

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 3, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Lovell

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 4, 2010 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance for BAE Systems Resolution Corporation, Inc for the site located at 4516 Harrisburg Blvd. - **DISTRICT H - GONZALEZ**
2. **PUBLIC HEARING** regarding the designation of a Tax Abatement Reinvestment Zone for **DEAN FOODS (DEAN FOODS REINVESTMENT ZONE)** - **DISTRICT I - RODRIGUEZ**

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 33

MISCELLANEOUS - NUMBERS 3 through 5

3. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **GREATER HARRIS COUNTY 911 EMERGENCY NETWORK BOARD OF MANAGERS**:
Position One - **MR. DENNIS J. STOREMSKI**, for a term to expire 9/30/2011
Position Two - **MS. VERGIL R. RATLIFF**, for a term to expire 9/30/2010 and a subsequent term to expire 9/30/2012
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**:
Position One - **MS. SYLVIA CAVAZOS**, reappointment, for a term to expire 12/31/2010
Position Two - **MS. LIZ LARA-CARREÑO**, appointment, for a term to expire 12/31/2011
Position Three - **DR. MARGARITA DE LA VEGA-HURTADO**, reappointment, for a term to expire 12/31/2010
Position Four - **MS. PHAN DUY**, appointment, for a term to expire 12/31/2011
Position Five - **MS. KRIS THOMAS**, appointment, for a term to expire 12/31/2010
Position Six - **MS. KYM I. KING**, appointment, for a term to expire 12/31/2011
Position Seven - **MR. J. ALLEN PROVOST**, reappointment, for a term to expire 12/31/2010
Position Eight - **MR. DANIEL "DAN" ARGUIJO, JR.**, appointment, for a term to expire 12/31/2011
Position Nine - **MS. KAREN S. NIEMEIER**, appointment, for a term to expire 12/31/2010
Position Ten - **MS. CASSYE D. COOK**, appointment, for a term to expire 12/31/2011
Position Eleven - **MS. MINI TIMMARAJU**, appointment, for a term to expire 12/31/2010
Position Twelve - **DR. HERBERT KARPICKE**, reappointment, for a term to expire 12/31/2011
Position Thirteen - **MS. TERRI BAILEY PARRIS**, reappointment, for a term to expire 12/31/2010
Position Fourteen - **MR. OVI GALVAN, JR.**, appointment, for a term to expire 12/31/2011
Position Fifteen - **MR. AL VERA**, reappointment, for a term to expire 12/31/2010
5. RECOMMENDATION from Interim Director Department Public Works & Engineering to accept the July 2010 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$5,099,757.64 for Revenue Bond Debt Service as recommended in the Report

ACCEPT WORK - NUMBERS 6 through 8

6. RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$3,941,218.90 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Line Replacement in the Woodland Heights East Area - 4.33% over the original contract amount - **DISTRICT H - GONZALEZ**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,488,461.13 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6 - 0.77% under the original contract amount **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
8. RECOMMENDATION from Interim Director Department of Public Works & Engineering for approval of final contract amount of \$3,618,575.55 and acceptance of work on contract with **REPIPE CONSTRUCTION, LTD**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method - 3.08% over the original contract amount - **DISTRICTS A - STARDIG; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

PROPERTY - NUMBER 9

9. RECOMMENDATION from Interim Director Department of Public Works & Engineering, on request from Reid C. Wilson of Wilson, Cribbs and Goren, P.C., on behalf of KSA Industries, Inc., a Delaware Corporation (K. S. Adams, Jr., President), reviewed and approved by the Joint Referral Committee, that the City decline the acceptance of, reject, and refuse the dedication of Grisby Road, from McDonald Road east ±719 feet, out of the J. N. O. Smith Survey, A-691, Parcel SY10-070 - **DISTRICT G - PENNINGTON**

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 and 11

10. **RAE SYSTEMS** - \$92,545.00 and **FISCHER SCIENTIFIC** - \$75,365.99 through the Houston-Galveston Area Council for Hazardous Materials Detection Equipment for use by the Houston Fire Department - Urban Area Security Initiative Grant Fund
11. **AMEND MOTION #2007-884, 8/22/07, TO INCREASE** spending authority from \$952,874.65 to \$1,191,093.31 for Water Service Connections for Department of Public Works & Engineering, awarded to **FERGUSON WATERWORKS, INC** - \$238,218.66 - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 33

12. RESOLUTION approving and authorizing the issuance of \$2,500,000 of bonds by the Greater Sharpstown Management District - **DISTRICTS C - CLUTTERBUCK; F - HOANG and G - PENNINGTON**
13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 25,246 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, North to its terminus (Parcel SY10-027); vacating and abandoning said right-of-way to Vicente L. Alonso and wife, Maria C. Alonso, the abutting owners, in consideration of their conveyance to the City of a 20-foot-wide storm drainage easement (Parcel LY10-035), and their written agreement to maintain said easement; both parcels being located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147, Houston, Harris County, Texas; and their payment of \$46,037.16, and other consideration to the City **DISTRICT D - ADAMS**
14. ORDINANCE approving and authorizing Lease Agreement between the City of Houston, Texas, as landlord, and **EL CENTRO DE CORAZON, A Texas Nonprofit Corporation**, as tenant, for 2,366 square feet at the building known as the Sunnyside Health Center, located at 9314 Cullen Boulevard, Houston, Harris County, Texas, for a term of five years with two five year renewal options, for the purpose of providing Primary Health Care Services, OB/GYN Care, Dental and Optometry Services, Behavioral Health Services, and other health services to low income persons **DISTRICT D - ADAMS**
15. ORDINANCE approving and authorizing first amendment to Interlocal Agreement (Ordinance No. 2005-956, approved August 10, 2005) between the City of Houston and **HARRIS COUNTY** for support of the Joint City-County Commission on Children
16. ORDINANCE approving and authorizing first amendment to agreement for Burglar Alarm Administration Services between the City of Houston and **PMAM CORPORATION** approved by Ordinance No. 2009-391 to correct a clerical error
17. ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** for Legal Services relating to various utility related matters, legislative assistance and legal consultation; providing a maximum contract amount \$2,040,000.00 - General Fund

RESOLUTIONS AND ORDINANCES - continued

18. ORDINANCE appropriating \$500,000.00 out of Public Library Consolidated Construction Fund for purchase of equipment for the Oak Forest Neighborhood Library - **DISTRICT A - STARDIG**
19. ORDINANCE approving and authorizing the submission of a joint application for grant assistance from the Bureau of Justice Assistance to fund the FY2010 Edward Byrne Memorial Justice Assistance Grant Program and approving an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** as joint applicants for such grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department, or Acting Chief, or any designated Assistant Chief of the Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application
20. ORDINANCE awarding contract to **THE PUBLIC GROUP, LLC** for Online Auction Services of General Merchandise, Long Guns, Vehicles and Equipment for the Administration and Regulatory Affairs Department - 5 Years with five one-year options - Revenue
21. ORDINANCE awarding contract to **RBEX, INC, dba APPLE TOWING CO.** for Towing Services for Vehicles and Equipment for Various Departments; providing a maximum contract amount 3 years with two one-year options - \$2,718,765.00 - General and Fleet Management Funds
22. ORDINANCE approving and authorizing Professional Residential Weatherization Home Inspection Contract between the City of Houston and **YOUR HOME CHECK L.P.** for Residential Energy Efficiency Program; providing a maximum contract amount - 3 Years - \$2,500,000.00 American Recovery and Reinvestment Act Fund
23. ORDINANCE appropriating \$55,963.35 out of Parks Consolidated Construction Fund; awarding construction contract to **INLAND ENVIRONMENTS, LTD.**, for Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 803 W. 23rd Street; 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 project management, construction oversight and air monitoring and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS A - STARDIG and H - GONZALEZ**
24. ORDINANCE approving the closing to vehicular traffic of the At-Grade Railroad Crossings at Thompson Street and Bonner Street related to the Washington Avenue Corridor Quiet Zone **DISTRICT H - GONZALEZ**
25. ORDINANCE appropriating \$12,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for various paving projects
26. ORDINANCE issuing a permit to **ENTERPRISE INTRASTATE L.P.**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - SULLIVAN**
27. ORDINANCE issuing a permit to **ENTERPRISE PRODUCTS OPERATING LLC**, to operate, maintain, improve, repair and replace three existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICTS D - ADAMS and E - SULLIVAN**

RESOLUTIONS AND ORDINANCES - continued

28. ORDINANCE issuing a permit to **SEMINOLE PIPELINE COMPANY**, to operate, maintain, improve, repair and replace four existing pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICTS A - STARDIG; B - JOHNSON; E - SULLIVAN; G - PENNINGTON and I - RODRIGUEZ**
29. ORDINANCE issuing a permit to **SOUTH TEXAS NGL PIPELINES, LLC**, to operate, maintain, improve, repair and replace one existing pipeline in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued **DISTRICT E - SULLIVAN**
30. ORDINANCE awarding construction contract to **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping Replacement; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by the Civic Center Facility Revenue Fund - \$313,500.00 - Enterprise Fund - **DISTRICT I - RODRIGUEZ**
31. ORDINANCE granting to **OIL PATCH TRANSPORTATION, INC., A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
32. ORDINANCE granting to **VELEZ TRUCKING, INC., A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
33. ORDINANCE No. 2010-0609, passed first reading on July 28, 2010
ORDINANCE granting to **V.F. WASTE SERVICES, INC dba V.F. TRASH SERVICE, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions
SECOND READING

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 34 through 40

34. MOTION by Council Member Clutterbuck/Seconded by Council Member Costello to adopt recommendation from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court; in connection with eminent domain proceeding styled City of Houston v. Hiki Corporation, A Texas Corporation, et al., Cause No. 951,771; for acquisition of Parcel AY8-126; for **HOMESTEAD ROAD GRADE SEPARATION PROJECT (Ley Road - Firnat) - DISTRICT B - JOHNSON**

TAGGED BY COUNCIL MEMBER JONES

This was Item 11 on Agenda of July 28, 2010

35. ORDINANCE AMENDING ARTICLE VI OF CHAPTER 46 OF THE CODE OF ORDINANCES, **HOUSTON, TEXAS**, relating to the regulation of jitneys; prescribing operating standards for jitneys; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBERS BRADFORD, RODRIGUEZ and SULLIVAN

This was Item 25 on Agenda of July 28, 2010

36. ORDINANCE AMENDING ARTICLE II AND ARTICLE IV OF CHAPTER 46 OF THE CODE OF ORDINANCES, **HOUSTON, TEXAS**, relating to taxicabs and sightseeing and charter services, concerning corrections to inadvertent inconsistencies regarding the regulation of taxicabs; and addressing inadvertent omissions regarding regulatory controls concerning sightseeing and charter services as a result of previous omnibus amendments effecting the repeal of the City's regulation of suburban buses; containing findings and other provisions related to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBERS SULLIVAN and RODRIGUEZ

This was Item 26 on Agenda of July 28, 2010

37. ORDINANCE amending City of Houston Ordinance No. 2008-1051, passed on November 19, 2008, as previously amended by City of Houston Ordinance No. 2009-1275, pertaining to the addition of a grant application for the Neighborhood Stabilization Program under the 2008 Consolidated Action Plan, to permit certain low to moderate income requirements to be satisfied through both single family homeownership projects and multi-family rental projects, to align program activities and to include land-banking as a potential activity - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER STARDIG

This was Item 36 on Agenda of July 28, 2010

38. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and the **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Printing, Copying, Scanning and On-site Copy Shop Management Services for City Departments; providing a maximum contract amount 5 Years with 5 one-year options - \$7,557,460.00 - Central Services Revolving Fund

