483.00
<u>Sale to Briar Park Community Improvement by the City of Houston (Fee)</u>	
Parcel SY6-035 (existing lift station)	
5,278 square feet @ \$2.75 PSF.....	\$ 14,515.00®
MINUS	
<u>Easement retained by the City of Houston (Easement)</u>	
Parcel VY9-028 (utility easement)	
2,922 square feet @ \$1.38 PSF.....	\$ 4,032.00®
TOTAL	\$10,483.00
TOTAL DIFFERENCE IN VALUE FOR PROPERTIES TO BE EXCHANGED	
	\$ 0.00

MSM:NPC:cr
 cc: Marty Stein

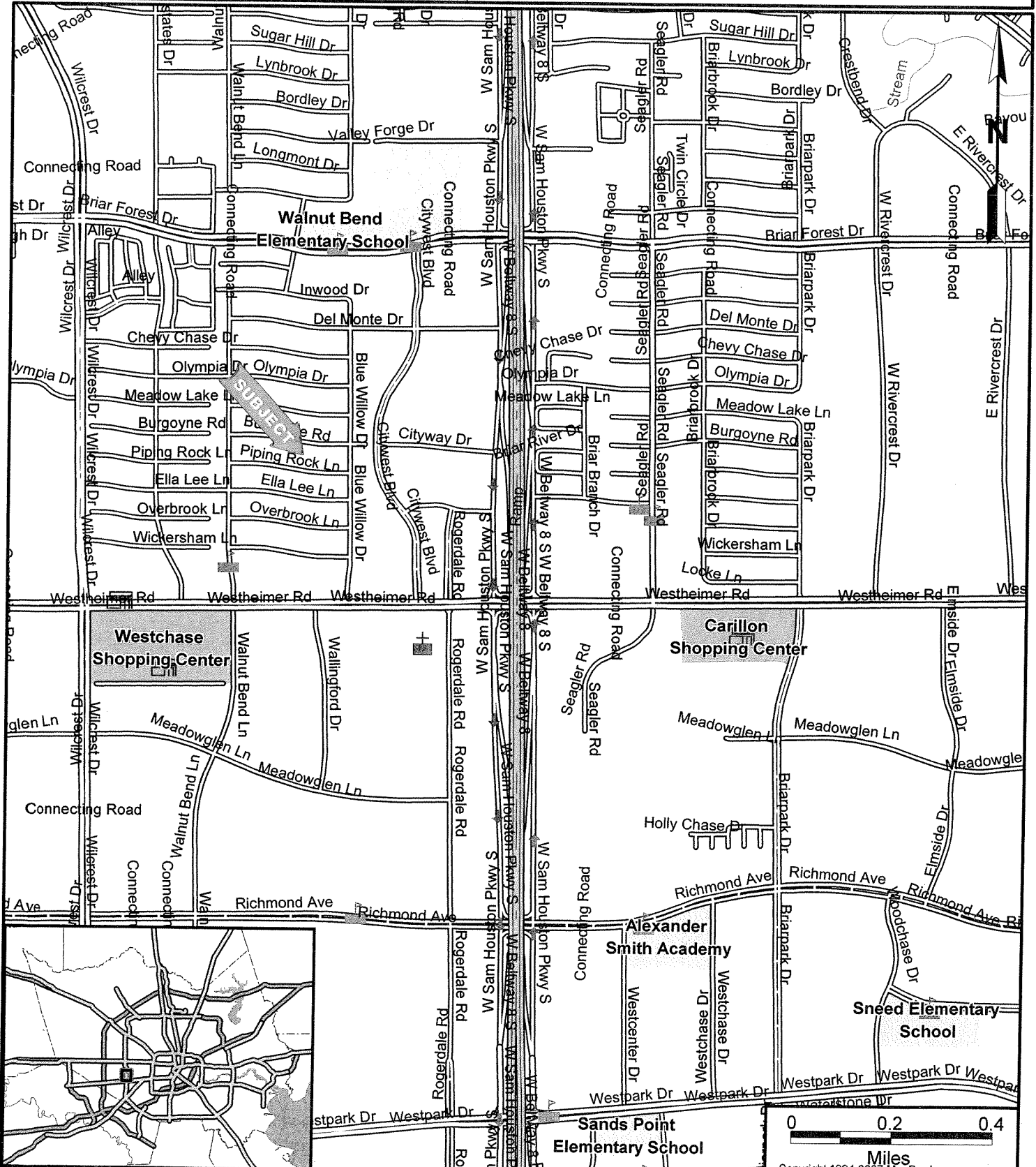
LOCATION MAP

Description: PIPING ROCK LIFT STATION REPLACEMENT PROJECT

WBS R-000267-0090-2

Parcels CY6-003, SY6-035 and VY9-028

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




CAUTION:

Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

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



FOR RECORDED FILES

SUBJECT: Ordinance granting authority to the Mayor and City Controller to enter into a replacement swap agreement.	Category #	Page 1 of 1	Agenda Item # 19
FROM (Department or other point of origin): Controller's Office	Origination Date 6/24/09	Agenda Date JUN 30 2009	
DIRECTOR'S SIGNATURE:  Michelle Mitchell	Council District Affected: All		
For Additional Information Contact: Jim Moncur Phone: 832 393-3525 Charlie Leal Phone: 713 837-9892	Date and Identification of Prior Authorizing Council Action Ordinance no. 2003-1158, November 25, 2003		

RECOMMENDATION:

Council to approve an ordinance granting authority to the Mayor and City Controller to enter into a replacement swap agreement.

Amount and

Source of Funding: N/A

Dept. of Finance

SPECIFIC EXPLANATION:

In 2003 City Council approved a swap transaction with RFPC LLC ("RFPC") with credit support provided by Ambac Assurance Corporation ("Ambac"). This swap has been and continues to be profitable to the City, having reduced debt service costs by \$5.2 million to date and having earned an additional \$1.8 million in debt service savings due in 2010.

On June 24, 2009 Ambac's credit rating was downgraded by Standard & Poor's to "BBB". This credit rating is below what is required by our swap documents and constitutes a termination event for this swap. RFPC has 60 days to "cure" the downgrade by either replacing Ambac with a suitable credit enhancement or posting collateral in lieu of providing a suitable credit enhancer. Under the current strained financial environment it may be difficult for RFPC to execute either of these cures within the allowed 60 day window.

In the event that a satisfactory resolution to this issue is not resolved in 60 days, the Mayor and City Controller are requesting the authority to replace RFPC and Ambac with another, more credit-worthy counterparty. This ordinance specifies parameters under which a replacement swap can be executed. These parameters require that the term of the swap not be extended, the notional amount shall not change, and the City receives a written opinion from a swap advisor that such an agreement is fairly valued.

The Finance Working Group recommends this ordinance be approved. Bond counsel recommended for this transaction is Fulbright & Jaworski L.L.P. and Swap Financial Group is the recommended swap advisor.

REQUIRED AUTHORIZATION

Finance Director:



Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION


HCD09-100

09-

Catholic Charities CDC

SUBJECT: An ordinance appropriating \$100,480.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing a Third Amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority ("LARA"), and Catholic Charities Community Development Corporation to develop an additional eleven (11) lots in Independence Heights for sale to qualified purchasers as affordable single-family housing and to remove the \$10,000 down payment assistance required of the City to be provided to each qualified purchaser.	Category #	Page 1 of 2	Agenda Item # 20

FROM (Department or other point of origin): Housing and Community Development Department	Origination Date: 06/15/09	Agenda Date: JUN 30 2009
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DIRECTOR'S SIGNATURE: Richard S. Celli 	Council District affected: "H"
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For additional information contact: Stephen Tinnermon Phone: 713-247-1207	Date and identification of prior authorizing Council action: 2007-1223, 10/31/2007; 2008-0075, 01-30-2008; 2008-0484, 06-04-2008
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RECOMMENDATION: (Summary)
The Department recommends approval of an ordinance appropriating \$100,480.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing a Third Amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority ("LARA"), and Catholic Charities Community Development Corporation to purchase for development of an additional eleven (11) lots in Independence Heights for sale to qualified purchasers as affordable single-family housing and to remove the \$10,000 down payment assistance required of the City to be provided to each qualified purchaser.

Amount of Funding: \$100,480.00	Finance Budget: 
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SOURCE OF FUNDING	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
<input checked="" type="checkbox"/> Other (Specify) Tax Increment Reinvestment Zone ("TIRZ") Affordable Housing Fund (2409)			

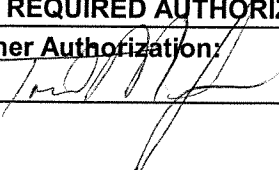
SPECIFIC EXPLANATION:
Pursuant to Ordinance No. 2007-1223, the City and the Land Assemblage Redevelopment Authority ("LARA") entered into a lot purchase and development contract with Catholic Charities Community Development Corporation, (Catholic Charities CDC) pursuant to which Catholic Charities CDC acquired three (3) lots in Independence Heights for the development of affordable single-family housing. Catholic Charities CDC previously presented two proposals to LARA and the City to develop an additional seven (7) lots and subsequently an additional eight (8) lots for the construction of affordable single-family housing for qualified households. These items were passed by City Council on January 30, 2008, and on June 4, 2008, respectively. Catholic Charities CDC has presented another proposal to LARA and the City to develop an additional eleven (11) lots for the construction of affordable single-family housing for qualified households.


The provision for \$10,000 in down payment assistance in Section 11.21(b) of the lot purchase and development contract is deleted. Qualified households now participate in the City's Down Payment Assistance Program and qualify for up to \$37,500 in down payment assistance.

The City wishes to facilitate development of the lots by providing Catholic Charities CDC with \$100,480.00, in TIRZ Funds, to purchase the said eleven (11) lots from LARA. Specific lots are attached hereto.

Pursuant to Chapter 311 of Vernon's Texas Tax Code Annotated entitled the "Tax Increment Financing Act" ("Act"), the City of Houston designated certain areas within the City as Tax Increment Reinvestment Zones ("TIRZs") in order

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization: 	Other Authorization:
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Date 06/15/09	Subject: An ordinance appropriating \$100,480.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing a Third Amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority ("LARA"), and Catholic Charities CDC to develop an additional eleven (11) lots in Independence Heights for sale to qualified purchasers as affordable single-family housing and to remove the \$10,000 down payment assistance required of the City to be provided to each qualified purchaser.	Originator's Initials 	Page <u>2</u> of <u>2</u>
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to promote the development and/or redevelopment of those areas. Section 311.011(f) of the Act requires that a portion of the tax increment revenue collected by certain TIRZs, be dedicated to the provision of affordable housing. The City Controller created a TIRZ Affordable Housing Fund ("Fund 2409") for this purpose.

The Department recommends approval of an ordinance appropriating \$100,480.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing a Third Amendment to Lot Purchase and Development Contract between the City, the Land Assemblage Redevelopment Authority and Catholic Charities CDC for the purposes outlined above.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for St. George Place Redevelopment Authority and the FY2010 -2014 CIP Budget (Tax Increment Reinvestment Zone Number One).

Category #

Page
1 of 1

RCA #

Agenda Item#

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:
C

For additional information contact:

Julia Gee
Andrea Roberts

Phone: (713) 837-7878
Phone: (713) 837-9573

Date and identification of prior authorizing
Council Action:
Ord. 2008-0909, 10/15/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for St. George Place Redevelopment Authority and the FY2010 - FY2014 CIP Budget (Tax Increment Reinvestment Zone Number One).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund
☒ Other (Specify)

☐ Grant Fund

☐ Enterprise Fund

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY 2010 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the FY2010-FY2014 CIP for St. George Place Redevelopment Authority (TIRZ Number One).

- Total Operating Budget for FY2010 is \$2,180,615, which includes \$1,104,426 for required fund transfers and \$1,076,189 for Project Costs.
- The 2010 - 2014 CIP for Zone totals \$843,613. The CIP includes a buffer wall between residential and nonconforming commercial uses, intersection improvements (Fairdale/McCulloch Circle) and a neighborhood traffic plan.
- The FY10 Operating Budget includes \$400,000 for capital expenditures and \$56,684 for administration and overhead. The Zone authority has a third-party administrator to manage redevelopment activities of the TIRZ. The Zone must advise the Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser \$400,000 or 5% or more require City Council approval.
- The Redevelopment Authority will continue to administer the Lamar Terrace PID and to use consultants for development reviews and zoning enforcement as required by the Lamar Terrace zoning code.

Attachments: TIRZ Profile, FY10 Operating Budget, and FY 2010-2014 CIP Budget

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

REQUIRED AUTHORIZATION

inance Director:

Other Authorization:

Other Authorization:

Finance 08/29/08

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

Fund Summary

Fund Name: St. George Place Redevelopment Authority

TIRZ: 01

Fund Number: 7512/64

P R O J E C T I V E	Base Year:	1991
	Base Year Taxable Value:	\$ 27,150,340
	Projected Taxable Value (TY2009):	\$ 224,378,313
	Current Taxable Value (TY2008):	\$ 239,454,323
	Acres:	121.57 acres
	Administrator (Contact):	David Hawes/ Hawes Hill Calderon
	Contact Number:	713-541-0447

N A R R A T I V E	Zone Purpose:
	The purpose of the Zone is to increase and stabilize property values; remove visual blight, deteriorated buildings and incompatible land uses; replace and reconstruct aging infrastructure including water, sanitary and storm sewer facilities, sidewalks, paving, drainage and landscaping; promote the general health, safety, and welfare of the St. George Place (formerly known as Lamar Terrace) community and surrounding acres through the enforcement of city zoning ordinances; and ensure mobility in and through the area in a manner that is compatible with the resulting land use.
	Accomplishments in FY09 (Projects Underway):
	In fiscal year 2009, the Saint George Place TIRZ:
	• completed the reconstruction of the intersection of McCulloch circle and West Alabama resulting in a safe turn lane out of the neighborhood for residents and parents of children attending the elementary school;
	• enforced the city's zoning ordinance;
	• continued to work with HISD with regard to the vacant 7.5 acres for redevelopment purposes; and
	• governed the functions of the Lamar Terrace Public Improvement District including public safety and security, landscape maintenance, and administration of development regulations within the TIRZ.

P R O J E C T I V E	Capital Projects:	Total Plan	Cumulative Expenses (to FY08)	Variance
	Water Sewer Drainage	\$ 1,085,000	\$ 166,228	\$ 918,772
	Street Paving	3,540,000	2,513,984	1,026,016
	Brick Sound Wall	420,000	1,135,533	(715,533)
	Landscaping	450,000	406,412	43,588
	Cul-de-sacs	200,000		200,000
	Land Assembly	1,000,000	1,704,118	(704,118)
	Other	355,000	405,636	(50,636)
	Contingency	451,000		451,000
	Total Capital Projects	\$ 7,501,000	\$ 6,331,911	\$ 1,169,089
	Affordable Housing	31,785,702	3,909,481	27,876,221
	Education Facilities	18,771,094	2,783,327	15,987,767
	Financing Costs	2,280,000	6,297,088	(4,017,088)
	Administration Costs	1,240,000	1,146,650	93,350
	Creation Costs	95,000	95,000	-
	Total Project Plan	\$ 61,672,796	\$ 20,563,457	\$ 41,109,339

D E B T	Additional Financial Data	FY2009 Budget	2009 Projection	FY2010 Budget
	Debt Service			
	Principal	\$ 308,650	\$ 308,650	\$ 211,547
	Interest	\$ 200,000	\$ 200,000	\$ 110,000
		\$ 108,650	\$ 108,650	\$ 101,547
	Year End Outstanding (Principal)	Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt	\$ 2,210,000	\$ 2,010,000	\$ 1,900,000
	Bank Loan (paid off in FY08)	\$ -	\$ -	\$ -
	Developer Agreement	\$ -	\$ -	\$ -
	Other (City of Hou Certificates of Obligation)	\$ 5,778,769	\$ 4,988,460	\$ 4,631,088

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

Fund Summary
Fund Name: St. George Place Redevelopment Author
TIRZ: 01
Fund Number: 7512/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 285,403	\$ 285,403	\$ 285,403
Total Beginning Fund Balance	\$ 552,706	\$ 1,306,981	\$ 1,115,922
TIRZ Revenue	\$ 838,109	\$ 1,592,384	\$ 1,401,325
City			
ISD	\$ 1,160,324	\$ 1,273,190	\$ 1,193,025
County	\$ 1,624,466	\$ 998,092	\$ 985,685
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 2,784,790	\$ 2,271,283	\$ 2,178,710
Bond Proceeds			
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total Available Resources	\$ 20,600	\$ 64,635	\$ 11,197
Fund Transfers	\$ 3,643,499	\$ 3,928,302	\$ 3,591,232
Affordable Housing			
City of Houston			
ISD Increment to Houston	\$ 386,775	\$ 424,397	\$ 397,675
Harris County	\$ 541,489	\$ 332,698	\$ 328,562
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ 744,201	\$ 299,340	\$ 293,538
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)			
Harris County Admin	\$ 58,016	\$ 63,660	\$ 59,651
ISD Admin	\$ -	\$ -	\$ -
Total Fund Transfers	\$ 25,000	\$ 25,000	\$ 25,000
Funds Available for Projects	\$ 1,755,481	\$ 1,145,094	\$ 1,104,426
Project Costs	\$ 1,888,018	\$ 2,783,208	\$ 2,486,806
Administrative Staff			
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 11,000	\$ 11,002	\$ 11,000
Accounting/ Audit	\$ 7,000	\$ 10,715	\$ 7,000
Program / Project Consulting	\$ 24,600	\$ 29,665	\$ 29,500
Administrative Operating Expense	\$ 43,600	\$ 43,586	\$ 43,586
Capital Expenditures	\$ 14,725	\$ 14,845	\$ 16,184
Developer/ Project reimbursements	\$ 161,000	\$ 173,111	\$ 400,000
Debt Service	\$ -	\$ -	\$ -
Principal			
Interest	\$ 200,000	\$ 200,000	\$ 110,000
Other debt items	\$ 108,650	\$ 108,650	\$ 101,547
Total Project Costs	\$ -	\$ 790,309	\$ 357,372
Total Budget	\$ 570,575	\$ 1,381,883	\$ 1,076,189
Resources Less Transfer and Expenses	\$ 2,326,056	\$ 2,526,977	\$ 2,180,615
Planned Ending Fund Balance:	\$ 1,317,443	\$ 1,401,325	\$ 1,410,617
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 285,403	\$ 285,403	\$ 285,403
	\$ 1,032,040	\$ 1,115,922	\$ 1,125,214

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

Fund Summary

Fund Name: St. George Place Redevelopment Authority

TIRZ: 01

Fund Number: 7512/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ 285,403	\$ 285,403	\$ 285,403
UNRESTRICTED Funds	\$ 552,706	\$ 1,306,981	\$ 1,115,922
Beginning Fund Balance	\$ 838,109	\$ 1,592,384	\$ 1,401,325
City tax revenue	\$ 1,160,324	\$ 1,273,190	\$ 1,193,025
ISD tax revenue	\$ 1,624,466	\$ 998,092	\$ 985,685
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 2,784,790	\$ 2,271,283	\$ 2,178,710
COH TIRZ Interest		\$ 62,058	\$ 5,172
Miscellaneous revenue	\$ -	\$ 62,058	\$ 5,172
Interest Income	\$ 20,600	\$ 2,577	\$ 6,026
Other Interest Income	\$ 20,600	\$ 2,577	\$ 6,026
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 3,643,499	\$ 3,928,302	\$ 3,591,232

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

Fund Summary

Fund Name: St. George Place Redevelopment Authority

TIRZ: 01

Fund Number: 7512/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 9,200	\$ 9,365	\$ 9,200
Administration Consultant	\$ 11,000	\$ 11,002	\$ 11,000
Administration Salaries & Benefits			
Annual Financial Reports preparation	\$ 3,900	\$ 3,900	\$ 3,900
Auditor	\$ 8,000	\$ 12,900	\$ 12,900
Bond Paying Agent	\$ 2,250	\$ 2,310	\$ 2,310
Financial Advisor	\$ 3,500	\$ 3,500	\$ 3,500
Insurance	\$ 1,600	\$ 1,960	\$ 2,000
Office Expenses	\$ 8,000	\$ 6,813	\$ 8,000
Property Account Consultant	\$ 2,875	\$ 2,874	\$ 2,874
Investment maintenance fee	\$ -	\$ 888	\$ 1,000
TIRZ Administration and Overhead	\$ 50,325	\$ 55,512	\$ 56,684
Legal	\$ 7,000	\$ 10,715	\$ 7,000
Zoning Administration	\$ 43,600	\$ 43,586	\$ 43,586
Program and Project Consultants	\$ 50,600	\$ 54,301	\$ 50,586
Management consulting services	\$ 100,925	\$ 109,813	\$ 107,270
Capital Expenditures (See CIP Schedule)	\$ 161,000	\$ 173,111	\$ 400,000
TIRZ Capital Expenditures	\$ 161,000	\$ 173,111	\$ 400,000
Developer / Project Reimbursements	\$ -	\$ -	\$ -
Bond Debt Service			
Principal - Infrastructure	\$ 200,000	\$ 200,000	\$ 110,000
Interest - Infrastructure	\$ 108,650	\$ 108,650	\$ 101,547
Loan debt service			
Principal	\$ -		
Interest	\$ -		
City of Houston CO	\$ -	\$ 790,309	\$ 357,372
System debt service	\$ 308,650	\$ 1,098,959	\$ 568,919
TOTAL PROJECT COSTS	\$ 570,575	\$ 1,381,883	\$ 1,076,189
Payment/transfer to ISD - educational facilities *	\$ 744,201	\$ 299,340	\$ 293,538
Administration Fees:			
City	\$ 58,016	\$ 63,660	\$ 59,651
County	\$ -	\$ -	\$ -
ISD	\$ 25,000	\$ 25,000	\$ 25,000
Affordable Housing:			
City	\$ 386,775	\$ 424,397	\$ 397,675
ISD to City of Houston *	\$ 541,489	\$ 332,698	\$ 328,562
Transfer to Harris County	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 1,755,481	\$ 1,145,094	\$ 1,104,426
Total Budget	\$ 2,326,056	\$ 2,526,977	\$ 2,180,615
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ 285,403	\$ 285,403	\$ 285,403
UNRESTRICTED Funds	\$ 1,032,040	\$ 1,115,922	\$ 1,125,214
Total Ending Fund Balance	\$ 1,317,443	\$ 1,401,325	\$ 1,410,617
Total Budget & Ending Fund Balance	\$ 3,643,499	\$ 3,928,302	\$ 3,591,232

* FY09 budget includes TY06 & TY07 shortfall due to tax rate compression (House Bill 1).

Notes:

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

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

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 01 - St. George Place Redevelopment Authority
CIP by Project

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

		FY Planned Appropriations (\$ Thousands)									
Council District	CIP No.	Project	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	Cumulative Total (To Date)
C	T-0101	Intersection Reconstruction	\$ -	\$ 128,111	\$ -	\$ -	\$ -	\$ -	\$ -	-	128,111
C	T-0102	Nonconforming Use Buffer Wall	\$ 39,725	\$ -	\$ -	\$ 156,113	\$ -	\$ -	\$ -	156,113	195,837
C	T-0103	McCulloch Circle/Fairdale Intersection Improvement	\$ -	\$ -	\$ -	\$ 287,500	\$ -	\$ -	\$ -	287,500	287,500
C	T-0104	Park Noise Control	\$ 3,045	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	3,045
C	T-0105	Neighborhood Traffic Plan	\$ -	\$ 45,000	\$ 400,000	\$ -	\$ -	\$ -	\$ -	400,000	445,000
			42,770	173,111	400,000	443,613	-	-	-	843,613	1,059,493

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 01 - St. George Place Redevelopment Authority
CIP by Sources of Funds

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Economic Development Division									
Source of Funds	FY Planned Appropriations (\$ Thousands)								Cumulative Total (To Date)
	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	
TIRZ funds	42,770	173,111	400,000	443,613	-	-	-	843,613	1,059,493
Revenue bond proceeds	-	-	-	-	-	-	-	-	-
Proceeds from bank loan	-	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-	-
City of Houston	-	-	-	-	-	-	-	-	-
Grants	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
Project Total	42,770	173,111	400,000	443,613	-	-	-	843,613	1,059,493

Project:	Intersection Reconstruction		City Council District	Key Map: 491		WBS.:		T-0101	
Description:	This project is located at the intersection of West Alabama and McCulloch Circle. The project would reconstruct the intersection to allow for an acceleration lane on West Alabama, east of McCulloch Circle.		Location:	C		Geo. Ref.:			
Justification:	The purpose of this intersection improvement is to mitigate the increased incidents of traffic problems and support the safety and welfare of the community at large.		Served:	C		Neighborhood:			
			Operating and Maintenance Costs: (\$ Thousands)						
			2010	2011	2012	2013	2014	Total	
Personnel									
Supplies									
Svcs. & Chgs.									
Capital Outlay									
Total			\$	-	\$	-	\$	-	\$
FTEs									

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
1 Planning										
2 Acquisition										
3 Design		21,000	18,111							\$ -
4 Construction		140,000	110,000							\$ -
5 Equipment										\$ 18,111
6 Close-Out										\$ 110,000
7 Other										\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	-	\$ -
Total Allocations	\$ -	\$ 161,000	\$ 128,111	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 128,111
Source of Funds										
TIRZ Increment Revenue			128,111							
TIRZ Increment Bond Funds		161,000								
Grant Funds										
Total Funds	\$ -	\$ 161,000	\$ 128,111	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 128,111

Project: Nonconforming Use Buffer Wall		City Council District		Key Map: 491		WBS.: T-0102							
Description: This project is located on the south right-of-way line of the 5500 Block of McCulloch Circle. It is the construction of a nonconforming use buffer wall between commercial and residential uses.		Location: C		Geo. Ref.:									
		Served: C		Neighborhood:									
Justification: The justification is the lack of redevelopment due to unsightly legal nonconforming commercial uses operating in the south side of the 5500 block of McCulloch Circle. The wall would expedite construction of residential redevelopment by screening nonconforming uses.		Operating and Maintenance Costs: (\$ Thousands)											
		2010		2011		2012		2013		2014		Total	
		Personnel											
		Supplies											
		Svcs. & Chgs.											
		Capital Outlay											
		\$ -		\$ -		\$ -		\$ -		\$ -			
FTEs													

Fiscal Year Planned Expenses											
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)	
Phase											
1 Planning											
2 Acquisition											
3 Design	518										
4 Construction	39,207			20,363					20,363	\$ 20,881	
5 Equipment				135,750					135,750	\$ 174,957	
6 Close-Out											
7 Other											
Other Sub-Total:											
Total Allocations	\$ 39,725	\$ -	\$ -	\$ -	\$ 156,113	\$ -	\$ -	\$ -	\$ 156,113	\$ 195,837	
Source of Funds											
TIRZ Increment Revenue	39,725										
TIRZ Increment Bond Funds					156,113						
Grant Funds											
Total Funds	\$ 39,725	\$ -	\$ -	\$ -	\$ 156,113	\$ -	\$ -	\$ -	\$ 156,113	\$ 195,837	

Project:	McCulloch Circle/Fairdale Intersection Improvement		City Council District	491		Key Map:	491		WBS.:	T-0103	
Description:	This project would reopen McCulloch Circle at Fairdale Lane as originally planned. It would entail the removal of the temporary cul-de-sac and reopen McCulloch Circle to through traffic.		Location:	C		Geo. Ref.:					
Justification:	The justification for this project is to provide access to 5529 Fairdale, 5548 & 5534 McCulloch Circle for development/redevelopment purposes. The properties are blocked from redevelopment purposes due to the temporary cul-de-sac.		Served:	C		Neighborhood:					
			Operating and Maintenance Costs: (\$ Thousands)								
			2010	2011	2012	2013	2014	Total			
Personnel											
Supplies											
Svcs. & Chgs.											
Capital Outlay											
Total			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FTEs											

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction					37,500				\$ 37,500	\$ 37,500
5 Equipment					250,000				\$ 250,000	\$ 250,000
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:									\$ -	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ -	\$ 287,500	\$ -	\$ -	\$ -	\$ 287,500	\$ 287,500
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds					287,500				\$ 287,500	\$ 287,500
Grant Funds									\$ -	\$ -
Total Funds	\$ -	\$ -	\$ -	\$ -	\$ 287,500	\$ -	\$ -	\$ -	\$ 287,500	\$ 287,500

Project:	Park Noise Control		City Council District	491		Key Map:	491		WBS.:	T-0104	
Description:	AT&T Vault generates excessive sound.		Location:	C		Geo. Ref.:					
Justification:	Working with AT&T to resolve the issue.		Served:	C		Neighborhood:					
			Operating and Maintenance Costs: (\$ Thousands)								
			2010	2011	2012	2013	2014	Total			
			Personnel								
			Supplies								
			Svcs. & Chgs.								
			Capital Outlay								
			Total	\$	-	\$	-	\$	-	\$	-
			FTEs								

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning	3,045								\$ -	\$ 3,045
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction									\$ -	\$ -
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ 3,045	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Source of Funds										
TIRZ Increment Revenue									\$ -	\$ 3,045
TIRZ Increment Bond Funds	3,045	-	-	-	-	-	-	-	\$ -	\$ -
Grant Funds									\$ -	\$ -
Total Funds	\$ 3,045	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,045

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for the Village Enclaves Redevelopment Authority (Tax Increment Reinvestment Zone Number Four)

Category #

Page
1 of 1

Agenda Item#

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:
G

For additional information contact:

Andrea Roberts
Julia Gee

Phone: (713) 837-9076
Phone: (713) 837-7828

Date and identification of prior authorizing
Council Action:
Ord. 2008-0518, 06/11/08

RECOMMENDATION: (Summary)

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

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund
☒ Other (Specify)

☐ Grant Fund

☐ Enterprise Fund

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY 2010 TIRZ budgets. The Finance Department recommends approval of the Fiscal Year 2010 Operating Budget for (TIRZ No. 4)

- The Village Enclaves TIRZ has completed the projects for which it was established. Per the City of Houston – Houston Independent School District (HISD) interlocal agreement governing HISD's participation in the Zone, the revenues generated by the Zone (less affordable housing transfers) are transferred to HISD to service the debt issued to construct Westside High School.
- In FY10, a total of \$3,314,774 will be transferred to the City for affordable housing programs.

Attachments: TIRZ Profile and FY10 Operating Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

Fund Summary
Fund Name: **Village Enclaves**
TIRZ: **04**
Fund Number: **7552/64**

P R O J E C T N E E D S	Base Year:	1996, expanded in 1997
	Base Year Taxable Value:	\$ 57,002,700
	Projected Taxable Value (TY2009):	\$ 865,779,339
	Current Taxable Value (TY2008):	\$ 788,220,937
	Acres:	1,189.86 acres
	Administrator (Contact):	Economic Development Division
	Contact Number:	713-837-9287

N A R R A T I V E	Zone Purpose:
	The purpose of the zone is to facilitate residential and commercial development and to finance the construction of the Westside High School, a shared use high school facility.
	Accomplishments in FY09 (Projects Underway):
	Zone projects complete - processed annual payment to Houston ISD per interlocal agreement for Westside High School facilities.

P R O J E C T P L A N	Cumulative Expenses		
	Total Plan	(to FY08)	Variance
Capital Projects:			
Water Sewer/Impact, Land, Improvements, Utility Lines, Engineering (Developer Agreement)	\$ 1,095,535	\$ 1,364,445	\$ (268,910)
Interest on Developer Agreement	936,911	360,590	576,321
Total Capital Projects	\$ 2,032,446	\$ 1,725,035	\$ 307,411
Affordable Housing	40,500,934	12,522,899	27,978,035
Education Facilities	45,000,000	18,299,640	26,700,360
Financing Costs	36,920,015	2,754,389	34,165,626
Administration Costs	167,000	146,730	20,270
Creation Costs	42,600	26,856	15,744
Total Project Plan	\$ 124,662,995	\$ 35,475,549	\$ 89,187,446

D E B T	Additional Financial Data	FY2009 Budget	2009 Projection	FY2010 Budget
	Debt Service			
	Principal	\$ -	\$ -	\$ -
	Interest	\$ -	\$ -	\$ -
	Balance as of 6/30/08		Balance as of 6/30/09	Balance as of 6/30/10
	Year End Outstanding (Principal)			
	Bond Debt	\$ -	\$ -	\$ -
	Bank Loan	\$ -	\$ -	\$ -
	Developer Agreement	\$ -	\$ -	\$ -
	Other	\$ -	\$ -	\$ -

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

Fund Summary
Fund Name: Village Enclaves
TIRZ: 04
Fund Number: 7552/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
Total Beginning Fund Balance	\$ 229,212	\$ 150,837	\$ -
TIRZ Revenue			
City	\$ 4,794,269	\$ 4,653,945	\$ 4,951,126
ISD	\$ 4,338,144	\$ 8,307,120	\$ 4,993,196
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 9,132,413	\$ 12,961,065	\$ 9,944,322
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ 4,804	\$ 7,127
Total Available Resources	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449
Fund Transfers			
Affordable Housing			
City of Houston	\$ 1,598,090	\$ 1,551,315	\$ 1,650,375
ISD Increment to Houston	\$ 1,446,048	\$ 2,749,954	\$ 1,664,399
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 6,292,487	\$ 8,790,437	\$ 6,636,675
Municipal Services	\$ -	\$ -	\$ -
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)	\$ -	\$ -	\$ -
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 25,000	\$ 25,000	\$ -
Total Fund Transfers	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449
Funds Available for Projects	\$ -	\$ -	\$ -
Project Costs			
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ -	\$ -	\$ -
Accounting/ Audit	\$ -	\$ -	\$ -
Program / Project Consulting	\$ -	\$ -	\$ -
Administrative Operating Expense	\$ -	\$ -	\$ -
Capital Expenditures	\$ -	\$ -	\$ -
Developer/ Project reimbursements	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Principal	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ -	\$ -	\$ -
Total Budget	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449
Resources Less Transfer and Expenses	\$ -	\$ -	\$ -
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -

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

Fund Summary
Fund Name: Village Enclaves
TIRZ: 04
Fund Number: 7552/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ 229,212	\$ 150,837	\$ -
	\$ 229,212	\$ 150,837	\$ -
City tax revenue	\$ 4,794,269	\$ 4,653,945	\$ 4,951,126
ISD tax revenue	\$ 4,338,144	\$ 8,307,120	\$ 4,993,196
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 9,132,413	\$ 12,961,065	\$ 9,944,322
COH TIRZ Interest		\$ 4,804	\$ 7,127
Miscellaneous revenue	\$ -	\$ 4,804	\$ 7,127
Interest Income			
Other Interest Income	\$ -	\$ -	\$ -
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449

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

Fund Summary
Fund Name: Village Enclaves
TIRZ: 04
Fund Number: 7552/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ -	-	-
Administration Consultant	\$ -	-	-
Administration Salaries & Benefits	\$ -	-	-
Auditor	\$ -	-	-
Financial Advisor	\$ -	-	-
Insurance	\$ -	-	-
Office Expenses	\$ -	-	-
TIRZ Administration and Overhead	\$ -	\$ -	\$ -
Engineering Consultants	\$ -	-	-
Legal	\$ -	-	-
Construction Audit	\$ -	-	-
Program and Project Consultants	\$ -	-	-
Management consulting services	\$ -	\$ -	\$ -
Capital Expenditures (See CIP Schedule)	\$ -	-	-
TIRZ Capital Expenditures	\$ -	\$ -	\$ -
Developer / Project Reimbursements	\$ -	\$ -	\$ -
Bond Debt Service			
Principal - Infrastructure			
Interest - Infrastructure			
Loan debt service			
Principal			
Interest			
Other Debt Items			
Line of Credit Repayment			
Loan fees			
System debt service	\$ -	\$ -	\$ -
TOTAL PROJECT COSTS	\$ -	\$ -	\$ -
Payment/transfer to ISD - educational facilities	\$ 6,292,487	\$ 8,790,437	\$ 6,636,675
Administration Fees:			
City			
County			
ISD	\$ 25,000	\$ 25,000	
Affordable Housing:			
City	\$ 1,598,090	\$ 1,551,315	\$ 1,650,375
ISD to City of Houston	\$ 1,446,048	\$ 2,749,954	\$ 1,664,399
Transfer to Harris County			
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449
Total Budget	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ -	\$ -	\$ -
Total Ending Fund Balance	\$ -	\$ -	\$ -
Total Budget & Ending Fund Balance	\$ 9,361,625	\$ 13,116,706	\$ 9,951,449

Notes:

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

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for the Memorial Heights Redevelopment Authority and the FY 2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Five).

Category #

Page
1 of 1

RCA #

Agenda Item#

243

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

For additional information contact:

Ralph DeLeon
Andrea Roberts

Phone: (713) 837-9573
Phone: (713) 837-9076

Council Districts affected:
H

Date and identification of prior authorizing
Council Action:
Ord. 2008-0785, 09/03/08

RECOMMENDATION: (Summary)

City Council to approve the Fiscal Year 2010 Operating Budget for the Memorial Heights Redevelopment Authority and the 2010-2014 CIP Budget (Tax Increment Reinvestment Zone Number Five).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund ☐ Grant Fund ☐ Enterprise Fund
☒ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY10 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the approval of the 2010-2014 CIP for Tax Increment Reinvestment Zone Number Five (Memorial Heights).

- Total Operating Budget for FY10 is \$8,148,985, which includes \$1,467,574 for required fund transfers and \$6,681,411 for Project Costs.
- The 2010-2014 CIP for the Zone totals \$7,013,368. The CIP includes provisions for the development of the Harmony Arc/Rosemont Pedestrian Bridge and its related trail connector projects including Rosemont Trail Connectors, Old Sixth Ward Trail Connector, and the Shepherd Street Underpass Trail Connector.
- The FY10 Operating budget includes \$5,898,818 for capital expenditures and \$76,000 for administration and overhead. The Zone must advise the Director of any budget amendments. Adjustments to the Project Cost in the budget of the lesser of \$400,000 or 5% or more require City Council Approval.
- The budget includes a municipal services payment in FY10 of \$440,000 to pay the General Fund for the incremental cost of providing services to the area.

Attachments: TIRZ Profile, FY10 Operating Budget, and FY2010-2014 CIP Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

Fund Summary
Fund Name: Memorial Heights Redevelopment Authority
TIRZ: 05
Fund Number: 7553/64

P	Base Year:		1996
R	Base Year Taxable Value:	\$	66,354,576
O	Projected Taxable Value (TY2009):	\$	328,726,606
F	Current Taxable Value (TY2008):	\$	321,641,352
I	Acres:		915.73 acres
L	Administrator (Contact):		City of Houston
E	Contact Number:		713-837-9573

Zone Purpose:

The purpose of the Memorial Heights Reinvestment Zone is to set forth goals, expectations and redevelopment plans and programs necessary to create and support an environment attractive to private investment in the greater Memorial Heights area and the Buffalo Bayou inner loop recreational corridor. The intent of the Plans is to ensure the improvements will result in the long-term stability and viability of the area.

Accomplishments in FY09 (Projects Underway):

In fiscal year 2009, the Memorial Heights TIRZ accomplished:

- Retained SWA Group to lead design team efforts for FY09-13 CIP Projects.
- Substantially completed design development of the Rosemont Pedestrian Bridge and its related trail connector projects including Rosemont Trail Connectors, Old Sixth Ward Trail Connector, Shepherd Street Underpass Trail Connector.
- Retained Walter P. Moore to study pedestrian access and public parking opportunities on Memorial Drive and Allen Parkway between Dunlavy Street and the Sabine Street Bridge.
- Completed two additional Zone annexations including the GID Project site and sidewalk, trail, and pedestrian bridge easements on Studemont and Memorial Drive.
- Executed Developer Reimbursement Agreements with GID for the Regent Square Project.