TAGGED BY COUNCIL MEMBERS JONES and BRADFORD

This was Item 43 on Agenda of July 28, 2010

39. ORDINANCE appropriating \$49,970.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Roofing Consultant Services Contract for Task Order Contract between the City of Houston and **BUILDING ENVELOPE CONSULTANTS, LLC** for Various City Departments; amending Ordinance No. 2008-0890 to increase the maximum contract amount - **DISTRICT I - RODRIGUEZ - TAGGED BY COUNCIL MEMBER JONES**

This was Item 54 on Agenda of July 28, 2010

MATTERS HELD - continued

40. ORDINANCE appropriating \$1,280,260.00 out of Police Consolidated Construction Fund and \$460,259.00 out of Street & Bridge Consolidated Construction Fund for Job Order Contract for Roof Repair/Replacement Services for Houston Police Department Southeast Command Center and the Public Works & Engineering Department McCarty Maintenance Facility under an existing citywide contract with **CHARTER ROOFING COMPANY, INC** (Approved by Ordinance No. 2008-0891) - **DISTRICTS E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBER JONES

This was Item 55 on Agenda of July 28, 2010

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega 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
AUGUST 3, 2010 - 2:00 PM**

AGENDA

3MIN

3MIN

3MIN

NON-AGENDA

3MIN

3MIN

3MIN

BISHOP FRANK RUSH – 10311 Sand Dollar Dr. – 77065 – 832-275-3999 – Back to School Rally on August 21, 2010

MR. FRED BARKLEY – 6423 W. Linpar Ct. - 7040 – 713-543-1498 – Back to School Rally on August 21, 2010

MR. CHARLES VIENN – 3806 Live Oak – 77004 – 832-661-5978 - Back to School Rally on August 21, 2010

MS. MICHELLE HARRIS – 12731 Braeswood – 77072 – 832-876-0339 – Overgrown trees

MR. ANDRE GIDEN – 7150 Smiling Wood – 77086 – 281-377-4498 – Citizens list of warrants on cars

MS. JERRIE MCGAHAN – 1643 Arlington – 77008 – 713-890-2535 - Historic Preservation Ordinance

PREVIOUS

1MIN

1MIN

1MIN

MR. ROBERT FICKMAN – 440 Louisiana, Ste. 800 – 77002 – 713-655-7400 – Municipal Courts

MINISTER JOE ANGEL LOPEZ – 13334 Wells River – 77041 – 832-891-2724 – Houston Area Urban League on Griggs Road sucks

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Criminal charges – Officer Baines Terrorist False Arrest – Psychic threats – Stalked

MR. SAMMIE JONES – No address – No phones – the_last_outpost@yahoo.com – Follow up from 7/13/10

AUG 04 2010

MOTION NO. 2010 0511

MOTION by Council Member Clutterbuck that the recommendation of the Director of the Department of Public Works and Engineering, relative to amending Motions which set public hearing dates to consider adopting Municipal Setting Designation Ordinances for FPA/Pinpoint Mykawa, LLC and BAE Systems Resolution Corporation, Inc., to reflect the correct published hearing dates, be adopted, as follows:

Amend Motion No. 2010-0303, passed and adopted, May 19, 2010, to correct the date for the Public Hearing for 9:00 a.m., Wednesday, August 4, 2010, for BAE Systems Resolution Corporation, Inc., for the site located at 4516 Harrisburg Blvd., and

Amend Motion No. 2010-0392, passed and adopted, June 16, 2010, to correct the date for the Public Hearing for 9:00 a.m., Wednesday, July 14, 2010, for FPA/PinPoint Mykawa, LLC., for the site located at 6712 Telean Street.

Seconded by Council Member Bradford and carried.

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

PASSED AND ADOPTED this 30th day of June 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 6, 2010.

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: A motion establishing a public hearing date to consider adopting a Municipal Setting Designation ordinance for BAE Systems Resolution Corporation, Inc. for the site located at 4516 Harrisburg Blvd., Houston, TX 77011. (MSD # 2010-026-FSS)		<u>Page 1 of 1</u>	<u>Agenda Item # 23</u>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5/13/10	Agenda Date May 2010
DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., D.WRE, BCEE, Director		Council District affected: H B,C, D, E, G, and I are within 5 miles of the site.	
For additional information contact: Carol Ellinger Haddock, P.E. Senior Assistant Director (713) 837-7658 Richard J. Chapin <i>RJC</i> Senior Project Manager (713) 837-0421		Date and identification of prior authorizing Council action: 8/22/2007 – 2007-0959	

RECOMMENDATION: (Summary)

Establish a public hearing date to consider adopting a Municipal Setting Designation (MSD) ordinance for BAE Systems Resolution Corporation, Inc. for the site located at 4516 Harrisburg Blvd., Houston, TX 77011.

Amount and Source of Funding: N/A

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

BAE SYSTEMS RESOLUTION CORPORATION, INC. APPLICATION: BAE Systems Resolution Corporation, Inc. is seeking a Municipal Setting Designation (MSD) for 10.5-acres of land located at 4516 Harrisburg Blvd., Houston, TX 77011. The contamination consists of Benzene, Methyl tert-butyl ether (MTBE), tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2-DCE), 1,1-dichloroethene (1,1-DCE), vinyl chloride (VC), and arsenic. The property was previously developed as a commercial/industrial facility. The property has been entered into the State's voluntary clean-up program (VCP No. 1675). Through excavation, contaminated soil from the property has been removed and replaced with clean fill. Since all potential onsite sources are no longer present, and based on previous groundwater monitoring at the site, all contaminants of concern are stable, and/or decreasing. A public meeting will be held at 6:00 PM on 5/20/2010 at the Ripley House, 4410 Navigation, Houston, TX 77011.

BAE Systems Resolution Corporation, Inc. is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

RECOMMENDATIONS: City ordinance requires City Council to hold a public hearing before adopting a Municipal Setting Designation (MSD) ordinance. The Department of Public Works and Engineering recommends establishing a public hearing date not sooner than six weeks from passage of the motion and directing the City Secretary to publish notice of the hearing no less than thirty (30) calendar days before the public hearing date for BAE Systems Resolution Corporation, Inc. for the site located at 4516 Harrisburg Blvd., Houston, TX 77011. Preferred public hearing date is July 14, 2010.

MSM:MLL:CEH

P:PLANNING BRANCH\MSD\DATABASE\GENERIC_RCA - PUBLIC HEARING.DOC

C: Marty Stein, Ceil Price

REQUIRED AUTHORIZATION

CUIC ID# 20CAE89

Finance Department:

Authorization:

Mark L. Loethen
Mark L. Loethen, P.E., CFM, PTOE
Acting Deputy Director
Planning & Development Services Division

Other Authorization:

Municipal Settings Designation Application

2010-026-FSS

Vicinity Map

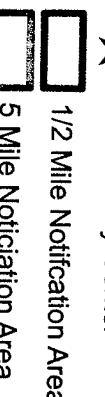
Legend



Library



MSD Application



Community Center

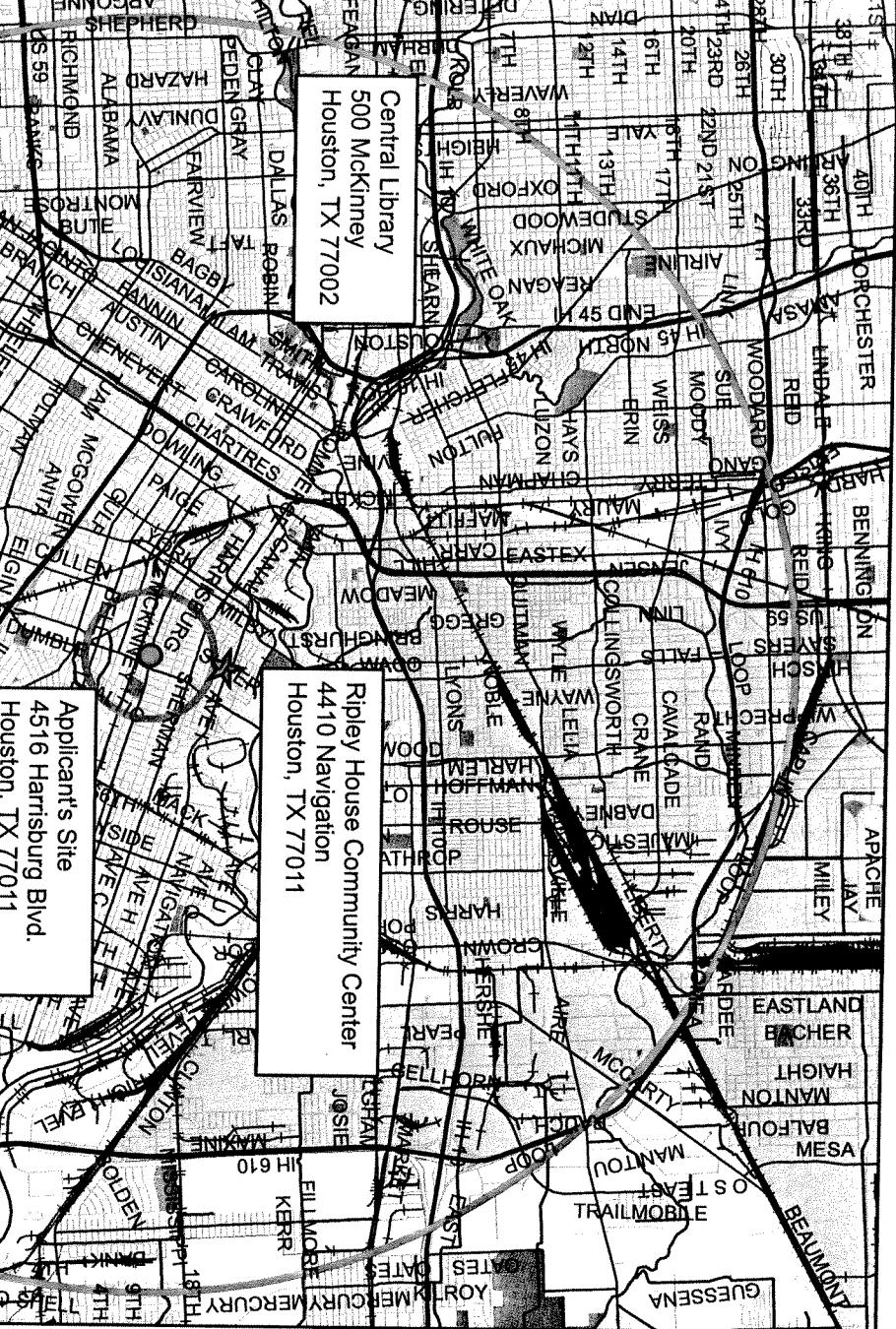
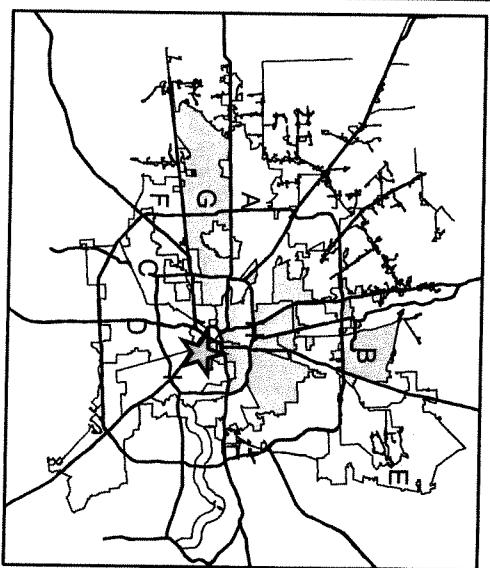


1/2 Mile Notification Area

5 Mile Notification Area



0 0.3 0.6 1.2
Miles



Ripley House Community Center
4410 Navigation
Houston, TX 77011

Applicant's Site
4516 Harrisburg Blvd.
Houston, TX 77011

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



20

AUG 04 2010

MOTION NO. 2010 0545

MOTION by Council Member Gonzalez that the recommendation of the Director of the Finance Department, to set a hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Dean Foods (Dean Foods Reinvestment Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, August 4, 2010, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Hoang and carried.

Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Noriega, Bradford and Jones voting aye

Nays none

Council Member Lovell absent

PASSED AND ADOPTED this 14th day of July, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 20, 2010.


Anna Russell
City Secretary

REQUEST FOR COUNCIL ACTION

Hearing 9 am
8/4/10 R

TO: Mayor via City Secretary

RCA #

SUBJECT: A motion to set a public hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Dean Foods (Dean Foods Reinvestment Zone).	Category #	Page 1 of 1	Agenda Item# <i>[Signature]</i>
FROM: (Department or other point of origin): Finance Department	Origination Date July 7, 2010		Agenda Date III-14-2010
DIRECTOR'S SIGNATURE: <i>Mitchell</i>	Council Districts affected: District "I" - CM Rodriguez		
For additional information contact: Tim Douglass Phone: 713-837-9857 Keith R. Phillips Phone: 713-837-0610	Date and identification of prior authorizing Council Action: Ordinance 2009-0858 dated Sept. 15, 2009		

RECOMMENDATION: (Summary) That City Council adopt a motion to set an August 4, 2010 public hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Dean Foods (Dean Foods Reinvestment Zone).

Amount of Funding: Not Applicable	Finance Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements, and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. City Council renewed the City's tax abatement guidelines and criteria on September 15, 2009 continuing the City's eligibility to enter into tax abatement agreements.

The Dean Foods' Oak Farms Dairy facility, is a fluid milk production and distribution plant. Dean Foods submitted a tax abatement application to the City on April 26, 2010. The proposed abatement would involve new jobs, investment in machinery and equipment, the renovation of existing buildings, and constructing new buildings. The Greater Houston Partnership, Harris County and the City have been in discussion on these proposals.

The City reviewed the application and the tax abatement agreement is currently in process. No variance is sought by the applicant. A "letter of support" is being requested from County Commissioner El Franco Lee, Precinct 1, through the Harris County Community Services Department, Office of Economic Development, recommending the abatement.

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

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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[Signature]



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

AUG 04 2010

July 14, 2010

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to the Texas Health and Safety Code, Chapter 772, Subchapter B, I am appointing the following individuals to the Greater Harris County 911 Emergency Network Board of Managers, subject to Council confirmation:

Mr. Dennis J. Storemski, appointment to Position One, for a term to expire September 30, 2011; and

Ms. Vergil R. Ratliff, appointment to Position Two, for a term to expire September 30, 2010, and a subsequent term to expire September 30, 2012.

Résumés are attached for your review.

Sincerely,

Annise D. Parker

Annise D. Parker
Mayor

AP:JC:jsk

cc: Ms. Lavergne Schwender, Greater Harris County 911 Emergency Network



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

4

AUG 04 2010

July 12, 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 7-22-10
date

COUNCIL MEMBER: _____

The Honorable City Council
City of Houston

Dear Council Members:

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

Ms. Sylvia Cavazos, reappointment to Position One, for a term to expire December 31, 2010;
Ms. Liz Lara-Carreño, appointment to Position Two, for a term to expire December 31, 2011;
Dr. Margarita De La Vega-Hurtado, reappointment to Position Three, for a term to expire December 31, 2010;
Ms. Phan Duy, appointment to Position Four, for a term to expire December 31, 2011;
Ms. Kris Thomas, appointment to Position Five, for a term to expire December 31, 2010;
Ms. Kym I. King, appointment to Position Six, for a term to expire December 31, 2011;
Mr. J. Allen Provost, reappointment to Position Seven, for a term to expire December 31, 2010;
Mr. Daniel "Dan" Argujo, Jr., appointment to Position Eight, for a term to expire December 31, 2011;
Ms. Karen S. Niemeier, appointment to Position Nine, for a term to expire December 31, 2010;
Ms. Cassye D. Cook, appointment to Position Ten, for a term to expire December 31, 2011;
Ms. Mini Timmaraju, appointment to Position Eleven, for a term to expire December 31, 2010;
Dr. Herbert Karpicke, reappointment to Position Twelve, for a term to expire December 31, 2011;
Ms. Terri Bailey Parris, reappointment to Position Thirteen, for a term to expire December 31, 2010;
Mr. Ovi Galvan, Jr., appointment to Position Fourteen, for a term to expire December 31, 2011; and
Mr. Al Vera, reappointment to Position Fifteen, for a term to expire December 31, 2010.

The résumés of the appointees are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

cc: Fred J. Fichman, Executive Director, Houston Media Source

RECEIVED
JUL 22 2010
CITY SECRETARY

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Acceptance of the Semiannual Report of the Capital Improvements Advisory Committee relating to the implementation of the water and wastewater impact fees program and transfer of revenues and interest generated by water and wastewater impact fees in the amount of \$5,099,757.64 to the Combined Utilities System Operating Fund (Fund #8301) for revenue bond debt service.		Page <u>1 of 1</u>	Agenda Item #
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date <u>7/29/10</u>	Agenda Date <u>AUG 04 2010</u>
DIRECTOR'S SIGNATURE 		Council District affected: <u>All</u>	
For additional information contact: Rudy Moreno, Jr., E.I.T., Deputy Assistant Director (832) 395-4355		Date and identification of prior authorizing Council action: CM 2010-0057 / 02-03-2010	

RECOMMENDATION: (Summary)

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

Amount and Source of Funding: \$5,099,757.64 (revenue)

SPECIFIC EXPLANATION:

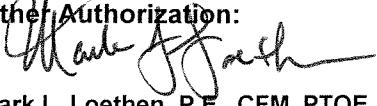
Pursuant to Chapter 395 of the Local Government Code and the rules of procedures adopted by City Council, the Capital Improvement Advisory Committee (CIAC) must file semiannual reports on the implementation of the impact fee program and its supporting components. The Planning Commission, acting as the CIAC, approved the July 2010 semiannual report at its meeting on July 22, 2010. The Committee hereby now conveys the report to Council for consideration. This report contains documentation of impact fee administration from November 1, 2009 through April 30, 2010. The Committee recommends that City Council accept the report and authorize the transfer of revenues and interest generated by water and wastewater impact fees, **\$5,099,757.64**, to revenue bond debt service.

Attachment:

cc: David M. Feldman, City Attorney
Marty Stein, Agenda Director
Daniel R. Menendez, Interim Director, Public Works and Engineering
Mark L. Loethen, Acting Deputy Director, Public Works and Engineering

REQUIRED AUTHORIZATION

20UPA69

Finance Director	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE, Acting Deputy Director Planning and Development Services Division	Other Authorization:  Susan Bandy, CPA Deputy Director Resource Management Division
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July 2010

Semiannual Report of the
Capital Improvements Advisory
Committee
On Impact Fees

Planning Commission
Acting as the
Capital Improvements Advisory Committee

Mark A. Kilkenny, Chair

City of Houston
Planning and Development Department
Planning Services Division

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

A. Purpose of this Review

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

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

This documentation fulfills the State requirement of the semiannual report on the progress of the plan. Preparation and conveyance of this report complies with City Council Motion 90-0614 to file a report by January and July of each year. This report documents changes that occurred between the period of **November 1, 2009 and April 30, 2010**, of the 2000-2010 Impact Fees Program.

I. FINDINGS AND RECOMMENDATIONS

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

- A total of **545** single-family residence (SFR) building permit application exemptions (from paying impact fees) were granted to single-family residences below the median housing price for the City of Houston between **November 1, 2009 and April 30, 2010**. The unit cost range for considering residences below the median housing price was from **\$148,541 - \$152,875**. The range is published by **the Real Estate Center at Texas A & M University**. A total of **20,237** exemptions have been applied for since the ordinance was adopted in 1997.
- A total of **\$5,099,757.64** generated from revenues and interest for water and wastewater impact fees accrued in the impact fees accounts between **November 1, 2009 and April 30, 2010**, the **tenth** year of the 2000-2010 Impact Fees Program. The program has an all-time total income of **\$226,420,102.00**.

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

- The total amount of the revenues and interest generated from water and wastewater impact fees during the reporting period in the sum of **\$5,099,757.64** should be authorized for appropriation to debt retirement.

B. Background

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

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

II. EVALUATION OF IMPACT FEE PROGRAM COMPONENTS

A. Land Use Assumptions

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

1. Population and Employment

Population and employment projections provide the foundation to develop forecasts of future land use. The 2000-2010 impact fees are based on population and employment projections published by the University of Houston, Center for Public Policy in *Population and Employment Projections: Houston Five County Regions* (1995). In January 2006, the City of Houston Planning Department confirmed that the total population and employment projections in the land-use assumptions are within acceptable tolerances when compared to actual growth between the 1990 and 2000 Census figures. Projected growth for this period ranged from 1.2% - 1.4% per year; actual growth was 1.2% per year. The Planning Department's current population projection for 2010 is 2,257,412, which is approximately 1.5% lower than the 2000 program projection of 2,292,625.

2. Service Units

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

2000-2010 Program

Growth projections anticipate citywide demands will increase to 307,143 service units for water and 295,238 service units for wastewater between 2000 and 2010. Using an interpolation of proportionate service unit consumption, **303,281** service units for water and **291,530** service units for wastewater were projected to be consumed through this period of the updated program (**November 1, 2009 and April 30, 2010**). Service unit data were compiled from actual permit applications and totaled for the entire service area. Actual service units generated during this 6-month period totaled **3,398** water service units and **3,308** wastewater service units, for a cumulative total of **157,854** water service units and **135,695** wastewater service units (See Table 1).

Table 1 shows the percentage of cumulative actual growth slower than projected through this reporting period. With current consumption of service units only **52%** for water and **47%** for wastewater, significant capacity remains in these systems for new development. While actual service units are below projected levels, adjustment of projected service units for the ten-year period will have no affect on the maximum impact fees.

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

TABLE 1
November 1, 2009 and April 30, 2010
Percent of Actual to Prorated Projected Service Units (s.u.)

Semiannual Report	Duration (months)	Water			Wastewater		
		Prorated s.u.	Actual s.u.	%*	Prorated s.u.	Actual s.u.	%*
January 2001	4.5	11,517	6,965	60	11,071	5,926	54
July 2001	10.5	26,873	16,926	63	25,832	14,018	54
January 2002	16.5	42,229	25,098	59	40,593	20,871	51
July 2002	22.5	57,585	33,269	58	55,354	26,806	48
January 2003	28.5	72,941	41,368	57	70,115	33,738	48
July 2003	34.5	88,297	51,068	58	84,876	46,929	55
January 2004	40.5	103,653	59,756	58	99,637	53,326	54
July 2004	46.5	119,009	67,715	57	114,398	60,024	52
January 2005	52.5	134,365	76,567	57	129,159	67,596	52
July 2005	58.5	149,721	84,594	57	143,920	76,811	53
January 2006	64.5	165,077	93,897	57	158,681	83,839	53
July 2006	70.5	180,433	101,708	56	173,442	90,021	52
January 2007	76.5	195,789	111,448	57	188,203	97,723	52
July 2007	82.5	211,145	121,534	58	202,964	106,216	52
January 2008	88.5	226,501	132,351	58	217,725	116,007	53
July 2008	94.5	241,857	140,562	58	232,486	122,797	53
January 2009	100.5	257,213	145,261	56	247,247	126,616	51
July 2009	106.5	272,569	149,932	55	262,008	129,826	50
January 2010	112.5	287,925	154,456	54	276,769	132,387	48
July 2010	118.5	303,281	157,854	52	291,530	135,695	47

3. Impact Fees Capital Improvement Plan (IFCIP)

2000-2010 Program

Changes to the original 1990-2000 IFCIP have been made as a result of updates in the years 2000 and 2002. The majority of the facilities were in place at adoption of the impact fees program update. Examination of data regarding service unit consumption from **November 1, 2009 and April 30, 2010**, indicates significant capacity remains in the water and wastewater systems to support future demand. A review of State of Texas procedures regarding Impact Fees has been done. An update of the plan has been completed. The Water and Wastewater Impact Fees Update 2010-2020 report has been accepted by the City of Houston. The combined Water and Wastewater impact fee of \$1,537.15 per service unit has been adopted as of July 1, 2010 under the program.