P R O J E C T	Capital Projects: Infrastructure Improvements Parks/Pedestrian Amenities/Hike and Bike Trails Property Assemblage/Cleanup	Cumulative Expenses (to FY09)		
		Total Plan (2009 Plan)		Variance
		\$ 16,482,762	\$ 3,673,547	\$ 12,809,215
		17,149,375	1,112,516	16,036,859
		2,100,000	882,382	1,217,618
				-
				-
	Total Capital Projects	\$ 35,732,137	\$ 5,668,445	\$ 30,063,692
P	Affordable Housing	11,499,919		11,499,919
L	Education Facilities	21,807,726	8,505,241	13,302,485
A	Financing Costs	9,879,513	3,095,719	6,783,794
N	Administration Costs	5,298,853	2,555,186	2,743,667
	Creation Costs	165,000		165,000
	Total Project Plan	\$ 84,383,148	\$ 19,824,591	\$ 64,558,557

Additional Financial Data

D E B T	Debt Service	FY2009 Budget		2009 Projection		FY2010 Budget	
	Principal	\$ 552,524	\$ -	\$ -	\$ 614,345		
	Interest	\$ 552,524	\$ -	\$ -	\$ 614,345		
		\$ -	\$ -	\$ -	\$ -		
	Year End Outstanding (Principal)	Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10			
	Bond Debt		\$ -	\$ -			
	Bank Loan		\$ -	\$ -			
	Developer Agreement		\$ -	\$ -			
	Other		\$ -	\$ -			
			\$ 3,525,000	\$ 2,910,655			

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

Fund Summary
Fund Name: Memorial Heights Redevelopment Author
TIRZ: 05
Fund Number: 7553/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
Total Beginning Fund Balance	\$ 2,540,735	\$ 2,541,797	\$ 5,750,553
TIRZ Revenue	\$ 2,540,735	\$ 2,541,797	\$ 5,750,553
City			
ISD	\$ 1,489,288	\$ 1,637,874	\$ 1,627,423
County	\$ 1,140,637	\$ 876,559	\$ 880,852
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 2,629,925	\$ 2,514,433	\$ 2,508,275
Bond Proceeds			
Loan Proceeds	\$ 3,500,000	\$ 3,525,000	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total Available Resources	\$ 76,222	\$ 154,787	\$ 63,805
Fund Transfers	\$ 8,746,882	\$ 8,736,017	\$ 8,322,634
Affordable Housing			
City of Houston			
ISD Increment to Houston	\$ 496,429	\$ 545,958	\$ 527,725
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ 690,015	\$ 393,249	\$ 393,478
Administration Fee to General Fund	\$ 440,000	\$ 440,000	\$ 440,000
COH Admin Fee (5%)			
Harris County Admin	\$ 74,464	\$ 81,893	\$ 81,371
ISD Admin	\$ -	\$ -	\$ -
Total Fund Transfers	\$ 25,000	\$ 25,000	\$ 25,000
Funds Available for Projects	\$ 1,725,908	\$ 1,486,100	\$ 1,467,574
Project Costs	\$ 7,020,974	\$ 7,249,917	\$ 6,855,060
Administrative Staff			
Administrative Consultant	\$ -	\$ -	\$ 50,000
Legal	\$ 36,000	\$ 40,754	\$ 9,000
Accounting/ Audit	\$ 20,000	\$ 47,082	\$ 30,000
Program / Project Consulting	\$ 27,000	\$ 20,000	\$ 17,000
Administrative Operating Expense	\$ -	\$ -	\$ 15,000
Capital Expenditures	\$ 3,000	\$ 3,012	\$ 3,000
Developer/ Project reimbursements	\$ 1,865,003	\$ 1,172,183	\$ 5,898,818
Debt Service	\$ 288,447	\$ 216,333	\$ 44,248
Principal			
Interest	\$ 552,524	\$ -	\$ 614,345
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ -	\$ -	\$ -
Total Budget	\$ 2,791,974	\$ 1,499,364	\$ 6,681,411
Resources Less Transfer and Expenses	\$ 4,517,882	\$ 2,985,464	\$ 8,148,985
Planned Ending Fund Balance:	\$ 4,229,000	\$ 5,750,553	\$ 173,649
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
	\$ 4,229,000	\$ 5,750,553	\$ 173,649

CITY OF HOUSTON

DEPARTMENT OF FINANCE

ECONOMIC DEVELOPMENT DIVISION

FISCAL YEAR 2010 BUDGET DETAIL

FOR TIRZ ADMINISTRATORS

Fund Summary

Fund Name: Memorial Heights Redevelopment Authority

TIRZ: 05

Fund Number: 7553/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 2,540,735	\$ 2,541,797	\$ 5,750,553
Beginning Fund Balance	\$ 2,540,735	\$ 2,541,797	\$ 5,750,553
City tax revenue	\$ 1,489,288	\$ 1,637,874	\$ 1,627,423
ISD tax revenue	\$ 1,140,637	\$ 876,559	\$ 880,852
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 2,629,925	\$ 2,514,433	\$ 2,508,275
COH TIRZ Interest	\$ -	\$ 69,128	\$ 5,761
Houston Community Bank Fund	\$ -	\$ 66,683	\$ 33,317
Miscellaneous revenue	\$ -	\$ 135,811	\$ 39,078
Interest Income	\$ 76,222	\$ 18,976	\$ 24,727
Other Interest Income	\$ 76,222	\$ 18,976	\$ 24,727
Developer Advances	\$ -	\$ -	\$ -
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Debt Issuance	\$ 3,500,000	\$ 3,525,000	\$ -
Debt Issuance	\$ 3,500,000	\$ 3,525,000	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 8,746,882	\$ 8,736,017	\$ 8,322,634

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

Fund Summary
Fund Name: Memorial Heights Redevelopment Authority
TIRZ: 05
Fund Number: 7553/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 15,000	\$ 6,500	\$ 6,500
Administration Consultant	\$ 36,000	\$ 40,754	\$ 9,000
Administration Salaries & Benefits	\$ -	\$ -	\$ 50,000
Auditor	\$ 6,000	\$ 7,500	\$ 7,500
Insurance	\$ 3,000	\$ 3,000	\$ 3,000
Office Expenses	\$ -	\$ 12	\$ -
TIRZ Administration and Overhead	\$ 60,000	\$ 57,766	\$ 76,000
Engineering Consultants		\$ -	\$ -
Legal	\$ 20,000	\$ 47,082	\$ 30,000
Construction Audit	\$ 6,000	\$ 6,000	\$ 3,000
Project/Program Management			\$ 15,000
Program and Project Consultants	\$ 26,000	\$ 53,082	\$ 48,000
Management consulting services	\$ 86,000	\$ 110,848	\$ 124,000
Capital Expenditures (See CIP Schedule)	\$ 1,865,003	\$ 1,172,183	\$ 5,898,818
TIRZ Capital Expenditures	\$ 1,865,003	\$ 1,172,183	\$ 5,898,818
Archstone Principal	\$ 288,447	\$ 216,333	\$ -
GID Principal			\$ 44,248
Developer / Project Reimbursements	\$ 288,447	\$ 216,333	\$ 44,248
Bond Debt Service Principal - Infrastructure	\$ -		
Interest - Infrastructure	\$ -		
CO debt service Principal and Interest	\$ 552,524	\$ -	\$ 614,345
Other Debt Items			
Line of Credit Repayment	\$ -		
Loan fees	\$ -		
System debt service	\$ 552,524	\$ -	\$ 614,345
TOTAL PROJECT COSTS	\$ 2,791,974	\$ 1,499,364	\$ 6,681,411

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

Fund Summary
Fund Name: Memorial Heights Redevelopment Authority
TIRZ: 05
Fund Number: 7553/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Payment/transfer to ISD - educational facilities	\$ 690,015	\$ 393,249	\$ 393,478
Administration Fees:			
City	\$ 74,464	\$ 81,893	\$ 81,371
County	\$ 25,000	\$ 25,000	\$ 25,000
ISD	\$ 496,429	\$ 545,958	\$ 527,725
Affordable Housing:			
City	\$ -	\$ -	\$ -
ISD to City of Houston	\$ -	\$ -	\$ -
Transfer to Harris County	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ 440,000	\$ 440,000	\$ 440,000
Total Transfers	\$ 1,725,908	\$ 1,486,100	\$ 1,467,574
Total Budget	\$ 4,517,882	\$ 2,985,464	\$ 8,148,985
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 4,229,000	\$ 5,750,553	\$ 173,649
Total Ending Fund Balance	\$ 4,229,000	\$ 5,750,553	\$ 173,649
Total Budget & Ending Fund Balance	\$ 8,746,882	\$ 8,736,017	\$ 8,322,634

Notes:

Incremental property tax revenue and transfers for FY09 Projection City & ISD based on Tax Year 2008 actuals; County and HCC 3-20-09 HCAD revenues
Incremental property tax revenue and transfers for FY10 Projection based on HCAD TY2009 preliminary values as of 05-23-09
The Calculation of ISD Revenues and Transfers was based on TY05 Tax Rate due to House Bill #1. However, ISD has been paying based on their current tax rate.
Due to the ISD Education Set-Aside, the net increment received by the TIRZ is the same under either Tax Rate.

Department of Finance Economic Development Division												
Council District	CIP No.	Project	FY Planned Appropriations (\$ Thousands)								Total 2010-2014	Cumulative Total (To Date)
			Through 2008	Projected 2009	2010	2011	2012	2013	2014			
H	T-0501	ROSEMONT PEDESTRIAN BRIDGE	\$ -	\$ 754,724	\$ 3,494,647	\$ -	\$ -	\$ -	\$ -	3,494,647	4,249,371	
H	T-0502	ROSEMONT EXTENDED PARK TRAIL CONNECTOR	\$ -	\$ 200,404	\$ 1,319,924	\$ -	\$ -	\$ -	\$ -	1,319,924	1,520,328	
H	T-0503	OLD SIXTH WARD TRAIL CONNECTOR	\$ -	\$ 14,055	\$ 586,619	\$ -	\$ -	\$ -	\$ -	586,619	600,674	
H	T-0504	PEDESTRIAN PARKING, SIGNALIZATION AND ACCESS	\$ -	\$ 89,000	\$ -	\$ 332,900	\$ 332,900	\$ -	\$ -	665,800	754,800	
H	T-0505	SHEPARD UNDERPASS TO MEMORIAL	\$ -	\$ 74,000	\$ 191,681	\$ -	\$ -	\$ -	\$ -	191,681	265,681	
H	T-0506	POLICE MEMORIAL LOW BRIDGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 448,750	\$ -	448,750	448,750	
H	T-0507	JACKSON HILL PEDESTRIAN BRIDGE UPGRADES	\$ -	\$ -	\$ 237,187	\$ -	\$ -	\$ -	\$ -	237,187	237,187	
H	T-0508	SPOTT'S PARK HYDROLOGY PROJECT	\$ -	\$ 40,000	\$ 68,760	\$ -	\$ -	\$ -	\$ -	68,760	108,760	
Total			-	1,172,183	5,898,818	332,900	332,900	448,750	-	7,013,368	8,185,551	

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No 05 - Memorial Heights Redevelopment Authority
CIP Sources by TIRZ

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

Source of Funds		FY Planned Appropriations (\$ Thousands)							Total 2010-2014	Cumulative Total (To Date)
		Through 2008	Projected 2009	2010	2011	2012	2013	2014		
TIRZ No. 16										
TIRZ funds										
Revenue bond proceeds		-	1,172,183	5,898,818	332,900	332,900	448,750	-	7,013,368	8,185,551
Proceeds from bank loan		-	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement		-	-	-	-	-	-	-	-	-
City of Houston										
Grants										
Other										
Project Total		-	1,172,183	5,898,818	332,900	332,900	448,750	-	7,013,368	8,185,551

Project:	ROSEMONT EXTENDED PARK TRAIL CONNECTOR				City Council District	Key Map:				WBS.:	T-0502
Description:	Trail Connections between existing Eleanor Tinsley Park/Buffalo Bayou trail complex between Memorial Drive and Allen Parkway and new/proposed Rosemont pedestrian bridge.				Location:	H		Geo. Ref.:			
Justification:	Increase residential densities along the north and south bank of the Buffalo Bayou trail system in the vicinity of Eleanor Tinsley Park/Buffalo Bayou trail complex require better access for pedestrians and bicyclists.				Served:	All		Neighborhood:	22		
					Operating and Maintenance Costs: (\$ Thousands)						
					2010	2011	2012	2013	2014	Total	
					Personnel						
					Supplies						
					Svcs. & Chgs.						
					Capital Outlay						
					Total	\$ -	\$ -	\$ -	\$ -	\$ -	
					FTEs						

Fiscal Year Planned Expenses										
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction		481,577	200,404	1,319,924					\$ 1,319,924	\$ 1,520,328
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ -	\$ 481,577	\$ 200,404	\$ 1,319,924	\$ -	\$ -	\$ -	\$ -	\$ 1,319,924	\$ 1,520,328
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds		481,577	200,404	1,319,924	-	-	-	-	\$ 1,319,924	\$ 1,520,328
Proceeds from Bank Loan									\$ -	\$ -
Total Funds	\$ -	\$ 481,577	\$ 200,404	\$ 1,319,924	\$ -	\$ -	\$ -	\$ -	\$ 1,319,924	\$ 1,520,328

Project: SHEPARD UNDERPASS TO MEMORIAL		City Council District		Key Map:		WBS.:		T-0505					
Description: Trail connector below Shephard Street (roadway deck) at the intersection of the north bank of the Buffalo Bayou and the south right-of-way line of Memorial at Shephard.		Location:		Geo. Ref.:		Neighborhood: 22							
		Served:		ALL									
Justification: Increase in residential densities along the north and south bank of the Buffalo Bayou trail system in the vicinity of Eleanor Tinsley Park/Bufalo Bayou trail complex require better access for pedestrian and bicyclists.		Operating and Maintenance Costs: (\$ Thousands)											
		2010		2011		2012		2013		2014		Total	
		Personnel											
		Supplies											
		Svcs. & Chgs.											
		Capital Outlay											
		Total		\$ -		\$ -		\$ -		\$ -		\$ -	
		FTEs											

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction		133,205	74,000	191,681					\$ 191,681	\$ 265,681
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:									\$ -	\$ -
Total Allocations	\$ -	\$ 133,205	\$ 74,000	\$ 191,681	\$ -	\$ -	\$ -	\$ -	\$ 191,681	\$ 265,681
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds		133,205	74,000	191,681					\$ 191,681	\$ 265,681
Proceeds from Bank Loan									\$ -	\$ -
Total Funds	\$ -	\$ 133,205	\$ 74,000	\$ 191,681	\$ -	\$ -	\$ -	\$ -	\$ 191,681	\$ 265,681

Project:		POLICE MEMORIAL PEDESTRIAN LOW BRIDGE				City Council District		Key Map:		T-0506	
Description:		Low water crossing pedestrian/bicycle bridge across the Buffalo Bayou connecting the north bank Buffalo Bayou trail system to the south bank fountains and lawns in the vicinity of the Police Memorial.				Location:		Geo. Ref.:		WBS.:	
Justification:		Allen Parkway currently acts as a barrier to the recreational amenities within the greater Police Memorial area. A low water pedestrian bridge will allow for greater usage by providing a non-vehicular pathway to the area.				Served:		Neighborhood:			
						Operating and Maintenance Costs: (\$ Thousands)					
						2010	2011	2012	2013	2014	Total
Personnel											\$ -
Supplies											\$ -
Svcs. & Chgs.											\$ -
Capital Outlay											\$ -
Total						\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FTEs											\$ -

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction									\$ -	\$ -
5 Equipment									\$ -	\$ -
6 Close-Out							448,750		\$ 448,750	\$ 448,750
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 448,750	\$ -	\$ 448,750	\$ 448,750
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds										
Proceeds from Bank Loan							448,750		\$ 448,750	\$ 448,750
Total Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 448,750	\$ -	\$ 448,750	\$ 448,750

Project:	JACKSON HILL PEDESTRIAN BRIDGE UPGRADES				City Council District		Key Map:		T-0507	
Description:	Existing pedestrian bridge requires upgrades and reconditioning to meet current pedestrian traffic counts.				Location:	H	Geo. Ref.:			
Justification:	Increased residential densities along the Eleanor Tinsley Park/Buffalo Bayou trail complex have resulted in greater numbers of pedestrian trying to access park areas. Proposed improvements will provide for pedestrian safety at key intersections.				Served:	ALL	Neighborhood:	22		
					Operating and Maintenance Costs: (\$ Thousands)					
					2010	2011	2012	2013	2014	Total
Personnel										
Supplies										
Svcs. & Chgs.										
Capital Outlay										
Total					\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FTEs										

Fiscal Year Planned Expenses									
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total
Phase									Cumulative Total (To Date)
1 Planning									\$ -
2 Acquisition									\$ -
3 Design									\$ -
4 Construction									\$ -
5 Equipment				237,187					\$ 237,187
6 Close-Out									\$ -
7 Other									\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ 237,187	\$ -	\$ -	\$ -	\$ -	\$ 237,187
Source of Funds									
TIRZ Increment Revenue									\$ 237,187
TIRZ Increment Bond Funds				237,187					\$ 237,187
Proceeds from Bank Loan									\$ -
Total Funds	\$ -	\$ -	\$ -	\$ 237,187	\$ -	\$ -	\$ -	\$ -	\$ 237,187

Project:		SPOTTS PARK HYDROLOGY PROJECT		City Council District		Key Map:		T-0508							
Description:		Currently drainage issues resulting from subterranean streams have caused excessive damage to tennis courts and create hazardous conditions for pedestrians on concrete sidewalks.		Location:		Geo. Ref.:		WBS.:							
Justification:		Hydrological features along Buffalo Bayou are naturally occurring systems. Proper design is required to reduce liability and increase functionality of recreational areas.		Served:		Neighborhood:		22							
				Operating and Maintenance Costs: (\$ Thousands)											
				2010		2011		2012		2013		2014		Total	
				Personnel											
				Supplies											
				Svcs. & Chgs.											
				Capital Outlay											
				Total		\$ -		\$ -		\$ -		\$ -		\$ -	
				FTEs											

Fiscal Year Planned Expenses											
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)	
Phase											
1 Planning									\$ -	\$ -	
2 Acquisition									\$ -	\$ -	
3 Design									\$ -	\$ -	
4 Construction		250,000	40,000	68,760					\$ 68,760	\$ 108,760	
5 Equipment									\$ -	\$ -	
6 Close-Out									\$ -	\$ -	
7 Other									\$ -	\$ -	
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -	
Total Allocations	\$ -	\$ 250,000	\$ 40,000	\$ 68,760	\$ -	\$ -	\$ -	\$ -	\$ 68,760	\$ 108,760	
Source of Funds											
TIRZ Increment Revenue											
TIRZ Increment Bond Funds		250,000	40,000	68,760							
Proceeds from Bank Loan											
Total Funds	\$ -	\$ 250,000	\$ 40,000	\$ 68,760	\$ -	\$ -	\$ -	\$ -	\$ 68,760	\$ 108,760	

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for the Gulfgate Redevelopment Authority and the FY2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Eight).

Category #

Page
1 of 1

RCA #

Agenda Item#

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

Council Districts affected:

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

DIRECTOR'S SIGNATURE:

Michelle Mitchell

For additional information contact:

Julia Gee
Andrea Roberts

Phone: (713) 837-7828
Phone: (713) 837-9076

Date and identification of prior authorizing
Council Action:
Ord.2008-0598, 6/25/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for the Gulfgate Redevelopment Authority and FY2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Eight).

Amount of Funding: No Funding Required

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☒ Other (Specify)

☐ Enterprise Fund

Finance Budget:

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY 2010 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the FY2010-2014 CIP for Gulfgate Redevelopment Authority (TIRZ Number Eight).

- Total Operating Budget for FY2010 is \$3,808,920, which includes \$332,109 for required fund transfers and \$3,476,811 for Project Costs.
- The 2010 - 2014 CIP for Zone totals \$2,050,936. The CIP includes enhancements to a pedestrian bridge over South Loop and traffic signals for two intersections. These projects will be funded entirely through grant funds.
- The FY10 Operating Budget includes \$2,050,936 for capital expenditures and \$48,875 for administration and overhead. The Zone must advise the Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser \$400,000 or 5% or more require City Council approval.

Attachments: TIRZ Profile, FY10 Operating Budget, and FY 2010-2014 CIP.

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Michelle Mitchell

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

Fund Summary
Fund Name: Gulfgate Redevelopment Authority
TIRZ: 08
Fund Number: 7556/64

P R O J E C T	Base Year:		1997
	Base Year Taxable Value:	\$	25,127,840
	Projected Taxable Value (TY2009):	\$	90,793,861
	Current Taxable Value (TY2008):	\$	88,751,579
	Acres:		296.18 acres
	Administrator (Contact):		Knudson & Associates, LLC
	Contact Number:		713-463-8200

Zone Purpose:

The Zone was created with the purpose of acquiring the Gulfgate Shopping Center for redevelopment, after which a Joint Venture Partnership was formed, in which the Houston Redevelopment Authority (HRA) has an ownership share in the Mall. The Zone was enlarged in 1999 with the purpose of facilitating the redevelopment of the surrounding areas by providing funding for utility relocation, traffic signalization & realignments, refurbishment of the Loop 610 Crosswalk and landscaping along the ROW's.

Accomplishments in FY09 (Projects Underway):

In fiscal year 2009, the Gulfgate TIRZ secured continuation of the TxDOT STEP grant through 2009. The STEP grant will provide for streetscape and pedestrian-related transportation enhancements including the renovation of a pedestrian bridge across 610S. The cost of the project totals \$2,532,000 of which 20%, or \$506,000 will be matched by the Authority. HGP expects to advance the Authority's remaining share of the costs as required under the STEP sponsorship agreement for fiscal year 2009. The Authority and the developer will continue the refurbishment of the crosswalk over 610 between Evergreen and Woodridge, including replacement of concrete, painting, safety compliance and beautification.

P R O J E C T		Cumulative Expenses		
		Total Plan	(to FY08)	Variance
P L A N	Capital Projects:			
	Property Acquisition (Original Plan)	\$ 5,250,000	\$ 5,391,214	\$ (141,214)
	Box Culvert Replacement & Realignment	2,676,930	-	2,676,930
	Right Turn Lane Additions & Traffic Signalization	759,000	100,844	658,156
	Refurbished Crosswalk & Landscaping & Irrigation	261,756	971,784	(710,028)
	Total Capital Projects			-
	Affordable Housing	\$ 8,947,686	\$ 6,463,842	\$ 2,483,844
	Education Facilities	-	-	-
	Financing Costs	15,867,163	1,606,376	14,260,787
	Administration Costs	15,161,953	4,160,354	11,001,599
	Creation Costs	-	-	-
	Total Project Plan	1,460,000	1,199,183	260,817
		\$ 41,436,802	\$ 13,429,755	\$ 28,007,047

Additional Financial Data

Additional Financial Data		FY2009 Budget	2009 Projection	FY2010 Budget
D E B T	Debt Service			
	Principal	\$ 705,000	\$ 593,909	\$ 525,000
	Interest	\$ 425,000	\$ 425,000	\$ 425,000
		\$ 280,000	\$ 168,909	\$ 100,000
	Year End Outstanding (Principal)	Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt			
	Bank Loan - Wells Fargo	\$ -	\$ -	\$ -
	Developer Agreement - HGP	\$ 4,471,185	\$ 4,046,185	\$ 3,621,185
		\$ 205,000	\$ 205,000	\$ 205,000

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

Fund Summary
Fund Name: Gulfgate Redevelopment Authority
TIRZ: 08
Fund Number: 7556/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
Total Beginning Fund Balance	\$ 1,174,725	\$ 1,816,318	\$ 1,033,009
TIRZ Revenue	\$ 1,174,725	\$ 1,816,318	\$ 1,033,009
City			
ISD	\$ 372,392	\$ 399,855	\$ 416,479
County	\$ 756,418	\$ 675,425	\$ 690,787
Community College	\$ 241,348	\$ 247,051	\$ 254,872
Total Revenues	\$ -	\$ -	\$ -
	\$ 1,370,158	\$ 1,322,331	\$ 1,362,138
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ 2,025,936	\$ -	\$ 2,025,936
Total Available Resources	\$ 188,684	\$ 218,315	\$ 27,443
Fund Transfers	\$ 4,759,503	\$ 3,356,964	\$ 4,448,526
Affordable Housing			
City of Houston			
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ 378,767	\$ 271,454	\$ 273,541
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)			
Harris County Admin	\$ 18,620	\$ 19,993	\$ 20,824
ISD Admin	\$ 12,067	\$ 12,353	\$ 12,744
Total Fund Transfers	\$ 25,000	\$ 25,000	\$ 25,000
Funds Available for Projects	\$ 434,454	\$ 328,800	\$ 332,109
Project Costs	\$ 4,325,049	\$ 3,028,164	\$ 4,116,417
Administrative Staff			
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 38,600	\$ 29,158	\$ 24,000
Accounting/ Audit	\$ 15,000	\$ 14,796	\$ 12,000
Program / Project Consulting	\$ 13,100	\$ 14,000	\$ 21,600
Administrative Operating Expense	\$ -	\$ -	\$ -
Capital Expenditures	\$ 3,275	\$ 3,275	\$ 3,275
Developer/ Project reimbursements	\$ 2,214,620	\$ 40,017	\$ 2,050,936
Debt Service	\$ -	\$ -	\$ -
Principal			
Interest	\$ 425,000	\$ 425,000	\$ 425,000
Houston Gulfgate Partners - Principal	\$ 280,000	\$ 168,909	\$ 100,000
Other debt items	\$ 1,300,000	\$ 1,300,000	\$ 840,000
Total Project Costs	\$ -	\$ -	\$ -
Total Budget	\$ 4,289,595	\$ 1,995,155	\$ 3,476,811
Resources Less Transfer and Expenses	\$ 4,724,049	\$ 2,323,955	\$ 3,808,920
Planned Ending Fund Balance:	\$ 35,454	\$ 1,033,009	\$ 639,606
Restricted Funds - Capital Projects			
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
	\$ 35,454	\$ 1,033,009	\$ 639,606

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

Fund Summary
Fund Name: Gulfgate Redevelopment Authority
TIRZ: 08
Fund Number: 7556/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ 1,174,725	\$ 1,816,318	\$ 1,033,009
	\$ 1,174,725	\$ 1,816,318	\$ 1,033,009
City tax revenue	\$ 372,392	\$ 399,855	\$ 416,479
ISD tax revenue	\$ 756,418	\$ 675,425	\$ 690,787
County tax revenue	\$ 241,348	\$ 247,051	\$ 254,872
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 1,370,158	\$ 1,322,331	\$ 1,362,138
COH TIRZ Interest Income		\$ 29,315	\$ 2,443
Other Interest Income	\$ -	\$ 29,315	\$ 2,443
Developer Advances	\$ 188,684	\$ 189,000	\$ 25,000
Developer Advances	\$ 188,684	\$ 189,000	\$ 25,000
TxDOT Grant	\$ 2,025,936	\$ -	\$ 2,025,936
Grant Proceeds	\$ 2,025,936	\$ -	\$ 2,025,936
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 4,759,503	\$ 3,356,964	\$ 4,448,526

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

Fund Summary
Fund Name: Gulfgate Redevelopment Authority
TIRZ: 08
Fund Number: 7556/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 5,600	\$ 6,500	\$ 6,500
Administration Consultant	\$ 33,000	\$ 23,558	\$ 24,000
Administration Salaries & Benefits	\$ -	\$ -	\$ -
Auditor	\$ 7,500	\$ 7,500	\$ 9,500
Developer Admin	\$ 5,600	\$ 5,600	\$ 5,600
Insurance	\$ 3,275	\$ 3,275	\$ 3,275
Office Expenses	\$ -	\$ -	\$ -
TIRZ Administration and Overhead	\$ 54,975	\$ 46,433	\$ 48,875
Legal	\$ 15,000	\$ 14,796	\$ 12,000
Construction Audit	\$ -	\$ -	\$ -
Program and Project Consultants	\$ 15,000	\$ 14,796	\$ 12,000
Management consulting services	\$ 69,975	\$ 61,229	\$ 60,875
STEP Grant Projects (Crosswalk) Local Match	\$ 2,214,620	\$ 40,017	\$ 2,050,936
Traffic Signalization	\$ -	\$ -	\$ -
TIRZ Capital Expenditures	\$ 2,214,620	\$ 40,017	\$ 2,050,936
Developer / Project Reimbursements	\$ -	\$ -	\$ -
Bond Debt Service			
Principal			
Interest			
Loan debt service			
\$5.3 MM (Sept 2007) - Principal	\$ 425,000	\$ 425,000	\$ 425,000
Interest	\$ 280,000	\$ 168,909	\$ 100,000
Houston Gulfgate Partners - Principal			
Interest	\$ 1,300,000	\$ 1,300,000	\$ 840,000
Other Debt Items			
Loan fees			
System debt service	\$ 2,005,000	\$ 1,893,909	\$ 1,365,000
TOTAL PROJECT COSTS	\$ 4,289,595	\$ 1,995,155	\$ 3,476,811
Payment/transfer to ISD - educational facilities	\$ 378,767	\$ 271,454	\$ 273,541
Administration Fees:			
City	\$ 18,620	\$ 19,993	\$ 20,824
County	\$ 12,067	\$ 12,353	\$ 12,744
ISD	\$ 25,000	\$ 25,000	\$ 25,000
Total Transfers	\$ 434,454	\$ 328,800	\$ 332,109
Total Budget	\$ 4,724,049	\$ 2,323,955	\$ 3,808,920
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 35,454	\$ 1,033,009	\$ 639,606
Total Ending Fund Balance	\$ 35,454	\$ 1,033,009	\$ 639,606
Total Budget & Ending Fund Balance	\$ 4,759,503	\$ 3,356,964	\$ 4,448,526

Notes:

Incremental property tax revenue and transfers: 2009 Projections based on payments from City and ISD, County is from TY08 HCAD values on 5/23/09
Incremental property tax revenue and transfers: 2010 Budget based on forecast derived from TY09 Preliminary HCAD values on 5/23/09

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 08 - Gulfgate Redevelopment Authority
CIP by Project

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

FY Planned Appropriations (\$ Thousands)											
Council District	CIP No.	Project	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	Cumulative Total (To Date)
I	T-0801	Gulfgate/TxDOT Pedestrian Bridge Urban Design Enhancements and Landscaping	\$ 337,221	\$ 40,017	\$ 2,050,936	\$ -	\$ -	\$ -	\$ -	2,050,936	2,428,174
I	T-0802	Traffic Signalization	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	-
Totals			337,221	40,017	2,050,936	-	-	-	-	2,050,936	2,428,174

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 08 - Gulfgate Redevelopment Authority
CIP by Sources of Funds

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Source of Funds	FY Planned Appropriations (\$ Thousands)							Culmulative Total (To-Date)
	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014
TIRZ funds								
Revenue bond proceeds	-	-	-	-	-	-	-	-
Proceeds from bank loan	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-
City of Houston	-	-	25,000	-	-	-	-	25,000
Grants	-	-	-	-	-	-	-	-
Other	337,221	40,016	2,025,936	-	-	-	-	2,403,173
Project Total	337,221	40,016	2,050,936	-	-	-	-	2,050,936
								2,428,173

Project:	Gulfgate/TxDOT Pedestrian Bridge Urban Design Enhancements and Landscaping	City Council District		Key Map:	WBS.:	T-0801	
		Location:		Geo. Ref.:			535J
Description:	Gulfgate/TxDOT funded refurbishment and major urban design enhancements to pedestrian crosswalk over Loop 610, between Evergreen and Woodridge. Includes concrete replacement, painting and beautification.	Served:		Neighborhood:			
				69			
Justification:	Pedestrian crosswalk has deteriorated and is no longer safe.	Operating and Maintenance Costs: (\$ Thousands)					
		2010	2011	2012	2013	2014	Total
		Personnel					\$
		Supplies					\$
		Svcs. & Chgs.					\$
		Capital Outlay					\$
		Total	\$	\$	\$	\$	\$
		FTEs			\$	\$	\$

Project Allocation	Fiscal Year Planned Expenses		
	Projected Expenses FY 2009	FY 2010	FY 2011

Fiscal Year Planned Expenses											
Project Allocation		Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase											
1	Planning									\$ -	\$ -
2	Acquisition									\$ -	\$ -
3	Design	337,221	188,684	40,017	25,000					\$ 25,000	\$ 402,238
4	Construction		2,025,936	-	2,025,936					\$ 2,025,936	\$ 2,025,936
5	Equipment									\$ -	\$ -
6	Close-Out									\$ -	\$ -
7	Other									\$ -	\$ -
Other Sub-Total:		-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations		\$ 337,221	\$ 2,214,620	\$ 40,017	\$ 2,050,936	\$ -	\$ -	\$ -	\$ -	\$ 2,050,936	\$ 2,428,174
Source of Funds											
TIRZ Increment Revenue											
TIRZ Increment Bond Funds											
Grant Funds - TxDOT STEP		337,221	2,025,936	40,016	2,025,936					\$ -	\$ -
Developer Advance			188,684		25,000					\$ -	\$ -
Total Funds		\$ 337,221	\$ 2,214,620	\$ 40,016	\$ 2,050,936	\$ -	\$ -	\$ -	\$ -	\$ 2,050,936	\$ 2,428,173

Page 1 of 1

CID E

Project: Traffic Signalization		City Council District	Key Map:	WBS.: T-0802					
Description:	Installation of flashing amber traffic signal at intersection of Woodridge and Gulfgate Center Drive and Woodridge and Village Way.	Location:	Geo. Ref.:	Operating and Maintenance Costs: (\$ Thousands)					
		Served:	Neighborhood:	2010	2011	2012	2013	2014	Total
Justification: Pedestrian and traffic protection at these increasingly busy intersections.	Personnel								
	Supplies								
	Svcs. & Chgs.								
	Capital Outlay								
	Total	\$	\$	\$	\$	\$	\$	\$	\$
		FTEs							

Project Allocation		Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase											
1	Planning									\$	\$
2	Acquisition									\$	\$
3	Design									\$	\$
4	Construction									\$	\$
5	Equipment									\$	\$
6	Close-Out									\$	\$
7	Other									\$	\$
Other Sub-Total:										\$	\$
Total Allocations		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Source of Funds										\$	\$
TIRZ Increment Revenue										\$	\$
TIRZ Increment Bond Funds										\$	\$
Grant Funds - TxDOT STEP Developer Advance										\$	\$
Total Funds		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

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 CIP Form A T-0002

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Approval of an ordinance to approve the Fiscal Year 2010 Operating Budget for South Post Oak Redevelopment Authority (Tax Increment Reinvestment Zone Number Nine).

Category #

Page
1 of 1

RCA #

Agenda Item#

25

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:
D

For additional information contact:

Julia Gee
Andrea Roberts

Phone: (713) 837-7828
Phone: (713) 837-9076

Date and identification of prior authorizing
Council Action:

Ord. 2008-0519, 06/11/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for South Post Oak Redevelopment Authority (Tax Increment Reinvestment Zone Number Nine).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☒ Other (Specify)

☐ Enterprise Fund

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY 2010 TIRZ budgets. The Department recommends approval of the Fiscal Year 2010 operating budget for South Post Oak Redevelopment Authority (TIRZ Number Nine).

- The total operating budget for FY2010 is \$1,105,930, which includes \$232,320 for required fund transfers and \$873,610 for project costs.
- The project expenses include \$46,010 for administration and overhead. Administration costs are budgeted to remain in line with equivalent City costs. The Redevelopment Authority Board must advise the Finance Department of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.
- The FY10 budget includes an annual reimbursement to the developer.

Attachments: TIRZ Profile and FY2010 Operating Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

Fund Summary

Fund Name: South Post Oak Redevelopment Authority
TIRZ: 09

Fund Number: 7557/64

P R O J E C T	Base Year:		1997
	Base Year Taxable Value:	\$	13,580
	Projected Taxable Value (TY2009):	\$	67,616,267
	Current Taxable Value (TY2008):	\$	52,189,476
	Acres:		262.7 acres
	Administrator (Contact):		Knudson & Associates, LLC
	Contact Number:		713-463-8200

Zone Purpose:

Creation of a master-planned community with commercial, recreational improvements and residential, of which 80% of the homes are affordable housing (homes at or below the maximum home sales price for the City's Homebuyers Assistance Program).

Accomplishments in FY09 (Projects Underway):

- In fiscal year 2009, the South Post Oak TIRZ accomplished:
- The independent senior living facility (Corinthian Village) will begin construction this year.
 - The retail center was completed and Texas Children's Pediatric Clinic opened on March 9, 2009
 - Fast food restaurant scheduled to open in late 2009 or early 2010.

P R O J E C T P L A N			Cumulative Expenses (to FY08)		
	Total Plan		Variance		
	Capital Projects:				
	Public Improvements (Utilities)	\$ 4,563,450	\$ 5,971,687	\$	(1,408,237)
	Site Improvements (Park & Landscaping)	695,742	858,090		(162,348)
	Lot Development	82,200	90,852		(8,652)
	Total Capital Projects				-
	Affordable Housing	\$ 5,341,392	\$ 6,920,629	\$	(1,579,237)
	Education Facilities	-	-		-
	Financing Costs	5,485,747	-		5,485,747
	Administration Costs	1,941,559	3,608,349		(1,666,790)
	Creation Costs	450,000	595,859		(145,859)
	Total Project Plan	332,636	385,692		(53,056)
		\$ 13,551,334	\$ 11,510,529	\$	2,040,805

Additional Financial Data

D E B T	Debt Service	FY2009 Budget	2009 Projection	FY2010 Budget
	Principal	\$ -	\$ -	\$ -
	Interest	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
	Year End Outstanding (Principal)	Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt		\$ -	\$ -
	Bank Loan		\$ -	\$ -
	Developer Agreement		\$ -	\$ -
	Other	\$ 5,708,777	\$ 5,488,777	\$ 5,268,777
			\$ -	\$ -

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

Fund Summary
Fund Name: South Post Oak Redevelopment Authority
TIRZ: 09
Fund Number: 7557/64

TIRZ Budget Line Items			
Available Resources	FY2009 Budget	2009 Projection	FY2010 Budget
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
Total Beginning Fund Balance	\$ 33,765	\$ 293,439	\$ 172,265
TIRZ Revenue	\$ 33,765	\$ 293,439	\$ 172,265
City			
ISD	\$ 366,951	\$ 303,999	\$ 407,544
County	\$ 622,273	\$ 501,967	\$ 479,319
Community College	\$ 227,066	\$ 167,129	\$ 219,358
Total Revenues	\$ 1,216,290	\$ 973,095	\$ 1,106,221
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total Available Resources	\$ 2,190	\$ 19,461	\$ 2,251
Fund Transfers	\$ 1,252,245	\$ 1,285,995	\$ 1,280,737
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ 291,931	\$ 196,643	\$ 186,943
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)	\$ -	\$ -	\$ -
Harris County Admin	\$ 18,348	\$ 15,200	\$ 20,377
ISD Admin	\$ -	\$ -	\$ -
Total Fund Transfers	\$ 25,000	\$ 25,000	\$ 25,000
Funds Available for Projects	\$ 335,279	\$ 236,843	\$ 232,320
Project Costs	\$ 916,966	\$ 1,049,152	\$ 1,048,417
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 29,914	\$ 24,159	\$ 24,000
Accounting/ Audit	\$ 7,733	\$ 7,622	\$ 7,600
Program / Project Consulting	\$ 13,071	\$ 16,469	\$ 16,500
Administrative Operating Expense	\$ -	\$ -	\$ -
Capital Expenditures	\$ 6,297	\$ 5,510	\$ 5,510
Developer/ Project reimbursements	\$ -	\$ -	\$ -
Debt Service	\$ 822,435	\$ 823,127	\$ 820,000
Principal	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ -	\$ -	\$ -
Total Budget	\$ 879,450	\$ 876,887	\$ 873,610
Resources Less Transfer and Expenses	\$ 1,214,729	\$ 1,113,730	\$ 1,105,930
Planned Ending Fund Balance:	\$ 37,516	\$ 172,265	\$ 174,807
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 37,516	\$ 172,265	\$ 174,807

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

Fund Summary
Fund Name: South Post Oak Redevelopment Authority
TIRZ: 09
Fund Number: 7557/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ 33,765	\$ 293,439	\$ 172,265
	\$ 33,765	\$ 293,439	\$ 172,265
City tax revenue	\$ 366,951	\$ 303,999	\$ 407,544
ISD tax revenue	\$ 622,273	\$ 501,967	\$ 479,319
County tax revenue	\$ 227,066	\$ 167,129	\$ 219,358
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 1,216,290	\$ 973,095	\$ 1,106,221
COH TIRZ Interest Income		\$ 18,117	\$ 1,510
Miscellaneous revenue	\$ -	\$ 18,117	\$ 1,510
Interest Income	\$ 2,190	\$ 1,344	\$ 741
Other Interest Income	\$ 2,190	\$ 1,344	\$ 741
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 1,252,245	\$ 1,285,995	\$ 1,280,737

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

Fund Summary
Fund Name: South Post Oak Redevelopment Authority
TIRZ: 09
Fund Number: 7557/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 5,200	\$ 6,000	\$ 6,000
Administration Consultant	\$ 29,914	\$ 24,159	\$ 24,000
Administration Salaries & Benefits	\$ -	\$ -	\$ -
Auditor	\$ 7,871	\$ 10,469	\$ 10,500
Financial Advisor	\$ -	\$ -	\$ -
Insurance	\$ 6,297	\$ 5,510	\$ 5,510
Office Expenses	\$ -	\$ -	\$ -
TIRZ Administration and Overhead	\$ 49,282	\$ 46,138	\$ 46,010
Engineering Consultants	\$ -	\$ -	\$ -
Legal (Vinson & Elkins)	\$ 7,733	\$ 7,622	\$ 7,600
Construction Audit	\$ -	\$ -	\$ -
Project/Program Management	\$ 7,733	\$ 7,622	\$ 7,600
Program and Project Consultants	\$ 15,466	\$ 15,242	\$ 15,200
Management consulting services	\$ 15,466	\$ 15,242	\$ 15,200
Capital Expenditures (See CIP Schedule)	\$ 57,015	\$ 53,760	\$ 53,610
TIRZ Capital Expenditures	\$ 57,015	\$ 53,760	\$ 53,610
PRCC	\$ -	\$ -	\$ -
Principal	\$ -	\$ -	\$ -
Interest	\$ 490,000	\$ 220,000	\$ 220,000
Developer / Project Reimbursements	\$ 332,435	\$ 603,127	\$ 600,000
System debt service	\$ 822,435	\$ 823,127	\$ 820,000
TOTAL PROJECT COSTS	\$ 879,450	\$ 876,887	\$ 873,610
Payment/transfer to ISD - educational facilities	\$ 291,931	\$ 196,643	\$ 186,943
Administration Fees:	\$ 18,348	\$ 15,200	\$ 20,377
City	\$ -	\$ -	\$ -
County	\$ 25,000	\$ 25,000	\$ 25,000
ISD	\$ -	\$ -	\$ -
Affordable Housing:	\$ -	\$ -	\$ -
City	\$ -	\$ -	\$ -
ISD to City of Houston	\$ -	\$ -	\$ -
Transfer to Harris County	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 335,279	\$ 236,843	\$ 232,320
Total Budget	\$ 1,214,729	\$ 1,113,730	\$ 1,105,930
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 37,516	\$ 172,265	\$ 174,807
Total Ending Fund Balance	\$ 37,516	\$ 172,265	\$ 174,807
Total Budget & Ending Fund Balance	\$ 1,252,245	\$ 1,285,995	\$ 1,280,737

Notes:

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

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

REQUEST FOR COUNCIL ACTION

Revised

R

TO: Mayor via City Secretary

RCA #

SUBJECT: Approval of an ordinance to approve the Fiscal Year 2008 Operating Budget for Greater Greenspoint Redevelopment Authority and a FY2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Eleven).

Category #

Page
1 of 1

Agenda Item#

26

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

B

For additional information contact:

Andrea Roberts
Ralph DeLeon

Phone: (713) 837-9076

Phone: (713) 837-9573

Date and identification of prior authorizing

Council Action:

Ord. 2008-0422, 5/14/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for Greater Greenspoint Redevelopment Authority and a FY2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Eleven).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund ☐ Grant Fund ☐ Enterprise Fund
☒ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY10 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget for Greater Greenspoint Redevelopment Authority (TIRZ No. 11).

- ➔ • Total Operating Budget for FY10 is \$25,978,364, which includes \$974,236 for required fund transfers and \$25,004,128 for Project Costs.
- The FY10 Operating Budget includes \$14,035,000 in capital expenditures for projects, which include acquisition and demolition of blighted apartments, site preparation for Aldine ISD Pre-K Center through agreement with Aldine ISD; Greenspoint Mall re-design, sidewalk and intersection improvements, new bus shelters, public art, and landscaping.
- The FY10 Operating Budget also includes \$222,200 for administration and overhead. The redevelopment authority has one full time employee to manage redevelopment activities of the Tax Increment Reinvestment Zone. Administration and overhead costs (staff, board insurance, legal, accounting and audits) are budgeted to remain in line with equivalent City costs for a zone undertaking redevelopment activities. The redevelopment authority must advise the Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.
- The budget includes a \$490,000 municipal service payment for FY10.

Attachments: Tax Increment Reinvestment Zone Profile, FY10 Operating Budget and FY 2010-2014 CIP

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

**CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET SUMMARY**

Fund Summary

Fund Name: Greater Greenspoint Redevelopment Autho

TIRZ: 11

Fund Number: 7559/64

Revised pg 2

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
Restricted Funds - Greenspoint Mall Redevelopment	\$ 8,000,000	\$ 8,000,000	\$ 7,992,990
Unrestricted Fund Balance	\$ 15,773,292	\$ 15,755,807	\$ 20,484,922
Total Beginning Fund Balance	\$ 26,530,764	\$ 26,513,279	\$ 31,235,384
TIRZ Revenue			
City	\$ 4,127,423	\$ 4,391,847	\$ 4,353,041
ISD	\$ 6,009,757	\$ 5,591,214	\$ 6,068,840
County	\$ 1,277,176	\$ 1,303,095	\$ 1,318,725
Community College	\$ 758,617	\$ 757,636	\$ 766,607
Total Revenues	\$ 12,172,973	\$ 12,043,792	\$ 12,507,213
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ 414,605	\$ 414,605	\$ -
Other	\$ 300,000	\$ 422,436	\$ 148,043
Total Available Resources	\$ 39,418,342	\$ 39,394,112	\$ 43,890,640
Fund Transfers			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 1,806,468	\$ 174,653	\$ 178,254
Municipal Services	\$ 350,000	\$ -	\$ 490,000
Administration Fee to General Fund			
COH Admin Fee (5%)	\$ 206,371	\$ 219,592	\$ 217,652
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 87,931	\$ 87,882	\$ 88,330
Total Fund Transfers	\$ 2,450,770	\$ 482,127	\$ 974,236
Funds Available for Projects	\$ 36,967,572	\$ 38,911,985	\$ 42,916,405
Project Costs			
Administrative Staff	\$ 168,000	\$ 167,770	\$ 174,000
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 15,000	\$ 9,130	\$ 15,000
Accounting/ Audit	\$ 18,000	\$ 19,004	\$ 19,500
Program / Project Consulting	\$ 10,000	\$ 5,000	\$ 35,000
Administrative Operating Expense	\$ 28,700	\$ 23,533	\$ 3,700
Capital Expenditures	\$ 10,795,000	\$ 3,458,915	\$ 14,035,000
Developer/ Project reimbursements	\$ 10,852,660	\$ 2,415,967	\$ 9,142,990
Debt Service			
Principal	\$ 765,000	\$ 765,000	\$ 805,000
Interest	\$ 812,281	\$ 812,281	\$ 773,938
Other debt items	\$ 80,000	\$ -	\$ -
Total Project Costs	\$ 23,544,641	\$ 7,676,600	\$ 25,004,128
Total Budget	\$ 25,995,411	\$ 8,158,728	\$ 25,978,364
Resources Less Transfer and Expenses	\$ 13,422,931	\$ 31,235,384	\$ 17,912,277
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Aldine ISD	\$ -	\$ -	\$ 4,623,830
Restricted Funds - Lone Star ISD	\$ -	\$ -	\$ 364,139
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
Restricted Funds - Greenspoint Mall Redevelopment	\$ 1,852,340	\$ 7,992,990	\$ -
Unrestricted Fund Balance	\$ 8,813,119	\$ 20,484,922	\$ 10,166,837

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

Fund Summary

Fund Name: Greater Greenspoint Redevelopment Authc

TIRZ: 11

Fund Number: 7559/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
Restricted Funds - Greenspoint Mall Redevelopment	\$ 8,000,000	\$ 8,000,000	\$ 7,992,990
Unrestricted Fund Balance	\$ 15,773,292	\$ 15,755,807	\$ 18,543,292
Total Beginning Fund Balance	\$ 26,530,764	\$ 26,513,279	\$ 29,293,754
TIRZ Revenue			
City	\$ 4,127,423	\$ 4,391,847	\$ 4,353,041
ISD	\$ 6,009,757	\$ 5,591,214	\$ 6,068,840
County	\$ 1,277,176	\$ 1,303,095	\$ 1,318,725
Community College	\$ 758,617	\$ 757,636	\$ 766,607
Total Revenues	\$ 12,172,973	\$ 12,043,792	\$ 12,507,213
Bond Proceeds			
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ 414,605	\$ 414,605	\$ -
Other	\$ 300,000	\$ 422,436	\$ 148,043
Total Available Resources	\$ 39,418,342	\$ 39,394,112	\$ 41,949,010
Fund Transfers			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 1,806,468	\$ 1,863,738	\$ 2,022,947
Municipal Services	\$ 350,000	\$ -	\$ 490,000
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)	\$ 206,371	\$ 219,592	\$ 217,652
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 87,931	\$ 87,882	\$ 88,330
Total Fund Transfers	\$ 2,450,770	\$ 2,171,212	\$ 2,818,929
Funds Available for Projects	\$ 36,967,572	\$ 37,222,900	\$ 39,130,081
Project Costs			
Administrative Staff	\$ 168,000	\$ 167,770	\$ 174,000
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 15,000	\$ 9,130	\$ 15,000
Accounting/ Audit	\$ 18,000	\$ 19,004	\$ 19,500
Program / Project Consulting	\$ 10,000	\$ 5,000	\$ 35,000
Administrative Operating Expense	\$ 28,700	\$ 23,533	\$ 3,700
Capital Expenditures	\$ 10,795,000	\$ 3,458,915	\$ 14,035,000
Developer/ Project reimbursements	\$ 10,852,660	\$ 2,415,967	\$ 9,142,990
Debt Service			
Principal	\$ 765,000	\$ 765,000	\$ 805,000
Interest	\$ 812,281	\$ 812,281	\$ 773,938
Other debt items	\$ 80,000	\$ -	\$ -
Total Project Costs	\$ 23,544,641	\$ 7,676,600	\$ 25,004,128
Total Budget	\$ 25,995,411	\$ 9,847,813	\$ 27,823,057
Resources Less Transfer and Expenses	\$ 13,422,931	\$ 29,546,299	\$ 14,125,953
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Aldine ISD	\$ -	\$ -	\$ 4,008,932
Restricted Funds - Lone Star ISD	\$ -	\$ -	\$ 236,371
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
Restricted Funds - Greenspoint Mall Redevelopment	\$ 1,852,340	\$ 7,992,990	\$ -
Unrestricted Fund Balance	\$ 8,813,119	\$ 18,795,837	\$ 7,123,178

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

Fund Summary

Fund Name: Greater Greenspoint Redevelopment Authority

TIRZ: 11

Fund Number: 7559/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
RESTRICTED Funds - Greenspoint Mall Redevelopment	\$ 8,000,000	\$ 8,000,000	\$ 7,992,990
UNRESTRICTED Funds	\$ 15,773,292	\$ 15,755,807	\$ 18,543,292
Beginning Fund Balance	\$ 26,530,764	\$ 26,513,279	\$ 29,293,754
City tax revenue	\$ 4,127,423	\$ 4,391,847	\$ 4,353,041
Aldine ISD tax revenue	\$ 6,009,757	\$ 5,067,256	\$ 5,534,079
Spring ISD tax revenue	\$ -	\$ 523,958	\$ 534,761
County tax revenue	\$ 1,277,176	\$ 1,303,095	\$ 1,318,725
Community College tax revenue	\$ 758,617	\$ 757,636	\$ 766,607
Incremental property tax revenue	\$ 12,172,973	\$ 12,043,792	\$ 12,507,213
COH Interest Income	\$ -	\$ 127,659	\$ 10,638
Miscellaneous revenue	\$ -	\$ 127,659	\$ 10,638
Interest Income	\$ 300,000	\$ 294,777	\$ 137,405
Other Interest Income	\$ 300,000	\$ 294,777	\$ 137,405
Developer Advances	\$ -	\$ -	\$ -
TxDOT Matching Grant Proceeds	\$ 414,605	\$ 414,605	
Grant Proceeds	\$ 414,605	\$ 414,605	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 39,418,342	\$ 39,394,112	\$ 41,949,010

**CITY OF HOUSTON
DEPARTMENT OF FINANCE
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET DETAIL**

Fund Summary

Fund Name: **Greater Greenspoint Redevelopment Authority**

TIRZ: **11**

Fund Number: **7559/64**

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TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Payment/transfer to ISD - educational facilities	\$ 1,806,468	\$ 174,653	\$ 178,254
Payment/transfer to Lone Star College - educational fac.		\$ -	\$ -
Administration Fees:			
City	\$ 206,371	\$ 219,592	\$ 217,652
County			\$ -
ISD			
Aldine ISD	\$ 25,000	\$ 25,000	\$ 25,000
Spring ISD	\$ 25,000	\$ 25,000	\$ 25,000
Community College	\$ 37,931	\$ 37,882	\$ 38,330
Affordable Housing:			
City			
ISD to City of Houston			
Transfer to Harris County			
Municipal Services (Payable to COH)	\$ 350,000	\$ -	\$ 490,000
Total Transfers	\$ 2,450,770	\$ 482,127	\$ 974,236
Total Budget	\$ 25,995,411	\$ 8,158,728	\$ 25,978,364
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Aldine ISD	\$ -	\$ -	\$ 4,623,830
RESTRICTED Funds - Lone Star	\$ -	\$ -	\$ 364,139
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
RESTRICTED Funds - Greenspoint Mall Redevelopment	\$ 1,852,340	\$ 7,992,990	\$ -
UNRESTRICTED Funds	\$ 8,813,119	\$ 20,484,922	\$ 10,166,837
Total Ending Fund Balance	\$ 13,422,931	\$ 31,235,384	\$ 17,912,277
Total Budget & Ending Fund Balance	\$ 39,418,342	\$ 39,394,112	\$ 43,890,640

Notes:

Incremental property tax revenue & transfers: FY09 Projection City & ISD based on Tax Year 2008 actuals; County and HCC 5-23-09 HCAD revenues

Incremental property tax revenue & transfers: FY10 Projection based on 5-23-09 HCAD revenues; with TIRZ growth projections

The calculation of ISD Revenues and Transfers was based on the TY05 Tax Rate due to House Bill #1. However, ISD has been paying based on their current tax rate.

Due to the ISD Education Set-Aside, the net increment received by the TIRZ is the same under either Tax Rate.

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

Fund Summary
Fund Name: Greater Greenspoint Redevelopment Authority
TIRZ: 11
Fund Number: 7559/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Payment/transfer to ISD - educational facilities	\$ 1,806,468	\$ 1,863,738	\$ 2,022,947
Payment/transfer to Lone Star College - educational fac.		\$ 252,545	\$ 255,536
Administration Fees:			
City	\$ 206,371	\$ 219,592	\$ 217,652
County			\$ -
ISD			
Aldine ISD	\$ 25,000	\$ 25,000	\$ 25,000
Spring ISD	\$ 25,000	\$ 25,000	\$ 25,000
Community College	\$ 37,931	\$ 37,882	\$ 38,330
Affordable Housing:			
City			
ISD to City of Houston			
Transfer to Harris County			
Municipal Services (Payable to COH)	\$ 350,000	\$ -	\$ 490,000
Total Transfers	\$ 2,450,770	\$ 2,423,758	\$ 3,074,464
Total Budget	\$ 25,995,411	\$ 10,100,358	\$ 28,078,592
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Aldine ISD	\$ -	\$ -	\$ 4,008,932
RESTRICTED Funds - Lone Star	\$ -	\$ -	\$ 236,371
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ 2,757,472	\$ 2,757,472	\$ 2,757,472
RESTRICTED Funds - Greenspoint Mall Redevelopment	\$ 1,852,340	\$ 7,992,990	\$ -
UNRESTRICTED Funds	\$ 8,813,119	\$ 18,543,292	\$ 6,867,643
Total Ending Fund Balance	\$ 13,422,931	\$ 29,293,754	\$ 13,870,417
Total Budget & Ending Fund Balance	\$ 39,418,342	\$ 39,141,567	\$ 41,693,474

Notes:
Incremental property tax revenue & transfers: FY09 Projection City & ISD based on Tax Year 2008 actuals; County and HCC 5-23-09 HCAD revenues
Incremental property tax revenue & transfers: FY10 Projection based on 5-23-09 HCAD revenues; with TIRZ growth projections
The calculation of ISD Revenues and Transfers was based on the TY05 Tax Rate due to House Bill #1. However, ISD has been paying based on their current tax rate.
Due to the ISD Education Set-Aside, the net increment received by the TIRZ is the same under either Tax Rate.

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 11 - Gtr Greenspoint Redevelopment Authority
CIP by Project

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Council District		CIP No.	Project	FY Planned Appropriations (\$ Thousands)										Cumulative Total (To Date)
				Through 2009	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014			
B	T-1101	I-45 Beltway 8 Underpass Erosion Control & Lighting		\$ 7,400	\$ 724,004	\$ -	\$ -	\$ -	\$ -	\$ -	-	731,404		
B	T-1103	Greenspoint Area Streetscape Improvements		\$ 441,150	\$ 208,316	\$ 1,110,000	\$ -	\$ 300,000	\$ 300,000	\$ -	1,710,000	2,359,466		
B	T-1104	Buckboard Park		\$ 958,000	\$ 854,040	\$ -	\$ -	\$ -	\$ -	\$ -	-	1,812,040		
O	T-1105	Arline Corridor Streetscape and Sidewalk		\$ 305,350	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	305,350		
B	T-1106	Greenspoint Drive Improvements		\$ 465,000	\$ 1,051,522	\$ 8,115,000	\$ -	\$ -	\$ -	\$ -	8,115,000	9,631,522		
B	T-1107	Greenspoint Drive Bridge		\$ 1,115,000	\$ 621,033	\$ -	\$ -	\$ -	\$ -	\$ -	-	1,736,033		
B	T-1108	Benmar Park		\$ -	\$ -	\$ 540,000	\$ -	\$ -	\$ -	\$ -	540,000	540,000		
B	T-1109	Spring Workforce Housing Project		\$ 14,081	\$ -	\$ 100,000	\$ 900,000	\$ 900,000	\$ 900,000	\$ 900,000	3,700,000	3,714,081		
B	T-1110	Land Acquisition		\$ 2,585,000	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000	\$ 1,500,000	3,000,000	5,585,000		
B	T-1111	Fire Station No. 84		\$ -	\$ -	\$ 900,000	\$ 4,323,000	\$ 1,000,000	\$ -	\$ -	6,223,000	6,223,000		
B	T-1112	Airline Drive Improvements and Intersecting Street Im		\$ -	\$ -	\$ 792,000	\$ 3,000,000	\$ 3,750,000	\$ -	\$ -	7,542,000	7,542,000		
B	T-1113	Langwick Seniors Park		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 810,000	\$ -	810,000	810,000		
B	T-1114	Ella Park		\$ -	\$ -	\$ 55,000	\$ 255,000	\$ -	\$ -	\$ -	310,000	310,000		
B	T-1115	Gears Fitness Park		\$ -	\$ -	\$ 48,000	\$ -	\$ 460,000	\$ -	\$ -	508,000	508,000		
B	T-1116	HCFCD Multi-Purpose Detention/Athletic Facility		\$ -	\$ -	\$ 525,000	\$ 1,420,000	\$ 4,980,000	\$ 263,000	\$ 1,380,000	8,568,000	8,568,000		
B	T-1117	Fallbrook/Northgate Affordable Housing Project		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	-		
B	T-1118	Greens Parkway Street & Drainage Impvmnts		\$ -	\$ -	\$ 425,000	\$ -	\$ 3,300,000	\$ -	\$ 2,200,000	5,925,000	5,925,000		
B	T-1119	Spring Skate Park and Recreational Area		\$ -	\$ -	\$ 1,425,000	\$ 4,000,000	\$ -	\$ -	\$ -	5,425,000	5,425,000		
B	T-1120	Bradfield Park and Greens Bayou Parks		\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000	\$ 325,000	375,000	375,000		
Totals				5,890,981	3,458,915	14,035,000	13,898,000	14,690,000	3,823,000	6,305,000	52,751,000	62,100,896		

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 11 - Gtr Greenspoint Redevelopment Authority
CIP by Sources of Funds

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Source of Funds	FY Planned Appropriations (\$ Thousands)								Cumulative Total (To Date)
	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	
TIRZ No. 11									
TIRZ funds									
Revenue bond proceeds	1,116,481	3,269,390	14,035,000	13,898,000	14,690,000	3,823,000	6,305,000	52,751,000	57,136,871
Proceeds from bank loan	4,289,500	189,525	-	-	-	-	-	-	4,479,025
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-	-
City of Houston	485,000	-	-	-	-	-	-	-	485,000
Grants	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
Project Total	5,890,981	3,458,915	14,035,000	13,898,000	14,690,000	3,823,000	6,305,000	52,751,000	62,100,896

Project: I-45 Beltway 8 Underpass Erosion Control & Lighting		City Council District		Key Map: 372		WBS.: T-1101															
Description: I-45 & Beltway 8 Erosion Control & Lighting with matching grant from TxDOT		Location: B		Geo. Ref.:																	
		Served: B		Neighborhood: 2																	
Justification: TxDOT to provide \$414,605 in matching funds. Project includes terraced sodding pavers, low-rise walls, crushed concrete, artwork, and lighting to curtail erosion and brighten up area.		Operating and Maintenance Costs: (\$ Thousands)																			
		2010		2011		2012		2013		2014		Total									
		Personnel																			
		Supplies																			
		Svcs. & Chgs.																			
		Capital Outlay																			
Total		\$ -		\$ -		\$ -		\$ -		\$ -											
FTEs																					
Fiscal Year Planned Expenses																					
Project Allocation		Projected Expenses thru 6/30/08		2009 Budget		2009 Estimate		2010		2011		2012		2013		2014		FY10 - FY14 Total		Cumulative Total (To Date)	
1 Planning																				\$ -	
2 Acquisition																				\$ -	
3 Design						14,319														\$ -	
4 Construction				940,000		665,997														\$ 14,319	
5 Equipment																				\$ 665,997	
6 Close-Out																				\$ -	
7 Other		7,400		25,000		43,688														\$ -	
Other Sub-Total:		7,400		25,000		43,688														\$ 51,088	
Total Allocations		\$ 7,400		\$ 965,000		\$ 724,004		\$ -		\$ -		\$ -		\$ -		\$ -				\$ 51,088	
Source of Funds																					
TIRZ Increment Revenue		7,400		550,395		715,676														\$ 723,076	
TIRZ Increment Bond Funds				414,605		8,328														\$ 8,328	
Grant Funds																				\$ -	
Developer Reimbursement																				\$ -	
Total Funds		\$ 7,400		\$ 965,000		\$ 724,004		\$ -		\$ -		\$ -		\$ -		\$ -				\$ 731,404	

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Project: Buckboard Park		City Council District		Key Map: 372 Z	WBS.: T-1104	
		Location: B	Geo. Ref.:			
		Served: B	Neighborhood: 2			
Operating and Maintenance Costs: (\$ Thousands)						
Description: 5.2 acre passive park on Buckboard at Imperial Valley. 1.6 acres is currently owned by the Greater Greenspoint Management District, adjacent 3.6 acre parcel is to be acquired by TIRZ. Greater Greenspoint Management District to maintain.	2010	2011	2012	2013	2014	Total
	Personnel					\$ -
	Supplies					\$ -
	Svcs. & Chgs.					\$ -
	Capital Outlay					\$ -
	Total	\$ -	\$ -	\$ -	\$ -	\$ -
	FTEs					\$ -
Justification: Park is planned for parents and young children, waiting for older siblings to be released from adjacent Black Elementary School. Also adjacent to large residential areas.						

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning										\$ -
2 Acquisition										\$ -
3 Design	60,000		3,682							\$ -
4 Construction	733,000		681,105							\$ 63,682
5 Equipment	100,000		112,138							\$ 1,414,105
6 Close-Out										\$ 212,138
7 Other	65,000		57,115							\$ -
										\$ 122,115
Other Sub-Total:	65,000	-	57,115	-	-	-	-	-	-	\$ -
Total Allocations	\$ 958,000	\$ -	\$ 854,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,812,040
Source of Funds										
TIRZ Increment Revenue			676,849							\$ -
TIRZ Increment Bond Funds	958,000		177,191							\$ 676,849
Grant Funds										\$ -
Developer Reimbursement										\$ 1,135,191
Total Funds	\$ 958,000	\$ -	\$ 854,040	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
										\$ 1,812,040

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Project:		Greenspoint Drive Improvements		City Council District		Key Map:		WBS.:		T-1106					
				Location: B		Geo. Ref.:									
				Served: B		Neighborhood: 2									
Description:		Complete reconstruction of Greenspoint Drive between Gears Road and Sam Houston Parkway; improve sidewalks; crosswalks; intersection improvements, underground utilities and traffic control.		Operating and Maintenance Costs: (\$ Thousands)											
				2010		2011		2012		2013		2014		Total	
				Personnel										\$ -	
				Supplies										\$ -	
				Svcs. & Chgs.										\$ -	
				Capital Outlay										\$ -	
				Total		\$ -		\$ -		\$ -		\$ -		\$ -	
				FTEs										\$ -	
Justification:		Alignment with pending improvements and facilitate access to Greenspoint Mall as part of the ongoing redevelopment effort at that location.													

[illegible]

Source of Funds									
IRZ Increment Revenue	630,000								
IRZ Increment Bond Funds		621,033							
Grant Funds									
Developer Reimbursement	485,000								
Total Funds	\$ 1,115,000	\$ -	\$ 621,033	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,736,033

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Project:	Benmar Park		City Council District	Key Map:		372, 412		WBS.:		T-1108	
Description:	Acquisition of land (with flooding problems) adjacent to Benmar Bridge for use as a local park. Greater Greenspoint Management District to maintain.		Location:	Geo. Ref.:							
Justification:	Preserves existing wooded open/space and provides park land for area employees.		Served:	Neighborhood:							
			Operating and Maintenance Costs: (\$ Thousands)								
			2010	2011	2012	2013	2014	Total			
Personnel											
Supplies											
Svcs. & Chgs.											
Capital Outlay											
Total			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -			
FTEs											

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction				50,000					\$ 50,000	\$ 50,000
5 Equipment				435,000					\$ 435,000	\$ 435,000
6 Close-Out				25,000					\$ 25,000	\$ 25,000
7 Other				30,000					\$ -	\$ -
									\$ 30,000	\$ 30,000
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
Other Sub-Total:				30,000					\$ -	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ 540,000	\$ -	\$ -	\$ -	\$ -	\$ 540,000	\$ 540,000
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds				540,000					\$ 540,000	\$ 540,000
Grant Funds									\$ -	\$ -
Developer Reimbursement									\$ -	\$ -
Total Funds	\$ -	\$ -	\$ -	\$ 540,000	\$ -	\$ -	\$ -	\$ -	\$ 540,000	\$ 540,000

Project:		Spring Workforce Housing Project		City Council District	Key Map:	372, 412	WBS.:	T-1109
		Location:	B	Geo. Ref.:				
		Served:	B	Neighborhood:	2			
Description:	Acquisition of a 15 acre parcel of land with an abandoned tire dump - for use in construction of a major area park. Surrounding area is suitable for single-family residential, once remediation occurs.							
Justification:	Provides a much needed park and entices residential development in an abandoned area.							
		Operating and Maintenance Costs: (\$ Thousands)						
		2010	2011	2012	2013	2014	Total	
Personnel							\$ -	
Supplies							\$ -	
Svcs. & Chgs.							\$ -	
Capital Outlay							\$ -	
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
FTEs							\$ -	

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning	14,081								\$ -	\$ 14,081
2 Acquisition		100,000		100,000					\$ 100,000	\$ 100,000
3 Design		250,000			250,000				\$ 250,000	\$ 250,000
4 Construction		400,000			400,000				\$ 400,000	\$ 400,000
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other		250,000			250,000	900,000	900,000	900,000	\$ 2,950,000	\$ 2,950,000
Other Sub-Total:	-	250,000	-	-	250,000	900,000	900,000	900,000	\$ 2,950,000	\$ 2,950,000
Total Allocations	\$ 14,081	\$ 350,000	\$ -	\$ 100,000	\$ 900,000	\$ 900,000	\$ 900,000	\$ 900,000	\$ 3,700,000	\$ 3,714,081
Source of Funds										
TIRZ Increment Revenue	14,081	350,000								
TIRZ Increment Bond Funds				100,000	900,000	900,000	900,000	900,000	\$ 3,700,000	\$ 3,714,081
Grant Funds									\$ -	\$ -
Developer Reimbursement									\$ -	\$ -
Total Funds	\$ 14,081	\$ 350,000	\$ -	\$ 100,000	\$ 900,000	\$ 900,000	\$ 900,000	\$ 900,000	\$ 3,700,000	\$ 3,714,081

Project:		Land Acquisition		City Council District		Key Map:		372.412		WBS.:		T-1110	
				Location:		Geo. Ref.:							
				Served:		Neighborhood:		2					

Project:	Fire Station No. 84	City Council District	Key Map:	372.412	WBS.:	T-1111
Description:	Previously a 3 bay station to be constructed on Ella, a proposed 4 bay station to be constructed on Gears Road at Greens Parkway.	Location:	B	Geo. Ref.:		
Justification:	Continued expansion of commercial develops has rendered the proposed 3 bay station obsolete prior to its construction, thus a 4 bay station will be constructed with assistance from the TIRZ. Site acquisition also funded with TIRZ funds.	Served:	B	Neighborhood:	2	
Operating and Maintenance Costs: (\$ Thousands)						
		2010	2011	2012	2013	2014
	Personnel					
	Supplies					
	Svcs. & Chgs.					
	Capital Outlay					
	Total	\$ -	\$ -	\$ -	\$ -	\$ -
	FTEs					

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design				900,000					\$ 900,000	\$ 900,000
4 Construction						1,000,000			\$ 1,000,000	\$ 1,000,000
5 Equipment					4,323,000				\$ 4,323,000	\$ 4,323,000
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ 900,000	\$ 4,323,000	\$ 1,000,000	\$ -	\$ -	\$ 6,223,000	\$ 6,223,000
Source of Funds										
TIRZ Increment Revenue				900,000	4,323,000	1,000,000	-	-	\$ 6,223,000	\$ 6,223,000
TIRZ Increment Bond Funds									\$ -	\$ -
Grant Funds									\$ -	\$ -
Developer Reimbursement									\$ -	\$ -
Total Funds	\$ -	\$ -	\$ -	\$ 900,000	\$ 4,323,000	\$ 1,000,000	\$ -	\$ -	\$ 6,223,000	\$ 6,223,000

Project: Airline Drive Improvements and Intersecting Street		City Council District		Key Map:		372.412		WBS.:		T-1112		
Description: Preliminary engineering for improvements to Airline Drive between Aldine Bender and West Road. Work effort consists of a partnership with PWE.		Location: B		Geo. Ref.:								
		Served: B		Neighborhood: 2								
Justification: Project was identified through a neighborhood planning process with P&PD. Project consists of a reconstructed and beautified Airline Drive.		Operating and Maintenance Costs: (\$ Thousands)										
		2010		2011		2012		2013		2014		Total
		Personnel										\$
		Supplies										\$
		Svcs. & Chgs.										\$
		Capital Outlay										\$
		Total		\$		-		\$		-		\$
		FTEs										\$
Fiscal Year Planned Expenses												
Project Allocation		Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)	
Phase												
1	Planning									\$	\$	
2	Acquisition									\$	\$	
3	Design									\$	\$	
4	Construction				750,000					\$ 750,000	\$ 750,000	
5	Equipment					3,000,000	3,750,000			\$ 6,750,000	\$ 6,750,000	
6	Close-Out									\$	\$	
7	Other				42,000					\$	\$	
Other Sub-Total:			-	-	42,000	-	-	-	-	\$ 42,000	\$ 42,000	
Total Allocations		\$	-	\$	\$ 792,000	\$ 3,000,000	\$ 3,750,000	\$	-	\$ 7,542,000	\$ 7,542,000	
Source of Funds												
TIRZ Increment Revenue					792,000	3,000,000	3,750,000	-	-	\$ 7,542,000	\$ 7,542,000	
TIRZ Increment Bond Funds										\$	\$	
Grant Funds										\$	\$	
Developer Reimbursement										\$	\$	
Total Funds		\$	-	\$	\$ 792,000	\$ 3,000,000	\$ 3,750,000	\$	-	\$ 7,542,000	\$ 7,542,000	

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Project:	Langwick Seniors Park	City Council District		Key Map:	372, 412	WBS.:	T-1113		
		Location:	B	Geo. Ref.:					
Description:	Public park designed for Seniors. 3 acres adjacent to a proposed Seniors Apartment Complex. Developer has agreed to donate the acreage for a public park.	Served:	B	Neighborhood:	2				
		Operating and Maintenance Costs: (\$ Thousands)							
Justification:	Treed area suitable for a park. Park will be themed for older area residents. The park will be relatively passive; benches, walking paths, lighting, tables, etc.		2010	2011	2012	2013	2014	Total	
		Personnel							\$ -
		Supplies							\$ -
		Svcs. & Chgs.							\$ -
		Capital Outlay							\$ -
		Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	FTEs							\$ -	

Project:		Ella Park		City Council District		Key Map:		372, 412		WBS.:		T-1114	
Description:		Public park on approximately one acre to be donated by City Parks Department for development for public use.		Location:		B		Geo. Ref.:		2			
Justification:		Land is surrounded by several offices and business parks. This is planned as a public park geared towards area employees. Park will include small plaza areas with benches and walking paths		Served:		B		Neighborhood:		2			
				Operating and Maintenance Costs: (\$ Thousands)									
				2010		2011		2012		2013		2014	
				Personnel									
				Supplies									
				Svcs. & Chgs.									
				Capital Outlay									
				Total		\$ - \$		\$ - \$		\$ - \$		\$ - \$	
				FTEs									

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design				45,000					\$ 45,000	\$ 45,000
4 Construction					200,000				\$ 200,000	\$ 200,000
5 Equipment					25,000				\$ 25,000	\$ 25,000
6 Close-Out									\$ -	\$ -
7 Other				10,000	30,000				\$ 40,000	\$ 40,000
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
Other Sub-Total:	-	-	-	10,000	30,000	-	-	-	\$ 40,000	\$ 40,000
Total Allocations	\$ -	\$ -	\$ -	\$ 55,000	\$ 255,000	\$ -	\$ -	\$ -	\$ 310,000	\$ 310,000
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds				55,000	255,000				\$ 310,000	\$ 310,000
Grant Funds									\$ -	\$ -
Developer Reimbursement									\$ -	\$ -
Total Funds	\$ -	\$ -	\$ -	\$ 55,000	\$ 255,000	\$ -	\$ -	\$ -	\$ 310,000	\$ 310,000

Project:		Gears Fitness Park		City Council District	Key Map:	372, 412	WBS.:	T-1115
Description:		Park to be geared towards exercise and may be part of a proposed public safety center to be constructed on 10 acres of TIRZ owned land. The park is anticipated to be approx. 3 acres. Greater Greenspoint Management District will maintain.		Location:	B	Geo. Ref.:		
Justification:		The park will be an asset to the area employees, residents and potentially to firefighters and police officers.		Served:	B	Neighborhood:	2	
				Operating and Maintenance Costs: (\$ Thousands)				
				2010	2011	2012	2013	2014
Personnel								
Supplies								
Svcs. & Chgs.								
Capital Outlay								
Total				\$ -	\$ -	\$ -	\$ -	\$ -
FTEs								

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction				48,000					\$ 48,000	\$ 48,000
5 Equipment						350,000			\$ 350,000	\$ 350,000
6 Close-Out						80,000			\$ 80,000	\$ 80,000
7 Other						30,000			\$ 30,000	\$ 30,000
Other Sub-Total:									\$ -	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ 48,000	\$ -	\$ 460,000	\$ -	\$ -	\$ 508,000	\$ 508,000
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds				48,000		460,000			\$ 508,000	\$ 508,000
Grant Funds									\$ -	\$ -
Developer Reimbursement									\$ -	\$ -
Total Funds	\$ -	\$ -	\$ -	\$ 48,000	\$ -	\$ 460,000	\$ -	\$ -	\$ 508,000	\$ 508,000

Project:	HCFCF Multi-Purpose Detention/Athletic Facility		City Council District		Key Map:	372, 412		WBS.:		T-1116
Description:	16 Soccer Fields and associated park improvements to be constructed on Harris County Flood Control District Property planned as a detention area located N of Greens Bayou and adj. TIRZ 11. This would be an eco/devo grant.		Location:	B	Geo. Ref.:			Neighborhood:		2
			Served:	B						
Justification:	16 fields qualify the site for national and international soccer tournaments positively impacting Greenspoint Mall (walking distance from the site) and area hotels.		Operating and Maintenance Costs: (\$ Thousands)							
				2010	2011	2012	2013	2014	Total	
		Personnel								\$ -
		Supplies								\$ -
		Svcs. & Chgs.								\$ -
		Capital Outlay								\$ -
		Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
		FTEs								\$ -

Fiscal Year Planned Expenses

Project Allocation		Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase											
1	Planning										
2	Acquisition										
3	Design				500,000		3,300,000			\$ 3,300,000	\$ 3,300,000
4	Construction							250,000		\$ 750,000	\$ 750,000
5	Equipment					1,300,000	1,000,000		1,000,000	\$ 3,300,000	\$ 3,300,000
6	Close-Out						500,000		200,000	\$ 700,000	\$ 700,000
7	Other				25,000	120,000	180,000	13,000	180,000	\$ 518,000	\$ 518,000
Other Sub-Total:					25,000	120,000	180,000	13,000	180,000	\$ 518,000	\$ 518,000
Total Allocations		\$	-	\$	\$ 525,000	\$ 1,420,000	\$ 4,980,000	\$ 263,000	\$ 1,380,000	\$ 8,568,000	\$ 8,568,000
Source of Funds											
TIRZ Increment Revenue											
TIRZ Increment Bond Funds					525,000	1,420,000	4,980,000	263,000	1,380,000	\$ 8,568,000	\$ 8,568,000
Grant Funds										\$	\$
Developer Reimbursement										\$	\$
Total Funds		\$	-	\$	\$ 525,000	\$ 1,420,000	\$ 4,980,000	\$ 263,000	\$ 1,380,000	\$ 8,568,000	\$ 8,568,000

Project:	Fallbrook/Northgate Affordable Housing Project		City Council District	Key Map:	372.412	WBS.:	T-1117
Description:	The development and implementation of a affordable/workforce housing initiative including acquisition and construction.		Location:	B	Geo. Ref.:		
Justification:	The development of workforce housing within the boundaries of the Zone is a key priority of the TIRZ.		Served:	B	Neighborhood:	2	
Operating and Maintenance Costs: (\$ Thousands)							
			2010	2011	2012	2013	2014
	Personnel						
	Supplies						
	Svcs. & Chgs.						
	Capital Outlay						
	Total	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	FTEs						

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction									\$ -	\$ -
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds									\$ -	\$ -
Grant Funds									\$ -	\$ -
Developer Reimbursement									\$ -	\$ -
Total Funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Project: Greens Parkway Street & Drainage Impvmnts		City Council District		Key Map:		WBS.:		T-1118	
Description:		Location: B		Geo. Ref.:					
Justification:		Served: B		Neighborhood:					
Operating and Maintenance Costs: (\$ Thousands)									
		2010		2011		2012		2013	
Personnel									
Supplies									
Svcs. & Chgs.									
Capital Outlay									
Total		\$ -		\$ -		\$ -		\$ -	
FTEs									
Fiscal Year Planned Expenses									
Project Allocation		2010		2011		2012		2013	
Phase		2009 Estimate		2009 Budget		Projected Expenses thru 6/30/08		2014	
1 Planning									
2 Acquisition									
3 Design									
4 Construction		400,000				3,000,000		2,000,000	
5 Equipment									
6 Close-Out									
7 Other		25,000				300,000		200,000	
Other Sub-Total:		25,000		-		300,000		200,000	
Total Allocations		\$ 425,000		\$ -		\$ 3,300,000		\$ 2,200,000	
Source of Funds									
TIRZ Increment Revenue									
TIRZ Increment Bond Funds		425,000		-		3,300,000		2,200,000	
Grant Funds									
Total Funds		\$ 425,000		\$ -		\$ 3,300,000		\$ 2,200,000	

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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

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

Category #

Page
1 of 1

Agenda Item#

27

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

A - B

For additional information contact:

Julia Gee
Andrea Roberts

Phone: (713) 837-7828

Phone: (713) 837-9076

Date and identification of prior authorizing Council Action:

Ord. 2008-0571, 06/25/08

RECOMMENDATION: (Summary)

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

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify)

SPECIFIC EXPLANATION:

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

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

Attachments: TIRZ Profile and FY10 Operating Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

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

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

N A R R A T I V E	Zone Purpose:
	The purpose of the zone is to advance a mixed use development project by providing a funding mechanism for the construction of a major thoroughfare called East T.C. Jester Boulevard, reconstruction of the 18th Street and 20th Street intersection, reconstruction of Bevis Street, park facilities, and a portion of the City of Houston hike and bike trail.
	Accomplishments in FY09 (Projects Underway):
	In fiscal year 2009, the City Park TIRZ accomplished:
	• The TIRZ made its annual developer reimbursement payment.

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

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

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

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

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 105,914	\$ 415,803	\$ 292,151
Total Beginning Fund Balance	\$ 405,914	\$ 415,803	\$ 292,151
TIRZ Revenue			
City	\$ 246,558	\$ 229,092	\$ 261,577
ISD	\$ 568,874	\$ 403,203	\$ 403,203
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 815,432	\$ 632,294	\$ 664,780
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ 7,588	\$ 1,888
Total Available Resources	\$ 1,221,346	\$ 1,055,685	\$ 958,819
Fund Transfers			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 344,134	\$ 188,139	\$ 180,111
Municipal Services	\$ -	\$ -	\$ -
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)	\$ 12,328	\$ 11,455	\$ 13,079
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 25,000	\$ 25,000	\$ 25,000
Total Fund Transfers	\$ 381,462	\$ 224,594	\$ 218,190
Funds Available for Projects	\$ 839,884	\$ 831,092	\$ 740,629
Project Costs			
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ 2,000	\$ 3,454	\$ 3,000
Legal	\$ 3,000	\$ 3,340	\$ 3,000
Accounting/ Audit	\$ 6,000	\$ 10,600	\$ 10,600
Program / Project Consulting	\$ -	\$ -	\$ -
Administrative Operating Expense	\$ 300	\$ 2,174	\$ 2,200
Capital Expenditures	\$ -	\$ -	\$ -
Developer/ Project reimbursements	\$ 220,000	\$ 220,000	\$ 220,000
Debt Service			
Principal	\$ 260,690	\$ 260,690	\$ 272,994
Interest	\$ 38,683	\$ 38,683	\$ 26,379
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ 530,673	\$ 538,941	\$ 538,173
Total Budget	\$ 912,135	\$ 763,535	\$ 756,363
Resources Less Transfer and Expenses	\$ 309,211	\$ 292,151	\$ 202,456
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 309,211	\$ 292,151	\$ 202,456

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

Fund Summary

Fund Name: City Park Redevelopment Authority

TIRZ: 12

Fund Number: 7560/64

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

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

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

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

Notes:

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for Old Sixth Ward Redevelopment Authority and FY 2010 – FY 2014 CIP Budget (Tax Increment Reinvestment Zone Number Thirteen).

Category #

Page
1 of 1

Agenda Item#

28

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date
JUN 30 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:
H

Michelle Mitchell

For additional information contact:

Ralph DeLeon
Andrea Roberts

Phone: (713) 837-9573
Phone: (713) 837-9076

Date and identification of prior authorizing Council Action:
Ord. 2008-0572, 06/25/08

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for Old Sixth Ward Redevelopment Authority and the 2010 - 2014 CIP Budget (Tax Increment Reinvestment Zone Number Thirteen).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund ☐ Grant Fund ☐ Enterprise Fund
☒ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY10 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the FY2010-2014 CIP for the Old Sixth Ward Redevelopment Authority (TIRZ Number Thirteen).