4. Maximum Chargeable Impact Fees

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

5. Findings:

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

- Review of service unit data indicates excess capacity in both the water and wastewater systems sufficient to accommodate new development through the next scheduled update in July of 2010.
- Water and wastewater facilities identified in the IFCIP are adequate to meet anticipated demand through **October 31, 2010**, the end of the next reporting period.

III. SUMMARY OF IMPACT FEE ACCOUNTS

A. Impact Fees Rates:

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

TABLE 2
Maximum and Adopted Impact Fees

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

B. Current Status of Fees:

The City maintains separate accounts for recording revenues received from water and wastewater impact fees. The funds may be expended for design and construction services, and/or retiring debt

service. As of **April 30, 2010**, the City has accrued **\$226,420,102.00** since implementing the impact fees ordinances in 1990. A total of **\$221,320,344.36** has been transferred to the revenue bond debt service fund. The amount of **\$5,099,757.64** is available for transfer to the debt service fund from impact fees accounts. Table 3 provides a summary of impact fee revenues and account balances.

TABLE 3
Status of Impact Fees Accounts

	<u>Wastewater</u>	<u>Water</u>	<u>Totals</u>
<i>1990-2000 Program</i>			
Total Income	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
Transfers to Debt Service:	\$44,115,871.05	\$19,557,816.07	\$63,673,687.12
 <i>2000-2010 Program:</i>			
Collections Income through 04/30/2010	\$116,894,847.71	\$41,571,370.30	\$158,466,218.01
Interest Income through 04/30/2010	\$3,152,700.95	\$1,127,495.92	\$4,280,196.87
Total Income	\$120,047,548.66	\$42,698,866.22	\$162,746,414.88
Transfers to Debt Service:			
Transferred	\$116,092,894.17	\$41,553,763.07	\$157,646,657.24
Not transferred	\$3,954,654.49	\$1,145,103.15	\$5,099,757.64
 All-Time Total Income (6/1/1990-04/30/2010)	\$164,163,419.71	\$62,256,682.29	\$226,420,102.00
 TOTAL AVAILABLE FOR TRANSFER	\$3,954,654.49	\$1,145,103.15	\$5,099,757.64

C. Finding:

- A total of **\$5,099,757.64** in the impact fee requires authorization for transfer to the revenue bond debt service fund.

IV. REVIEW OF PROGRAM IMPLEMENTATION

A. Analysis of Inequities

- Implementation: The Committee finds no inequitable implementation of the plan during this reporting period.
- Application of Fees: Impact fees for water and wastewater are based on a uniform usage standard calculated in single-family residential, equivalents, i.e. 420 gallons per day (gpd) for

water and 315 gpd for wastewater. City Council adopted a standard conversion table which applies to the majority of land uses.

B. Reporting Period Activity

Provided by Ordinance 97-442, applicants qualify for a single-family residence (SFR) impact fee exemption as approved by the Department of Public Works and Engineering if the purchase price of the house does not exceed the latest available average of median prices for the past twelve months for single-family housing in the city as published by the Real Estate Center at Texas A&M University. The Maximum Exempt Unit Cost for the reporting period ranged from **\$148,541 - \$152,875**.

C. Findings:

- The Impact Fees Program continues to be implemented in an equitable manner.
- For this reporting period, **545** exemptions from impact fees have been applied for, and **20,237** impact fee exemptions for SFR building permits have been applied for since Ordinance 97-442 was enacted in April 1997.

O: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in the Woodland Heights East Area. WBS No. S-000035-00E9-4.

Page 1 of 1

Agenda Item #

6

FROM (Department or other point of origin):

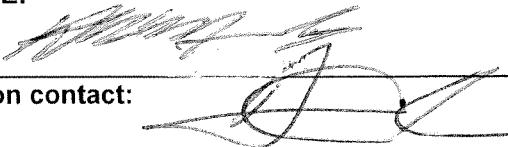
Department of Public Works and Engineering

Origination Date

7/29/10

Agenda Date

AUG 04 2010

DIRECTOR'S SIGNATURE:

Council Districts affected:

H

For additional information contact:J. Timothy Lincoln, P.E.
Senior Assistant Director

Phone: (832) 395-2355

Date and Identification of prior authorizing Council Action:

Ord. #2007-0689 dated 06/13/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$3,941,218.90, which is 4.33% over the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.

(Original appropriation of \$4,303,300.00 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 3,265 linear feet of 12-inch, 24,373 linear feet of 8-inch, 412 linear feet of 6-inch, and 1,183 linear feet of 4-inch diameter water lines, valves, and appurtenances. Othon, Inc. designed the project with 275 calendar days allowed for construction. The project was awarded to Reliance Construction Services, L.P. with an original Contract amount of \$3,777,683.57.

LOCATION: The project area is bound by Pecore on the north, White Oak on the south, I-45 on the east and Watson on the west. The project is located in the Key Map Grids 493-B & C and 453-X.

CONTRACT COMPLETION AND COST: The Contractor, Reliance Construction Services, L.P. has completed the Work under subject Contract. The project was completed with an additional 354 days allowed by previously approved Change Order Nos. 2, 3, 4, 5, and 7. The final cost of the project, including previously approved Change Order Nos. 1 through 8 and overrun and underrun of estimated bid quantities is \$3,941,218.90, an increase of \$163,535.33 or 4.33% over the original Contract Amount.

The increased cost is primarily a result of Change Order Nos. 1, 2, 3, 4, 5 and 7, which were necessary to complete the work.

M/WBE PARTICIPATION: The M/SBE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance, the actual participation was 17.44%. The Contractor achieved a "Satisfactory" rating for M/SBE compliance.



DRM:JTL:RJM:JC:mq

Z:\E&C Construction\North Sector\PROJECT FOLDER\IS-000035-00E9-4 WLR WOODLAND HEIGHTS\23.0 Closeouts\RCA\RCA.DOC

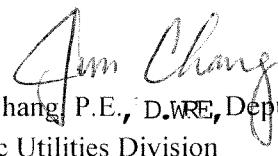
c:

File No. S-000035-00E9-4 – 21.0

5 REQUIRED AUTHORIZATION

CUIC ID# 20MZQ177

NOT

Finance Department:**Other Authorization:**


Jun Chang, P.E., D.WRE, Deputy Director
Public Utilities Division

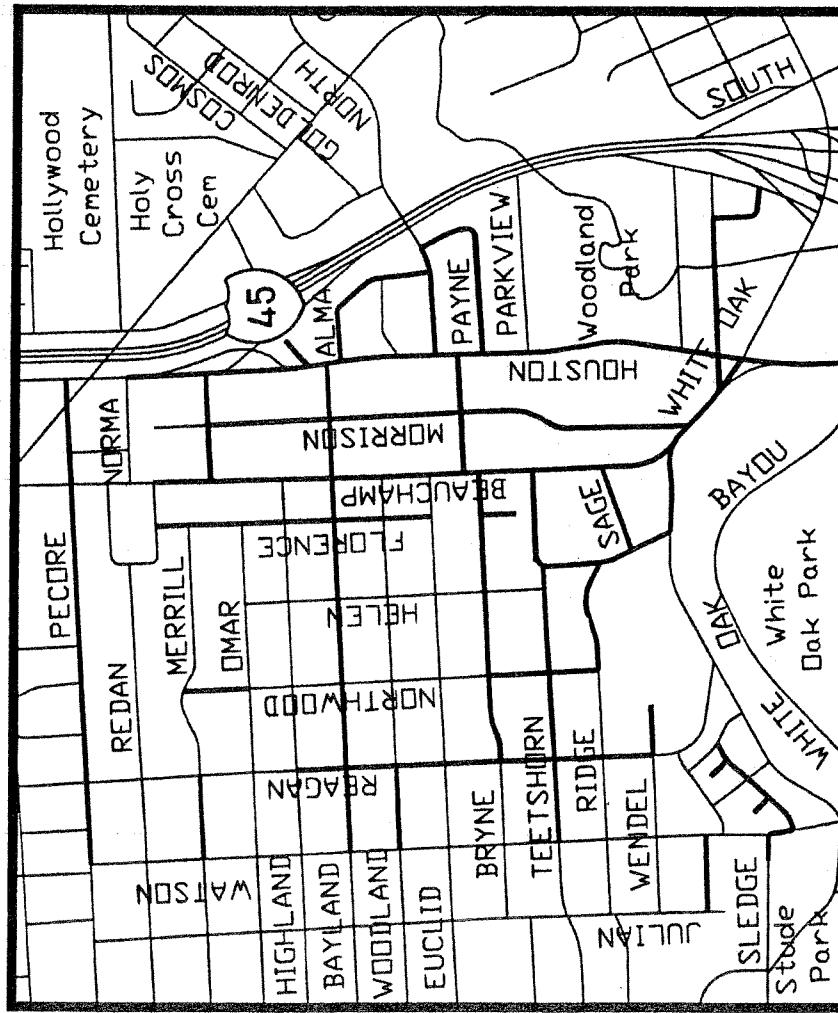
Other Authorization:

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

WOODLAND HEIGHTS EAST AREA

WATER LINE REPLACEMENT			
STREET NAME	FROM	TO	SIZE (INCH)
Pecore	Watson	N Main	12
Merrill	Watson	Reagan	12
W Norma	Beauchamp	Houston	8
Bayland	Watson	Houston	8
Woodland	Watson	Reagan	8
Oleander	Houston	end	4
Alma/Eunice	Houston	North	8
Byme	Reagan	Beauchamp	8
North	Beauchamp	Houston	12
North	Houston	Eunice	12
Eunice	North	Payne	8
Payne	Houston	beyond Eunice	8
Teetshorn	Watson	Beauchamp	8
Ridge	Northwood	Sabine	8
Sage	Sabine	Beauchamp	8
Wendel	Reagan	end	8
Sledge	Julian	Watson	6
Thelma	Usener	White Oak	8
back lane	White Oak	end	4
back lane	White Oak	end	4
Watson	Usener	White Oak	8
Usener	Watson	Eckert	8
White Oak	White Oak	Thelma	8
White Oak	Beauchamp	Sabine	8
Sabine	Teetshorn	White Oak	8
Wrightwood	Houston	Maufield	8
Maufield	Wrightwood	I-45 feeder	4
Reagan	Highland	Wendel	8
Florence	Byme	end	4
Florence	Euclid	Merrill	8
Northwood	Omar	Merrill	8
Northwood	Ridge	Teetshorn	8
Beauchamp	Redan	Houston	8
Morrison	North	Beauchamp	8
Morrison	W Norma	Bayland	8
Houston	N Main	12" on Houston	8
		TOTAL =	32,930

WOODLAND HEIGHTS EAST AREA



KEY MAP 493B , GIMS MAP NO. _____

6-★



OTHON, INC., CONSULTING ENGINEERS
Civil, Transportation, Environmental, CMA
GFS NO. S-0035-E9-2
1111 W. Green Drive, Suite 128
Houston, Texas 77042
FILE NO. WA10830
VICINITY MAP

CITY OF HOUSTON

WATER LINE REPLACEMENT IN
WOODLAND HEIGHTS EAST AREA
GFS NO. S-0035-E9-2
1111 W. Green Drive, Suite 128
Houston, Texas 77042
FILE NO. WA10830
VICINITY MAP

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances Package No. 6, WBS No. S-000701-0005-4, File No. WA 10875-08		Category	Page 1 of 1	Agenda Item #
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 7/29/10	Agenda Date AUG 04 2010	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE		Council District affected: A, B, C, D, H and I		
For additional information contact: A. James Millage Senior Assistant Director Phone: (713) 641-9566		Date and identification of prior authorizing Council action: 12/05/07, Ordinance No. 2007-1364		
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$1,488,461.13 or 0.77% under the original contract amount, accept the work, and authorize final payment.				
Amount and Source of Funding: No additional funding is required. (Original appropriation of \$1,605,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500).  6/24/10				

PROJECT NOTICE/JUSTIFICATION: This project provided for the on-call construction or rehabilitation to primarily large diameter (24 inches in diameter and greater) water lines, valves and appurtenances at various locations in the City.