- The total operating budget for FY10 is \$3,516,774, which includes \$493,025 for required fund transfers and \$3,023,749 for Project Costs.
- The 2010 – 2014 CIP for Old Sixth Ward Redevelopment Authority totals \$3,228,538. The majority of these expenditures are on infrastructure projects including sanitary sewer rehabilitation, historically compatible signage and sidewalk improvements, and streetlights.
- The FY10 operating budget includes \$2,065,812 for capital expenditures and \$22,228 for administration and overhead. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.

Attachments: TIRZ Profile, FY10 Operating Budget, and FY 2010-2014 CIP Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

Fund Summary

Fund Name: Old Sixth Ward Redevelopment Authority
TIRZ: 13
Fund Number: 7561/64

P R O F I L E	Base Year:	1998
	Base Year Taxable Value:	\$ 34,345,500
	Projected Taxable Value (TY2009):	\$ 143,478,979
	Current Taxable Value (TY2008):	\$ 139,839,342
	Acres:	151.18
	Administrator (Contact):	Claude Anello/City of Houston
	Contact Number:	713-837-9573

N A R R A T I V E	Zone Purpose:
	To provide funding for new basic infrastructure (water, sewer, storm drainage, streets, sidewalks, streetlights, curbs); purchase historically important structures and parkland; pursue regulations to protect existing historically important structures located within designated historic areas.
	Accomplishments in FY09 (Projects Underway):
	In fiscal year 2009, the Old Sixth Ward TIRZ accomplished:
	<ul style="list-style-type: none"> Retained Edminster Hinshaw and Russ as Zone Engineer for FY09-FY13 CIP Projects Initiated installation of Phase 1 of the decorative street light project. Completed design development, fabricated prototype, and initiated installation of historic concrete street marker project. Completed survey and data analysis for sanitary substitute service program. Completed preliminary design and submitted 80% plans to PWE for comment. Anticipated bid date - Fall of calendar year 2009. Retained Gensler Architects to develop historically compatible subdivision entry monument signage. Completed surveys and initiated preliminary design of concrete and historically compatible brick sidewalks throughout the neighborhood.

P R O J E C T		Cumulative Expenses		
		Total Plan	(to FY08)	Variance
	Capital Projects:			
	Streets, Water, Sewer, Drainage, Sidewalks, Curbs	\$ 2,640,000	\$ 23,875	\$ 2,616,125
	Environmental Testing/ Fill Removal	100,000		100,000
	Washington Avenue Improvement	650,000		650,000
	Neighborhood Street Signs and Street Lights	22,000		22,000
	Neighborhood Parks	134,000		134,000
	Historic Properties Improvements	1,000,000	1,013,867	(13,867)
	Total Capital Projects	\$ 4,546,000	\$ 1,037,742	\$ 3,508,258
P L A N	Affordable Housing	6,865,965	1,004,015	5,861,950
	Education Facilities	4,426,691	743,230	3,683,461
	Financing Costs	-	202,486	(202,486)
	Administration Costs	500,000	295,631	204,369
	Creation Costs	60,000		60,000
	Total Project Plan	\$ 16,398,656	\$ 3,283,104	\$ 13,115,552

D E B T	Additional Financial Data		FY2009 Budget	2009 Projection	FY2010 Budget
	Debt Service				
	Principal		\$ 678,164	\$ 134,263	\$ 615,049
	Interest		\$ 663,222	\$ 96,001	\$ 615,049
			\$ 14,942	\$ 38,262	\$ -
	Year End Outstanding (Principal)		Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt			\$ -	\$ -
	Bank Loan		\$ 663,222	\$ 605,483	\$ 2,742,840
	Developer Agreement			\$ -	\$ -
	Other			\$ -	\$ 2,742,840

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

Fund Summary
Fund Name: Old Sixth Ward Redevelopment Authority
TIRZ: 13
Fund Number: 7561/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 944,861	\$ 962,455	\$ 894,646
Total Beginning Fund Balance	\$ 944,861	\$ 962,455	\$ 894,646
TIRZ Revenue			
City	\$ 466,682	\$ 636,417	\$ 644,111
ISD	\$ 357,096	\$ 267,791	\$ 257,295
County	\$ 161,665	\$ 158,746	\$ -
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 985,443	\$ 1,062,954	\$ 901,406
Bond Proceeds	\$ 3,050,000	\$ -	\$ 3,050,000
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ 14,000	\$ 32,767	\$ 5,256
Total Available Resources	\$ 4,994,304	\$ 2,058,176	\$ 4,851,308
Fund Transfers			
Affordable Housing			
City of Houston	\$ 155,561	\$ 212,139	\$ 214,704
ISD Increment to Houston	\$ 119,032	\$ 89,264	\$ 85,765
Harris County	\$ 53,888	\$ 52,915	\$ -
ISD Education Set-Aside	\$ 167,527	\$ 105,060	\$ 100,350
Municipal Services	\$ -	\$ -	\$ 35,000
Administration Fee to General Fund	\$ 23,334	\$ 31,821	\$ 32,206
COH Admin Fee (5%)	\$ 8,084	\$ 7,937	\$ -
Harris County Admin	\$ 25,000	\$ 25,000	\$ 25,000
ISD Admin	\$ 552,425	\$ 524,136	\$ 493,025
Total Fund Transfers	\$ 552,425	\$ 524,136	\$ 493,025
Funds Available for Projects	\$ 4,441,879	\$ 1,534,041	\$ 4,358,283
Project Costs			
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ 8,640	\$ 8,237	\$ 9,000
Legal	\$ 23,500	\$ 3,481	\$ 13,500
Accounting/ Audit	\$ 20,100	\$ 18,081	\$ 11,800
Program / Project Consulting	\$ 16,200	\$ 615	\$ -
Administrative Operating Expense	\$ 1,600	\$ 1,428	\$ 1,428
Capital Expenditures	\$ 1,364,726	\$ 473,290	\$ 2,065,812
Developer/ Project reimbursements	\$ -	\$ -	\$ -
Debt Service			
Principal	\$ 663,222	\$ 96,001	\$ 615,049
Interest	\$ 14,942	\$ 38,262	\$ -
Other debt items	\$ -	\$ -	\$ 307,160
Total Project Costs	\$ 2,112,930	\$ 639,395	\$ 3,023,749
Total Budget	\$ 2,665,355	\$ 1,163,531	\$ 3,516,774
Resources Less Transfer and Expenses	\$ 2,328,949	\$ 894,646	\$ 1,334,533
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 2,328,949	\$ 894,646	\$ 1,334,533

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

Fund Summary
Fund Name: Old Sixth Ward Redevelopment Authority
TIRZ: 13
Fund Number: 7561/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ 944,861	\$ 962,455	\$ 894,646
	\$ 944,861	\$ 962,455	\$ 894,646
City tax revenue	\$ 466,682	\$ 636,417	\$ 644,111
ISD tax revenue	\$ 357,096	\$ 267,791	\$ 257,295
County tax revenue	\$ 161,665	\$ 158,746	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 985,443	\$ 1,062,954	\$ 901,406
COH TIRZ Interest		\$ 16,911	\$ 1,409
Miscellaneous revenue	\$ -	\$ 16,911	\$ 1,409
Interest Income	\$ 14,000	\$ 15,856	\$ 3,847
Other Interest Income	\$ 14,000	\$ 15,856	\$ 3,847
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
	\$ 3,050,000	\$ -	\$ 3,050,000
Debt Issuance	\$ 3,050,000	\$ -	\$ 3,050,000
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 4,994,304	\$ 2,058,176	\$ 4,851,308

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

Fund Summary
Fund Name: Old Sixth Ward Redevelopment Authority
TIRZ: 13
Fund Number: 7561/64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 14,600	\$ 12,281	\$ 6,000
Administration Consultant	\$ 8,640	\$ 8,237	\$ 9,000
Administration Salaries & Benefits	\$ -	\$ -	\$ -
Auditor	\$ 5,500	\$ 5,800	\$ 5,800
Insurance	\$ 1,600	\$ 1,354	\$ 1,354
Office Expenses	\$ -	\$ 74	\$ 74
TIRZ Administration and Overhead	\$ 30,340	\$ 27,746	\$ 22,228
Engineering Consultants	\$ 16,200	\$ 615	\$ -
Legal	\$ 20,000	\$ 3,481	\$ 10,000
Program Consultant	\$ 3,500	\$ -	\$ 3,500
Program and Project Consultants	\$ 39,700	\$ 4,096	\$ 13,500
Management consulting services	\$ 70,040	\$ 31,842	\$ 35,728
Capital Expenditures (See CIP Schedule)	\$ 1,364,726	\$ 473,290	\$ 2,065,812
TIRZ Capital Expenditures	\$ 1,364,726	\$ 473,290	\$ 2,065,812
Historic Façade Preservation Grant Program			
Developer / Project Reimbursements	\$ -	\$ -	\$ -
Bond Debt Service			
Principal - Infrastructure	\$ -		
Interest - Infrastructure	\$ -		
Loan debt service			
Principal	\$ 663,222	\$ 96,001	\$ 615,049
Interest	\$ 14,942	\$ 38,262	\$ -
CO Debt Service	\$ -	\$ -	\$ 307,160
Other Debt Items			
Line of Credit Repayment	\$ -		
Loan fees			
System debt service	\$ 678,164	\$ 134,263	\$ 922,209
TOTAL PROJECT COSTS	\$ 2,112,930	\$ 639,395	\$ 3,023,749
Payment/transfer to ISD - educational facilities	\$ 167,527	\$ 105,060	\$ 100,350
Administration Fees:			
City	\$ 23,334	\$ 31,821	\$ 32,206
County	\$ 8,084	\$ 7,937	\$ -
ISD	\$ 25,000	\$ 25,000	\$ 25,000
Affordable Housing:			
City	\$ 155,561	\$ 212,139	\$ 214,704
ISD to City of Houston	\$ 119,032	\$ 89,264	\$ 85,765
Transfer to Harris County	\$ 53,888	\$ 52,915	\$ -
Municipal Services (Payable to COH)	\$ -	\$ -	\$ 35,000
Total Transfers	\$ 552,425	\$ 524,136	\$ 493,025
Total Budget	\$ 2,665,355	\$ 1,163,531	\$ 3,516,774
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 2,328,949	\$ 894,646	\$ 1,334,533
Total Ending Fund Balance	\$ 2,328,949	\$ 894,646	\$ 1,334,533
Total Budget & Ending Fund Balance	\$ 4,994,304	\$ 2,058,176	\$ 4,851,308

Notes:

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

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

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 13 - Old Sixth Ward Redevelopment Authority
CIP by Project

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Economic Development Division

Council District		CIP No.	Project	FY Planned Appropriations (\$ Thousands)								
				Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	Cumulative Total (To Date)
H	T-1301	Entry Monumentation	\$ -	\$ 10,650	\$ 172,350	\$ -	\$ -	\$ -	\$ -	\$ -	172,350	183,000
H	T-1302	Street Lights	\$ -	\$ 101,650	\$ 95,000	\$ 90,000	\$ -	\$ -	\$ -	\$ -	185,000	286,650
H	T-1303	Concrete Street Markers/Street Signs	\$ -	\$ 59,000	\$ 45,000	\$ 45,000	\$ -	\$ -	\$ -	\$ -	90,000	149,000
H	T-1304	Sanitary Sewer Rehabilitation/Substitute Service Prog	\$ -	\$ 218,230	\$ 1,165,534	\$ 691,882	\$ -	\$ -	\$ -	\$ -	1,857,416	2,075,646
H	T-1306	Sidewalk Improvements	\$ -	\$ 83,760	\$ 587,928	\$ 335,844	\$ -	\$ -	\$ -	\$ -	923,772	1,007,532
Totals			-	473,290	2,065,812	1,162,726	-	-	-	-	3,228,538	3,701,828

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 13 - Old Sixth Ward Redevelopment Authority
CIP by Sources of Funds

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Source of Funds	FY Planned Appropriations (\$ Thousands)							Cumulative Total (To Date)
	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014
TIRZ No. 13								
TIRZ funds	-	473,290	2,065,812	1,162,726	-	-	-	3,228,538
Revenue bond proceeds	-	-	-	-	-	-	-	3,701,828
Proceeds from bank loan	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-
City of Houston	-	-	-	-	-	-	-	-
Grants	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-
Project Total	-	473,290	2,065,812	1,162,726	-	-	-	3,228,538
								3,701,828

Project:

Entry Monumentation

City Council District

Key Map:

Location:

H

Geo. Ref.:

Served:

H

Neighborhood:

22

WBS.:

T-1301

Description:

Entry Monumentation consisting of steel pole construction with sign blade message boards will be fabricated and installed at primary vehicular entry points into the Historic Old Sixth Ward.

Justification:

Preservation and protection of the Historic Old Sixth Ward was the primary component in the creation of TIRZ #13. Entry signs will assist in this initiative through branding of the neighborhood.

Operating and Maintenance Costs: (\$ Thousands)

	2010	2011	2012	2013	2014	Total
Personnel						
Supplies						
Svcs. & Chgs.						
Capital Outlay						
Total	\$	\$	\$	\$	\$	\$
FTEs						

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning		17,000	10,650	6,350					6,350	\$ 17,000
2 Acquisition										\$
3 Design		22,000							22,000	\$ 22,000
4 Construction		144,000							144,000	\$ 144,000
5 Equipment										\$
6 Close-Out										\$
7 Other										\$
Other Sub-Total:	-	-	-	-	-	-	-	-	-	\$
Total Allocations	\$	\$ 183,000	\$ 10,650	\$ 172,350	\$	\$	\$	\$	\$ 172,350	\$ 183,000
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds		183,000	10,650	172,350					172,350	\$ 183,000
Grant Funds										\$
Total Funds	\$	\$ 183,000	\$ 10,650	\$ 172,350	\$	\$	\$	\$	\$ 172,350	\$ 183,000

City of Houston

TIRZ Program

Project:	Street Lights	City Council District	Key Map:	WBS.:	T-1302
Description:	Installation of bracket mount historic street lights on existing wood poles. Phase 1 consists of installation at the blocks surrounding the Dow School. Project includes relocation and removal of existing/surplus wood utility poles.	Location:	Geo. Ref.:		
Justification:	Existing conditions consist of sporadically placed street lights. Intent is to bring area up to code thus making the neighborhood safer for pedestrians and vehicles.	Served:	Neighborhood:	22	
		Operating and Maintenance Costs: (\$ Thousands)			
		2010	2011	2012	2013
	Personnel				
	Supplies				
	Svcs. & Chgs.				
	Capital Outlay				
	Total	\$ -	\$ -	\$ -	\$ -
	FTEs				

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$ -	\$ -
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction		95,000	101,650	95,000	90,000				185,000	286,650
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ -	\$ 95,000	\$ 101,650	\$ 95,000	\$ 90,000	\$ -	\$ -	\$ -	\$ 185,000	\$ 286,650
Source of Funds										
TIRZ Increment Revenue		95,000	101,650	95,000	90,000	-	-	-	185,000	286,650
TIRZ Increment Bond Funds									\$ -	\$ -
Grant Funds									\$ -	\$ -
Total Funds	\$ -	\$ 95,000	\$ 101,650	\$ 95,000	\$ 90,000	\$ -	\$ -	\$ -	\$ 185,000	\$ 286,650

Project:	Concrete Street Markers/Street Signs		City Council District	Key Map:	WBS.:	T-1303
Description:	Replacement, restoration, and rehabilitation of historic concrete pole type street signs.		Location: H	Geo. Ref.: 22		
Justification:	Historic Preservation is one of the primary and fundamental reasons TIRZ No. 13 was created. Restoration of the existing streetscape will enhance and reinforce the historic character of the neighborhood.		Served: H	Neighborhood: 22		
			Operating and Maintenance Costs: (\$ Thousands)			
			2010	2011	2012	2013
			Personnel			
			Supplies			
			Svcs. & Chrgs.			
			Capital Outlay			
			Total	\$ -	\$ -	\$ -
			FTEs			
			Total			

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning		10,000	10,000						\$ -	\$ 10,000
2 Acquisition									\$ -	\$ -
3 Design		15,000	15,000						\$ -	\$ 15,000
4 Construction		34,000	34,000	45,000	45,000				\$ 90,000	\$ 124,000
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -
Total Allocations	\$ -	\$ 59,000	\$ 59,000	\$ 45,000	\$ 45,000	\$ -	\$ -	\$ -	\$ 90,000	\$ 149,000
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds		59,000	59,000	45,000	45,000				\$ 90,000	\$ 149,000
Grant Funds									\$ -	\$ -
Total Funds	\$ -	\$ 59,000	\$ 59,000	\$ 45,000	\$ 45,000	\$ -	\$ -	\$ -	\$ 90,000	\$ 149,000

Project:	Sanitary Sewer Rehabilitation/Substitute Service		City Council District	Key Map:	WBS.:	T-1304
Description:	Rerouting of multiple service lines with a single sewer tap into a system consisting of one sanitary sewer service tap per residence.		Location: H	Geo. Ref.: H		
Justification:	Currently as many of 5 homes share collective sanitary sewer connections. This phenomenon is found throughout the neighborhood. This condition is inconsistent with current PWE codes and policies.		Served: H	Neighborhood: 22		
			Operating and Maintenance Costs: (\$ Thousands)			
			2010	2011	2012	2013
			Personnel			
			Supplies			
			Svcs. & Chgs.			
			Capital Outlay			
			Total	\$ -	\$ -	\$ -
			FTEs			

Fiscal Year Planned Expenses									
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	Cumulative Total (To Date)
Phase									
1 Planning		10,000	3,154	16,847	10,000				\$ 26,847
2 Acquisition									\$ -
3 Design		54,000	17,032	90,901	54,000				\$ 144,901
4 Construction		627,882	198,043	1,057,786	627,882				\$ 1,685,668
5 Equipment									\$ -
6 Close-Out									\$ -
7 Other									\$ -
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -
Total Allocations	\$ -	\$ 691,882	\$ 218,230	\$ 1,165,534	\$ 691,882	\$ -	\$ -	\$ -	\$ 1,857,416
Source of Funds									
TIRZ Increment Revenue									
TIRZ Increment Bond Funds		691,882	218,230	1,165,534	691,882				\$ 1,857,416
Grant Funds									\$ -
Total Funds	\$ -	\$ 691,882	\$ 218,230	\$ 1,165,534	\$ 691,882	\$ -	\$ -	\$ -	\$ 1,857,416
									\$ 2,075,646

Project:	Sidewalk Improvements		City Council District		Key Map:		WBS.:		T-1306	
Description:	Construction and reconstruction of concrete and brick sidewalks on neighborhood streets.		Location:	H	Geo. Ref.:					
Justification:	Restoration of existing historic brick sidewalks, reconstruction and new construction of concrete sidewalks will enhance the quality of life of area residents.		Served:	H	Neighborhood:	22				
			Operating and Maintenance Costs: (\$ Thousands)							
			2010	2011	2012	2013	2014	Total		
Personnel										\$
Supplies										\$
Svcs. & Chgs.										\$
Capital Outlay										\$
Total			\$	-	\$	-	\$	-	\$	\$
FTEs										\$

Fiscal Year Planned Expenses

Project Allocation	Phase	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY10 - FY14 Total	Cumulative Total (To Date)
1 Planning											
2 Acquisition											
3 Design											
4 Construction			335,844	83,760	587,928	335,844				923,772	1,007,532
5 Equipment											
6 Close-Out											
7 Other											
Other Sub-Total:		-	-	-	-	-	-	-	-	-	-
Total Allocations		\$ -	\$ 335,844	\$ 83,760	\$ 587,928	\$ 335,844	\$ -	\$ -	\$ -	\$ 923,772	\$ 1,007,532
Source of Funds											
TIRZ Increment Revenue											
TIRZ Increment Bond Funds			335,844	83,760	587,928	335,844	-	-	-	923,772	1,007,532
Grant Funds											
Total Funds		\$ -	\$ 335,844	\$ 83,760	\$ 587,928	\$ 335,844	\$ -	\$ -	\$ -	\$ 923,772	\$ 1,007,532

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Approval of an ordinance to approve the Fiscal Year 2010 Operating Budget for the Fourth Ward Redevelopment Authority and the FY2010-FY2014 CIP Budget for Tax Increment Reinvestment Zone Number Fourteen (Fourth Ward Zone).

Category #

Page
1 of 1

RCA #

Agenda Item#

29

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:
D, I

For additional information contact:

Ralph DeLeon
Andrea Roberts

Phone: (713) 837-9573
Phone: (713) 837-9076

Date and identification of prior authorizing
Council Action:
Ord. 2009-0213, 3/11/09

RECOMMENDATION: (Summary)

City Council to approve Fiscal Year 2010 Operating Budget for the Fourth Ward Redevelopment Authority and the FY2010-FY2014 CIP Budget (Tax Increment Reinvestment Zone Number Fourteen)

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY10 TIRZ budgets. The Finance Department recommends approval of the FY10 Operating Budget and the approval of the 2010-2014 CIP for Tax Increment Reinvestment Zone Number Fourteen (Fourth Ward).

- Total Operating Budget for FY10 is \$11,544,529, which includes \$2,190,829 for required fund transfers and \$9,353,700 for Project Costs.
- The 2010-2014 CIP for the Zone totals \$17,245,000. The CIP includes provisions for land acquisition and design of Bethel Missionary Baptist Church, implementation of the Fourth Ward Affordable Housing Program, and various historic preservation projects.
- The FY10 Operating budget includes \$8,065,000 for capital expenditures and \$183,700 for administration and overhead. The Zone must advise the Director of any budget amendments. Adjustments to the Project Cost in the budget of the lesser of \$400,000 or 5% or more require City Council Approval.
- The budget includes a municipal services payment in FY10 of \$315,000 to pay the General Fund for the incremental cost of providing services to the area.

Attachments: TIRZ Profile, FY10 Operating Budget, and FY 2010-2014 CIP Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Fund Summary
Fund Name: **Fourth Ward Redevelopment Authority**
TIRZ: **14**
Fund Number: **7562/64**

N A R R A T I V E	Zone Purpose:
	To facilitate the revitalization of the Historic Fourth Ward from a blighted and deteriorating neighborhood into a viable residential community with supporting commercial development. The Project Plan includes historic preservation and enhancement of historical corridors; facilitating the development of low income/affordable and market rate housing units; creation of public open spaces and infrastructure improvements.
	Accomplishments in FY09
	Goals anticipated to be accomplished in FY10 include:
	<ul style="list-style-type: none"> Installation of Phase 1 - decorative street light project Environmental remediation, design and construction of San Felipe, West Webster, and Wiley Parks. Completion of the Gregory School Project Land acquisition, engineering and design of Bethel Baptist Missionary Church Preliminary design and engineering of Crosby Street, Gillette Street, and Phase 1 Fourth Ward Street Reconstruction Projects including Ruthven, Robin, Buckner, Cleveland, Saulnier, Victor, Mathews, Genese, Webster, Cook, and Sutton. Development and implementation of Fourth Ward Affordable Housing Program via the repositioning of (8) parcels currently owned by the FWRA into affordable housing units.

D E B T	Additional Financial Data		FY2009 Budget	FY2009 Projection	FY2010 Budget
	Debt Service		\$ -	\$ -	\$ -
	Principal		\$ -	\$ -	\$ -
	Interest		\$ -	\$ -	\$ -
	Year End Outstanding (Principal)		Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt			\$ -	\$ -
	Bank Loan			\$ -	\$ -
	Developer Agreement		\$ 1,000,000	\$ -	\$ 1,000,000
	Other			\$ -	\$ -
				\$ -	\$ -

**CITY OF HOUSTON
FINANCE DEPARTMENT
ECONOMIC DEVELOPMENT DIVISION
FISCAL YEAR 2010 BUDGET SUMMARY**

Fund Summary
Fund Name: **Fourth Ward Redevelopment Authority**
TIRZ: **14**
Fund Number: **7562/64**

TIRZ Budget Line Items	FY2009 Budget	FY2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 3,911,288	\$ 4,551,837	\$ 13,655,991
Total Beginning Fund Balance	\$ 3,911,288	\$ 4,551,837	\$ 13,655,991
TIRZ Revenue			
City	\$ 1,454,334	\$ 1,608,686	\$ 1,537,155
ISD	\$ 1,831,356	\$ 1,887,848	\$ 1,892,380
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 3,285,690	\$ 3,496,534	\$ 3,429,535
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ 15,114,437	\$ 15,157,105	\$ 62,277
Total Available Resources	\$ 22,311,415	\$ 23,205,476	\$ 17,147,803
Fund Transfers			
Affordable Housing			
City of Houston	\$ 407,318	\$ 536,229	\$ 512,385
ISD Increment to Houston	\$ 512,912	\$ 629,283	\$ 630,793
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ 610,452	\$ 631,521	\$ 630,793
Municipal Services	\$ 225,000	\$ 225,000	\$ 315,000
Administration Fee to General Fund	\$ 72,717	\$ 80,434	\$ 76,858
COH Admin Fee (5%)	\$ -	\$ -	\$ -
Harris County Admin	\$ -	\$ -	\$ -
ISD Admin	\$ 25,000	\$ 25,000	\$ 25,000
Total Fund Transfers	\$ 1,853,399	\$ 2,127,466	\$ 2,190,829
Funds Available for Projects	\$ 20,458,016	\$ 21,078,009	\$ 14,956,974
Project Costs			
Administrative Staff	\$ 112,000	\$ 96,125	\$ 122,000
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 15,000	\$ 27,339	\$ 90,000
Accounting/ Audit	\$ 15,700	\$ 14,975	\$ 15,700
Program / Project Consulting	\$ 90,000	\$ 85,500	\$ 15,000
Administrative Operating Expense	\$ 29,935	\$ 38,954	\$ 46,000
Capital Expenditures	\$ 7,055,000	\$ 6,712,000	\$ 8,065,000
Developer/ Project reimbursements	\$ 1,000,000	\$ -	\$ 1,000,000
Debt Service	\$ -	\$ -	\$ -
Principal	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -
Other debt items	\$ 447,125	\$ 447,125	\$ -
Total Project Costs	\$ 8,764,760	\$ 7,422,018	\$ 9,353,700
Total Budget	\$ 10,618,159	\$ 9,549,484	\$ 11,544,529
Resources Less Transfer and Expenses	\$ 11,693,256	\$ 13,655,991	\$ 5,603,274
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 11,693,256	\$ 13,655,991	\$ 5,603,274

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

Fund Summary
 Fund Name: Fourth Ward Redevelopment Authority
 TIRZ: 14
 Fund Number: 7562/64

TIRZ Budget Line Items	FY2009 Budget	FY2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects		\$ -	\$ -
RESTRICTED Funds - Affordable Housing		\$ -	\$ -
RESTRICTED Funds - Bond Debt Service		\$ -	\$ -
UNRESTRICTED Funds	\$ 3,911,288	\$ 4,551,837	\$ 13,655,991
Beginning Fund Balance	\$ 3,911,288	\$ 4,551,837	\$ 13,655,991
City tax revenue	\$ 1,454,334	\$ 1,608,686	\$ 1,537,155
ISD tax revenue	\$ 1,831,356	\$ 1,887,848	\$ 1,892,380
County tax revenue			
Community College tax revenue			
Incremental property tax revenue	\$ 3,285,690	\$ 3,496,534	\$ 3,429,535
COH TIRZ Interest		\$ 42,668	\$ 3,556
Special Prepayment of Increment (Federal Reserve Bank)	\$ 15,000,000	\$ 15,000,000	
Miscellaneous revenue	\$ 15,000,000	\$ 15,042,668	\$ 3,556
Interest Income	\$ 114,437	\$ 114,437	\$ 58,721
Other Interest Income	\$ 114,437	\$ 114,437	\$ 58,721
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 22,311,415	\$ 23,205,476	\$ 17,147,803
EXPENSES			
Accounting	\$ 8,000	\$ 7,200	\$ 8,000
Administration Consultant		\$ -	
Administration Salaries & Benefits	\$ 112,000	\$ 96,125	\$ 122,000
Auditor	\$ 7,700	\$ 7,775	\$ 7,700
Insurance	\$ 6,000	\$ 6,000	\$ 6,000
Office Expenses	\$ 21,935	\$ 30,954	\$ 38,000
Property Account Management	\$ 2,000	\$ 2,000	\$ 2,000
TIRZ Administration and Overhead	\$ 157,635	\$ 150,054	\$ 183,700
Construction Audit			
Engineering Consultants			
Legal	\$ 15,000	\$ 27,339	\$ 15,000
Project/Program Management	\$ 90,000	\$ 85,500	\$ 15,000
HGAC Planning and Feasibility Study for Livable Centers	\$ -	\$ -	\$ 75,000
Program and Project Consultants	\$ 105,000	\$ 112,839	\$ 105,000
Management consulting services	\$ 262,635	\$ 262,893	\$ 288,700
Capital Expenditures (See CIP Schedule)	\$ 7,055,000	\$ 6,712,000	\$ 8,065,000
TIRZ Capital Expenditures	\$ 7,055,000	\$ 6,712,000	\$ 8,065,000
Camden	\$ 1,000,000	\$ -	\$ 1,000,000
Developer / Project Reimbursements	\$ 1,000,000	\$ -	\$ 1,000,000
Bond Debt Service			
Principal - Infrastructure			
Interest - Infrastructure			
Loan debt service			
Principal			
Interest			
Other Debt Items			
FRB Offset (TY08 revenue to be paid via appropriation)	\$ 447,125	\$ 447,125	
System debt service	\$ 447,125	\$ 447,125	\$ -
TOTAL PROJECT COSTS	\$ 8,764,760	\$ 7,422,018	\$ 9,353,700

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

Fund Summary
Fund Name: **Fourth Ward Redevelopment Authority**
TIRZ: **14**
Fund Number: **7562/64**

TIRZ Budget Line Items	FY2009 Budget	FY2009 Projection	FY2010 Budget
Payment/transfer to ISD - educational facilities	\$ 610,452	\$ 631,521	\$ 630,793
Administration Fees:			
City	\$ 72,717	\$ 80,434	\$ 76,858
County			
ISD	\$ 25,000	\$ 25,000	\$ 25,000
Affordable Housing:			
City	\$ 407,318	\$ 536,229	\$ 512,385
ISD to City of Houston	\$ 512,912	\$ 629,283	\$ 630,793
Transfer to Harris County			
Municipal Services (Payable to COH)	\$ 225,000	\$ 225,000	\$ 315,000
Total Transfers	\$ 1,853,399	\$ 2,127,466	\$ 2,190,829
Total Budget	\$ 10,618,159	\$ 9,549,484	\$ 11,544,529
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 11,693,256	\$ 13,655,991	\$ 5,603,274
Total Ending Fund Balance	\$ 11,693,256	\$ 13,655,991	\$ 5,603,274
Total Budget & Ending Fund Balance	\$ 22,311,415	\$ 23,205,476	\$ 17,147,803

Notes:

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

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

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 14 - Fourth Ward Redevelopment Authority
CIP by Project

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Council District	CIP No.	Project	FY Planned Appropriations (\$ Thousands)							Total 2010-2014	Cumulative Total (To Date)
			Through 2008	Projected 2009	2010	2011	2012	2013	2014		
D, I	T-1401	Decorative Street Light Project	\$ -	\$ 110,000	\$ 150,000	\$ -	\$ -	\$ -	\$ -	150,000	260,000
D, I	T-1402	West Webster Park	\$ 150,000	\$ 680,000	\$ -	\$ -	\$ -	\$ -	\$ -	-	830,000
D, I	T-1403	Gillette Street	\$ -	\$ 100,000	\$ 1,700,000	\$ -	\$ -	\$ -	\$ -	1,700,000	1,800,000
D, I	T-1404	San Felipe Park	\$ -	\$ 1,000,000	\$ 2,072,000	\$ -	\$ -	\$ -	\$ -	2,072,000	3,072,000
D, I	T-1405	Wiley Park	\$ -	\$ 560,000	\$ -	\$ -	\$ -	\$ -	\$ -	-	560,000
D, I	T-1406	Gregory School	\$ -	\$ 3,357,000	\$ 143,000	\$ -	\$ -	\$ -	\$ -	143,000	3,500,000
D, I	T-1407	Historic Preservation	\$ -	\$ -	\$ 250,000	\$ 250,000	\$ 250,000	\$ -	\$ -	750,000	750,000
D, I	T-1408	Crosby Street Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 280,000	280,000	280,000
D, I	T-1409	Fourth Ward Street Reconstruction Project	\$ -	\$ 280,000	\$ 3,000,000	\$ 2,500,000	\$ 2,000,000	\$ 1,500,000	\$ 750,000	9,750,000	10,030,000
D, I	T-1410	Bethel Missionary Baptist Church Preservation	\$ -	\$ 400,000	\$ 250,000	\$ 1,150,000	\$ -	\$ -	\$ -	1,400,000	1,800,000
D, I	T-1411	Affordable Housing	\$ -	\$ 225,000	\$ 500,000	\$ 500,000	\$ -	\$ -	\$ -	1,000,000	1,225,000
Totals			150,000	6,712,000	8,065,000	4,400,000	2,250,000	1,500,000	1,030,000	17,245,000	24,107,000

2010 - 2014 CAPITAL IMPROVEMENT PLAN
TIRZ No. 14 - Fourth Ward Redevelopment Authority
CIP by Sources of Funds

CITY OF HOUSTON - TIRZ PROGRAM
Finance Department
Economic Development Division

Source of Funds	FY Planned Appropriations (\$ Thousands)								Cumulative Total (To Date)
	Through 2008	Projected 2009	2010	2011	2012	2013	2014	Total 2010-2014	
TIRZ No. 16									
TIRZ funds	150,000	6,712,000	8,065,000	4,400,000	2,250,000	1,500,000	1,030,000	17,245,000	24,107,000
Revenue bond proceeds	-	-	-	-	-	-	-	-	-
Proceeds from bank loan	-	-	-	-	-	-	-	-	-
Developer Advance/Reimbursement	-	-	-	-	-	-	-	-	-
City of Houston	-	-	-	-	-	-	-	-	-
Grants	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
Project Total	150,000	6,712,000	8,065,000	4,400,000	2,250,000	1,500,000	1,030,000	17,245,000	24,107,000

Project: Decorative Street Light Project		City Council District		Key Map:		493		WBS.:		T-1401					
		Location:		D, I		Geo. Ref.:									
		Served:		D, I		Neighborhood:		60							
Description:		Installation of bracket mount historic street lights on existing wood poles. Project includes relocation and removal of existing/surplus wood utility poles.													
Justification:		Operating and Maintenance Costs: (\$ Thousands)													
				2010		2011		2012		2013		2014		Total	
		Personnel													
		Supplies												\$ -	
		Svcs. & Chgs.												\$ -	
		Capital Outlay												\$ -	
		Total		\$ -		\$ -		\$ -		\$ -		\$ -			
		FTEs													

Fiscal Year Planned Expenses

Project Allocation		Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY09 - FY14 Total	Cumulative Total (To Date)
Phase	1 Planning									\$	\$
	2 Acquisition									\$	\$
	3 Design									\$	\$
	4 Construction									\$	\$
	5 Equipment		150,000	110,000	150,000					\$	\$
	6 Close-Out									\$	\$
	7 Other									\$	\$
Other Sub-Total:		-	-	-	-	-	-	-	-	\$	\$
Total Allocations		\$	\$ 150,000	\$ 110,000	\$ 150,000	\$	\$	\$	\$	\$ 150,000	\$ 260,000
Source of Funds											
TIRZ Increment Revenue			150,000	110,000	150,000					\$	\$
TIRZ Increment Bond Funds										\$	\$
Grant Funds										\$	\$
Total Funds		\$	\$ 150,000	\$ 110,000	\$ 150,000	\$	\$	\$	\$	\$ 150,000	\$ 260,000

Project: West Webster Park		City Council District		Key Map: 493		T-1402	
		Location: D, I		Geo. Ref.:		WBS.:	
		Served: D, I		Neighborhood: 60			
Description: Design and construct improvements at West Webster Park		Operating and Maintenance Costs: (\$ Thousands)					
		2010		2011		2012	
		2013		2014		Total	
Justification: The park property is currently undeveloped and requires design and construction of park improvements.		Personnel					
		Supplies					
		Svcs. & Chgs.					
		Capital Outlay					
		Total		\$ - \$		\$ - \$	
		FTEs					

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY09 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning										
2 Acquisition									\$ -	\$ -
3 Design									\$ -	\$ -
4 Construction	150,000	680,000	680,000						\$ -	\$ -
5 Equipment									\$ -	\$ -
6 Close-Out									\$ -	\$ -
7 Other									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
Other Sub-Total:									\$ -	\$ -
Total Allocations	\$ 150,000	\$ 680,000	\$ 680,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 830,000
Source of Funds										
TIRZ Increment Revenue	150,000	680,000	680,000						\$ -	\$ 830,000
TIRZ Increment Bond Funds									\$ -	\$ -
Grant Funds									\$ -	\$ -
Total Funds	\$ 150,000	\$ 680,000	\$ 680,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 830,000

Project:	Gillette Street	City Council District		Key Map:		WBS.:	T-1403
		Location:		Geo. Ref.:			
		Served:		Neighborhood:			
Description:		Reconstruct/resurface Gillette street as necessary and provide streetscape enhancements to make pedestrian-friendly connection between neighborhood and Allen Parkway.					
Justification:		Enhance access to Buffalo Bayou from the Fourth Ward neighborhood.					
Operating and Maintenance Costs: (\$ Thousands)							
		<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Total</u>
Personnel							\$ -
Supplies							\$ -
Svcs. & Chgs.							\$ -
Capital Outlay							\$ -
Total		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
FTEs							-

Fiscal Year Planned Expenses									
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY09 - FY14 Total
Phase									Cumulative Total (To Date)
1 Planning									
2 Acquisition									
3 Design		190,000	100,000	90,000					
4 Construction				1,610,000					
5 Equipment									
6 Close-Out									
7 Other									
Other Sub-Total:	-	-	-	-	-	-	-	-	-
Total Allocations	\$ -	\$ 190,000	\$ 100,000	\$ 1,700,000	\$ -	\$ -	\$ -	\$ -	\$ 1,800,000
Source of Funds									
TIRZ Increment Revenue		190,000	100,000	1,700,000					
TIRZ Increment Bond Funds									
Grant Funds									
Total Funds	\$ -	\$ 190,000	\$ 100,000	\$ 1,700,000	\$ -	\$ -	\$ -	\$ -	\$ 1,800,000

Project: San Felipe Park		City Council District		Key Map: 493		WBS.:		T-1404													
Description: Remediate and redevelop park.		Location:		Geo. Ref.:		Neighborhood: 60															
		D, I		D, I																	
Justification: Park is currently closed due to environmental contamination. PARD will remediate contamination and provide updated park facilities.		Operating and Maintenance Costs: (\$ Thousands)																			
		2010		2011		2012		2013		2014		Total									
		Personnel																			
		Supplies																			
		Svcs. & Chgs.																			
		Capital Outlay																			
		Total		\$ -		\$ -		\$ -		\$ -											
		FTEs																			
Fiscal Year Planned Expenses																					
Project Allocation		Projected Expenses thru 6/30/08		2009 Budget		2009 Estimate		2010		2011		2012		2013		2014		FY09 - FY14 Total		Cumulative Total (To Date)	
Phase																					
1 Planning																					
2 Acquisition																					
3 Design																					
4 Construction																					
5 Equipment																					
6 Close-Out																					
7 Other				1,000,000		1,000,000															

Project: Wiley Park	City Council District		Key Map:		493		WBS.:		T-1405	
	Location: D. I		Geo. Ref.:							
	Served: D. I		Neighborhood:		60					
Description: Replace damaged and outdated park equipment.	Operating and Maintenance Costs: (\$ Thousands)									
Justification: Park currently has damaged and outdated playground equipment.		<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>Total</u>			
	Personnel							\$		
	Supplies							\$		
	Svcs. & Chgs.							\$		
	Capital Outlay							\$		
	Total	\$	-	\$	-	\$	-	\$		
	FTEs							\$		

Project: Gregory School		City Council District		Key Map: 493		WBS.:		T-1406					
		Location: D, I		Geo. Ref.:									
		Served: D, I		Neighborhood: 60									
Description: Restoration/rehabilitation of former school into African American Archives and Library.		Operating and Maintenance Costs: (\$ Thousands)											
		2010		2011		2012		2013		2014		Total	
Personnel													
Supplies													
Svcs. & Chgs.													
Capital Outlay													
Total		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
FTEs													

Fiscal Year Planned Expenses											
Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY09 - FY14 Total	Cumulative Total (To Date)	
Phase											
1 Planning											
2 Acquisition		500,000		143,000					\$ -	\$ -	
3 Design									\$ 143,000	\$ 143,000	
4 Construction		3,000,000	3,357,000						\$ -	\$ -	
5 Equipment									\$ -	\$ 3,357,000	
6 Close-Out									\$ -	\$ -	
7 Other									\$ -	\$ -	
									\$ -	\$ -	
									\$ -	\$ -	
									\$ -	\$ -	
									\$ -	\$ -	
									\$ -	\$ -	
									\$ -	\$ -	
Other Sub-Total:	-	-	-	-	-	-	-	-	\$ -	\$ -	
Total Allocations	\$ -	\$ 3,500,000	\$ 3,357,000	\$ 143,000	\$ -	\$ -	\$ -	\$ -	\$ 143,000	\$ 3,500,000	
Source of Funds											
TIRZ Increment Revenue		3,500,000	3,357,000	143,000					\$ 143,000	\$ 3,500,000	
TIRZ Increment Bond Funds									\$ -	\$ -	
Grant Funds									\$ -	\$ -	
Total Funds	\$ -	\$ 3,500,000	\$ 3,357,000	\$ 143,000	\$ -	\$ -	\$ -	\$ -	\$ 143,000	\$ 3,500,000	

Project:	Crosby Street Reconstruction		City Council District	Key Map:	483	WBS.:	T-1408
Description:	Reconstruction including sidewalks, roadways, street lights, and street trees on Crosby between Cleveland and West Dallas.		Location:	D, I	Geo. Ref.:		
			Served:	D, I	Neighborhood:	60	
Justification:	Existing conditions consist of failed roadway surface, delapidated sidewalks and poor overhead utility configurations. Recent high density residential construction has further impacted the LOS.	Operating and Maintenance Costs: (\$ Thousands)					
		2010	2011	2012	2013	2014	Total
		Personnel					\$
		Supplies					\$
		Svcs. & Chgs.					\$
		Capital Outlay					\$
		Total	\$	-	\$	-	\$
		FTEs					-

Fiscal Year Planned Expenses

Project Allocation	Projected Expenses thru 6/30/08	2009 Budget	2009 Estimate	2010	2011	2012	2013	2014	FY09 - FY14 Total	Cumulative Total (To Date)
Phase										
1 Planning									\$	\$
2 Acquisition									\$	\$
3 Design									\$	\$
4 Construction								280,000	\$ 280,000	\$ 280,000
5 Equipment									\$	\$
6 Close-Out									\$	\$
7 Other									\$	\$
									\$	\$
									\$	\$
									\$	\$
									\$	\$
									\$	\$
Other Sub-Total:	-	-	-	-	-	-	-	-	\$	\$
Total Allocations	\$	\$	\$	\$	\$	\$	\$	\$ 280,000	\$ 280,000	\$ 280,000
Source of Funds										
TIRZ Increment Revenue										
TIRZ Increment Bond Funds								280,000	\$ 280,000	\$ 280,000
Grant Funds									\$	\$
									\$	\$
Total Funds	\$	\$	\$	\$	\$	\$	\$	\$ 280,000	\$ 280,000	\$ 280,000

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for Fifth Ward Redevelopment Authority (Tax Increment Reinvestment Zone Number Eighteen).

Category #

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1 of 1

RCA #

Agenda Item#

30

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:
B, H

For additional information contact:

Julia Gee
Ralph DeLeon

Phone: (713) 837-7828
Phone: (713) 837-9573

Date and identification of prior authorizing
Council Action:
Ord. 2007-1032, 09/12/07

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for Fifth Ward Redevelopment Authority (Tax Increment Number Eighteen).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY 2010 TIRZ budgets. The Finance Department recommends approval of the Fiscal Year 2010 Operating Budget for Fifth Ward Redevelopment Authority (TIRZ Number Eighteen).

- Total Operating Budget for FY10 is \$247,157, which includes \$76,939 for required fund transfers and \$170,218 for Project Costs.
- The project expenses include \$44,218 for administration and overhead. The Redevelopment Authority must advise Finance of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.
- At this time, the FY10 budget does not include a 2010 - 2014 CIP for the Fifth Ward Redevelopment Authority. TIRZ program staff and PWE will evaluate the infrastructure in the TIRZ to develop a list of improvements required to support residential and commercial development.

Attachments: TIRZ Profile and FY10 Operating Budget

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

Fund Summary
Fund Name: **Fifth Ward Redevelopment Authority**
TIRZ: **18**
Fund Number: **7566/64**

P R O J E C T P L A N	Base Year:	1999
	Base Year Taxable Value:	\$ 45,881,277
	Projected Taxable Value (TY2009):	\$ 70,305,767
	Current Taxable Value (TY2008):	\$ 66,380,311
	Acres:	498.97 acres
	Administrator (Contact):	Bill Calderon/ Hawes Hill Calderon
	Contact Number:	713-541-0447

N A R R A T I V E	Zone Purpose:
	To establish a framework and create conditions for redevelopment to occur that will stabilize a declining tax base, establish the basis for a consistency of land uses and strengthen the character or residential and commercial properties.
	Accomplishments in FY09 (Projects Underway):
	In fiscal year 2009, the Fifth Ward TIRZ accomplished:
	<ul style="list-style-type: none"> • Ratified the approval of the Tri-Party Agreement between the TIRZ, the Authority and the City of Houston. • Annexed approximately 127 acres into the Zone. • Amended the Project Plan and Reinvestment Zone Project Plan • Reimbursed Fifth Ward CDC for cost associated with the creation of the TIRZ. • Engaged McCall Gibson to conduct first audit for Zone since its creation

P R O J E C T P L A N	Capital Projects:	Total Plan	Cumulative Expenses (to FY08)	Variance
	Land Assemble & Historic Preservation	\$ 1,750,000		\$ 1,750,000
	Roadway/Sidewalk Construction	2,550,000	24,118	2,525,882
	Water/Sewer Construction	30,000	26,813	3,187
	Brownfield Remediation	500,000		500,000
	Demolition	400,000		400,000
	Parks/Recreation	800,000		800,000
	Gateway Improvements	300,000		300,000
	Streetscape/Landscaping/Lighting	350,000	51,730	298,270
	Bus Shelters	80,000		80,000
	Total Capital Projects			-
	Affordable Housing	\$ 6,760,000	\$ 102,661	\$ 6,657,339
	Education Facilities	-		-
	Financing Costs	2,952,463	111,762	2,840,701
	Administration & Creation Costs	-		-
	Total Project Plan	\$ 9,832,463	\$ 375,747	\$ 9,456,716

D E B T	Additional Financial Data	FY2008 Budget	2009 Projection	FY2010 Budget
	Debt Service			
	Principal	\$ -	\$ -	\$ -
	Interest	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
	Year End Outstanding (Principal)	Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt		\$ -	\$ -
	Bank Loan		\$ -	\$ -
	Developer Agreement		\$ -	\$ -
	Other		\$ -	\$ -
			\$ -	\$ -

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

Fund Summary
Fund Name: Fifth Ward Redevelopment Authority
TIRZ: 18
Fund Number: 7566/64

TIRZ Budget Line Items	FY2008 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
Total Beginning Fund Balance	\$ 208,844	\$ 215,029	\$ 402,238
TIRZ Revenue			
City			
ISD	\$ 37,981	\$ 117,493	\$ 133,624
County	\$ 56,531	\$ 178,607	\$ 183,283
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 94,512	\$ 296,099	\$ 316,907
Bond Proceeds	\$ -	\$ -	\$ -
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total Available Resources	\$ 303,356	\$ 524,014	\$ 723,163
Fund Transfers			
Affordable Housing			
City of Houston	\$ -	\$ -	\$ -
ISD Increment to Houston	\$ -	\$ -	\$ -
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ 18,844	\$ 59,740	\$ 61,094
Administration Fee to General Fund	\$ -	\$ -	\$ -
COH Admin Fee (5%)	\$ -	\$ -	\$ -
Harris County Admin	\$ 1,899	\$ 5,875	\$ 6,681
ISD Admin	\$ -	\$ -	\$ -
Total Fund Transfers	\$ 2,827	\$ 5,943	\$ 9,164
Funds Available for Projects	\$ 23,570	\$ 71,558	\$ 76,939
Project Costs			
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ 36,000	\$ 22,854	\$ 22,854
Accounting/ Audit	\$ -	\$ 6,000	\$ 6,000
Program / Project Consulting	\$ 8,500	\$ 10,400	\$ 10,400
Administrative Operating Expense	\$ 12,000	\$ -	\$ 10,000
Capital Expenditures	\$ 12,000	\$ 10,964	\$ 10,964
Developer/ Project reimbursements	\$ -	\$ -	\$ -
Debt Service	\$ 115,000	\$ -	\$ 110,000
Principal	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ -	\$ -	\$ -
Total Budget	\$ 183,500	\$ 50,218	\$ 170,218
Resources Less Transfer and Expenses	\$ 207,070	\$ 121,776	\$ 247,157
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 96,286	\$ 402,238	\$ 476,006

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

Fund Summary
Fund Name: Fifth Ward Redevelopment Authority
TIRZ: 18
Fund Number: 7566/64

TIRZ Budget Line Items	FY2008 Budget	2009 Projection	FY2010 Budget
RESOURCES			
		\$	70,305,767
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 208,844	\$ 215,029	\$ 402,238
Beginning Fund Balance	\$ 208,844	\$ 215,029	\$ 402,238
City tax revenue	\$ 37,981	\$ 117,493	\$ 133,624
ISD tax revenue	\$ 56,531	\$ 178,607	\$ 183,283
County tax revenue	\$ -	\$ -	\$ -
Community College tax revenue	\$ -	\$ -	\$ -
Incremental property tax revenue	\$ 94,512	\$ 296,099	\$ 316,907
COH TIRZ Interest		\$ 9,674	\$ 806
Miscellaneous revenue	\$ -	\$ 9,674	\$ 806
Interest Income		\$ 3,212	\$ 3,212
Other Interest Income	\$ -	\$ 3,212	\$ 3,212
Developer Advances	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Special assessment bond proceeds	\$ -	\$ -	\$ -
Proceeds from bank loan	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 303,356	\$ 524,014	\$ 723,163

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

Fund Summary
Fund Name: Fifth Ward Redevelopment Authority
TIRZ: 18
Fund Number: 7566/64

TIRZ Budget Line Items	FY2008 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting	\$ 5,000	\$ 4,900	\$ 4,900
Administration Consultant	\$ 36,000	\$ 22,854	\$ 22,854
Administration Salaries & Benefits	\$ -		
Auditor	\$ 3,500	\$ 5,500	\$ 5,500
Insurance	\$ 3,000	\$ 3,000	\$ 3,000
Office Expenses	\$ 4,000	\$ 2,964	\$ 2,964
Property Account Management	\$ 5,000	\$ 5,000	\$ 5,000
TIRZ Administration and Overhead	\$ 58,500	\$ 44,218	\$ 44,218
Engineering Consultants	\$ 12,000		\$ 10,000
Legal	\$ -	\$ 6,000	\$ 6,000
Construction Audit			
Engineering Research	\$ -		
Program and Project Consultants	\$ 12,000	\$ 6,000	\$ 16,000
Management consulting services	\$ 68,500	\$ 50,218	\$ 60,218
Capital Expenditures (See CIP Schedule)	\$ -	\$ -	\$ -
TIRZ Capital Expenditures	\$ -	\$ -	\$ -
Pleasant Hill CDC Project Cost	\$ 115,000		\$ 110,000
Developer / Project Reimbursements	\$ 115,000	\$ -	\$ 110,000
System debt service	\$ -	\$ -	\$ -
TOTAL PROJECT COSTS	\$ 183,500	\$ 50,218	\$ 170,218

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

Fund Summary
Fund Name: **Fifth Ward Redevelopment Authority**
TIRZ: **18**
Fund Number: **7566/64**

TIRZ Budget Line Items	FY2008 Budget	2009 Projection	FY2010 Budget
Payment/transfer to ISD - educational facilities	\$ 18,844	\$ 59,740	\$ 61,094
Administration Fees:			
City	\$ 1,899	\$ 5,875	\$ 6,681
County	\$ -	\$ -	\$ -
ISD	\$ 2,827	\$ 5,943	\$ 9,164
Affordable Housing:			
City	\$ -	\$ -	\$ -
ISD to City of Houston	\$ -	\$ -	\$ -
Transfer to Harris County	\$ -	\$ -	\$ -
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 23,570	\$ 71,558	\$ 76,939
Total Budget	\$ 207,070	\$ 121,776	\$ 247,157
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 96,286	\$ 402,238	\$ 476,006
Total Ending Fund Balance	\$ 96,286	\$ 402,238	\$ 476,006
Total Budget & Ending Fund Balance	\$ 303,356	\$ 524,014	\$ 723,163

Notes:

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

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

RCA #

SUBJECT: Approve the Fiscal Year 2010 Operating Budget for the Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone)

Category #

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Agenda Item#

31

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
June 29, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:
H

For additional information contact:

Julia Gee
Andrea Roberts

Phone: (713) 837-7828
Phone: (713) 837-9076

Date and identification of prior authorizing
Council Action:
Ord. 2009-0432, 5/27/09

RECOMMENDATION: (Summary)

City Council approves an ordinance to approve the Fiscal Year 2010 Operating Budget for Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone).

Amount of Funding: No Funding Required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund ☐ Grant Fund ☐ Enterprise Fund
☒ Other (Specify)

SPECIFIC EXPLANATION:

The administration has undertaken a comprehensive review of proposed FY2010 TIRZ budgets. The Finance Department recommends approval of the Fiscal Year 2010 operating budget for Tax Increment Reinvestment Zone Number Twenty-One (Hardy/Near Northside Zone).

- Total operating budget for FY2010 is \$93,039, which includes \$93,039 for required fund transfers and \$0 for project costs.
- The project expenses include \$0 for administration and overhead. The Zone has City staff to manage redevelopment activities of the TIRZ. The Zone must advise the Director of any budget amendments. Adjustments to the Project Costs in the budget of the lesser of \$400,000 or 5% or more require City Council approval.

Hardy/Near Northside Zone was created by City initiative and therefore does not include a provision for affordable housing. However, the purpose of the Zone as stated in the Project Plan includes affordable housing development

Attachments: TIRZ Profile, FY10 Operating Budget, and Schedule for Affordable Housing

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

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

Fund Summary
Fund Name: **Hardy/Near Northside**
TIRZ: **21**
Fund Number: **7569 / 64**

P R O J E C T P L A N	Base Year:		2003
	Base Year Taxable Value:	\$	40,313,080
	Projected Taxable Value (TY2009):	\$	88,154,055
	Current Taxable Value (TY2008):	\$	85,958,853
	Acres:		326.1
	Administrator (Contact):		City of Houston
	Contact Number:		713.837.7828

N A R R A T I V E	Zone Purpose:
	To provide affordable housing and mobility improvements in the Near Northside.
	Accomplishments in FY09 (Projects Underway):
	Approval of the first budget for the Hardy / Near Northside TIRZ.
	Affordable Housing Agreement between the City and Reinvestment Zone approved by Council. Funds transferred to the City Housing and Community Development Department.

P R O J E C T P L A N		Total Plan	Cumulative Expenses (to FY08)	Variance
	Capital Projects:			
	Mobility Improvements	16,000,000	\$ -	\$ 16,000,000
	Total Capital Projects	\$ 16,000,000	\$ -	-
	Affordable Housing	5,000,000	\$ -	\$ 16,000,000
	Education Facilities	-	-	5,000,000
	Financing Costs	1,700,000	-	-
	Creation/Administration Costs	2,200,000	-	1,700,000
	Total Project Plan	\$ 24,900,000	\$ -	\$ 2,200,000
				\$ 24,900,000

D E B T	Additional Financial Data	FY2009 Budget	2009 Projection	FY2010 Budget
	Debt Service			
	Principal	\$ -	\$ -	\$ -
	Interest	\$ -	\$ -	\$ -
		\$ -	\$ -	\$ -
	Year End Outstanding (Principal)	Balance as of 6/30/08	Balance as of 6/30/09	Balance as of 6/30/10
	Bond Debt	\$ -	\$ -	\$ -
	Bank Loan	\$ -	\$ -	\$ -
	Developer Agreement	\$ -	\$ -	\$ -
	Other	\$ -	\$ -	\$ -

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

Fund Summary
Fund Name: Hardy/Near Northside
TIRZ: 21
Fund Number: 7569 / 64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
Available Resources			
Beginning Fund Balance			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ -	\$ -	\$ -
Total Beginning Fund Balance	\$ 446,385	\$ 446,385	\$ 532,946
TIRZ Revenue	\$ 446,385	\$ 446,385	\$ 532,946
City			
ISD	\$ 250,955	\$ 316,784	\$ 281,901
County	\$ -	\$ -	\$ -
Community College	\$ -	\$ -	\$ -
Total Revenues	\$ 250,955	\$ 316,784	\$ 281,901
Bond Proceeds			
Loan Proceeds	\$ -	\$ -	\$ -
Grant Proceeds	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total Available Resources	\$ 15,248	\$ 16,063	\$ 17,100
Fund Transfers	\$ 712,588	\$ 779,232	\$ 831,947
Affordable Housing			
City of Houston *			
ISD Increment to Houston	\$ 230,447	\$ 230,447	\$ 78,944
Harris County	\$ -	\$ -	\$ -
ISD Education Set-Aside	\$ -	\$ -	\$ -
Municipal Services	\$ -	\$ -	\$ -
Administration Fee to General Fund	\$ -	\$ -	\$ -
COII Admin Fee (5%)	\$ -	\$ -	\$ -
Harris County Admin	\$ 12,548	\$ 15,839	\$ 14,095
ISD Admin	\$ -	\$ -	\$ -
Total Fund Transfers	\$ 242,995	\$ 246,286	\$ 93,039
Funds Available for Projects	\$ 469,593	\$ 532,946	\$ 738,908
Project Costs			
Administrative Staff	\$ -	\$ -	\$ -
Administrative Consultant	\$ -	\$ -	\$ -
Legal	\$ -	\$ -	\$ -
Accounting/ Audit	\$ -	\$ -	\$ -
Program / Project Consulting	\$ -	\$ -	\$ -
Administrative Operating Expense	\$ -	\$ -	\$ -
Capital Expenditures	\$ -	\$ -	\$ -
Developer/ Project reimbursements	\$ -	\$ -	\$ -
Debt Service	\$ -	\$ -	\$ -
Principal	\$ -	\$ -	\$ -
Interest	\$ -	\$ -	\$ -
Other debt items	\$ -	\$ -	\$ -
Total Project Costs	\$ -	\$ -	\$ -
Total Budget	\$ 242,995	\$ 246,286	\$ 93,039
Resources Less Transfer and Expenses	\$ 469,593	\$ 532,946	\$ 738,908
Planned Ending Fund Balance:			
Restricted Funds - Capital Projects	\$ -	\$ -	\$ -
Restricted Funds - Affd. Housing	\$ -	\$ -	\$ -
Restricted Funds - Bond Reserve	\$ -	\$ -	\$ -
Unrestricted Fund Balance	\$ 469,593	\$ 532,946	\$ 738,908

* Per the Affordable Housing Agreement, the transfer amount is based on the Project Plan's Affordable Housing Schedule; FY09 Budget & Projection amount is for Tax Years 2004-2008.

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

Fund Summary
 Fund Name: **Hardy/Near Northside**
 TIRZ: **21**
 Fund Number: **7569 / 64**

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
RESOURCES			
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ -	\$ -	\$ -
Beginning Fund Balance	\$ 446,385	\$ 446,385	\$ 532,946
	\$ 446,385	\$ 446,385	\$ 532,946
City tax revenue			
ISD tax revenue	\$ 250,955	\$ 316,784	\$ 281,901
County tax revenue			
Community College tax revenue			
Incremental property tax revenue	\$ 250,955	\$ 316,784	\$ 281,901
Miscellaneous revenue			
	\$ -	\$ -	\$ -
COH TIRZ Interest			
Other Interest Income	\$ 15,248	\$ 16,063	\$ 17,100
	\$ 15,248	\$ 16,063	\$ 17,100
Developer Advances			
	\$ -	\$ -	\$ -
Grant Proceeds			
	\$ -	\$ -	\$ -
Special assessment bond proceeds			
	\$ -	\$ -	\$ -
Proceeds from bank loan			
	\$ -	\$ -	\$ -
TOTAL AVAILABLE RESOURCES	\$ 712,588	\$ 779,232	\$ 831,947

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

Fund Summary
Fund Name: Hardy/Near Northside
TIRZ: 21
Fund Number: 7569 / 64

TIRZ Budget Line Items	FY2009 Budget	2009 Projection	FY2010 Budget
EXPENSES			
Accounting			
Administration Consultant			
Administration Salaries & Benefits			
Auditor			
Financial Advisor			
Insurance			
Office Expenses			
TIRZ Administration and Overhead	\$ -	\$ -	\$ -
Construction Audit			
Engineering Consultants			
Legal			
Project Consultant			
Program and Project Consultants	\$ -	\$ -	\$ -
Management consulting services	\$ -	\$ -	\$ -
Capital Expenditures			
TIRZ Capital Expenditures	\$ -	\$ -	\$ -
Developer / Project Reimbursements	\$ -	\$ -	\$ -
System debt service	\$ -	\$ -	\$ -
TOTAL PROJECT COSTS	\$ -	\$ -	\$ -
Payment/transfer to ISD - educational facilities			
Administration Fees:			
City	\$ 12,548	\$ 15,839	\$ 14,095
County			
ISD			
Affordable Housing:			
City *	\$ 230,447	\$ 230,447	\$ 78,944
ISD to City of Houston			
Transfer to Harris County			
Municipal Services (Payable to COH)	\$ -	\$ -	\$ -
Total Transfers	\$ 242,995	\$ 246,286	\$ 93,039
Total Budget	\$ 242,995	\$ 246,286	\$ 93,039
RESTRICTED Funds - Capital Projects	\$ -	\$ -	\$ -
RESTRICTED Funds - Affordable Housing	\$ -	\$ -	\$ -
RESTRICTED Funds - Bond Debt Service	\$ -	\$ -	\$ -
UNRESTRICTED Funds	\$ 469,593	\$ 532,946	\$ 738,908
Total Ending Fund Balance	\$ 469,593	\$ 532,946	\$ 738,908
Total Budget & Ending Fund Balance	\$ 712,588	\$ 779,232	\$ 831,947

Notes:

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

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

* Per the Affordable Housing Agreement, the transfer amount is based on the Project Plan's Affordable Housing Schedule; FY09 Budget & Projection amount is for Tax Years 2004-2008.

TIRZ 21: SCHEDULE FOR AFFORDABLE HOUSING

(from Exhibit 9: Estimated Revenues Hardy Yard Zone Tax Years 2004 to 2033)
EXCEPTION: AH Transfer is based on Project Plan's Rev Estimates schedule vs. Our traditional Projected Revenue 1/3 calculation

(BUDGET = ACTUAL APPROPRIATION) *

Tax Year (1)	Fiscal Year	Base Value	Projected Value (2)	Captured Appraised Value	Collection Rate	Tax Rate	Increment Revenue	City Admin (5%)	Zone Administration	Affordable Housing	Balance
2004	2005	\$ 40,313,080	\$ 43,481,080	\$ 3,168,000	99.01%	0.65000	\$ 20,388	\$ 1,019	\$ -	\$ 6,796	\$ 13,592
2005	2006	\$ 40,313,080	\$ 47,401,073	\$ 7,087,993	95.77%	0.64750	\$ 43,953	\$ 2,198	\$ -	\$ 14,651	\$ 29,302
2006	2007	\$ 40,313,080	\$ 65,138,505	\$ 24,825,425	95.73%	0.64500	\$ 153,287	\$ 7,664	\$ -	\$ 51,096	\$ 102,191
2007	2008	\$ 40,313,080	\$ 82,885,722	\$ 42,572,642	85.47%	0.64375	\$ 234,240	\$ 11,712	\$ -	\$ 78,080	\$ 156,160
2008	2009	\$ 40,313,080	\$ 86,190,810	\$ 45,877,730	95.00%	0.63875	\$ 278,392	\$ 13,920	\$ 25,000	\$ 79,824	\$ 159,648
2009	2010	\$ 40,313,080	\$ 90,069,396	\$ 49,756,316	95.00%	0.63875	\$ 301,928	\$ 15,096	\$ 50,000	\$ 78,944	\$ 157,887
2010	2011	\$ 40,313,080	\$ 94,122,519	\$ 53,809,439	95.00%	0.63875	\$ 326,522	\$ 16,326	\$ 50,000	\$ 86,732	\$ 173,464
2011	2012	\$ 40,313,080	\$ 98,358,033	\$ 58,044,953	95.00%	0.63875	\$ 352,224	\$ 17,611	\$ 50,000	\$ 94,871	\$ 189,742
2012	2013	\$ 40,313,080	\$ 102,784,144	\$ 62,471,064	95.00%	0.63875	\$ 379,082	\$ 18,954	\$ 50,000	\$ 103,376	\$ 206,752
2013	2014	\$ 40,313,080	\$ 107,409,431	\$ 67,096,351	95.00%	0.63875	\$ 407,149	\$ 20,357	\$ 50,000	\$ 112,264	\$ 224,528
2014	2015	\$ 40,313,080	\$ 112,242,855	\$ 71,929,775	95.00%	0.63875	\$ 436,479	\$ 21,824	\$ 50,000	\$ 121,552	\$ 243,103
2015	2016	\$ 40,313,080	\$ 117,293,783	\$ 76,980,703	95.00%	0.63875	\$ 467,129	\$ 23,356	\$ 50,000	\$ 131,257	\$ 262,515
2016	2017	\$ 40,313,080	\$ 122,572,004	\$ 82,258,924	95.00%	0.63875	\$ 499,157	\$ 24,958	\$ 50,000	\$ 141,400	\$ 282,800
2017	2018	\$ 40,313,080	\$ 128,087,744	\$ 87,774,664	95.00%	0.63875	\$ 532,628	\$ 26,631	\$ 50,000	\$ 151,959	\$ 303,998
2018	2019	\$ 40,313,080	\$ 133,851,692	\$ 93,538,612	95.00%	0.63875	\$ 567,604	\$ 28,380	\$ 50,000	\$ 163,075	\$ 326,149
2019	2020	\$ 40,313,080	\$ 139,875,019	\$ 99,561,939	95.00%	0.63875	\$ 604,154	\$ 30,208	\$ 50,000	\$ 174,649	\$ 349,298
2020	2021	\$ 40,313,080	\$ 146,169,394	\$ 105,856,314	95.00%	0.63875	\$ 642,349	\$ 32,117	\$ 50,000	\$ 186,744	\$ 373,488
2021	2022	\$ 40,313,080	\$ 152,747,017	\$ 112,433,937	95.00%	0.63875	\$ 682,263	\$ 34,113	\$ 50,000	\$ 199,383	\$ 398,767
2022	2023	\$ 40,313,080	\$ 159,620,633	\$ 119,307,553	95.00%	0.63875	\$ 723,973	\$ 36,199	\$ 50,000	\$ 212,591	\$ 425,183
2023	2024	\$ 40,313,080	\$ 166,803,561	\$ 126,490,481	95.00%	0.63875	\$ 767,560	\$ 38,378	\$ 50,000	\$ 226,394	\$ 452,788
2024	2025	\$ 40,313,080	\$ 174,309,722	\$ 133,996,642	95.00%	0.63875	\$ 813,108	\$ 40,655	\$ 50,000	\$ 240,818	\$ 481,635
2025	2026	\$ 40,313,080	\$ 182,153,659	\$ 141,840,579	95.00%	0.63875	\$ 860,706	\$ 43,035	\$ 50,000	\$ 255,890	\$ 511,781
2026	2027	\$ 40,313,080	\$ 190,350,574	\$ 150,037,494	95.00%	0.63875	\$ 910,446	\$ 45,522	\$ 50,000	\$ 271,641	\$ 543,283
2027	2028	\$ 40,313,080	\$ 198,916,350	\$ 158,603,270	95.00%	0.63875	\$ 962,424	\$ 48,121	\$ 50,000	\$ 288,101	\$ 576,202
2028	2029	\$ 40,313,080	\$ 207,867,585	\$ 167,554,505	95.00%	0.63875	\$ 1,016,742	\$ 50,837	\$ 50,000	\$ 305,302	\$ 610,603
2029	2030	\$ 40,313,080	\$ 217,221,627	\$ 176,908,547	95.00%	0.63875	\$ 1,073,503	\$ 53,675	\$ 50,000	\$ 323,276	\$ 646,552
2030	2031	\$ 40,313,080	\$ 226,996,600	\$ 186,683,520	95.00%	0.63875	\$ 1,132,819	\$ 56,641	\$ 50,000	\$ 342,059	\$ 684,119
2031	2032	\$ 40,313,080	\$ 237,211,447	\$ 196,898,367	95.00%	0.63875	\$ 1,194,804	\$ 59,740	\$ 50,000	\$ 361,688	\$ 723,376
2032	2033	\$ 40,313,080	\$ 247,885,962	\$ 207,572,882	95.00%	0.63875	\$ 1,259,578	\$ 62,979	\$ 50,000	\$ 382,200	\$ 764,400
2033	2034	\$ 40,313,080	\$ 259,000,000	\$ 218,700,000	95.00%	0.63875	\$ 1,324,300	\$ 66,200	\$ 50,000	\$ 402,700	\$ 801,700

Notes:

- Where applicable, values for the column headings are actual for Tax Years 2004 to 2008.
- For Tax Years 2009 to 2033 an annual rate of growth of 4.5% is assumed.

Per Affordable Housing Agreement:

(1) Obligations of the Zone

Beginning with the Fiscal Year 2009, the Parties agree that the estimated annual amounts shown on Exhibit 9 of the Plans will be designated for affordable housing. For Fiscal Year 2009 and each subsequent Fiscal Year until the termination of the Zone, the City shall appropriate to Fund 2409 (or successor fund into which TIRZ affordable housing revenues are deposited) the amount shown for affordable housing costs in the City Council approved Operating Budget for the Zone for the Fiscal Year. Any amounts designated under this Agreement that are not appropriated in the Fiscal Year when due shall accrue to the subsequent Fiscal Year(s) until paid.

* FY09 Budget for Aff Hsng = TY04-08 \$ 230,447
FY10 Budget for Aff Hsng \$ 78,944
FY11 Budget for Aff Hsng \$ 86,732
FY12 Budget for Aff Hsng \$ 94,871

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 4.222 acres to Fort Bend County Municipal Utility District No. 50 (Key Map No. 525-K, L)

Page
1 of 1

Agenda Item
#

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FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

6-11-09

JUN 30 2009

DIRECTOR'S SIGNATURE

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

Council District affected:
"ETJ"

For additional information contact:

Ann Marie Stone Sheridan, P.E.
Supervising Engineer (713) 837-9142

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 4.222 acres of land to Fort Bend County Municipal Utility District No. 50 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 50 has petitioned the City of Houston for consent to add 4.222 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 Bellaire Boulevard, Canal Road, FM 1093 and Peek Road. The district desires to add 4.222 acres, thus yielding a total of 1,216.524 acres. The district is served by the Fort Bend County Municipal Utility District No. 50 Interim Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 50 is Oyster Creek which flows into Flat Bank Creek then to the Brazos River and finally into Galveston Bay.

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

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

Attachments

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

REQUIRED AUTHORIZATION

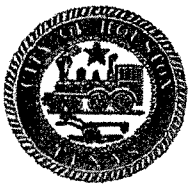
20AFI37

Finance Department

Other Authorization:

Other Authorization:

Andrew F. Icken
Deputy Director
Planning & Development Services Div.



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 4.222 acres to Fort Bend County MUD No. 50 under the provisions of Chapters 49 and 54 Texas Water Code.

D. J. Molloy
Attorney for the District

Attorney: David Oliver, Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027

Phone: 713-860-6465

Engineer: R. G. Miller Engineers, Inc.

Address: 12121 Wickchester Ln., Suite 200, Houston, Texas Zip: 77079

Phone: 713-461-9600

Owners: MRPL Retail Partners, Ltd.

Address: 3003 West Alabama, Houston, Texas Zip: 77098

Phone: 713-773-5526

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

LOCATION

INSIDE CITY ☐ OUTSIDE CITY ☒
Survey Joel McCrary-T1 and William Stanley-T2

NAME OF COUNTY (S) Fort Bend
Abstract 403-T1 and 599-T2

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

North of: Bellaire Blvd.

East of: Canal Rd.

South of: FM 1093

West of: Peek Road

WATER DISTRICT DATA

Total Acreage of District: 1,212.302

Existing Plus Proposed Land 1,216.524

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

Single Family Residential _____

Multi-Family Residential _____

Commercial 70

Industrial 30

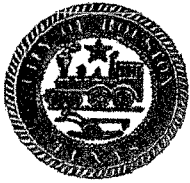
Institutional _____

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

Sewage Treatment Plant Name: FBMUD 50 Interim Wastewater Treatment Plant

NPDES/TPDES Permit No: WQ0013228001

TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.7

Ultimate Capacity (MGD): 0.7

Size of treatment plant site: 92,800/2.13 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.7 MGD.

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

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

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: FBMUD 50 Water Plant 1

Water Treatment Plant Address: 22939 Bellaire Blvd.

Well Permit No: 13096

Existing Capacity:

Well(s): 1376 GPM

Booster Pump(s): 5500 GPM

Tank(s): 0.5 MG

Ultimate Capacity:

Well(s): 1376 GPM

Booster Pump(s): 5500 GPM

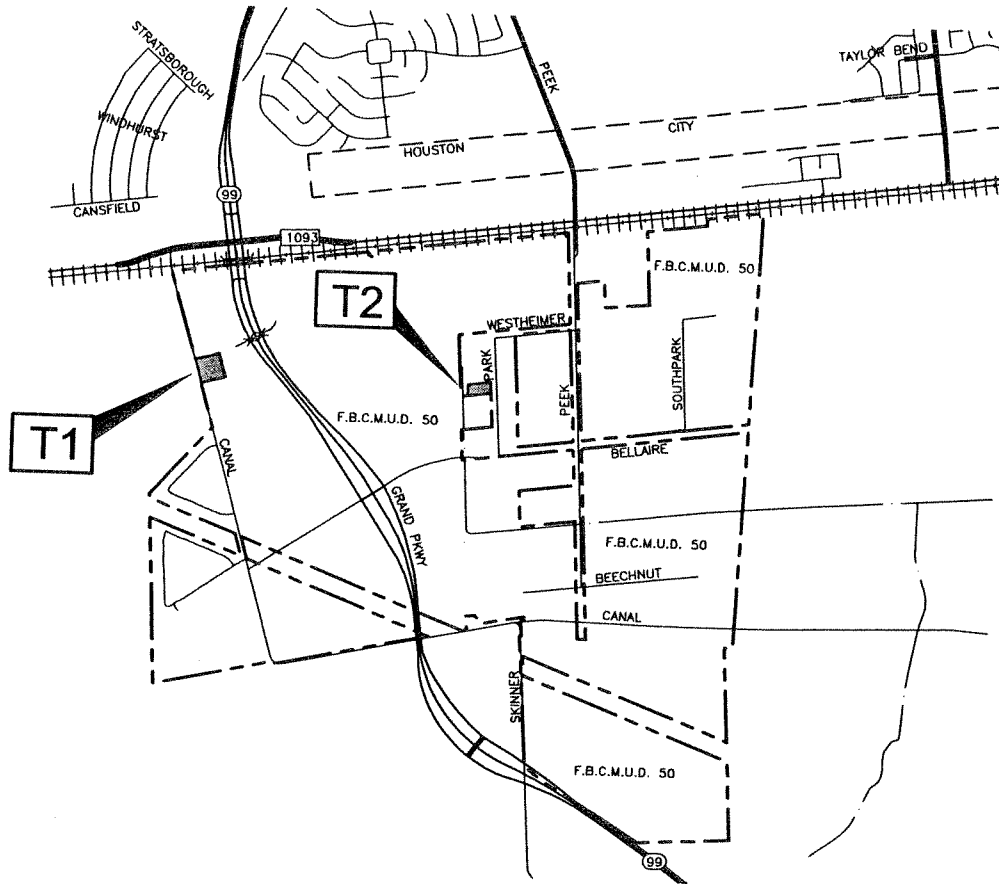
Tank(s): 0.5 MG

Size of Treatment Plant Site: 74,410/1.7082

square feet/acres.

Comments or Additional Information: _____

L:\2805_FBCMUD_50\2805-00_DISTRICT\CAD\EXHIBITS\ANNEXATIONS\ANNEXATION FEASIBILITY\T1&T2.DWG MAY. 04, 2009-8:30am GOLDING



KEY MAP 525 K & L

F.B.C.M.U.D NO. 50
ANNEXATION VICINITY MAP

r.g.miller
engineers
since 1966

12121 Wickchester Lane
Suite 200
Houston, Texas 77079
(713) 461-9600

TEXAS FIRM REGISTRATION NO. F-487

DATE: MAY, 2009 N.T.S.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of two (2) tracts of land totaling 3.8393 acres to Fort Bend County Municipal Utility District No. 118 (Key Map No. 526-W)

Page
1 of 1

Agenda Item
#

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FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

6-11-09

JUN 30 2009

DIRECTOR'S SIGNATURE

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

Council District affected:
"ETJ"

For additional information contact:

Ann Marie Stone Sheridan, P.E.
Supervising Engineer (713) 837-9142

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 3.8393 acres of land to Fort Bend County Municipal Utility District No. 118 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Fort Bend County Municipal Utility District No. 118 has petitioned the City of Houston for consent to add 3.8393 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 Timothy Lane, Farmer Road, Morton Road, and Harlem Road. The district desires to add 3.8393 acres, thus yielding a total of 620.4474 acres. The district is served by the Fort Bend County Municipal Utility District No. 118 Wastewater Treatment Plant. The nearest major drainage facility for Fort Bend County Municipal Utility District No. 118 is Oyster Creek which flows into the Brazos River.

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

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

Attachments

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

REQUIRED AUTHORIZATION

20AFI38

Finance Department

Other Authorization:

Andrew F. Icken
Deputy Director
Planning & Development Services Div.

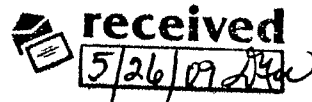
Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 3.8393 acres to Fort Bend County MUD No. 118 under the provisions of 49 & 54 Texas Water Code.

Attorney for the District

Attorney: Herman I. Little, Jr., Smith, Murdaugh, Little & Bonham, LLP

Address: 1100 Louisiana Street, #400, Houston, TX

Zip: 77002

Phone: 713/652-6500

Engineer: Jacobs Engineering Group

Address: 5995 Rogerdale Road, Houston, Texas

Zip: 77072

Phone: 281/983-2357

Owners: See additional page

Address: _____

Zip: _____

Phone: _____

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey William Morton League

NAME OF COUNTY (S) Fort Bend
Abstract 62

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

North of: Timothy Lane

East of: Farmer Road

South of: Morton Road

West of: Harlem Road

WATER DISTRICT DATA

Total Acreage of District: 616.6081

Existing Plus Proposed Land 620.4474

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

Single Family Residential _____

Multi-Family Residential _____

Commercial 100%

Industrial _____

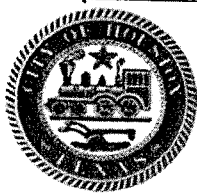
Institutional _____

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

Sewage Treatment Plant Name: FBC MUD No. 118 Wastewater Treatment Plant

NPDES/TPDES Permit No: 13951-001

TCEQ Permit No: WQ0013951001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.75

Ultimate Capacity (MGD): 1.5

Size of treatment plant site: 10.1 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.75 MGD.

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

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

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: FBC MUD No. 118 Water Treatment Plant

Water Treatment Plant Address: 4506 Farmer Road Richmond TX 77469

Well Permit No: G0790366

Existing Capacity:

Well(s): 3,375

GPM

Booster Pump(s): 5,500

GPM

Tank(s): 0.646

MG

Ultimate Capacity:

Well(s): 3,375

GPM

Booster Pump(s): 5,500

GPM

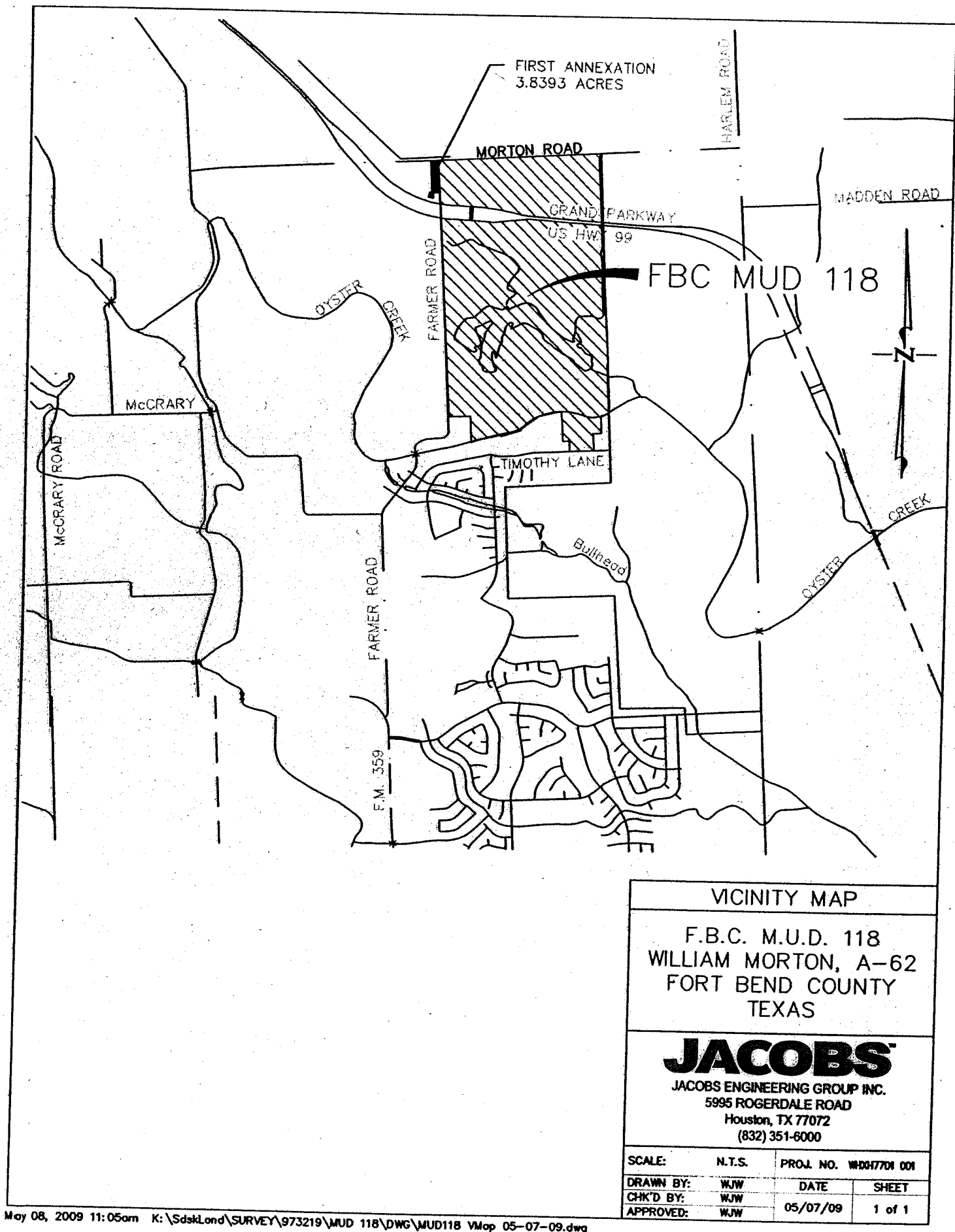
Tank(s): 0.646

MG

Size of Treatment Plant Site: 1.3

square feet/acres.