DESCRIPTION/SCOPE: This project consisted of the development of appropriate rehabilitation solutions, installation remedies, and provided bedding and backfilling of utilities. The project was awarded to Reytec Construction Resources, Inc. with an original contract amount of \$1,500,000.00. The Notice to Proceed date was 02/11/08 and the project had 365 calendar days for completion.

LOCATION: The project was located at various locations within Council Districts A, B, C, D, H and I.

CONTRACT COMPLETION AND COST: The Contractor, Reytec Construction Resources, Inc., has completed the work under the contract within the contract time with an additional 180 days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previous approved Change Order No. 2, will be \$1,488,461.13 a decrease of \$11,538.87 or 0.77% under the original contract amount.

M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 6.76%. The contractor was awarded an "Unsatisfactory" rating from the Affirmative Action and Contract Compliance Division. This item was reviewed by the MWBE Committee on July 26. No action was taken due to a lack of quorum.

MSM:JC:AJM:OS:SM:TC:tc

Attachments

cc: Marty Stein
Ruth Gonzales
Carl Smitha, P.E.

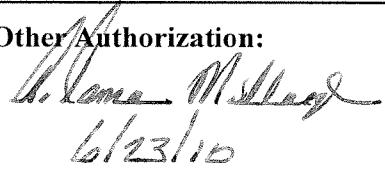
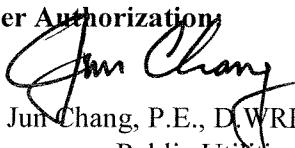
Velma Laws
A. James Millage
File No. WA 10875-08

Craig Foster
Sam Lathrum

WeiYao Chang, P.E.

REQUIRED AUTHORIZATION

CUIC ID# 20AJM216

Finance Department:	Other Authorization:  6/23/10	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division
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Reytec Construction Resources, Inc.												
Work Orders Status Report												
WBS No. S-000701-0005-4, File No. 10875-08												
No	Days	WPAG WO No.	IMS Work W	IMS Street W	Street Name	Work Type	Issue Date	Repair Date	Concrete Or Asphalt Date	Landscape Date	Closing Date	Key Map
												Council District
3	None	None	1414	Scenic Ridge	Main Line	39748	39760	39760	39760	39760	39760	A
9	None	None	6700	Wayside at Sherman	Service Line	39862	39872	39872	39872	39862	39862	BRENDAS STARDIG
16	None	None	Mesa Road at N. Belway	8	24 inch Actuator	40008	40015	None	None	494V	494V	JARVIS JOHNSON
12	None	None	721	Chelsea	Main Line	39872	39875	39875	39875	40015	375U	JARVIS JOHNSON
1	None	None	Babby and Dallas		Main Line	39630	39615	39623	39623	39875	493W	ANNE CLUTTERBUCK
2	None	None	Babby and Dallas		Main Line	39626	39624	39624	39624	39623	493L	WANDA ADAMS
6	None	None	Southwest Pump Station		66 inch BFV	39797	39810	None	None	39824	493L	WANDA ADAMS
7	None	None	9000	E. Almeda Rd at West Belfort	Main Line	39807	39843	None	None	39843	491Z	WANDA ADAMS
10	None	None	Beamer and Fuqua		Main Line	39875	39983	39890	39890	39843	533S	WANDA ADAMS
5	None	None	700	Little York at N. Shepherd	Main Line	39771	39771	39781	39781	39890	576T	MIKE SULLIVAN
4	None	None	6900	Telephone Road	Main Line	39758	39765	39765	39765	39783	412U	EDWARD GONZALES
13	None	None	1000	Lamar at Fanrin	Main Line	39878	39884	39884	39884	39765	575A	JAMES G. RODRIGUEZ
15	None	None	600	Louisiana at Rusk	Main Line	39922	39922	39922	39922	39884	493Q	JAMES G. RODRIGUEZ
14	None	None	600	Main at Walker	Main Line	39880	39891	39891	39891	39922	493L	JAMES G. RODRIGUEZ
8	None	None	1304	Gears Road, Dist 203	16 in water plant	39856	39859	None	None	39891	493Q	JAMES G. RODRIGUEZ
11	None	None		This WO was not initiated.	None	None	None	None	None	39859	372P	JAMES G. RODRIGUEZ
										None	No Council	No Council
										N/A		

Contract Compliance Section MWDBE Monitoring Report

Project :
Prime :

Water #10875-08, On-Call Rehabilitation to Large Diameter Water Lines, S-000701-0005-4, 46000008418
Reytec Construction Resources, Inc.

Date	Chronology of Monitoring Activities
December 5, 2007	Project awarded
February 11, 2008	Notice to proceed issued
October 28, 2008	Not meeting goal letter sent to contractor, 7.1% of 22%
January 20, 2009	Not meeting goal letter sent to contractor, 10.13 of 22%
April 22, 2009	Not meeting goal letter sent to contractor, 17.69% of 22% goal
May 20, 2009	Not meeting the goal letter sent to contractor, 7.36% of 22% goal
May 29, 2009	Letter from Reytec Construction Resources, Inc. addressing MWBE goal.
August 7, 2009	Substantial completion of project
August 12, 2009	Not meeting the goal letter sent to contractor, 5.77% of 22% goal
August 13, 2009	Conference call held with reps from Reytec Construction and CCO Amezcua from COH regarding MWBE goal and compliance materials.
September 14, 2009	Deviation received from Reytec requesting addition of Mata Turf, Houston Barmacade, Rabar Supply Co., Trevcon, Inc.
September 14, 2009	Deviation processed by COH.
March 9, 2010	Close out request received from PWE, contact PM Syed Moinuddin regarding MWBE goal.
March 10, 2010	Close out completed and submitted for review.

Goal: 22%

Participation: 6.76% - Rating given Unsatisfactory

Cleared: March 10, 2010

CCO: Jean Abercrombie/ Pat Amezcua

Chronology of Monitoring Activities

AACC0209-002

Reytec Construction Resources, Inc.

1901 Hollister
Houston, Texas 77080
Office: 713.957.4003
Fax: 713.681.0077

CERTIFIED MAIL 7008 1140 0003 1750 4760

August 26, 2009

Patrizio Amezcua
Contract Compliance Officer
City of Houston
P.O. Box 1562
Houston, Texas 77251-1562

RE: On-Call Rehabilitation to Large Diameter Water Lines, Valves and Appurtenances
Package No. 6 - WBS No. S-000701-0005-4

Dear Mr. Amezcua

I have talked to Jesse Salazar the project manager for On-Call Pkg 6 in-regards to Chief Solution, Inc., Lazer Construction Company, and Reliable Signal & Lighting Solutions. He stated that the reason why the sub-contractors listed above were not used for this project is because there was no scope of work for them there for their services were not needed.

If you have any questions please call me at 713.957.4003

Sincerely,



Nancy Salas

cc: Jesse Salazar

RECEIVED

AUG 31 2009

City of Houston
Affirmative Action

Reytac Construction Resources, Inc.

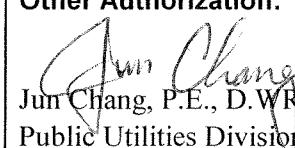
Closed and Current Contract History Report

As of July 22, 2010

#	Project Number/Description	Final Contract Amount	Payment Made To Date	MWDBE Goal	Goal Achieved	Work Order Dated	R./Actual Complete Date	Date Cleared	MWDBE Rating
1 4	Bertner Bridge & paving Holcombe to South Brasswood, package 1. N-000728-0001	\$1,420,675.88		17%	11.91%	07/21/03	01/22/04	10/10/07	Unsatisfactory
2	City of Houston's National Pollution Discharge elimination system, M-000126-0049-4	\$818,066.52		0%	0.00%	06/17/02	03/24/04	07/27/04	No goal
3	National Pollution Discharge Elimination System, 8430 Newcastle. M-000126-0050-4	\$741,191.15		0%	0%	09/23/02	09/30/05	05/02/07	No goal
4	Ella Boulevard paving from Pinnmont to West Little York. N-00546-0001-4	\$8,220,857.85		17%	7.02%	07/12/04	06/30/06	10/25/05	Unsatisfactory
5	San Felipe Paving Improvements from Chimney Rock to Yorktown. N-000750-0001-4	\$3,418,973.03		17%	6.81%	08/22/05	08/29/06	10/23/08	Unsatisfactory
6	Water #10700-05 - On-Call Rehabilitation to Large Diameter WL, package 5. S- 0000701-0004-4	\$2,054,356.56		17%	8.91%	06/19/06	03/11/08	05/18/09	Unsatisfactory
7 4	Central Park Subdivision Storm Sewer Facilities Phase II. M-0001186-0002-	\$8,163,227.92		17%	17.83%	06/28/06	04/30/08	07/08/10	Satisfactory
8	Cook Road Paving Improvements: Bissomel Road to Bellaire Boulevard. N-000639-0001-4	\$9,600,843.44		20%	19.70%	04/11/07	09/06/08	03/29/10	Satisfactory
9	Kirby Drive Storm Sewer Relief Project, Segment 3, from Swift to Robinhood. Water #10875-08 - On-Call Rehabilitation to Large Diameter, Package 6. S- 000701-0005-4.	\$11,382,530.40		20%	27.54%	07/03/07	11/21/08	04/07/10	Outstanding
10	Farm Villas Subdivision Storm Drainage Improvements. M-000249-0002-4	\$16,274,537.10	\$16,936,601.00	22%	23.52%	04/16/08	03/11/10	Open	
11	WW #4895-02 - Panagard and Bissomel Lift Stations. R-000267-0058-4	\$2,777,850.00	\$2,361,948.79	22%	22.78%	04/29/09	06/03/10	Open	
12	Water #10875-11 - On-Call Rehabilitation to Large Diameter, Package No. 7. S- 000701-0008-4.	\$1,400,000.00	\$1,303,497.95	22%	5.04%	04/29/09	04/29/11	Open	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

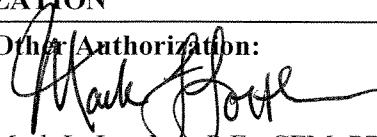
SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method (LDS) WBS# R-002013-0017-4		Page 1 of 1	Agenda Item # 8
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 7/29/10	Agenda Date AUG 04 2010
DIRECTOR'S SIGNATURE 		Council District affected: A, D, H and I	
For additional information contact: Dannelle H. Belhateche, P.E. Sr. Assistant Director		Date and identification of prior authorizing Council action: Ordinance No. 2007-589, dated 05/16/2007	
<p>RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$3,618,575.55, which is 3.08% over the original contract amount, accept the work, and authorize final payment.</p>			
<p>Amount and Source of Funding: No additional funding required. Original appropriation of \$3,791,769.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500.</p>			
<p>SPECIFIC EXPLANATION:</p> <p>PROJECT NOTICE/JUSTIFICATION: Under this project the contractor provided sanitary sewer rehabilitation by cured-in-place pipe method to deteriorated sewer collection systems throughout the City.</p> <p>DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by cured-in-place pipe method. The project was awarded to Repipe Construction, LTD. with an original contract amount of \$3,510,581.45. The Notice to Proceed date was 06/25/2007 and the project had 540 calendar days for completion.</p> <p>LOCATION: The project was located at various locations within Council Districts A, D, H and I.</p> <p>CONTRACT COMPLETION AND COST: The contractor, Repipe Construction, LTD., has completed the work under the contract. The contract was completed within the contract time with an additional 90 days approved by Change Order No. 1. The final cost of the project is \$3,618,575.55, an increase of \$107,994.10 or 3.08% over the original contract amount. More cured-in-place pipe was needed than anticipated.</p> <p>MWDBE PARTICIPATION: The MWDBE goal for this project was 20%. According to Affirmative Action and Contract Compliance Division, the actual participation was 23.02%. The contractor was awarded an "Outstanding" rating from Affirmative Action.</p> <p><i>EDR</i> JC:DHB:JI:DR:mf</p> <p>Attachments</p>			
c: Velma Laws		Craig Foster	
Project File 4258-27		REQUIRED AUTHORIZATION	
Finance Department	Other Authorization: 		Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division

4258-27
R-002013-0017-4

Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Methods (LDS) RePipe Texas, Inc.

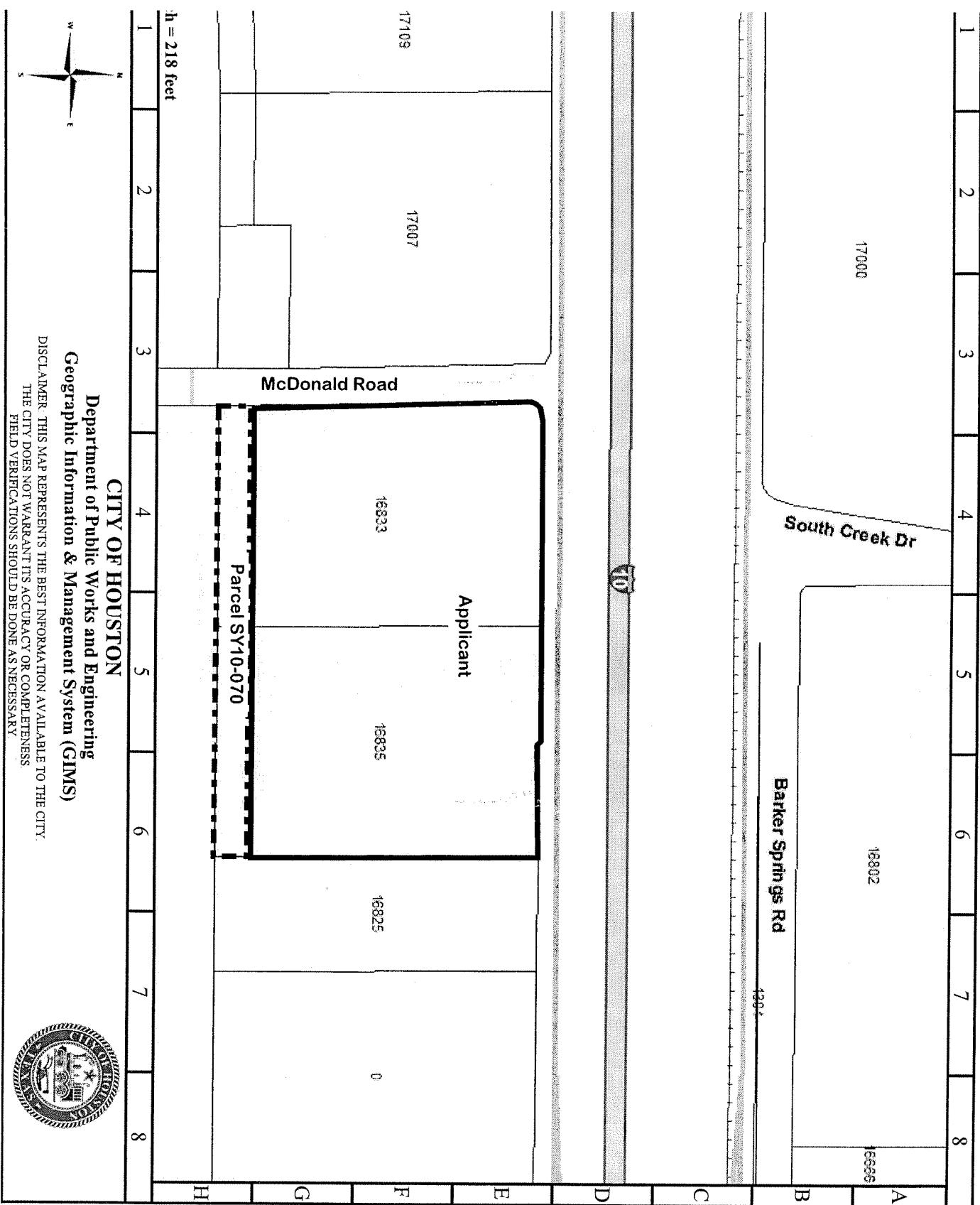
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Request for the non-acceptance of Grisby Road, from McDonald Road east ±719 feet, out of the J.N.O. Smith Survey, A-691. Parcel SY10-070		Page <u>1</u> of <u>1</u>	Agenda Item # <u>9</u>
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date <u>7/29/10</u>	Agenda Date <u>AUG 04 2010</u>
DIRECTOR'S SIGNATURE: 		Council District affected: G  Key Map 487B	
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 council motion declining the acceptance of, rejecting, and refusing the dedication of Grisby Road, from McDonald Road east ±719 feet, out of the J.N.O. Smith Survey, A-691. Parcel SY10-070			
Amount and Source of Funding: Not Applicable			
SPECIFIC EXPLANATION: Reid C. Wilson of Wilson, Cribbs and Goren, P.C., 2500 Fannin Street, Houston, Texas 77002, on behalf of KSA Industries, Inc., a Delaware Corporation (K. S. Adams, Jr., President), requested the non-acceptance of Grisby Road, from McDonald Road east ±719 feet, out of the J.N.O. Smith Survey, A-691. Grisby Road was dedicated to the City by deeds filed under Harris County Clerk's File No's. U384183 and U384184 to assure "A permanent and perpetual easement, ... for street and road purposes upon, over, under, along and across a tract or parcel of land ...". The dedications within the deeds total 43,156 square feet. Both deeds state, "It is further agreed by Grantee that, absent any prior acceptance of this dedication by City, whether by formal action or by conduct recognized by Texas law to constitute such acceptance, the termination of this dedication by its terms shall not require Grantor, its successors or assigns, to pay any sum to the City, its successors or assigns, in connection with such termination". Grisby Road has never been paved or used for utility purposes. Further, the City has not accepted the dedication of Grisby Road, and the City has identified no future need for this right-of-way. KSA Industries plans to incorporate the area within the Grisby Road right-of-way into its abutting property for future development. The Joint Referral Committee reviewed and approved this request.			
Therefore, it is recommended City Council approve a council motion declining the acceptance of, rejecting, and refusing the dedication of Grisby Road, from McDonald Road east ±719 feet, out of the J.N.O. Smith Survey, A-691.			
NPC:WSB:bam			
c: Jun Chang, P.E. David M. Feldman Rick Flanagan Marlene Gafrick Daniel Menendez, P.E. Marty Stein Jeffrey Weatherford, P.E., PTOE			
bam\sy10-070.rc1.doc		CUIC #20BAM9130	
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division	

PARCEL MAP

SUBJECT: Request for the non-acceptance of Grisby Road, from McDonald Road east ± 719 feet, out of the J.N.O. Smith Survey, A-691. Parcel SY10-070



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8799

Subject: Approve a sole source purchase from RAE Systems and an HGAC purchase from Fischer Scientific of Hazardous Materials Detection Equipment for use by the HFD Hazardous Materials Team.

Category #
4

Page 1 of 2

Agenda Item

10

FROM (Department or other point of origin):	Origination Date	Agenda Date
Rick Flanagan Acting Fire Chief Fire	June 29, 2010	AUG 04 2010
DIRECTOR'S SIGNATURE <i>Rick Flanagan</i>	Council District(s) affected All	
For additional information contact: Karen Dupont Neil Depascal	Date and Identification of prior authorizing Council Action:	

RECOMMENDATION: (Summary)

Approve a sole source purchase from RAE Systems in the amount of \$92,545.00, and an HGAC purchase from Fischer Scientific in the amount of \$75,365.99 for Hazardous Materials Detection Equipment to be used by the Houston Fire Department Hazardous Materials Response Team.

Amount of Funding: \$167,910.99 Urban Area Security Initiative Grant Funds	F & A Budget
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund \$167,910.99	<input type="checkbox"/> Enterprise Fund
<input type="checkbox"/> Other (Specify)	

SPECIFIC EXPLANATION:

Houston Fire Department requests City Council approve a sole source purchase from RAE Systems and HGAC purchase from Fischer Scientific Company, LLC in the total amount of \$167,910.99.00 for Hazardous Materials Detection Equipment to be utilized by the Houston Fire Department Hazardous Materials Response Team. Both purchases are to be made utilizing 2009 Urban Area Security Initiative (UASI) grant funds. It is further requested that authorization be given to issue purchase orders.

Past UASI assessments of response capabilities in the Houston Fire Department identified our HMRT to be deficient in the area of radiological monitoring and detection capabilities. With these purchases we will have equipment to meet those goals and allow us to detect, authenticate and verify the identity and quality of radioactive Chemical, Biological, Radioactive, Nuclear (CBRN) devices.

The sole source procurement from RAE Systems consists of seven "Thermo Scientific Interceptor Spectroscopic Personal Radiation Detectors." Our current radiation detection technology will alert us to the presence of radioactivity. The interceptor utilizes the science of isotopic identification, providing immediate identification and verification of radiological materials quickly, at a time when public health and safety concerns are immediate. The Bluetooth and reach back support capabilities allow a snap shot of the materials spectrum for quick decision support from higher level authorities. Radiological sources are small and easy to conceal. There are several that are used for medical purposes and remain within the patient for a period of time. Our current technology does not discriminate and will alert us to ambient and non threatening activity, causing a great deal of additional unnecessary investigation. Depending on the type a small source can be a significant threat to the public especially at large events. This purchase will now enable us to discriminate between what is a true threat and what is not. The hand held units will be carried by the HFD Hazardous Materials team. The cost of this grant funded purchase is \$75,365.99.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

njs

Other Authorization:

(2) MDT

Date: 6/29/2010	Subject: Approve a sole source purchase from RAE Systems and an HGAC purchase from Fischer Scientific of Hazardous Materials Detection Equipment for use by the HFD Hazardous Materials Team.	Originator's Initials KD	Page 2 of 2
<p>The HGAC portion of the purchase is for \$92,545.00 and will consist of two Rapid Deployment Kits from Fischer Scientific Company, LLC. Each kit consists of four deployable, remote radiological/multigas detection devices and GPS software. These devices are commonly used on leaks or spills to identify, monitor and track the substances including real time plume tracking. Tracking the plumes will enable us to better identify when and where shelter in place orders are necessary. The devices are put around the perimeter to be monitored by HFD personnel and then remotely monitored from the Hazardous Materials trucks or Command Vehicle. Surrounding departments with HazMat capabilities and TCEQ also carry these same kits and they are all interoperable thereby expanding the regional ability to monitor hazards.</p>			

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8671

Subject: Amend Council Motion 2007-0884, Passed August 22, 2007, for Water Service Connections for the Public Works & Engineering Department S32-S22197-A1	Category # 4	Page 1 of 1	Agenda Item 11
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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date July 30, 2010	Agenda Date AUG 04 2010
DIRECTOR'S SIGNATURE <i>Calvin D. Wells</i>	Council District(s) affected All	
For additional information contact: David Guernsey Phone: (832) 395-3640 Desiree Heath Phone: (832) 393-8742	Date and Identification of prior authorizing Council Action: CM2007 0884 Passed August 22, 2007	

RECOMMENDATION: (Summary)

Amend Council Motion 2007-0884, passed August 22, 2007 to increase the spending authority from \$952,874.65 to \$1,191,093.31 for water service connections for the Public Works & Engineering Department.