Comments or Additional Information: _____



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 14.1428 acres of land to Mills Road Municipal Utility District (Key Map No. 369-K, L)

Page
1 of 1

Agenda Item
#

34

FROM (Department or other point of origin):

Origination Date

6/25/09

Agenda Date

JUN 30 2009

Department of Public Works and Engineering

DIRECTOR'S SIGNATURE

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

Council District affected:
"ETJ"

For additional information contact:

Ann Marie Stone Sheridan, P.E.
Supervising Engineer (713) 837-9142

AMS

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 14.1428 acres of land to Mills Road Municipal Utility District be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Mills Road Municipal Utility District has petitioned the City of Houston for consent to add 14.1428 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 Louedd Road, Jones Road, Mills Road and FM 1960. The district desires to add 14.1428 acres, thus yielding a total of 453.8723 acres. The district is served by the Mills Road Municipal Utility District Wastewater Treatment Plant. The nearest major drainage facility for Mills Road Municipal Utility District is Greens Bayou which flows into the Houston Ship Channel.

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

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

Attachments

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

REQUIRED AUTHORIZATION

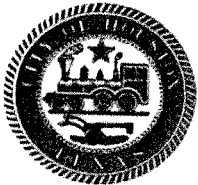
20AFI41

Finance Department

Other Authorization:

Andrew F. Icken
Andrew F. Icken
Deputy Director
Planning & Development Services Div.

Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 14.1428 acres to Mills Road MUD under the provisions of Chapter 49, Texas Water Code.

Marcia B. Oliver
Attorney for the District

Attorney: Coats, Rose, Yale, Ryman & Lee, P.C.

Address: 3 Greenway Plaza, Suite 2000, Houston, TX

Zip: 77046-0307

Phone: 713-653-7313

Engineer: A & S Engineers, Inc.

Address: 10377 Stella Link Road, Houston, TX

Zip: 77025-5445

Phone: 713-942-2730

Owners: Mills Road LLC

Address: 15005 Mintz Lane, Houston, TX

Zip: 77014

Phone: 281-444-3535

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey George W. Childress

NAME OF COUNTY (S) Harris
Abstract 217

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

North of: Louedd Road

East of: Jones Road

South of: Mills Road

West of: F.M. 1960

WATER DISTRICT DATA

Total Acreage of District: 439.7295

Existing Plus Proposed Land 453.8723

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: Mills Road MUD Wastewater Treatment Plant

NPDES/TPDES Permit No: 11907-002

TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): .6

Ultimate Capacity (MGD): .9

Size of treatment plant site: 2.06 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: .9 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: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: Mills Road MUD Water Plants #1 and #2

Water Treatment Plant Address: 15721 Milvan (WP #1); 10130 Appleridge (WP #2)

Well Permit No: 105810; 105811; 106090

Existing Capacity:

Well(s): 2200

GPM

Booster Pump(s): 5000

GPM

Tank(s): .87

MG

Ultimate Capacity:

Well(s): 3600

GPM

Booster Pump(s): 5000

GPM

Tank(s): 1.3

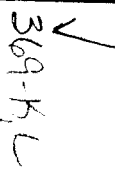
MG

Size of Treatment Plant Site: WP#1-.47 ac; WP#2-.79 ac

square feet/acres.

Comments or Additional Information: _____

Proposed Annexation of 14.1428 Acres



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 67.954 acres of land to Porter Municipal Utility District (Key Map No. 295-C)

Page
1 of 1

Agenda Item
#

35

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

6-25-09

JUN 30 2009

DIRECTOR'S SIGNATURE

Michael S. Marcotte

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

Council District affected:
"ETJ"

For additional information contact:

Date and identification of prior authorizing
Council action:

Ann Marie Stone Sheridan, P.E.

Supervising Engineer (713) 837-9142

AMS

RECOMMENDATION: (Summary)

The petition for the addition of 67.954 acres of land to Porter Municipal Utility District be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

Porter Municipal Utility District has petitioned the City of Houston for consent to add 67.954 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 FM 1314 State Highway, Timberland Boulevard, and Fatheree Road. The district desires to add 67.954 acres, thus yielding a total of 3,882.899 acres. The district is served by the Porter Municipal Utility District Sewage Treatment Plant. The other district served by this plant is Woodridge Municipal Utility District. The nearest major drainage facility for Porter Municipal Utility District is the San Jacinto River which flows into Lake Houston.

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

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

Attachments

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

REQUIRED AUTHORIZATION

20AFI39

Finance Department

Other Authorization:

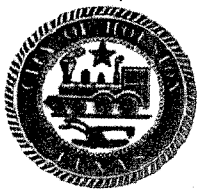
Andrew F. Icken

Andrew F. Icken

Deputy Director

Planning & Development Services Div.

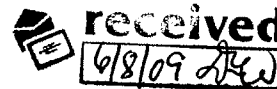
Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 67.954 acres to Porter M.U.D. under the provisions of Chapters 49 & 54 Texas Water Code.

J. Ron Young

Attorney for the District

Attorney: J. Ron Young, Young & Brooks

Address: 1415 Louisiana, Fifth Floor, Houston, Texas

Zip: 77002

Phone: 713-951-0800

Engineer: Gerald L. Gehman, P.E. - A & S Engineers, Inc.

Address: 10377 Stella Link Rd., Houston, Texas

Zip: 77025

Phone: 713-942-2700

Owners: New Caney Independent School District

Address: 21580 Loop 494
New Caney, Texas

Zip: 77357

Phone: 713-577-8600

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey Ella B. Walker

NAME OF COUNTY (S) Montgomery
Abstract # 701

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

North of: FM 1314 State Highway ✓

East of: FM 1314 State Highway ✓

South of: Timberland Blvd.

West of: Fatheree Road ✓

WATER DISTRICT DATA

Total Acreage of District: 3814.945

Existing Plus Proposed Land 3882.899

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

Single Family Residential 0

Multi-Family Residential

Commercial

Industrial

Institutional 100%

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

Sewage Treatment Plant Name: Porter MUD Sewage Treatment Plant

NPDES/TPDES Permit No: TX0084042

TCEQ Permit No: 12242-001

AFI 39



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 1.60

Ultimate Capacity (MGD): 1.60

Size of treatment plant site: 13.18 square feet/acres.

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

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

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

Total permitted capacity: 1.60

MGD of (Regional Plant).

Name of District: Woodridge MUD

MGD Capacity Allocation 0.7245

or property owner(s)

Name of District: Porter MUD

MGD Capacity Allocation 0.8755

Water Treatment Plant Name: Porter Special Utility District

Water Treatment Plant Address: 22162 Water Well Road, Porter, Texas 77065

Well Permit No: 5 wells:

Existing Capacity:

Well(s): 4,280 (5 wells)

GPM

Booster Pump(s): 4,300

GPM

Tank(s): 1.286

MG

Ultimate Capacity:

Well(s): 11,250

GPM

Booster Pump(s): 12,000

GPM

Tank(s): 3.35

MG

Size of Treatment Plant Site: 5 sites; 12.5 acres

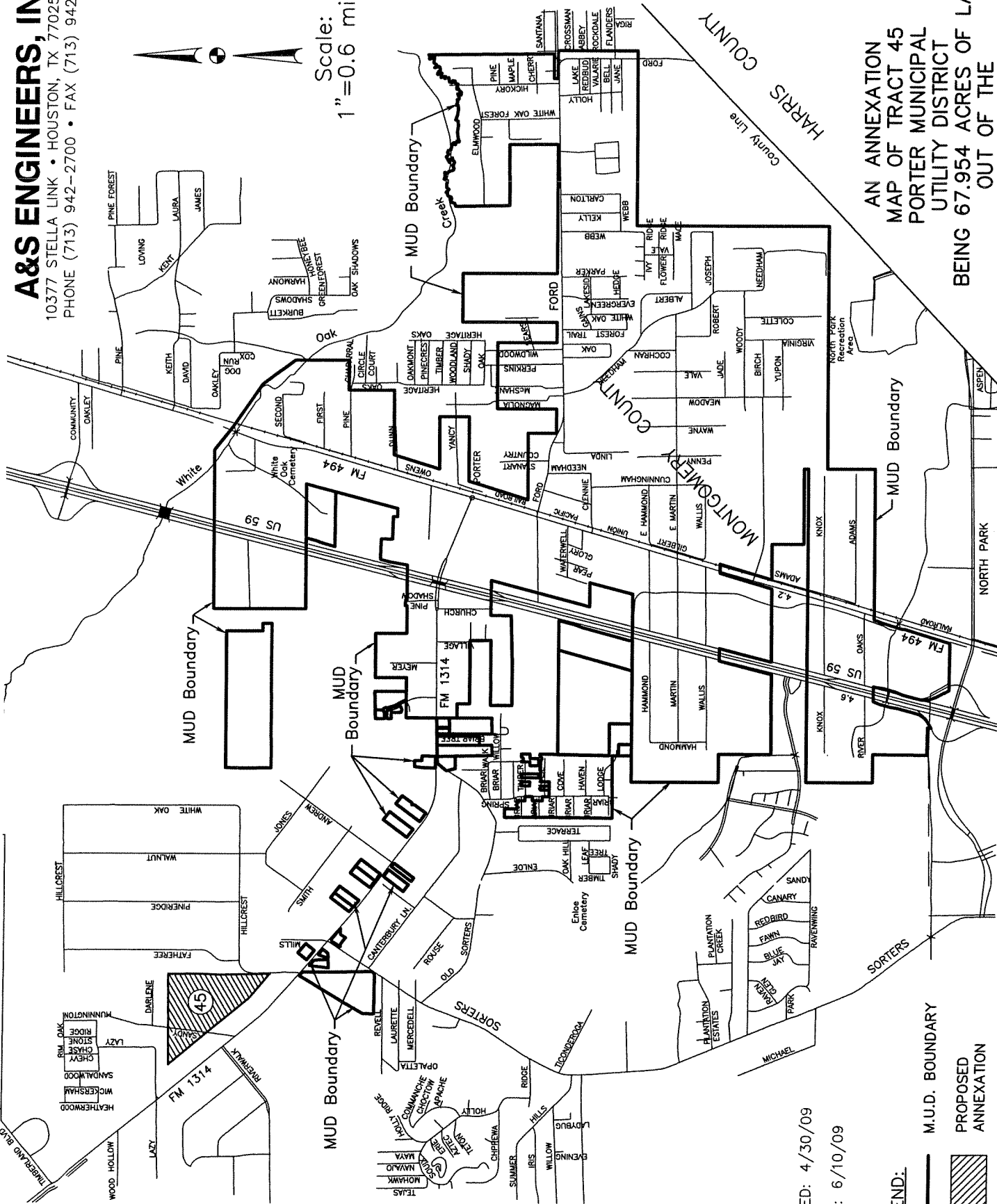
square feet/acres.

Comments or Additional Information: _____

A&S ENGINEERS, INC.
 10377 STELLA LINK • HOUSTON, TX 77025-5445
 PHONE (713) 942-2700 • FAX (713) 942-2799



Scale:
 1" = 0.6 mile



AN ANNEXATION
 MAP OF TRACT 45
 PORTER MUNICIPAL
 UTILITY DISTRICT
 BEING 67.954 ACRES OF LAND
 OUT OF THE
 ELLA B. WALKER SURVEY, A-701
 MONTGOMERY COUNTY, TEXAS

PREPARED: 4/30/09
 REVISED: 6/10/09

LEGEND:
 — M.U.D. BOUNDARY
 ▨ PROPOSED ANNEXATION

45 ANNEXATION TRACT NUMBER

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the addition of 5.98 acres of land to West Harris County Municipal Utility District No. 21 (Key Map No. 370-X)

Page
1 of 1

Agenda Item
#

36

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

6-25-09

JUN 30 2009

DIRECTOR'S SIGNATURE

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

Council District affected:
"ETJ"

For additional information contact:

Ann Marie Stone Sheridan, P.E.
Supervising Engineer (713) 837-9142

AMS

Date and identification of prior authorizing
Council action:

RECOMMENDATION: (Summary)

The petition for the addition of 5.98 acres of land to West Harris County Municipal Utility District No. 21 be approved.

Amount and Source of Funding:

NONE REQUIRED

SPECIFIC EXPLANATION:

West Harris County Municipal Utility District No. 21 has petitioned the City of Houston for consent to add 5.98 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 Taub Road, Derrington Road, Windfern Road, and Fairbanks N. Houston. The district desires to add 5.98 acres, thus yielding a total of 622.23 acres. The district is served by the West Harris County Municipal Utility District No. 21 Wastewater Treatment Plant. The nearest major drainage facility for West Harris County Municipal Utility District No. 21 is Greens Bayou which flows into the Houston Ship Channel.

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

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

Attachments

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

REQUIRED AUTHORIZATION

20AFI40

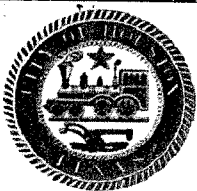
Finance Department

Other Authorization:

Andrew F. Icken
Andrew F. Icken
Deputy Director
Planning & Development Services Div.

Other Authorization:

22



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form



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

Application is hereby made for consent of the City of Houston to the ☐ creation/ ☒ addition of 5.98 acres to W.H.C.M.U.D. No. 21 under the provisions of _____ Texas Water Code.

Attorney for the District

Attorney: Young & Brooks

Address: 1415 Louisiana Street, Suite 500

Zip: 77002

Phone: 713-951-0800

Engineer: Edminster, Hinshaw, Russ and Associates, Inc.

Address: 10555 Westoffice Drive

Zip: 77042

Phone: 713-784-4500

Owners: Derrington Road, L.L.C.

Address: 11000 Equity Drive, Suite 100

Zip: 77041

Phone: 713-781-5783

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

LOCATION

INSIDE CITY ☐

OUTSIDE CITY ☒

Survey L. M. Prior

NAME OF COUNTY (S) Harris

Abstract 635

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

North of: Taub Road

East of: Windfern Road

South of: Derrington Road

West of: Fairbanks N. Houston Road

WATER DISTRICT DATA

Total Acreage of District: 616.25

Existing Plus Proposed Land 622.23

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

Single Family Residential 0

Multi-Family Residential 0

Commercial 100%

Industrial 0

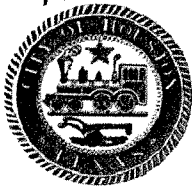
Institutional 0

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

Sewage Treatment Plant Name: W.H.C.M.U.D. No. 21 Wastewater Treatment Plant

NPDES/TPDES Permit No: _____

TCEQ Permit No: 13623-001



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.25
Size of treatment plant site: 4.30
square feet/acres

Ultimate Capacity (MGD): 0.25

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.25 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: WHCMUD21 Water Supply & Storage Facility

Water Treatment Plant Address: 8350 Fallbrook Drive

Well Permit No: HGSD Permit No. 42641

Existing Capacity:

Well(s): 1 @ 1800

GPM

Booster Pump(s): 3 @ 2000; 1 @ 500

GPM

Tank(s): 1 @ 0.42

MG

Ultimate Capacity:

Well(s): 1 @ 1800

GPM

Booster Pump(s): 3 @ 2000; 1 @ 500

GPM

Tank(s): 1 @ 0.42

MG

Size of Treatment Plant Site: 1.56 Acres

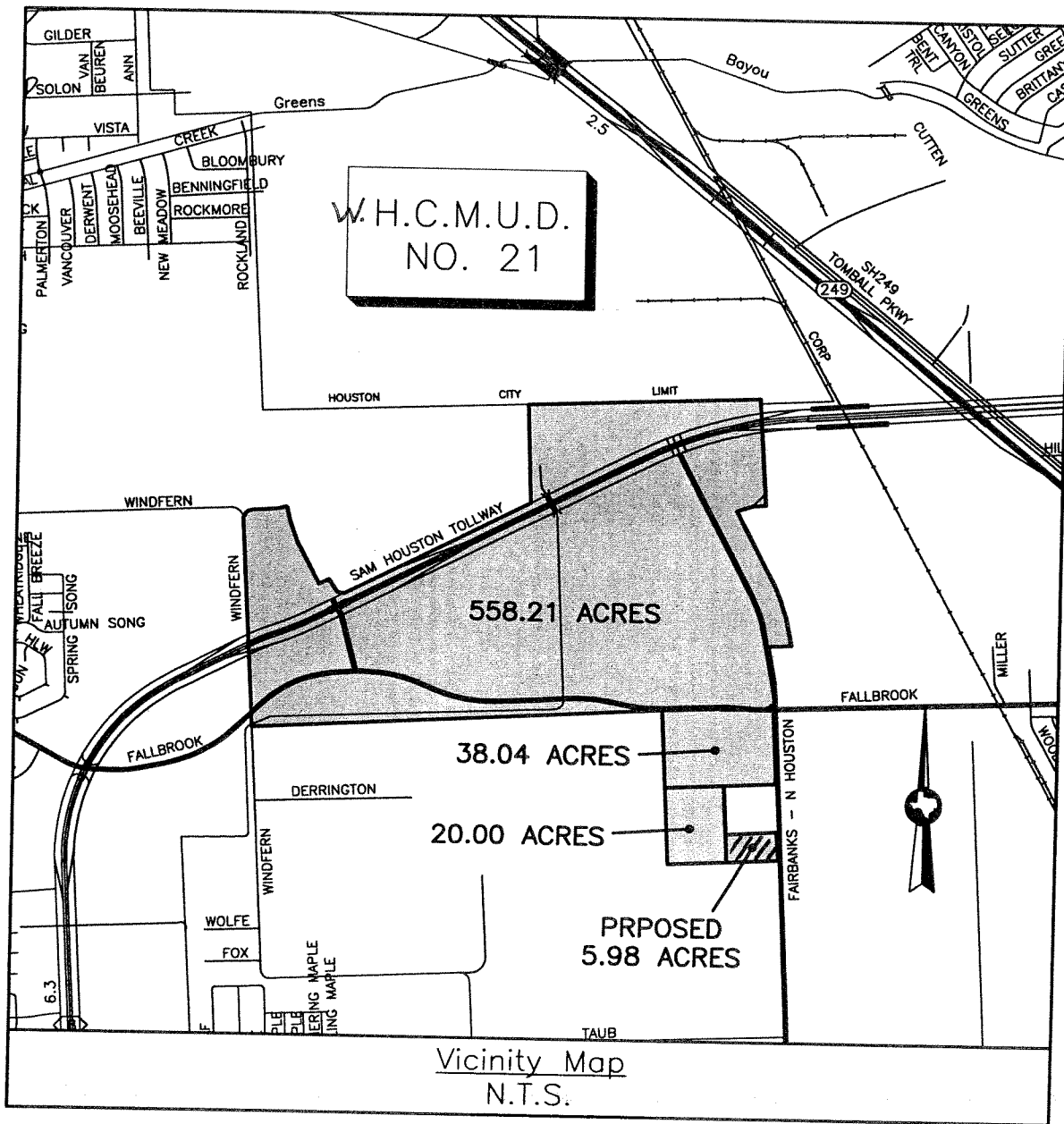
square feet/acres.

Comments or Additional Information: _____

WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 21

622.23 Acres of Land

(Key Map Page No. 370 S, T, U, W, X & Y)



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 1600 block of Bonnie Brae Street, south side, between Mandell and Dunlavy Streets as a Special Minimum Lot Size Area	Category #	Page 1 of	Agenda Item # 37
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date 06/16/2009	Agenda Date JUN 30 2009
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: D
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
--	---

RECOMMENDATION: (Summary) Approval of an ordinance designating the 1600 block of Bonnie Brae St, south side, between Mandell and Dunlavy Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

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

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 12, Block 10, of the Castle Court Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 52% of the area. Notification was mailed to the seventeen (17) property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the protest on April 16, 2009 and voted to recommend that the City Council establish the Special Minimum Lot Size Area.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,000 sf.

MLG:kw

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

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

REQUIRED AUTHORIZATION

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

Special Minimum Lot Size Requirement Area No. 310

Planning Commission Approval

Planning Commission Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>MLS area includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 1600 block of Bonnie Brae Street, south side.
X		<i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> 79% of the proposed application area is developed with not more than two SF residential units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 52% of the SMLSA.
X		<i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i> A minimum lot size of 6,000 sq ft exists on thirteen (13) lots in the blockface.
X		<i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i> The subdivision was platted in 1924. The houses originate from the 1930's. The establishment of a 6,000 sf minimum lot size will preserve the lot size character of the area.
<i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i>		
Thirteen (13) out of seventeen (17) lots (representing 88% of the application area) are at least 6,000 square feet in size.		

The Special Minimum Lot Size Requirement Area meets the criteria.

Carol Abel Lewis 5-1-09
Carol Lewis, Chair Date
or

Mark A. Kilkenny,
Vice-Chair

Date

**H-Town Properties
115 Hyde Park Blvd.
Houston, Texas 77006
713-524-6913
713-524-2871 fax**

February 16, 2009

City of Houston
Planning and Development Department
P.O. Box 1562
Houston, Texas 77002

Re: Special Minimum Lot Size Area Application
1600 block of Bonnie Brae Street, south side between Dunlavy and Mandell
Streets

To Whom It May Concern,

I am the property owner of 1637 Bonnie Brae Houston, Texas 77006. This letter serves as my protest to the application for the creation of a Special Minimum Lot Size Area under Section 42-194 of the Code of Ordinances.

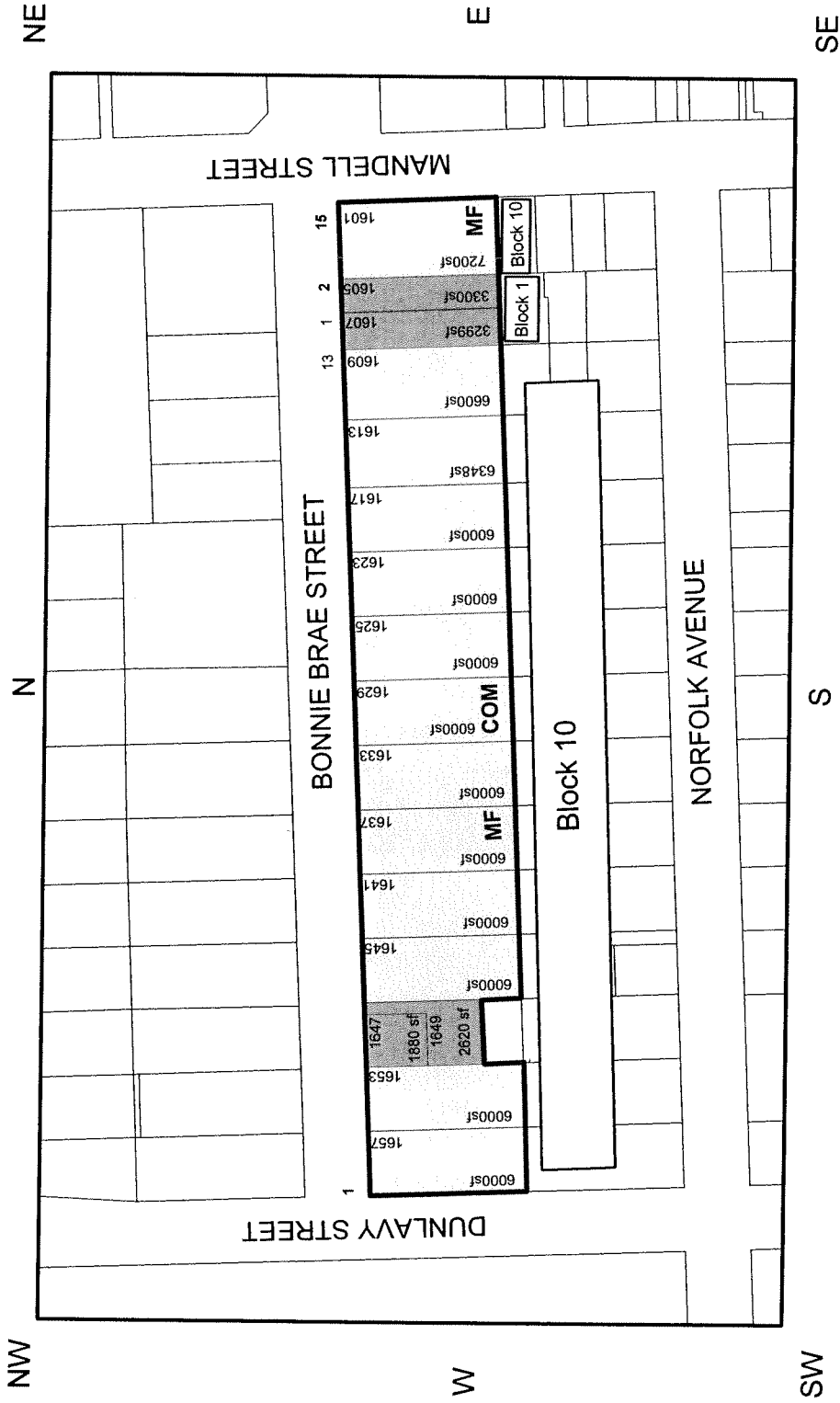
Please contact me at 713-524-6913 or by email at [REDACTED] and [REDACTED].

Sincerely,



Dennis Murland

CASTLE COURT & BONNIE BRAE GARDENS



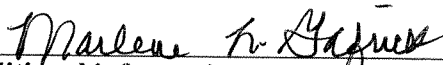
6000sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 310

- Properties that meet the 6,000sf Special Minimum Lot Size
- Properties less than the 6,000sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

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

SUBJECT: Ordinance designating the 1800 block of Lexington Avenue, north and south sides, between Hazard and Woodhesad Streets as a Special Building Line Requirement Area		Category #	Page 1 of _____	Agenda Item # 38
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date 06/12/2009		Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE: 		Council District affected: D		
For additional information contact: Kevin Calfee Phone: 713.837.7768		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of an ordinance designating the 1800 block of Lexington Avenue, north and south sides, between Hazard and Woodhesad Streets as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 20'-0" special building line.				
Amount and Source of Funding:			Finance Budget:	
<p>SPECIFIC EXPLANATION: In accordance with Section 42-163 of the Code of Ordinances, the property owner of TRS 12 & 13A, Block 5, of the Richwood Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 62% of the area. Notification was mailed to 29 property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. One written protest was filed. The Houston Planning Commission considered the application and protest at the March 5, 2009 meeting and voted to recommend the City Council establish the Special Building Line Requirement Area.</p> <p>It is recommended that the City Council adopt an ordinance establishing a 20'-0" Special Building Line for the area.</p> <p>MLG:md:db</p> <p>Attachments: Planning Commission Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Map of the Area, Protest Letters</p> <p>xc: Marty Stein, Agenda Director Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Linda Tarver, Public Works and Engineering Gary Bridges, Public Works and Engineering</p>				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:

Marguerite M. Johnson
1802 Lexington Street
Houston, Texas 77098

January 28, 2009

Director Marlene L. Gafrick
City of Houston
Planning and Development Department
P.O. Box 1562
Houston, Texas 77251-1562

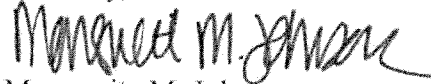
Re: Protest Letter in Response to Notification of Application for Special
Minimum Lot Size Area and Special Building Line Requirement Area-
1800 block of Lexington Street, north and south side, between Hazard and
Woodhead Streets

Dear Director Gafrick:

The purpose of this letter is to notify the Department of Planning and Development that we, as property owners in the application area (1802 Lexington Street), are against the Special Minimum Lot Size Area and Special Building Line Requirement Area Application that was filed with your office. Our reason for filing this protest is that if this application is accepted, our property value will decrease. When we purchased our property, the potential resale value was something we considered. We were told by real estate experts that the value of a long corner lot in an unrestricted block is that it could be divided up and used for multiple townhouses. While we have no immediate plans to sell our property for this purpose, we would like to have the option in the future to market our property with no restrictions as it was marketed to us. This is of special importance as there are already multiple townhouses directly across Woodhead.

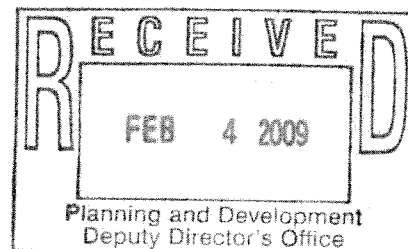
We look forward to presenting our arguments at the hearing.

Sincerely,



Marguerite M. Johnson
Christian F. Johnson

cc: Mira Washington
Fax: (713) 837-7923



Special Building Line Requirement Area No. 155

Planning Commission Approval

Planning Commission Evaluation:

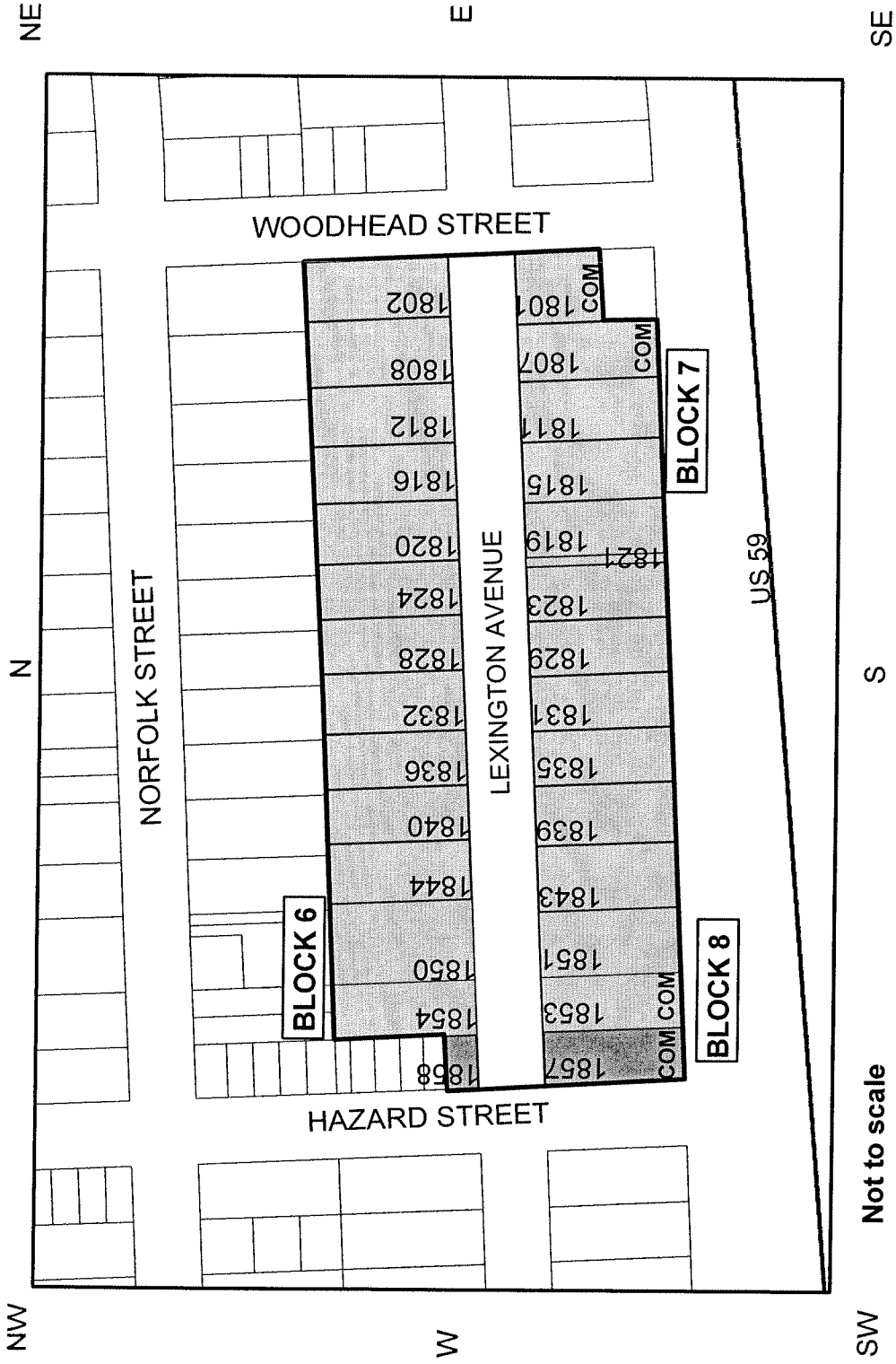
Satisfies	Does Not Satisfy	Criteria
X		<i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i> The application is for the 1800 block of Lexington Avenue, north and south sides.
X		<i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i> 87% of the proposed application area is developed with not more than two SF residential units per property.
X		<i>Demonstrated sufficient evidence of support;</i> Petition signed by owners of 62% of the SBLRA.
X		<i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i> A minimum building line of 20 ft exists on twenty-eight (28) properties in the blockface.
X		<i>The proposed SBLRA has a building line character that can be preserved by the establishment of a minimum building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i> The subdivision was platted in 1924 and 1936. The houses mostly originate from the 1930's. The establishment of a 20 ft minimum building line will preserve the building line character of the area.
<i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i>		
Twenty-eight (28) out of twenty-nine (29) developed properties (representing 96% of the application area) have a building line of at least twenty (20) feet.		

The Special Building Line Requirement Area meets the criteria.

Carol Abel Lewis 5/14/09
Carol Lewis, Chair Date
or

Mark A. Kilkenny, Date
Vice-Chair

RICHWOOD & RICHMOND PLACE



20' Special Building Line Requirement Area
MAP/SKETCH

SBLRA No. 155

- Properties that meet the 20' Special Minimum Building Line
- Properties less than the 20' Special Minimum Building Line
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

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

SUBJECT: Ordinance designating the 2000 block of W 14 1/2 Street, north and south sides, between Beall Street and the cul-de-sac as a Special Building Line Requirement Area	Category #	Page 1 of _____	Agenda Item # 39
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date November 26, 2008	Agenda Date JUN 30 2009
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DIRECTOR'S SIGNATURE: 	Council District affected: A
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary) Approval of an ordinance designating the 2000 block of W 14 1/2 Street, north and south sides, between Beall Street and the cul-de-sac as a Special Building Line Requirement Area, pursuant to Chapter 42 of the Code of Ordinances, and establishing a 25'-0" special building line.

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

SPECIFIC EXPLANATION: In accordance with Section 42-163 of the Code of Ordinances, the property owner of Lot 2, Block 11 of the Clark Pines Section Two Subdivision initiated an application for the designation of a special building line requirement area. The application includes written evidence of support from owners of 65% of the area. Notification was mailed to 23 property owners indicating that the special building line requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a 25'-0" Special Building Line for the area.

MLG:md

Attachments: Planning Director's Approval, Special Building Line Requirement Application & Petition, Evidence of Support, Map of the Area

xc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo G. Michel, City Attorney
Deborah McAbee, Land Use Division, Legal Department
Linda Tarver, Public Works and Engineering
Gary Bridges, Public Works and Engineering

REQUIRED AUTHORIZATION

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

Special Building Line Requirement Area No. 149

Planning Director's Approval

Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>SBLRA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 2000 block of W 14 ½ Street, north and south sides.</p>
X		<p><i>More than 60% of the proposed SBLRA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 65% of the SBLRA.</p>
X		<p><i>Establishment of the SBLRA will further the goal of preserving the building line character of the area; and,</i></p> <p>A minimum building line of 25 ft exists on nineteen (19) properties in the blockface.</p>
X		<p><i>The proposed SBLRA has a building line character that can be preserved by the establishment of a special building line, taking into account the age of the neighborhood, the age and architectural features of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1948. The houses mostly originate from the 1940s and 1950s. The establishment of a 25 ft minimum building line will preserve the building line character of the area.</p>
<p><i>The minimum building line for this application was determined by finding the current building line that represents a minimum standard for at least 70% of the application area.</i></p> <p>Nineteen (19) out of twenty-three (23) developed properties (representing 83% of the application area) have a building line of at least twenty-five (25) feet.</p>		

The Special Building Line Requirement Area meets the criteria.



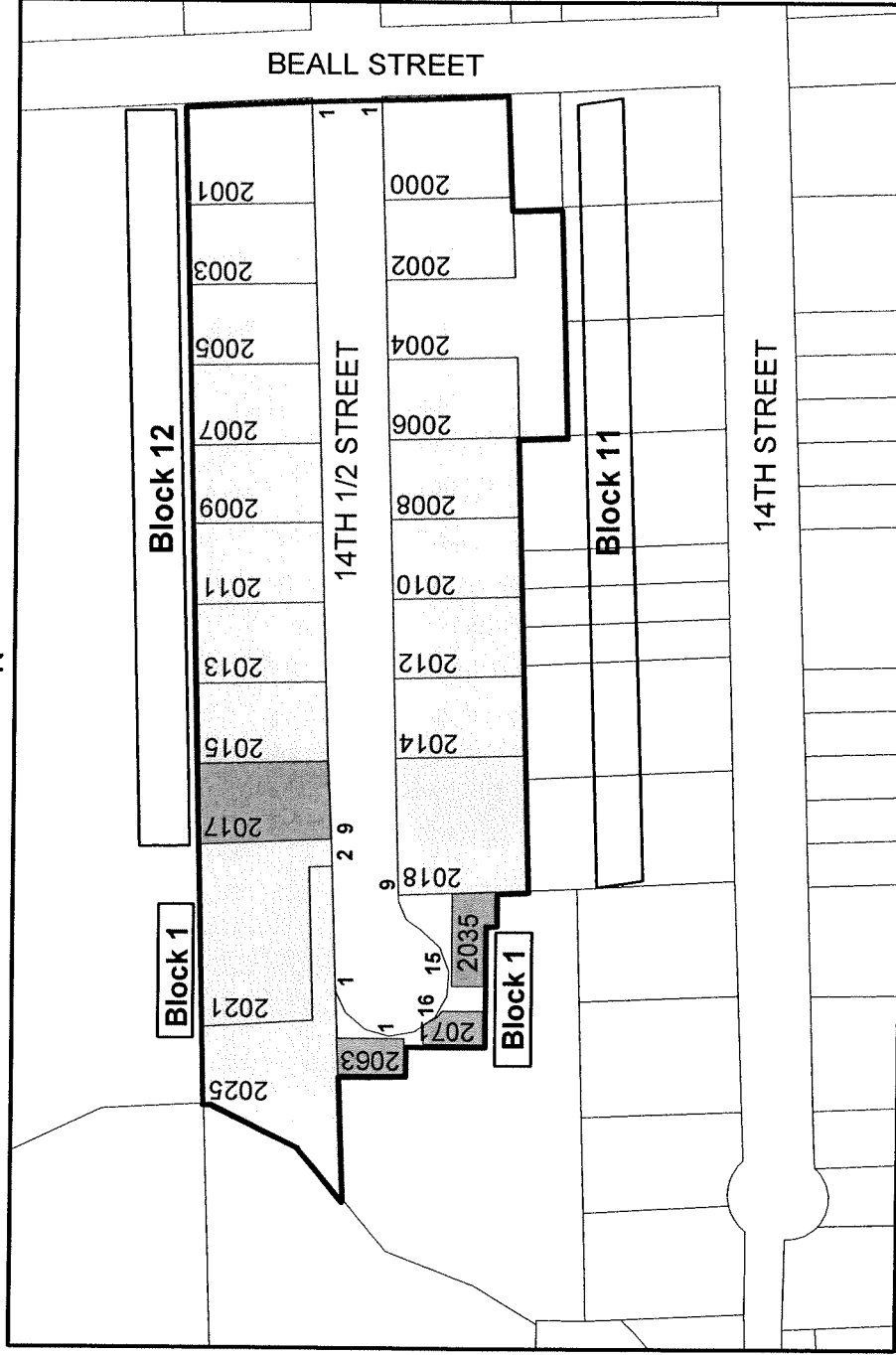

Marlene L. Gafrick, Director
 Date

DONNA PLACE VILLAS AT WHITE OAK

NW N NE

W E

SW S SE



25' Special Building Line
MAP/SKETCH
SBLRA No. 149

- Properties that meet the 25' Special Minimum Building Line
- Properties less than the 25' Special Minimum Building Line

MF Multi Family
COM Commercial
VAC Vacant
EXC Excluded

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating the 2000 block of W 14 1/2 Street, north and south sides, from Beall Street to the cul-de-sac as a Special Minimum Lot Size Area

Category #	Page 1 of	Agenda Item # 40
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FROM (Department or other point of origin):

Marlene L. Gafrick, Director
Planning and Development Department

Origination Date

November 26, 2008

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Marlene L. Gafrick

Council District affected:

A

For additional information contact: Kevin Calfee
Phone: 713.837.7768

Date and identification of prior authorizing Council action: N/A

RECOMMENDATION: (Summary) Approval of an ordinance designating the 2000 block of W 14 1/2 Street, north and south sides, from Beall Street to the cul-de-sac as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

Amount and Source of Funding:

Finance Budget:

SPECIFIC EXPLANATION: In accordance with Section 42-194 of the Code of Ordinances, the property owner of Lot 2, Block 11, of the Clark Pines Section Two Subdivision initiated an application for the designation of a special minimum lot size area. The application includes written evidence of support from the owners of 65% of the area. Notification was mailed to the 23 property owners indicating that the special minimum lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 7,896 sf.