Spending Authority Increased By: \$238,218.66	Finance Budget
\$238,218.66 PWE - Water & Sewer System Operating Fund (8300)	

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2007-0884, passed August 22, 2007 to increase the spending authority for water service connection parts awarded to Ferguson Waterworks, Inc. from \$952,874.65 to \$1,191,093.31. Extreme heat between June 2009 and September 2009 caused the bursting of underground pipes citywide which resulted in the Department exhausting the spending authority sooner than anticipated. The additional spending authority will allow the award to continue until the renewal is presented to City Council for award within the next 120 days.

This award began August 28, 2007 for a 60-month term in an amount not to exceed \$952,874.65. Expenditures as of July 8, 2010 totaled \$952,508.70. All other terms and conditions shall remain as originally approved by City Council.

This award consists of various sizes of compression and threaded corporation stops, compression and threaded service fittings, curb stops, and valves and meter couplings which are used in the potable distribution system to connect distribution lines from the water main to residential and/or business addresses citywide.

This solicitation was issued with a 3% goal for M/WBE participation. Ferguson Waterworks, Inc. is currently achieving 1.07%.

Buyer: Veronica Douglas, CPPB, PSCMC

REQUIRED AUTHORIZATION**NOT**

Finance Department:	Other Authorization:	Other Authorization:
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TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Resolution Authorizing the Greater Sharpstown Management District to Borrow up to \$2,500,000

Category #

Page 1 of 1

Agenda Item #

12

FROM (Department or other point of origin): Planning and Development	Origination Date June 14, 2010	Agenda Date AUG 04 2010
DIRECTOR'S SIGNATURE: <i>Malene H. Gapek</i>	Council District affected: F, C and G	
For additional information contact: Nicole Smothers Phone: 713-837-7856	Date and identification of prior authorizing Council action: August 16, 2006 Ordinance No. 2006-868	
RECOMMENDATION: (Summary) Approve resolution authorizing the Greater Sharpstown Management District to borrow up to \$2,500,000		
Amount and Source of Funding: N/A	Finance Budget:	
SPECIFIC EXPLANATION:		

Management districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. They may not levy a tax assessment on single-family detached residences. Further, districts may levy a tax only after holding an election within the district.

Greater Sharpstown Management District: Authorized by the 79th Legislature in 2005, the majority of this district is located in Council District F with small portions in Districts C and G. The City Council consented to the creation of the District on August 16, 2006.

State law requires approval by the City Council prior to the issuance of any bonds or notes whose proceeds will be utilized to construct capital improvements within the District. The Greater Sharpstown Management District Board is now seeking that approval.

Following city approval of the district's request to borrow up to \$2,500,000, the District's Board of Directors will proceed with a loan they have negotiated with Amergy Bank subject to City Council approval of said loan. Proceeds from this loan will be used to implement projects in keeping with the District Service Plan. These projects include: 1. the construction of a district branding and way finding signage capital improvement plan along the District's major commercial corridors and 2. a landscaping plan for the major commercial corridors in the District.

A management district is intended to supplement, not supplant, existing public services. Except as a result of a Governing Body's action to dissolve a district, the municipality assumes no liability for the debts, obligations or liabilities of the district. Loan proceeds will be repaid using a portion of the District's annual assessment revenue stream.

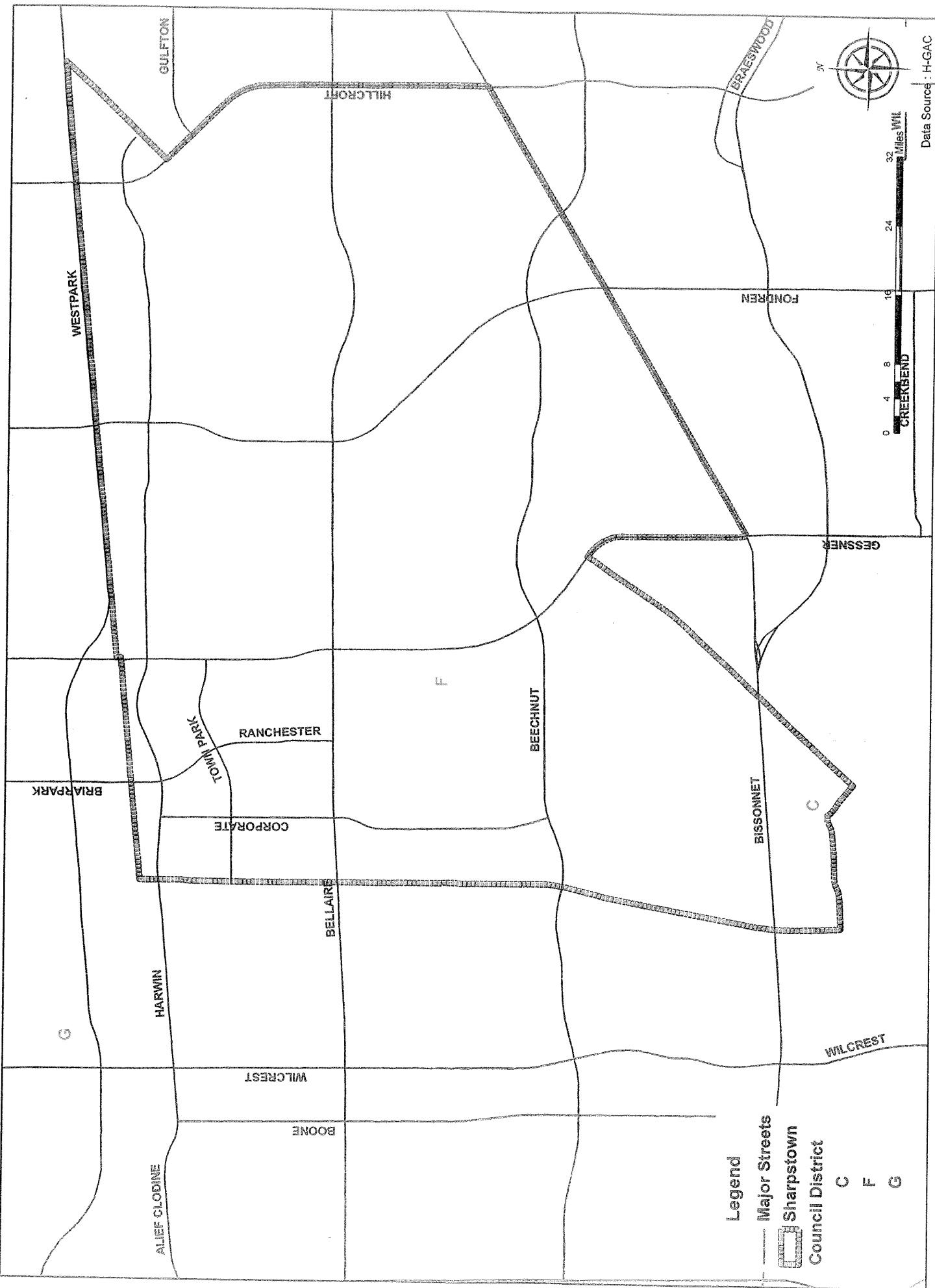
The Planning and Development Department recommends City Council authorize the Greater Sharpstown Management District to borrow up to \$2,500,000.

cc: Marty Stein
David Feldman
Deborah McAbee
Anna Russell

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Sharpstown Management District 2010



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance authorizing the abandonment and sale of 25,246 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. **Parcels SY10-027 and LY10-035**

Page
1 of 2

Agenda Item #

13

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

7/29/10

Agenda Date

AUG 04 2010

DIRECTOR'S SIGNATURE:



Council District affected: D

Key Map 571L



For additional information contact:

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

Date and identification of prior authorizing Council Action:

C.M. 2010-0064 (02/03/2010)

RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of 25,246 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for a consideration of \$46,037.16 plus the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. **Parcels SY10-027 and LY10-035**

Amount and

Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

By Council Motion 2010-0064, City Council authorized the subject transaction. Vicente L. Alonso and Maria C. Alonso, plan to use the subject area to enlarge and provide additional security for their adjacent used car business.

Vicente L. Alonso and Maria C. Alonso, have completed the transaction requirements, have accepted the City's offer, and have rendered payment in full.

The City will abandon and sell to Vicente L. Alonso and Maria C. Alonso, Inc.:

Parcel SY10-027

25,246-square-foot portion of the former South Post Oak Road right-of-way
Valued at \$2.30 per square foot

\$58,065.80

Depreciated Value of street improvements \$ 1,035.13

TOTAL ABANDONMENTS**\$59,100.93**

In exchange, Vicente L. Alonso and Maria C. Alonso, will pay:

Cash \$46,037.16
Plus convey to the City:

s:\bam\sy10-027.rca2.doc

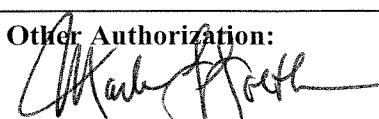
CUIC #20BAM1019

REQUIRED AUTHORIZATION

Finance Department

Other Authorization:

Other Authorization:



Mark L. Loethen, P.E., CFM, PTOE
Acting Deputy Director
Planning and Development Services Division

Date:	Subject: Ordinance authorizing the abandonment and sale of 25,246 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. Parcels SY10-027 and LY10-035	Originator's Initials	Page <u>2</u> of <u>2</u>
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Parcel LY10-035

6,311-square-foot storm drainage easement
Valued at \$2.07 per square foot

\$13,063.77

TOTAL CASH AND CONVEYANCE

\$59,100.93

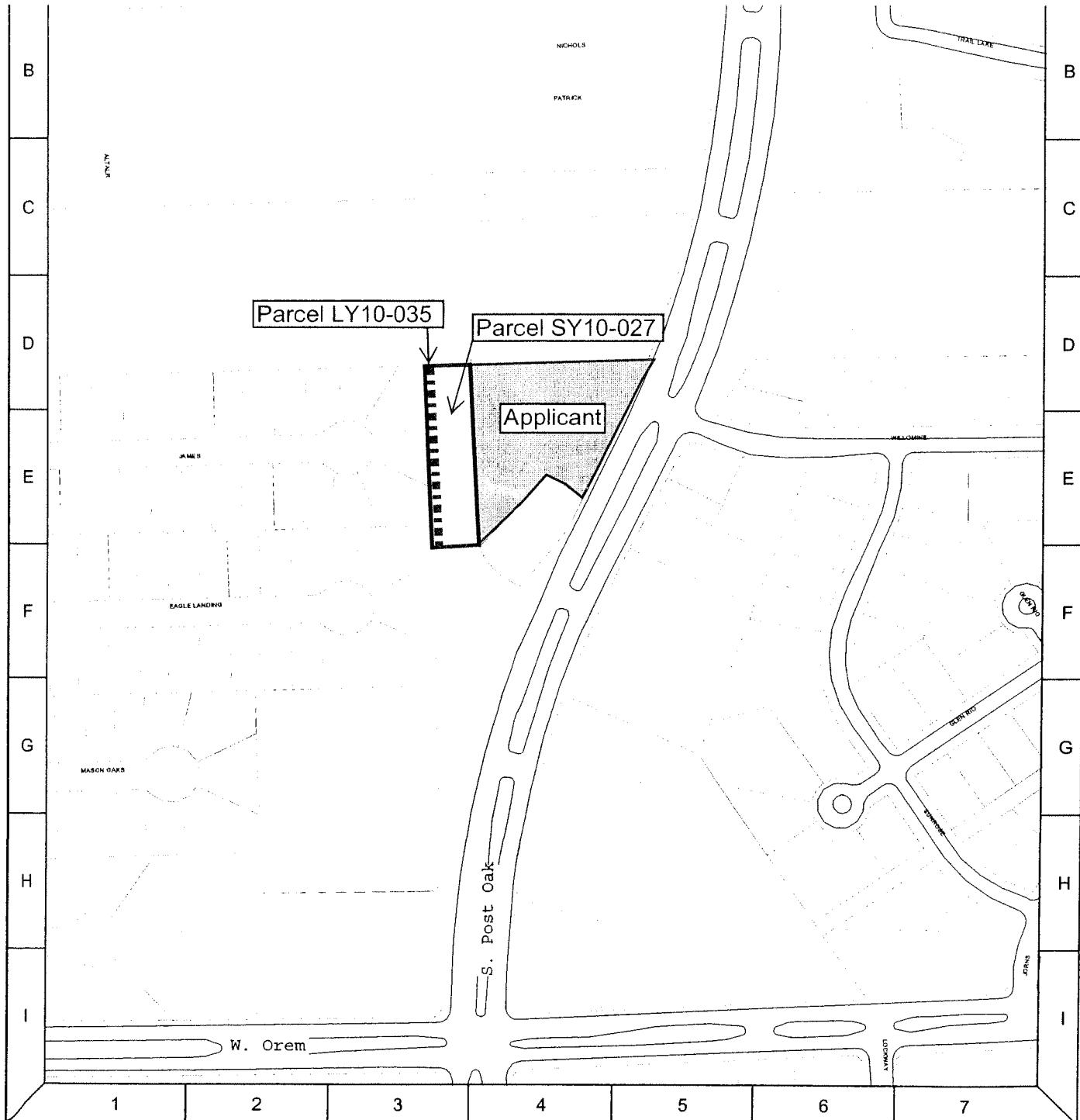
Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for a consideration of \$46,037.16 plus the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147.