MLG:kw

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

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

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

Special Minimum Lot Size Area No. 298

Planning Director's Approval

Planning Director Evaluation:

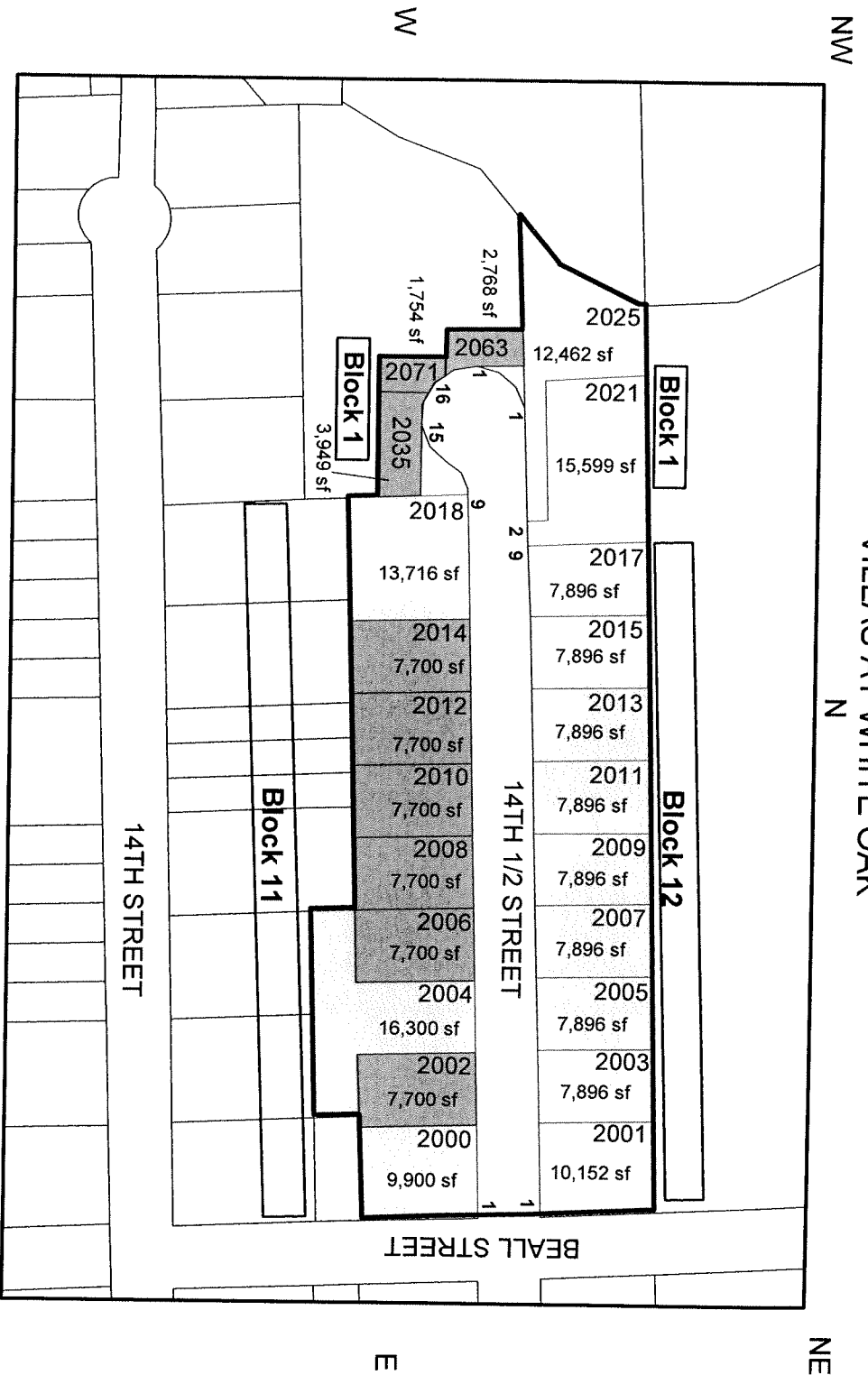
Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSA includes all property within at least one block face and no more than two opposing block faces;</i></p> <p>The application is for the 2000 block of W 14 1/2 Street, north and south sides.</p>
X		<p><i>At least 60% of the proposed SMLSA is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p>100% of the proposed application area is developed with not more than two SF residential units per property.</p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p>Petition signed by owners of 65% of the SMLSA.</p>
X		<p><i>Establishment of the SMLSA will further the goal of preserving the lot size character of the area; and,</i></p> <p>A minimum lot size of 7,896 sq ft exists on fourteen (14) lots in the blockface.</p>
X		<p><i>The proposed SMLSA has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p>The subdivision was platted in 1948. The houses mostly originate from the 1940s and 1950s. The establishment of a 7,896 sf minimum lot size will preserve the lot size character of the area.</p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p>Fourteen (14) out of twenty-three (23) lots (representing 72% of the application area) are at least 7,896 square feet in size.</p>		

The Special Minimum Lot Size Area meets the criteria.



 Marlene L. Gafrick, Director Date

CLARK PINES SEC 2
DONNA PLACE
VILLAS AT WHITE OAK



7,896 sf Special Minimum Lot Size

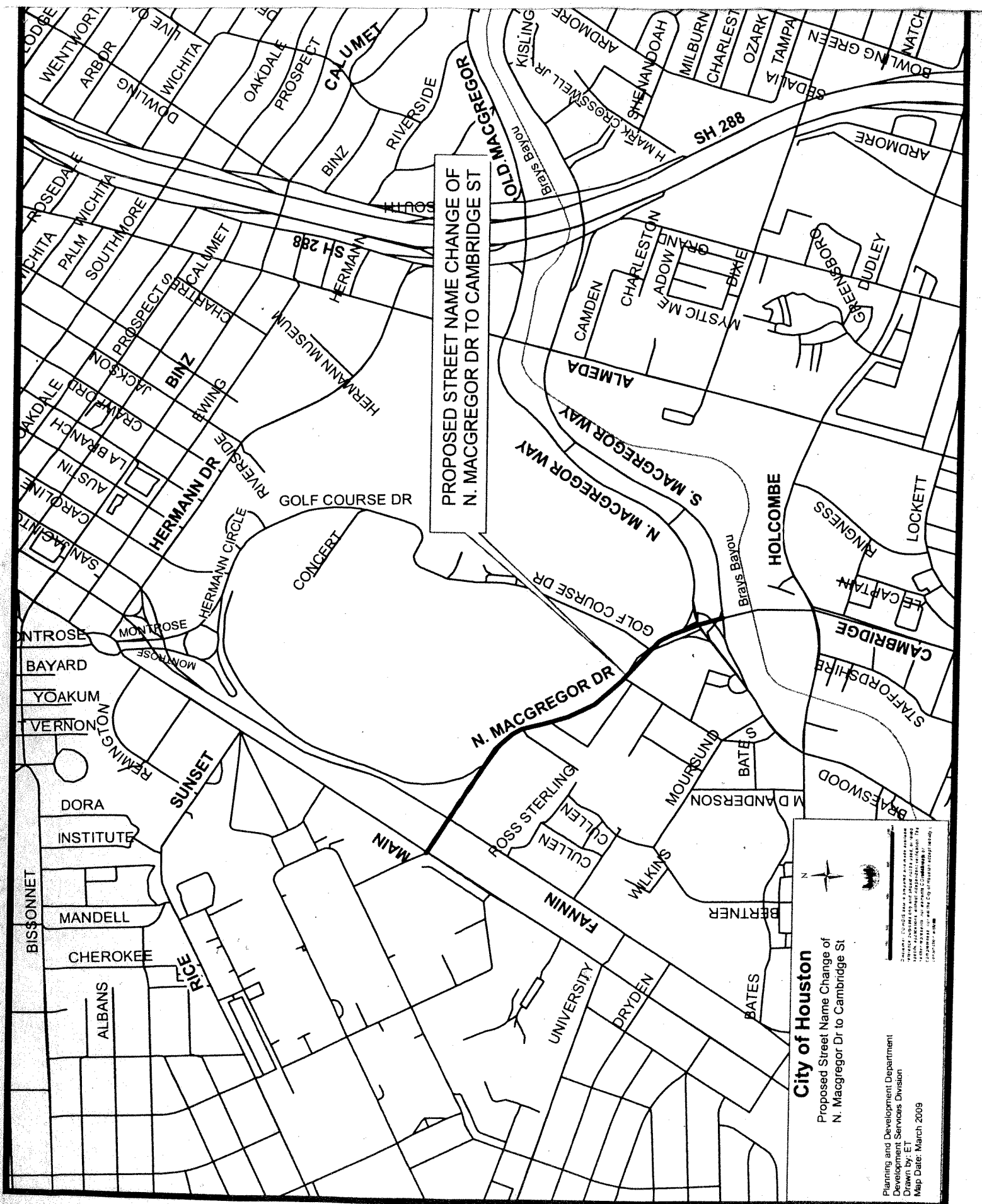
MAP/SKETCH

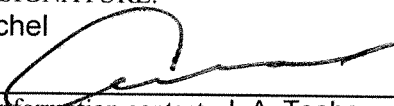
SMLSA No. 298

- ☐ Properties that meet the 7,896 sf Special Minimum Lot Size
- ☐ Properties less than the 7,896 sf Special Minimum Lot Size
- MF** Multi Family
- COM** Commercial
- VAC** Vacant
- EXC** Excluded


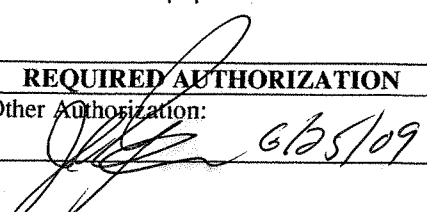
TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION**

SUBJECT: An Ordinance renaming North MacGregor to Cambridge Street. Location is between Main and South MacGregor Way in Hermann Park.		Category #	Page 1 of _____	Agenda Item # <div style="font-size: 2em; text-align: center;">41</div>
FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department		Origination Date 06/26/09		Agenda Date
DIRECTOR'S SIGNATURE: <div style="font-family: cursive;">No Marlene L. Gafrick</div>		Council District affected: D		
For additional information contact: Jennifer Ostlind Phone: 7-7871		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approval of an ordinance renaming North MacGregor to Cambridge Street. It is located between the limits of Main and South MacGregor Way in Hermann Park.				
Amount and Source of Funding:			Finance Budget:	
SPECIFIC EXPLANATION: The Parks and Recreation Department is requesting to rename North MacGregor to Cambridge Street. The proposed Cambridge Street is located between Main Street to the north and South MacGregor Way to the south in Hermann Park and connecting with the new Cambridge Street Bridge. This will give the newly continuous street a single name and simplify navigation of the area. The street and both curbs are wholly within Hermann Park except for Memorial Hermann and Ben Taub Hospitals and garages. With both being major trauma centers for the region, it is intended that the change will avoid confusion in needed emergency access to the facilities. Both of these neighboring medical facilities along with Texas Medical Center and Rice University support the proposed change. The proposed street name complies with the street naming standards. The Parks and Recreation Department has support letters from the institutions located on North MacGregor regarding the name change. This name change will not affect the street numbering. MLG:JO:Et Attachment: Name Change Request Letters Map cc: Marty Stein, Agenda Director Anna Russell, City Secretary Michael Marcotte, Director, Public Works and Engineering Arturo Michel, City Attorney Bill Hlavacek, Public Works and Engineering Max Samfield, Deputy Director Wanda Adams, Council Member, District D Joe Turner, Director, Parks and Recreation				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:		Other Authorization:



SUBJECT: Request City Council approval of an ordinance authorizing a contract for legal services between the City of Houston and Haynes and Boone, LLP		Page 1 of 1	Agenda Item # 42
FROM (Department or other point of origin): Legal Department		Origination Date 6-25-09	Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE: Arturo G. Michel City Attorney 		Council District affected: All	
For additional information contact: L.A. Teehan Phone: 832.393.6467		Date and identification of prior authorizing Council action: None	
RECOMMENDATION: (Summary) That Council approve an ordinance authorizing a contract for legal services between the City of Houston and Haynes and Boone, LLP			
Amount and Source of Funding: \$45,000.00 - Maximum Contract Amount Property & Casualty Fund (1004)			
SPECIFIC EXPLANATION: The City and two HPD officers have been sued as the result of an incident that occurred on April 29, 2008. The lawsuit is filed in federal court, and styled Cause No.: H-08-1366: <i>Susan Carnaby, et al. v. City of Houston, et al.</i> , In the U.S. District Court, Southern District of Texas, Houston Division. The lawsuit alleges excessive deadly force and wrongful death as the result of the officers' actions, and the City's (HPD's) policies, practices and procedures. It has become necessary for the City to retain outside counsel to represent its interests in this lawsuit, separate and apart from the officers' representation. Haynes and Boone has considerable expertise in representing municipalities in lawsuits brought alleging civil rights violations. Haynes and Boone commenced representation of the City under City of Houston Purchase Order # 4500086084 for \$50,000.00 issued 02.11.09. The Legal Department believes that an additional \$45,000.00 is necessary for this phase of the litigation.			
REQUIRED AUTHORIZATION			
Other Authorization:		NDT	

R

REQUEST FOR COUNCIL ACTION			
TO: Mayor via City Secretary		RCA# 8095	
Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for a Laboratory Information Management System for the Houston Police Department/S37-T22904		Category # 4 & 5	Page 1 of 2 Agenda Item 43
FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department		Origination Date June 25, 2009	Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE 		Council District(s) affected All	
For additional information contact: Joseph Fenninger Douglas Moore		Date and Identification of prior authorizing Council Action:	
Phone: (713) 308-1708 Phone: (832) 393-8724			
RECOMMENDATION: (Summary) Approve an ordinance awarding a contract to Porter Lee Corporation, in an amount not to exceed \$825,390.00 for a laboratory information management system for the Houston Police Department.			
Maximum Contract Amount: \$825,390.00			Finance Budget
\$238,075.00 - General Fund (1000) \$587,315.00 - Federal Government - Grant Funded (5000)			
\$825,390.00 - Total Amount			
SPECIFIC EXPLANATION: The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two additional one-year options to Porter Lee Corporation in an amount not to exceed \$825,390.00 for a laboratory information management system (LIMS) for the Houston Police Department (HPD). The Department Director may terminate this contract at any time upon 30-days written notice to the contractor. The implementation of the LIMS will provide for a secure and efficient automated laboratory management process. It will replace the current paper tracking system and associated Access database that are decades old, allow for the automated tracking and monitoring of evidence tests and provide management a tool to better measure productivity. The scope of work requires the Contractor to provide all labor, equipment, materials, supplies and supervision necessary to implement the LIMS software. The implementation will include the following:			
<ul style="list-style-type: none"> • Installation of the Oracle or SQL database server and Oracle or SQL client software • Installation of the LIMS Software on the HPD architecture • Installation and configuration of the LIMS database with the ability to support the data requirements of the HPD • Interface the LIMS with the existing photographic image management system • Installation of necessary interfaces between the LIMS and the Evidence Management System and "On-Line Offense" system to efficiently import the database information associated with evidentiary analysis including requests for analysis • Installation and integration of bar code equipment in order to enable evidence tracking functionality of the LIMS system 			
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:	Other Authorization:	
	 6/25/09	NDT	

Date: 6/25/2009	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for a Laboratory Information Management System for the Houston Police Department/S37-T22904	Originator's Initials JH	Page 2 of 2
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- Training for laboratory staff, including evidence clerks, analysts, management and system administrators

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. 45 prospective bidders downloaded the solicitation document from SPD's e-bidding website and, as a result, proposals were received from Labware, Inc., JusticeTrax, Porter Lee Corporation, McLane Advanced Technologies, The Computer Solution Company and Wunderlich Malec. The evaluation committee consisted of ten HPD experts. The proposals were evaluated based upon the following criteria:

- Submission of Required Documentation
- Responsiveness to Requirements Matrix
- Responsiveness to RFP
- Vendor Qualifications
- Pricing
- M/WBE Subcontracting

Porter Lee Corporation received the highest overall score.

M/WBE Subcontracting:

This RFP was issued as a goal-oriented contract with an 11% M/WBE participation level. The goal was reduced to 3.5% due to the fact that the bulk of this contract requires advanced specialization in training, programming and database management, and there are currently not enough qualified MWBE sub-contractors certified with the City who can do this highly technical work. **Porter Lee Corporation** has designated the below-named company as its certified MWBE subcontractor,

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Amount</u>	<u>Percent</u>
Arrati, Inc. d/b/a TexcelVision	IT Consulting	\$28,888.65	3.5%

The Affirmative Action Division will monitor this contract.

Pay or Play:

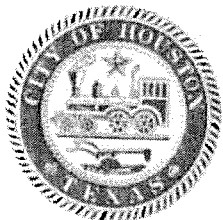
The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

Buyer: Joyce Hays

ESTIMATED SPENDING AUTHORITY

Department	FY 2009	Out Years	Total
Houston Police Department	\$56,155.00	\$769,235.00	\$825,390.00

8095



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

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

From: Joyce Hays

Date: 06-23-09

Subject: MWBE Participation Form

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

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

I am requesting a revision of the MWBE Goal: Yes ☒ No ☐ Original Goal: 11% New Goal: 3.5%

If requesting a revision, how many solicitations were received: 6

Solicitation Number: S37-T22904

Estimated Dollar Amount: \$825,390.00

Anticipated Advertisement Date: 5/16/2008

Solicitation Due Date: 7/13/2008

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:

Laboratory Information Management System

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

The original M/WBE goal for the Laboratory Information Management System Agreement was advertised in the RFP at 11% based upon the utilization of a subcontractor in the supply of workstation software installation and barcode hardware installation. The subcontractor will also be able to provide training room setup and other preparation tasks. However, the bulk of this contract requires advanced specialization in training, programming and database management, which is not reserved for the standard IT consulting services company to assist in. Such training involves practical learning beyond working with databases and programming. Contractor's employee's understand specifics about forensic laboratory functionality and application configuration to match that functionality. In addition, they understand very complex concepts such as database structure and program algorithms that are trade secrets within Porter Lee. Consequently, we request that the MWBE participation goal be revised downward from 11% to 3.5% to reflect the contractor's smaller divisible workload.

Concurrence:

Joyce Hays
SPD Initiator

Douglas Allen
Division Manager

Robert Gallegos
Robert Gallegos, Deputy Assistant Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8372

Subject: Approve an Appropriation Ordinance from the IT Consolidated Equipment Acquisition Fund for the Purchase of Asset Replacement for Various Departments

Category #
1

Page 1 of 1

Agenda Item

44

FROM (Department or other point of origin):

Richard Lewis
Chief Information Officer
Information Technology

Origination Date

June 05, 2009

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE

Richard Lewis

Council District(s) affected
All

For additional information contact:

Frank Rodriguez
Phone: (832) 393-0205
Phone:

Date and Identification of prior authorizing Council Action:

CM2009-0360 , 6-17-09

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$3,928,128.00 from the IT Consolidated Equipment Acquisition Fund (Fund 1800) for the purchase of asset replacement hardware for Various Departments.

Award Amount: \$3,928,128.00

Finance Budget
Mark Hell

\$1,350,000.00	Equipment Acquisition Consolidated Fund (Fund 1800)	WBS V-1800-2010-03
\$ 678,128.00	Equipment Acquisition Consolidated Fund (Fund 1800)	WBS X-680001
\$ 800,000.00	Equipment Acquisition Consolidated Fund (Fund 1800)	WBS X-680000
\$ 475,000.00	Equipment Acquisition Consolidated Fund (Fund 1800)	WBS X-680002
\$ 625,000.00	Equipment Acquisition Consolidated Fund (Fund 1800)	WBS X-096899
\$3,928,128.00 - Total		

SPECIFIC EXPLANATION:

The Chief Information Officer recommends that City Council approve an ordinance authorizing the appropriation of \$3,928,128.00 from the IT Consolidated Equipment Acquisition Fund (Fund 1800) for the purchase of routine IT asset replacement for network and infrastructure systems, equipment, servers, desktop hardware and related software licenses for various Departments. These purchases will be provided through the City's Master Agreement with the Texas Department of Information Resources (DIR) Contract No. C56844. Of this total, \$678,128.00 is requested to offset General Fund spending authority approved by Council on June 17th.

This appropriation will allow Information Technology (IT) personnel to expedite the acquisition process for emergency break-fix, scheduled refresh and standard annual asset replacement for various network, infrastructure and desktop systems. The Asset Replacement program was implemented in the fall of 2007 to allow the City to replace Computers, Servers, Network and Voice equipment, software licenses and systems on a scheduled basis in order to minimize loss of productivity due to equipment failures as well as, proactively manage technology upgrades and changes which impact reliability, performance and security.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MOTION NO. 2009 0360

MOTION by Council Member Khan that the recommendation of the Purchasing Agent, for purchase of a Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department, be adopted, and authority is hereby given to issue purchase orders to DIR's Go Direct Vendor, SHI Government Solutions, Inc., in an amount not to exceed of \$3,446,622.00.

Seconded by Council Member Adams and carried.

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

PASSED AND ADOPTED this 17th day of June, 2009.

Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is June 23, 2009.


City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: First Amendment to Construction Contract
AIA General Contractors, Inc.
Wheeler Park Underground Storage Tank Modifications and Cleanup
WBS No. F-000676-0002-4

Page
1 of 1Agenda
Item
45**FROM (Department or other point of origin):**

General Services Department

Origination Date

6-24-09

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District affected:

1

For additional information contact:

Jacquelyn L. Nisby

Phone: 832-393-8023**Date and identification of prior authorizing
Council action:**

Ordinance 2008-1194; Dated 12-17-2008

RECOMMENDATION: Approve First Amendment to Construction Contract and appropriate additional funds for the project.**Amount and Source of Funding:****\$22,320.96** Parks Consolidated Construction Fund (4502)**Previous Funding:****\$935,086.00** Parks Consolidated Construction Fund (4502)**Finance Budget:**

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve a First Amendment to the construction contract with AIA General Contractors, Inc. to increase the director's authority to approve Change Orders up to 13.0% of the original contract price. This amendment is necessary to provide additional improvements to the facility, which will exceed the original 10% contingency.

The Parks and Recreation Department has determined that to deliver a more complete project, the following additional improvements are needed:

- An additional car wash sprayer system in the bay currently occupied by the hydraulic lift.
- Painting the entire facility to match the fuel canopy.

These additional improvements were not included in the original scope of work; however implementing the changes at this time is cost effective.

PROJECT LOCATION: 6200 Wheeler Street, Houston, Texas (Key Map 534-G)

PREVIOUS HISTORY AND PROJECT DESCRIPTION: On December 17, 2008, City Council awarded a construction contract to AIA General Contractors, Inc. to provide construction services at the Wheeler Park Facility for the Parks and Recreation Department. The scope of work consists of demolition, excavation, transportation and disposal of one 20,000 gallon underground storage tank (UST), two 12,000 gallon USTs and three 1,000 gallon USTs including accessories and piping, removing five fuel dispensers, all sensors, pumps and power supplies from the existing tanks; demolition, excavation, transportation and disposal of all concrete paving and debris generated as a result of all activities. The work also includes installation of one 25,000 gallon gasoline UST, one 25,000 gallon diesel UST and one 1,000 gallon motor oil UST along with associated appurtenances.

IZD:HB:JLN:GM:FK:fk

c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Mark Ross, Gabriel Mussio, File

REQUIRED AUTHORIZATION

CUIC ID # 25GM188

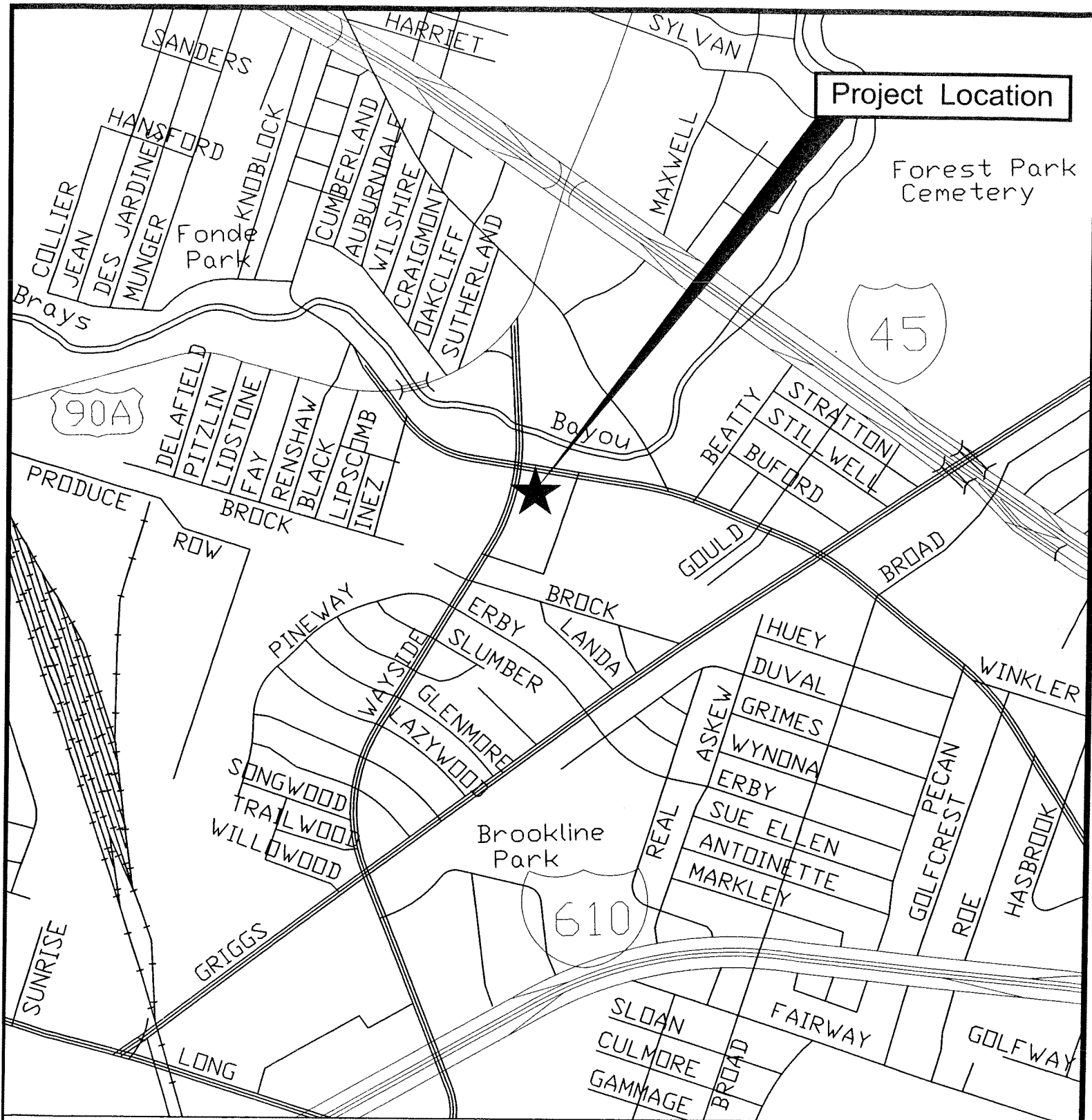
General Services Department:

Humberto Bautista, P.E.

Chief of Design & Construction Division

Other Authorization:**Parks and Recreation
Department:**

Joe Turner, Director



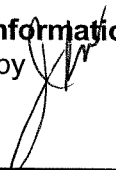

Wheeler Park Facility Underground Storage Tank Modification and Cleanup

6200 Wheeler Road
Houston, TX 77023

COUNCIL DISTRICT "I"

SITE MAP

KEYMAP No. 534G

SUBJECT: Appropriate Additional Funds Professional Engineering Services Contract Carter & Burgess, Inc. Sunbeam Neighborhood Depository WBS No. L-000076-0001-3		Page 1 of 2	Agenda Item 46
FROM (Department or other point of origin): General Services Department	Origination Date 6/25/09	Agenda Date JUN 30 2009	
DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. 	Council District(s) affected: D		
For additional information contact: Jacquelyn L. Nisby  Phone: 832.393.8023	Date and identification of prior authorizing Council action: Ordinance No. 2006-0126; dated 02/08/2006 Ordinance No. 2007-1125; dated 10/10/2007		
RECOMMENDATION: Appropriate funds for the project.			
Amount and Source Of Funding: \$270,000.00 — Solid Waste Consolidated Construction Fund (4503)		Finance Budget: 	
Previous Contract Funding: \$602,000.00 - Water and Sewer System Consolidated Construction Fund (755) \$190,000.00 - PWE-W&S System Consolidated Construction Fund (8500) \$ <u>75,000.00</u> - Solid Waste Consolidated Construction Fund (4503) \$867,000.00 Total Funding			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate an additional amount of \$270,000.00 to the Task Order Professional Engineering Services Contract with Carter & Burgess, Inc. to provide design services for the upgrade of the Sunbeam Neighborhood Depository for the Solid Waste Management Department (SWMD).			
PROJECT LOCATION: 5100 Sunbeam St. (574A)			
PROJECT DESCRIPTION: The Sunbeam Neighborhood Depository facility has deteriorated and requires repair or replacement to continue to provide depository services, which is a beneficial alternative to dumping or the undesirable disposal of materials. The scope of work consists of upgrading the depository to similar design standards of the SWMD depositories at North Main, Central and Lawndale. The site will be paved with concrete and a ramp provided to allow the public to drive up and deposit solid waste in roll-on-roll containers. There will also be an office/restroom provided for staff.			
REQUIRED AUTHORIZATION		CUIC ID# 25DSGN41	
General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division		Solid Waste Management Department:  Harry J. Hayes Director	

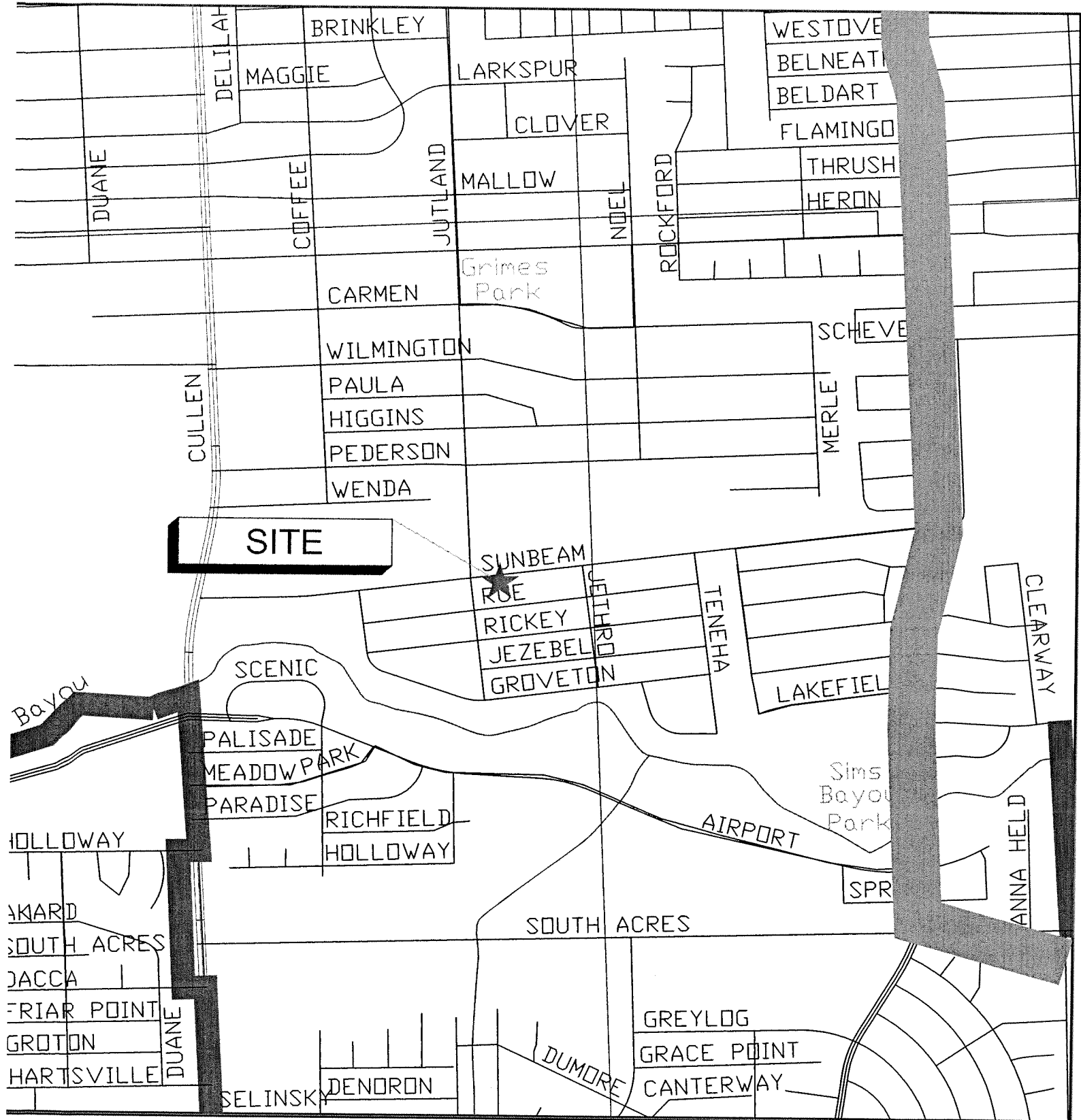
Date	SUBJECT: Appropriate Additional Funds Professional Engineering Services Contract Carter & Burgess, Inc. Sunbeam Neighborhood Depository WBS No. L-000076-0001-3	Originator's Initials EA	Page 2 of 2
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PREVIOUS HISTORY AND PROJECT SCOPE: On February 8, 2006, City Council awarded a five-year Task Order Professional Engineering Services Contract to Carter & Burgess, Inc. and appropriated \$602,000 to provide design services for the Bob Lanier Public Works systems upgrade. On October 10, 2007, City Council approved a First Amendment to the Professional Engineering Services Contract to expand the scope of services to include citywide facilities of the Public Works and Engineering and Solid Waste Management Departments, and appropriated an additional \$265,000.

M/WBE INFORMATION: The original contract and this additional appropriation have a 24% M/WBE goal. Carter & Burgess, Inc. will utilize the certified M/WBE firms referenced in the original contract to achieve the goal. To date, Carters & Burgess, Inc. has achieved 33% M/WBE participation of the task orders issued to date.

IZD:HB:RAV:JLN:EA:ea

c: Marty Stein, Jacquelyn L. Nisby, Esq., James Tillman IV, Gary Readore, Calvin Curtis, Esq., Yvette Burton



Sunbeam Neighborhood Depository
5100 Sunbeam St.
Houston, TX 77033

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds
Emergency Generator Replacement at Fire Station 13
Houston Fire Department
WBS No: C-0000EQ-0004-5

Page
1 of 1

Agenda
Item
47

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

Origination Date

6-24-09

Agenda Date

JUN 30 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District(s) affected:

A

For additional information contact:

Jacquelyn L. Nisby

Phone: 832 393-8023

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

RECOMMENDATION: Appropriate funds for the project.

Amount and Source of Funding:

\$35,000.00—Fire Consolidated Construction Fund (4500)

Finance Budget:

Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$35,000.00 to replace the emergency generator at Fire Station 13 for the Houston Fire Department. The existing emergency generator was damaged beyond repair during Hurricane Ike. The fire station is currently utilizing a temporary trailer mounted generator.

PROJECT LOCATION: 2215 W. 43rd (451M)

IZD:HB:JLN:MCP:RV:ps

c: Marty Stein; Jacquelyn L. Nisby; Calvin R. Curtis; Yvette Burton; James Tillman IV; File

REQUIRED AUTHORIZATION

CUIC ID# 25MSCL40

General Services Department:



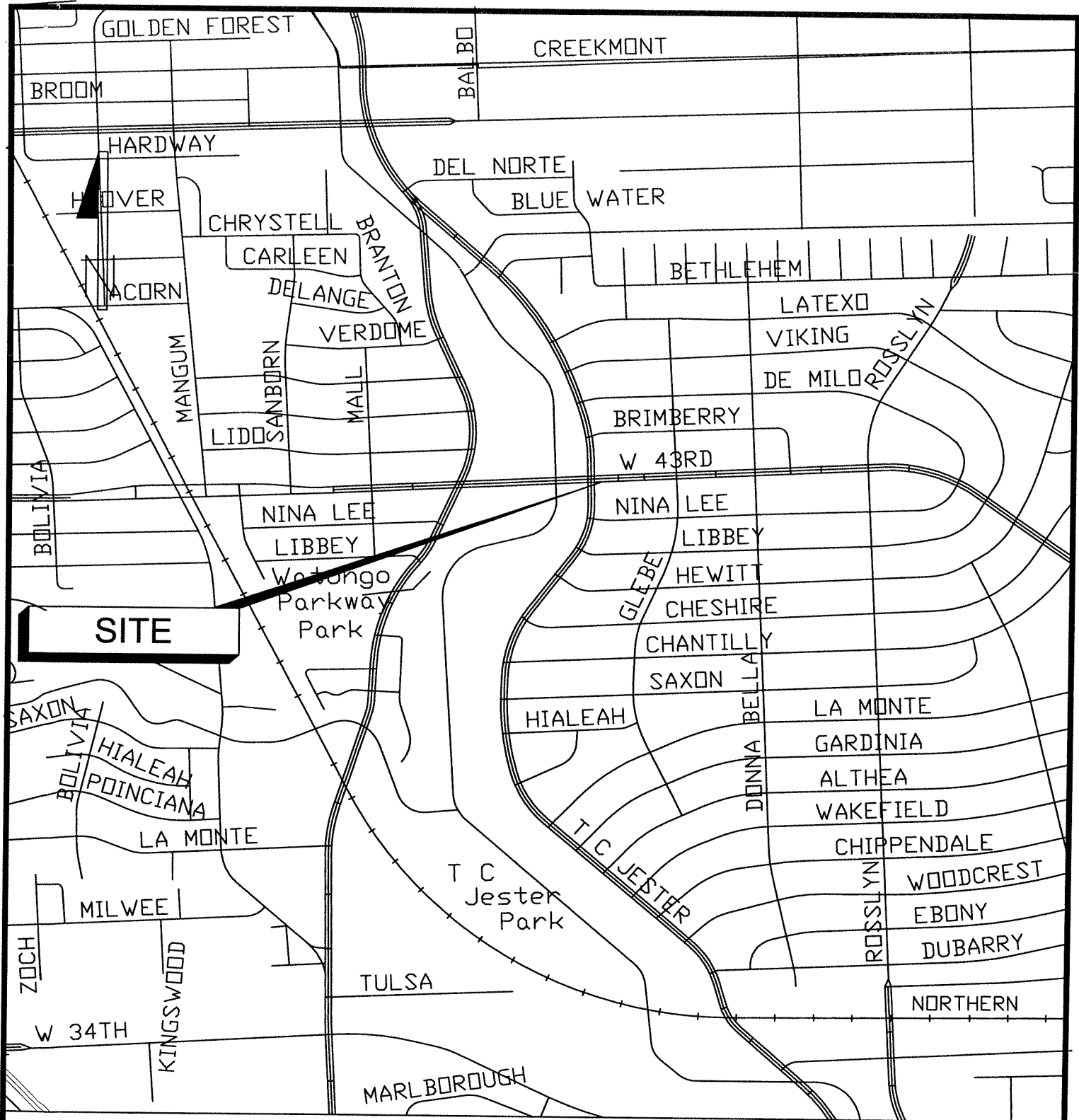
Humberto Bautista, P.E.
Chief of Design & Construction Division

Houston Fire Department:

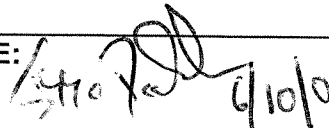
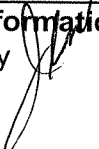


Phil Boriskie
Fire Chief

ngd
fue



EMERGENCY GENERATOR REPLACEMENT AT
FIRE STATION #13
2215 WEST 43RD ST.
HOUSTON, TX

SUBJECT: Appropriate Funds for the Job Order Contracts Program WBS Nos. D-000108-0002-4; L-000JOC-0001-4; H-000069-0002-4; G-000JOC-0001-4, R-000268-0059-4; E-000JOC-0001-4; F-000585-0002-4		Page 1 of 2	Agenda Item 48
FROM (Department or other point of origin): General Services Department	Origination Date 6/18/09		Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.  6/10/09	Council District(s) affected: All		
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2007-0167; Dated February 7, 2007 Ordinance No. 2007-0831; Dated July 11, 2007 Ordinance No. 2008-0185; Dated March 5, 2008 Ordinance No. 2008-0583; Dated June 25, 2008 Ordinance No. 2009-0132; Dated February 18, 2009		

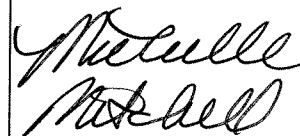
RECOMMENDATION: Appropriate funds for the Job Order Contracts Program.

Amount and Source of Funding:

Maximum contract amount for each contract: \$10,000,000 – 5 years



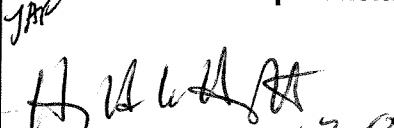
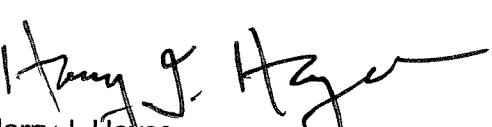

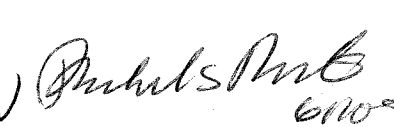
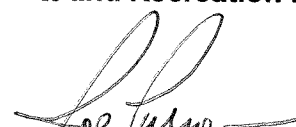
\$ 300,000.00 –Solid Waste Consolidated Construction Fund (4503)
 \$2,057,000.00 –General Improvement Consolidated Construction Fund (4509)
 \$ 280,000.00 –PWE-W&S System Consolidated Construction Fund (8500)
 \$ 550,000.00 –Public Health Consolidated Construction Fund (4508)
 \$ 750,000.00 –Public Library Consolidated Construction Fund (4507)
 \$ 100,000.00 –Parks Consolidated Construction Fund (4502)
 \$ 50,000.00 –Reimbursement of Equipment/Projects Fund (1850)
 \$ 100,000.00 –Police Consolidated Construction Fund (4504)
\$4,187,000.00 Total Appropriation

Finance Budget:



REQUIRED AUTHORIZATION

CUIC #25CONS100

General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division	Houston Public Library:  Dr. Rhea Brown Lawson, Ph.D. Director	Houston Police Department:  Harold L. Hurtt Chief
Solid Waste Management Department:  Harry J. Hayes Director	Department of Health and Human Services:  Stephen Williams, M.ED, MPA Director	Public Works & Engineering Department:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director
Parks and Recreation Department:  Joe Turner Director		

SUBJECT: Appropriate Funds for the Job Order Contracts Program
WBS Nos. D-000108-0002-4; L-000JOC-0001-4; H-000069-0002-4;
G-000JOC-0001-4, R-000268-0059-4, E-000JOC-0001-4; F-000585-0002-4

**Originator's
Initials**
EA

Page
2 of 2

Previous Funding:

\$2,675,000.00—Public Library Consolidated Construction Fund (4507)
\$2,139,000.00—General Improvement Consolidated Construction Fund (4509)
\$ 745,000.00—Public Health Consolidated Construction Fund (4508)
\$ 900,000.00—Police Consolidated Construction Fund (4504)
\$ 470,000.00—Solid Waste Consolidated Construction Fund (4503)
\$ 914,000.00—Parks Consolidated Construction Fund (4502)
\$ 274,400.00—Water & Sewer System Consolidated Construction Fund (8500)
\$ 205,000.00—Street & Bridge Consolidated Construction Fund (4506)
\$ 200,000.00—Fire Consolidated Construction Fund (4500)
\$8,522,400.00 Total Funding

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$4,187,000.00 to the Job Order Contracts for construction services for the Solid Waste, General Government, Public Works & Engineering, Health, Library, Parks and Police Departments. The funds will be allocated to each Job Order Contract as work orders are issued. Periodically, as departments identify projects and specific funding for each project, Council may be asked to appropriate additional funds to Job Order Contracts. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by FEMA for repairs to the roof at Sunnyside Community Center that was damaged during Hurricane Ike.

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: The scope of work consists of minor construction, repairs, rehabilitations or alterations of various facilities.

PREVIOUS HISTORY AND PROJECT SCOPE: On February 7, 2007, City Council awarded a five-year Job Order Contract to Williams & Thomas, LP dba Jamail Construction and RHJ-JOC, Inc. and appropriated \$650,000 for both contracts for construction services for various facilities. On July 11, 2007, City Council appropriated an additional sum of \$1,856,400.00 to both contracts. On March 5, 2008, City Council approved a First Amendment to the Job Order Contract with Jamail Construction to decrease the performance bond requirement amount from \$2,000,000.00 to \$500,000.00, and appropriated an additional \$1,740,000.00 for construction services for various facilities. On June 25, 2008, City Council approved a First Amendment to the Job Order Contract with RHJ-JOC, Inc. to decrease the performance bond requirement amount from \$2,000,000.00 to \$500,000.00 and appropriated an additional \$1,740,000.00 for construction services for various facilities. On February 18, 2009, City Council appropriated an additional sum of \$2,536,000.00 to both contracts.

M/WBE PARTICIPATION: The original contract and this appropriation have a 15% M/WBE goal and 5% SBE goal. To date, Jamail Construction has achieved 15.7% M/WBE participation and 3.3% SBE participation, and RHJ-JOC, Inc. has achieved 35.5% M/WBE participation and 7.2% SBE participation.


IZD:HB:RAV:JLN:EA:ps

c: Marty Stein, Jacquelyn L. Nisby, James Tillman IV, Velma Laws, Kirk Munden, Daniel Steege, Gary Readore, Wendy Heger, Joe Goodman, Jack Williams, Celina Ridge, Mark Ross, Calvin Curtis, Yvette Burton, Project File 813

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#

3rd Reading
FINAN

49

5370

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

6/5/09

Agenda Date

~~JUN 17 2009~~

DIRECTOR'S SIGNATURE:

[Signature]

Council Districts affected:

ALL

JUN 30 2009

For additional information contact:

Juan Olguin *3FO*
Nikki Cooper *10*

Phone: (713) 837- 9623
Phone: (713) 837- 9889

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

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

F & A Budget:

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

SPECIFIC EXPLANATION:

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

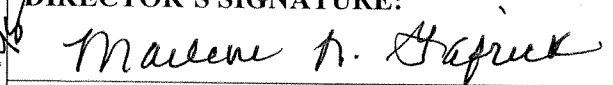
1. PFP Abatement Group, LLC

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

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

REQUIRED AUTHORIZATION

Finance Director:

SUBJECT: Motion establishing a public hearing date for amendments to Chapter 42, Code of Ordinances		Category #	Page 1 of 1	Agenda Item # 50
FROM (Department or other point of origin): Department of Planning and Development		Origination Date 06-24-09		Agenda Date JUN 30 2009
DIRECTOR'S SIGNATURE: 		Council District affected: A, C, D, F, H, I		
For additional information contact: Michael Schaffer Phone: 713-837-7780		Date and identification of prior authorizing Council action: 3/24/99, Ord. No. 99-262		

RECOMMENDATION: (Summary)

Establish a public hearing to consider amendments to Chapter 42-1, 42-150, 42-155 and adding a new article IV.

Amount and**Source of Funding:**

NA

Finance Budget:**SPECIFIC EXPLANATION:**

This proposed ordinance would establish mandatory and optional rules along Houston's designated light rail corridors. This work is the result of an effort begun in 2006 to enhance pedestrian mobility and achieve transit supportive development.

These ordinance amendments will also result in changes to the Building Code and PWE Infrastructure design manual.


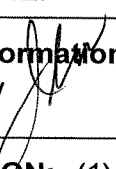
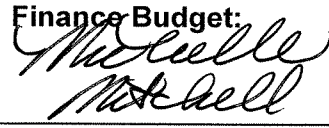


A public hearing was held by the Houston Planning Commission on June 11, 2009 where the amendments were recommended for approval.

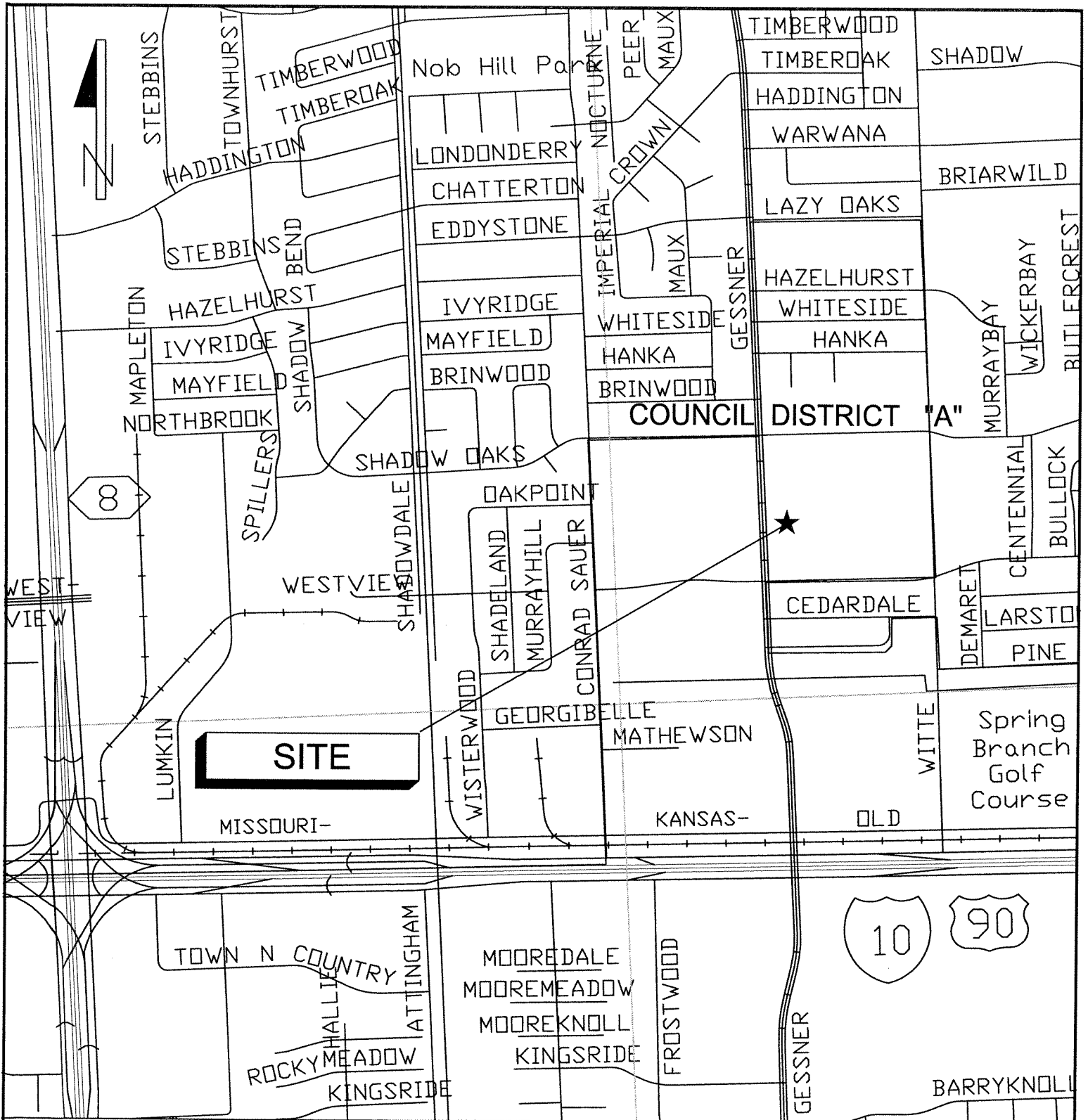
The ordinance amendments were presented to the Council Committee on Regulation, Development and Neighborhood Protection Committee on June 22, 2009 where they were recommended for council consideration.

State law requires City Council to hold a public hearing before adopting the ordinance. The Planning and Development Department recommends establishing a public hearing date for Wednesday, July 8 at 9 a.m.

cc: Marty Stein
Arturo Michel, City Attorney
Deborah McAbee, City Legal
Michael Marcotte, PWE
Dr. Carol Lewis, Houston Planning Commission

REQUIRED AUTHORIZATION**Finance Director:****Other Authorization:****Other Authorization:**

SUBJECT: Appropriate Funds and Authorize Issuance of a Purchase Order to Terrain Solutions, Inc. for Risk-based Assessment, Contaminated Groundwater Removal, and Monitoring Well Installation for the Houston Fire Department WBS No. C-000170-0010-4		Page 1 of 1 51	Agenda Item #3-13A
FROM (Department or other point of origin): General Services Department		Origination Date 6-17-09	Agenda Date JUN 24 2009
DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. 		Council Districts affected: A, D JUN 30 2009	
For additional information contact: Jacquelyn L. Nisby  Phone: (832) 393-8023		Date and identification of prior authorizing Council action:	
RECOMMENDATION: (1) Appropriate funds for the project, and (2) adopt a Motion authorizing the issuance of a purchase order to Terrain Solutions, Inc. in the amount of \$63,998.00 for risk-based assessment, contaminated groundwater removal, and installation of a monitoring well for the Houston Fire Department. NOTE: ORDINANCE ADOPTED 6-24-09			
Amount and Source Of Funding: \$63,998.00—Fire Consolidated Construction Fund (4500)		Finance Budget:  Michelle Mitchell	
SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$63,998.00 out of the Fire Consolidated Construction Fund and authorize the issuance of a purchase order to Terrain Solutions, Inc. for risk-based assessment, contaminated groundwater removal, and installation of a monitoring well for the Houston Fire Department.			
PROJECT LOCATIONS: Fire Station 49 1212 Gessner (450W) Fire Station 59 13925 S. Post Oak Rd. (571Q)			
PROJECT DESCRIPTION: The following work is necessary due to the presence of petroleum hydrocarbon impacted soils and groundwater resulting from leaking gasoline from the bottom of tankholds at Fire Station 49 and Fire Station 59. The scope of work is as follows:			
Fire Station 49 —Installation of a 25-foot 2-inch diameter monitoring well in a former tank hold area; development and purging of well; collection and analysis of soil and groundwater samples; and generation of a groundwater assessment report.			
Fire Station 59 —Perform necessary field work to delineate impacted soils and groundwater; collect and analyze soil samples; store and arrange for disposal and purging of anticipated 6 x 55-gallon soil drums and 2 groundwater 55-gallon drums of Class II non-hazardous waste and prepare a risk-based site assessment report generating laboratory results; perform three - 8 hour mobile-dual phase extractions of groundwater over a one-year period; monitor groundwater for one year; request for site closure and prepare a final site report.			
REQUIRED AUTHORIZATION			
General Services Department:  Humberto Bautista, P.E. Chief of Design & Construction Division		Houston Fire Department:  Phil Boriskie Chief	

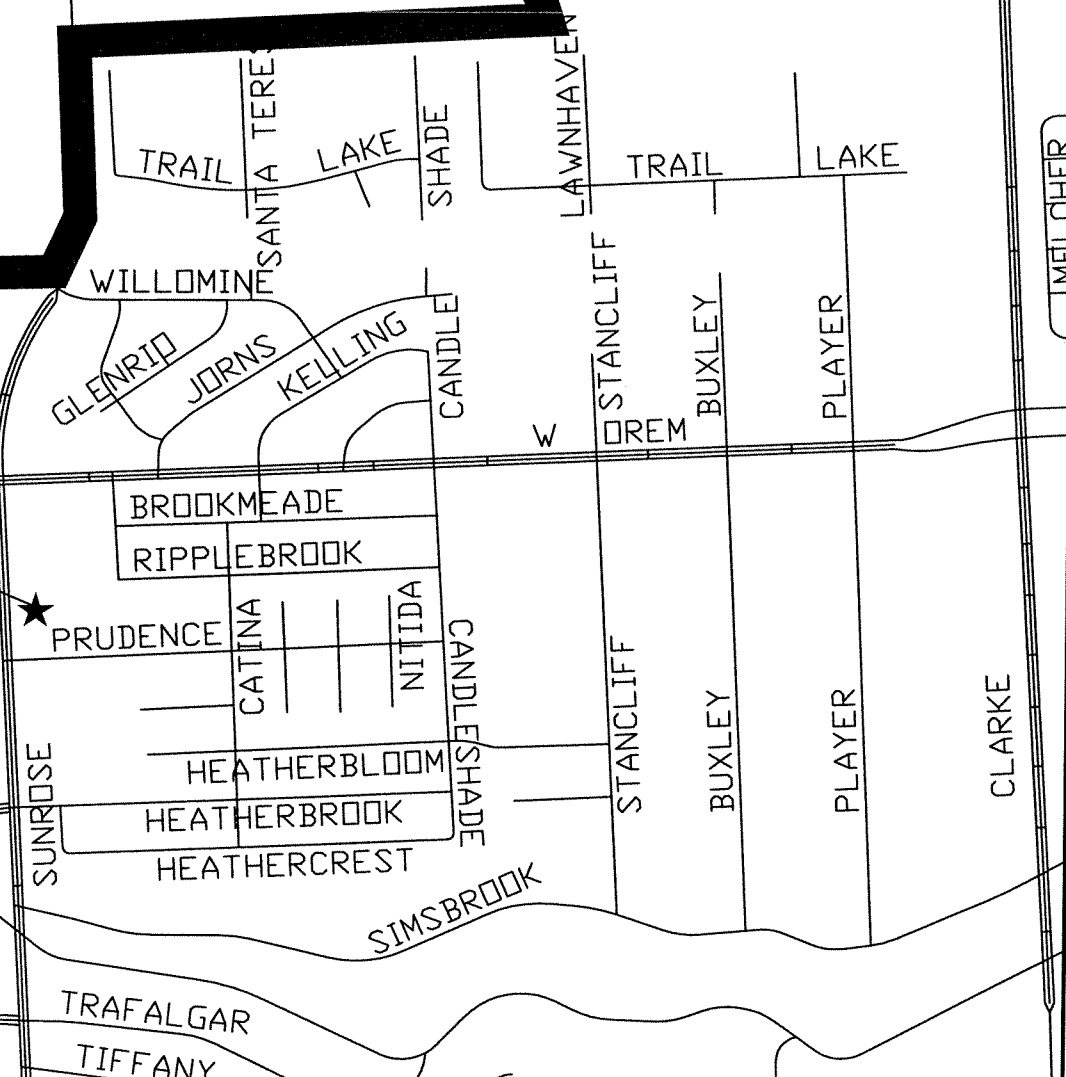


FIRE STATION NO. 49
1212 GESSNER
HOUSTON , TX 77055



COUNCIL DISTRICT "D"

SITE



HOUSTON FIRE DEPARTMENT
FIRE STATION NO. 59
13925 S. POST OAK ROAD

SUBJECT: Appropriate Funds and Authorize Issuance of Purchase Order to Buck Terrell Athletics, Inc. through the Texas Local Government Purchasing Cooperative for Turner Park for the Parks and Recreation Department.
BS No. F-000702-0001-4

Page
1 of 1Agenda
Item

52 17 17A

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

Origination Date

6-17-09

Agenda Date

JUN 24 2009

DIRECTOR'S SIGNATURE

sa Z. Dadoush, P.E.

Council District(s) affected:

A

JUN 30 2009

For additional information contact:

Jacquelyn L. Nisby

Phone: 832.393.8023

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

RECOMMENDATION: (1) Appropriate funds and (2) adopt a Motion authorizing the issuance of a purchase order to Buck Terrell Athletics, Inc. through the Texas Local Government Purchasing Cooperative (Buy Board) in the amount of \$62,139.00 for the purchase and installation of a baseball barrier netting system at Turner Park for the Parks and Recreation Department.

NOTE: ORDINANCE ADOPTED 6-24-09

Amount and Source Of Funding:

\$62,139.00 Parks Consolidated Construction Fund (4502)

Finance Budget:

Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$62,139.00 and authorize issuance of a purchase order to Buck Terrell Athletics, Inc., through the Buy Board for the purchase and installation of a baseball barrier netting system at Turner Park for the Parks and Recreation Department.

PROJECT LOCATION: 2800 West Little York (411Z)

PROJECT DESCRIPTION: The project consists of the purchase, delivery, and installation of 70 foot poles and barrier netting behind the backstop and along the fence line to first base on the existing NCAA field at Turner Park.

FUNDING SUMMARY:

\$ 59,180.00 Construction Contract

\$ 2,959.00 5% Contingency

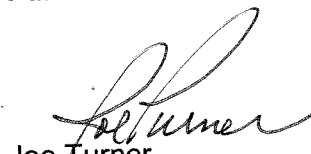
\$ 62,139.00 Total Funding

IZD:HB:JLN:LJ:MS:ms

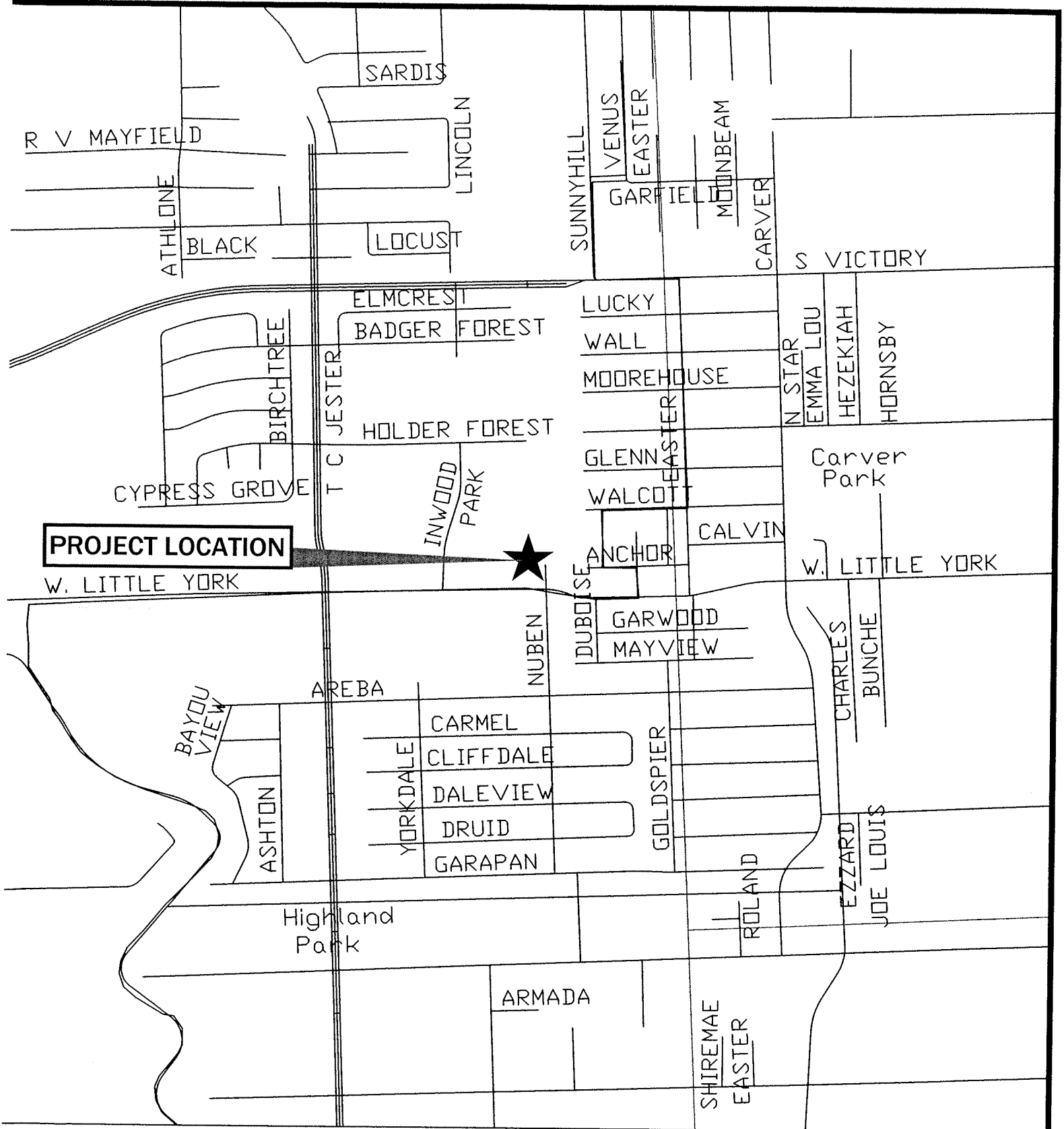
cc: Marty Stein, Jacquelyn L. Nisby, Mark Ross, James Tillman IV, Calvin Curtis, Yvette Burton, File 813

REQUIRED AUTHORIZATION

CUIC# 25PARK74

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

NO



SYLVESTER TURNER PARK

2800 West Little York

TO: Mayor via City Secretary**REQUEST FOR COUNCIL ACTION****SUBJECT:** Ordinance approving and authorizing an agreement between the City of Houston and the Greater Houston Partnership.**Category #****Page**
1 of 1**AGENDA ITEM**

5327

FROM (DEPARTMENT OR OTHER POINT OF ORIGIN):

Mayor's Office

ORIGINATION DATE

June 8, 2009

AGENDA DATE

JUN 24 2009

DIRECTOR'S SIGNATURE:

Anthony Hall

COUNCIL DISTRICT AFFECTED:

All

JUN 30 2009

FOR ADDITIONAL INFORMATION CONTACT:

Saba Abashawl

Steve Lewis

Tom Mesa

281/233-1829

713/853-8888

713/837-9857

DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION:**RECOMMENDATION:** Approve an ordinance authorizing an agreement between the City of Houston and the Greater Houston Partnership.**AMOUNT OF FUNDING:** \$885,000**FINANCE BUDGET:****SOURCE OF FUNDING**

\$442,500

Houston Airport System (HAS) Revenue Fund (8001)

\$442,500

Civic Center Facility Revenue Fund (8601)

SPECIFIC EXPLANATIONS:

The Greater Houston Partnership (GHP) is supported by funding from the City of Houston, Harris County and many of the city's private corporations. GHP has worked since 1991 to promote Houston as the location of choice for conducting business, with a focus on increasing Houston's economic prosperity. GHP's Economic Development Division, that includes its World Trade group, works to solicit site consultants and corporations to look to Houston for both expansions and relocations, to increase investment efforts and job creation in Houston and to provide various professional services to further augment the City's economic development efforts. The collateral impact of these GHP activities, plus the direct effect of publicizing and promoting Houston in GHP publications, web sites and other communications media, will promote and encourage tourism for the Houston area and is expected to enhance the City's ability to market its convention facilities.

The Partnership will make its research capabilities available on a systematic basis to the Convention and Entertainment Facilities Department, Houston Airport System and the Greater Houston Convention and Visitors Bureau to facilitate the creation of professional, sophisticated marketing reports that include economic and demographic data, which will be used for air service development efforts and as sales and marketing tools to sell the benefits and capabilities of the City to various convention, corporate meeting and sports related groups that represent potential clients for the George R. Brown Convention Center.

GHP will actively participate and coordinate activities with the Houston Minority Business Council as part of a joint effort to promote minority businesses in the Houston area. This effort will continue to support the employment of minority firms that provide professional and other services. The Partnership efforts in this regard will include the deliverables agreed upon by the Partnership and the Houston Minority Business Council.

As part of the scope of services included in this contract, GHP will organize and conduct a comprehensive program designed to stimulate international infrastructure and trade development including; air route and air cargo development, commercial services support for international institutions in Houston, international business development, international publicity, promotional events supporting air carriers and travel, and outbound trade missions to regions determined by HAS.

Pursuant to the contract, GHP will continue to provide the City with quarterly reports and will have a contract goal for M/WBE at 15%. Approval of the contract is recommended.

The GHP agrees to comply with the City's "Pay or Play" program and does offer health insurance to its employees.

REQUIRED AUTHORIZATION


NDT

FINANCE DEPARTMENT:**OTHER AUTHORIZATION:**

Eric R. Potts

Eric R. Potts, Interim Director
of Aviation**OTHER AUTHORIZATION:**Dawn Ullrich
Dawn Ullrich, Director
Convention & Entertainment Facilities
Department

R

SUBJECT: Ordinance approving and authorizing an agreement between the City of Houston and the Houston Arts Alliance.		Category #	Page 1 of 54	Agenda Item 28
FROM (Department or other point of origin): Convention & Entertainment Facilities Department		Origination Date June 8, 2009	Agenda Date JUN 30 2009 JUN 24 2009	
DIRECTOR'S SIGNATURE: M/Dawn Ullrich 		Council District affected: All		
For additional information contact: Dawn Ullrich Stephen Lewis 713/853-8083 713/853-8888		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve and authorize an agreement between the City of Houston and the Houston Arts Alliance.				
Amount of Funding: \$11,194,000 (estimate)		Finance Budget:		
[X] Enterprise Fund Civic Center Facility Revenue Fund (8601) -- \$11,194,000				
SPECIFIC EXPLANATION: Fiscal year 2010 marks the 32nd year of the public/private partnership of the City of Houston and the Houston Arts Alliance and its predecessor, the Cultural Arts Council of Houston / Harris County, in support of the arts in Houston. This long-standing collaboration has proved highly effective in developing the nonprofit arts community and providing vital services to citizens and visitors in Houston. In the 32 years of this partnership, Houston's nonprofit arts sector has grown significantly. Today, more than 150 nonprofit arts groups provide Houston's citizens and visitors with a vibrant and diverse array of arts and cultural programs. The many artistic offerings contribute significantly to the enjoyment, enrichment and entertainment of Houstonians and visitors who participate in the public programs offered by Houston's galleries, museums, concert halls, theaters, lecture halls, and festivals. The variety and diversity of the artistic offerings, supported by the City of Houston through the Houston Arts Alliance, has helped to secure Houston's position as a premier arts city in Texas and the United States. The agreement specifies that the City make quarterly payments to HAA in an amount equal to 19.3% of the City's gross hotel occupancy tax ("HOT") receipts. Based on estimated HOT revenues of \$58,000,000, it is projected that HAA will receive \$11,194,000 in FY10. The proposed level of funding will allow HAA to assist artists and organizations and continually strengthen Houston's cultural fabric. As with prior agreements, HAA is required to distribute City HOT funds in the following manner: 24% to the Theater District Improvement, Inc., 18% to the Houston Museum District, 16% to the Miller Theatre Advisory Board, and 2.5% to the City's Initiative Program. The remaining HOT funds are utilized by HAA for grants, programs, education, outreach, and operating costs. To effectively serve its constituents, HAA will continue its work to publicize the programming of the arts community and enhance the technological capabilities of individual organizations. HAA's management assistance program, known as Management Assistance and Services, provides programs that improve the administrative and management capabilities of small and emerging organizations. The Convention & Entertainment Facilities Department recommends approval of the FY10 agreement between the City of Houston and HAA. The Houston Arts Alliance agrees to comply with the City's "Pay or Play" program and does offer health insurance to its employees. The revised MWBE goal established for this agreement is 6%, and HAA is expected to end the year at 5.37%.				
REQUIRED AUTHORIZATION				
Finance Department:	Other Authorization:	Other Authorization:		

NDT

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8366

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Delinquent Collection Services for the Municipal Courts-Administration Department
S46-T23226

Category #
4

Page 1 of 2

Agenda Item

5546

FROM (Department or other point of origin):

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

Origination Date

June 09, 2009

Agenda Date

JUN 30 2009
JUN 24 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Sahira Abdool Phone: (713) 247-4105
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a revenue contract to the best respondent, Linebarger Goggan Blair & Sampson, LLP for delinquent collection services for the Municipal Courts-Administration Department.

NONE REQUIRED (REVENUE)

Finance Budget

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract with two one-year options to Linebarger Goggan Blair & Sampson, LLP for delinquent collection services for the Municipal Courts-Administration Department. The Director/Chief Clerk of Municipal Courts-Administration may terminate this contract for convenience at any time after 24 months from the effective date of the contract upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment, facilities, transportation, equipment, and incidentals necessary to collect delinquent fees for the Municipal Courts-Administration Department.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Fifty-five perspective bidders downloaded the solicitation from SPD's e-bidding website and as a result, proposals were received from Perdue Brandon Fielder Collins & Mott, LLP, Linebarger Goggan Blair & Sampson, LLP and MSB Government Services. The Evaluation Committee consisted of three evaluators; two from the Municipal Courts-Administration Department and one from the Administration and Regulatory Affairs Department. The evaluations were based on the following criteria:

- Conformance to the scope of the RFP
- Financial impact to the City
- Experience and reputation in municipal delinquent collections
- Financial strength of the proposer
- M/WBE participation

Linebarger Goggan Blair & Sampson, LLP received the highest score.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MOT

Date: 6/9/2009	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Delinquent Collection Services for the Municipal Courts-Administration Department S46-T23226	Originator's Initials EA	Page 2 of 2
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M/WBE Subcontracting:

Law Office of Darryl B. Carter, Donald Hollingsworth and B & E Reprographics, Inc., for a total of 15% of the prorated share of the fees collected.

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.

The Affirmative Action Division will monitor this contract.

Buyer: Eric Alexander

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Mercury Drive Paving from US 90 to Wallisville Road.
W.B.S. No. N-000625-0001-4 and S-000500-0081-4

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1 of 2

Agenda Item #

5657

FROM: (Department or other point of origin):
Department of Public Works and Engineering

Origination Date:

6-18-09

Agenda Date:

JUN 24 2009

DIRECTOR'S SIGNATURE:


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

Council District affected:

1
JK

For additional information contact:


Hamlet Hovsepian, P.E. Phone: (713) 837-7033
Interim 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: \$3,504,972.00 Metro Project Commercial Paper Series E Fund 4027,
\$138,690.00 Water and Sewer System Consolidated Construction Fund No. 8500 for a total appropriation of
\$3,643,662.00.

M.P. 6/3/09

PROJECT NOTICE/JUSTIFICATION: This project is a designated Major Thoroughfare and part of the Street and Bridge Capital Improvement Plan (CIP) program, which is required to meet City of Houston standards and improve mobility.

DESCRIPTION/SCOPE: This project consists of the construction of 3,200 linear feet of 10-inch reinforced concrete pavement for two 24 foot wide concrete roadway sections with esplanade divide, curbs and gutters, storm sewers, waterlines, sidewalks, wheelchair ramps, driveways and necessary underground utilities and connection to U.S. 90. The DPC Program has a waterline for the above referenced project that will be reimbursed to the 8500 Fund in the amount of \$26,733.00 when the agreement is complete.

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

LOCATION: The project area is generally bound by Wallisville Road on the north, Proposed Highway 90 on the south, Maxey on the east and IH-610 on the west. The project is located in Key Map Grids 456W& 496A.

BIDS: Bids were received on April 30, 2009. The fourteen (14) bids are as follows:

Bidder	Bid Amount
1. Beyer Construction, L.L.P.	\$3,138,433.65
2. Angel Brothers Ent., Ltd.	\$3,187,649.25
3. Triple B Service, L.L.P.	\$3,234,231.55
4. ISI Contracting	\$3,252,302.03
5. Conrad Construction Co., Ltd	\$3,350,494.10
6. Pace Services	\$3,365,852.32
7. Texas Sterling Construction Co.	\$3,439,866.20
8. Spring Equipment Company, Inc.	\$3,572,982.40
9. Total Contracting Limited	\$3,601,032.45


REQUIRED AUTHORIZATION

CUIC ID# 20MR67


MD

Finance Department

Other Authorization:


Jun Chang, P.E., Deputy Director
Public Utilities Division

Other Authorization:


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

Date	Subject:	Originator's Initials	Page
	Contract Award for Mercury Drive Paving from US 90 to Wallisville Road. W.B.S. No. N-000625-0001-4 and S-000500-0081-4	Revised	2 of 2
10.	Harris Construction Company, Ltd.	\$3,629,888.60	
11.	SER Construction Partners, Ltd.	\$3,639,836.10	
12.	Reytec Construction Resources, Inc.	\$3,663,938.40	
13.	Total Site, Inc.	\$3,887,876.08	
14.	Marco Services, LLC	\$3,929,101.58	

AWARD: It is recommended that this construction Contract be awarded to Beyer Construction, L.L.P. with a low bid of \$3,138,433.65 and that Addendum Number one be made a part of this Contract.

PROJECT COST: The total cost of this project is \$3,643,662.00 to be appropriated as follows:

•	Bid Amount	\$3,138,433.65
•	Contingencies	\$156,921.68
•	Engineering and Testing Services	\$160,000.00
•	Project Management	\$188,306.67

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

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

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

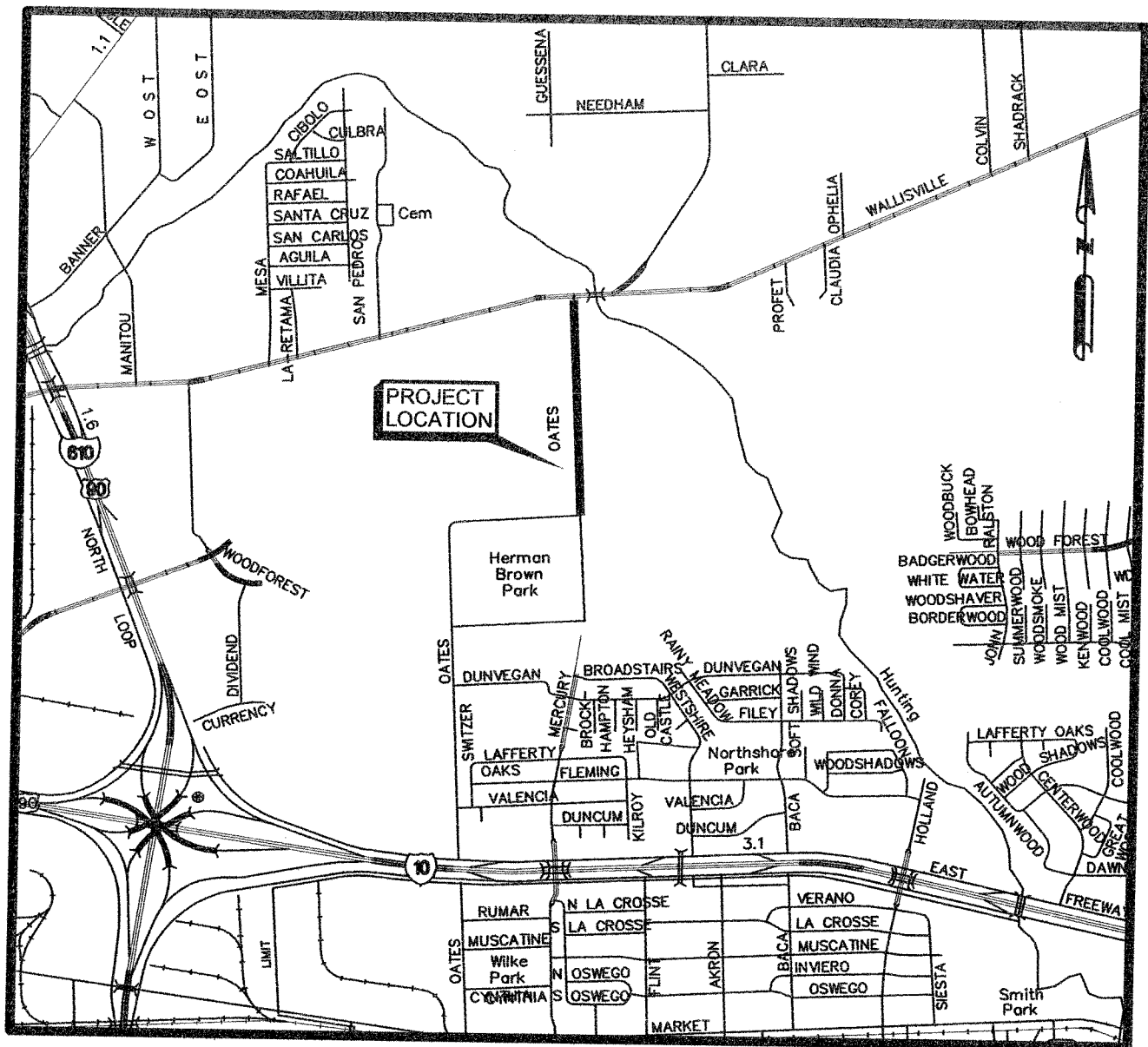
MWBE - Name of Firms	Work Description	Amount	% of Contract
1. JMHP, Inc	Guardrail	\$7,130.00	0.23%
2. ESOR Consulting Engineers, Inc.	Surveying	\$36,932.00	1.18%
3. Bedo Construction Products, Inc.	Pipe Supplies	\$372,000.00	11.85%
4. Curb Planet, Inc.	Curb & Misc. Concrete	\$24,391.00	0.78%
	MBE Subtotal	\$440,453.00	14.04%
WBE - Name of Firms	Work Description	Amount	% of Contract
1. El Dorado Paving Company, Inc.	Asphalt & Misc. Conc.	\$138,430.20	4.41%
2. B & D Maintenance	Trucking	\$27,196.00	0.87%
	WBE Subtotal	\$165,626.20	5.28%
SBE - Name of Firms	Work Description	Amount	% of Contract
1. Work Zone Products, Inc.	Traffic Control	\$61,773.40	1.97%
2. Apcon Services, LLC	Trucking	\$24,000.00	0.76%
3. Mata Turf, Inc.	Landscaping	\$23,334.30	0.74%
	SBE Subtotal	\$109,107.70	3.47%
	TOTAL	\$715,186.90	22.79%

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

MSM:DRM:HH:JHK:MR:cd

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c: Marty Stein
Velma Laws
Susan Bandy
Mike Pezeshki, P.E.
Craig Foster
File WBS No. N-000625-0001-3 (3.7_CONST.RCA)



VICINITY MAP

KEY MAP NO 496 A, 456 W
GIMS MAP NO 5658, 5659

MERCURY DRIVE PAVING U.S. HIGHWAY 90 TO WALLISVILLE RD.

WBS NO. N-000625-0001-4

PATE ENGINEERS
TBPE F-002726

13333 N.W. Freeway, Suite 300 Houston, Tx. Phone: 713-462-3178