11/11/11:NPC:bam

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

PARCEL MAP

SUBJECT: Abandonment and sale of 25,246 square-feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147. Parcels SY10-027 and LY10-035



CITY OF HOUSTON
Department of Public Works & Engineering
Geographic Information & Management System (GIMS)



MOTION by Council Member Clutterbuck that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Vicente Alonso, 13480 and 13504 S. Post Oak Road, Houston, Texas 77045, on behalf of Vicente L. Alonso and Maria C. Alonso, for abandonment and sale of ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147, Parcels SY10-027 and LY10-035, be adopted as follows:

1. The City abandon and sell ±24,960 square feet of former South Post Oak Road right-of-way, from the south line of Tract A, Block 1, north to its terminus, in exchange for the conveyance to the City of a 20-foot-wide storm drainage easement, all located in the Southwest Manor Commercial Subdivision, out of the H. S. Bachelder Survey, A-147;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the right-of-way being abandoned and sold;
4. The applicant be required to secure the consent of CenterPoint Energy, the adjacent property owner to the north of the subject property;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the property interests is not expected to exceed \$50,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Lovell and carried.

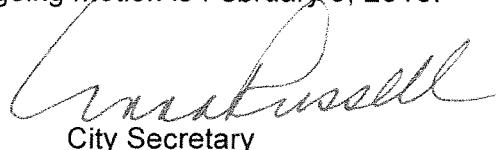
Mayor Parker, Council Members Stardig, Johnson, Clutterbuck, Adams, Sullivan, Hoang, Pennington, Gonzalez, Rodriguez, Costello, Lovell, Bradford and Jones voting aye

Nays none

Council Member Noriega absent

PASSED AND ADOPTED this 3rd day of February 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is February 9, 2010.


Crisatusell
City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with El Centro de Corazon at the Sunnyside Health Center at 9314 Cullen Boulevard for the Department of Health and Human Services		Page 1 of 1	Agenda Item 14
FROM (Department or other point of origin): General Services Department	Origination Date 7/29/10	Agenda Date AUG 04 2010	
DIRECTOR'S SIGNATURE: Forest R. Christy, Jr., Interim Director <i>Forest R. Christy Jr.</i> 7/29/10	Council District affected: D		
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action:		
RECOMMENDATION: Approve and authorize a Lease Agreement with El Centro de Corazon, a Texas nonprofit corporation (Tenant), for the lease space at the Sunnyside Health Center at 9314 Cullen Boulevard, for the Department of Health and Human Services (DHHS).			
Amount and Source Of Funding: Revenue	Finance Budget:		

SPECIFIC EXPLANATION The General Services Department recommends that City Council approve and authorize a Lease Agreement with El Centro de Corazon, (ECDC) a Texas nonprofit corporation, for 2,366 square feet of lease space at the Sunnyside Health Center located at 9314 Cullen Boulevard, Houston, Texas. ECDC is permitted to use the leased premises to provide primary health care services, ob/gyn care, dental and optometry services, behavioral health services, and other health services to low-income persons on a discounted or sliding fee schedule based on federal poverty guidelines. ECDC is required to submit to DHHS monthly and annual reports of the services provided.

The proposed lease provides for a five-year initial term with two five-year renewal options at a monthly rental of \$4,239.08 (\$1.79 psf per month/\$21.50 psf per annum), plus ECDC's pro rata share of the estimated monthly operating expenses, which includes utilities, janitorial and security services. ECDC will be allowed to offset its rent by the value of the health services that it provides. The City recognizes these services to be a legitimate public and municipal purpose that are in the best interests of the citizens of Houston. ECDC's monthly operating expenses for the first year of the lease will be \$20,442.24. ECDC shall pay the City annually, any difference between the estimated operating expenses and the actual costs of operating the building.

The new lease term will commence on the date of countersignature by the City Controller. ECDC is responsible for maintenance, taxes, and insurance.

FRC:BC:JLN:RB:rdg

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and Claudette Manning

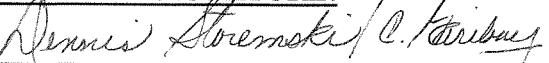
REQUIRED AUTHORIZATION		CUIC ID# 25 RB 91
General Services Department: <i>Forest R. Christy Jr.</i> 7/29/10 Forest R. Christy, Jr. Director, Real Estate Division		Department of Health and Human Services: <i>Stephen L. Williams</i> Stephen L. Williams, M.Ed., M.P.A. Director



Address 9314 Cullen Blvd
Houston, TX 77051

Get Google Maps on your phone
Text the word "GMAPS" to 466453



SUBJECT: Ordinance amending Interlocal Agreement with Harris County relating to the Joint City-County Commission on Children	Category #	Page 1 of 1	Agenda Item#
FROM: (Department or other point of origin): Mayor's Office of Public Safety & Homeland Security	Origination Date 07/26/10	Agenda Date AUG 04 2010	15
DIRECTOR'S SIGNATURE: 	Council Districts affected: All		
For additional information contact: Dennis Storemski, Director (832) 393-0875	Date and identification of prior authorizing Council Action: Ord. No. 2005-956, 8/10/2005		

RECOMMENDATION: (Summary)

Adopt Ordinance amending the Interlocal Agreement with Harris County relating to the Joint City-County Commission on Children to extend the term.

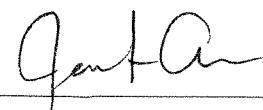
Amount and Source of Funding:	No funding required	Finance Budget:
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SPECIFIC EXPLANATION:

It is recommended that City Council adopt an ordinance amending the Interlocal Agreement with Harris County that establishes each entity's responsibilities for support of the Joint City-County Commission on Children. The proposed amendment would extend the agreement for 90 days from its current expiration on August 15, 2010, with the same terms and conditions as in the original agreement. Harris County Commissioners Court approved the extension on July 27, 2010. The three month extension will allow the City and County to finalize the details of a longer term interlocal Agreement for the Commission.

In November 1993, the City of Houston and Harris County created the Joint City-County Commission on children to serve as an advisory board to both governments on issues related to individuals under the age of 18. Since June 1994, the City and County have jointly provided financial support for the Commission. The current agreement, approved in August 2005, provides that the County pay for salaries and benefits of the Executive Director and Outreach Coordinator. The City provides funding for an Administrative Assistant, office space, furniture and supplies, in a 5-year amount not to exceed \$400,000. Existing funding is sufficient to cover the 90-day extension.

OTHER AUTHORIZATION



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: AN ORDINANCE APPROVING AND AUTHORIZING A FIRST AMENDMENT TO THE AGREEMENT FOR BURGLAR ALARM ADMINISTRATION SERVICES BETWEEN THE CITY OF HOUSTON AND PMAM CORPORATION TO CORRECT A CLERICAL ERROR

Category #

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FROM (Department or other point of origin):

Alfred J. Moran, Jr., Director
Administration & Regulatory Affairs Department

Origination Date

July 27, 2010

Agenda Date

AUG 04 2010

DIRECTOR'S SIGNATURE**Council District(s) affected**

All

For additional information contact:

Tina Paez *[Signature]* Phone: (713) 837-9630
Kathryn Bruning Phone: (713) 837-9873

Date and Identification of prior authorizing Council Action:

Ord. 2009-391, passed 5/6/09

RECOMMENDATION: (Summary)

Approve an Ordinance Approving and Authorizing a First Amendment to the Agreement for Burglar Alarm Administration Services between the City of Houston and PMAM Corporation to Correct a Clerical Error

Amount of Funding: N/A**Finance Budget****SOURCE OF FUNDING:** N/A**SPECIFIC EXPLANATION:**

The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance approving and authorizing the First Amendment to the Agreement for Burglar Alarm Administration Services between the City of Houston and PMAM Corporation to correct a clerical error.

On May 6, 2010, City Council approved a contract with PMAM Corporation for burglar alarm administration services. Pursuant to the contract, over the past year PMAM has successfully transitioned the City's burglar alarm permit data into an automated permitting system that provides for a more user-friendly interface as well as a public permitting portal to allow Houston residents and businesses to obtain their permits online. PMAM is also required to perform various burglar alarm permit collection services under the contract. As a result of PMAM's aggressive collections efforts and the implementation of the online portal, the City's burglar alarm revenues in FY10 increased to \$7.3 million from \$6 million in FY09.

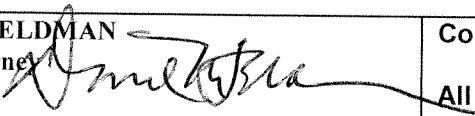
The fees for these services were mutually agreed to by the City and PMAM, pursuant to the Best and Final Offer submitted by the vendor. The details of the fee agreement were correctly detailed in the Request for Council Action, however due to a clerical error in labeling, the fee schedule that was included in the approved contract did not reflect the agreed-to fee schedule. The proposed ordinance will revise the contract fee schedule to correctly reflect what was negotiated and allow ARA to process payments to the contractor in a timely manner.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

SUBJECT: AN ORDINANCE APPROVING AND AUTHORIZING A CONTRACT BETWEEN THE CITY OF HOUSTON AND EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C. FOR LEGAL SERVICES RELATING TO VARIOUS UTILITY RELATED MATTERS, LEGISLATIVE ASSISTANCE AND LEGAL CONSULTATION		Category #	Page 1 of 1	Agenda Item #
DIRECTOR'S SIGNATURE: DAVID FELDMAN  City Attorney		Council District affected: AUG 04 2010 All		
For additional information contact: Melba T. Pourteau Phone: 832.393.6320		Date and identification of prior authorizing Council action: May 19, 2010 Ordinance No. 2010-0375; December 29, 2009 Ordinance No. 2009-1376; August 12, 2009 Ordinance No. 2009-741		
RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing a contract between the City of Houston and Epstein Becker Green Wickliff & Hall, P.C. for legal services relating to various utility related matters, legislative assistance and legal consultation.				
Amount of Funding: \$2,040,000 Maximum Contract Amount \$1,840,000 FY 11				
SOURCE OF FUNDING: <p> <input checked="" type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) </p>				
SPECIFIC EXPLANATION: <p>The ordinance approves and authorizes a contract between the City and Epstein, Becker, Green Wickliff & Hall, P.C. (Firm) for legal services relating to various utility matters, legislative assistance and legal consultation.</p> <p>On May 19, 2010, City Council passed Ordinance No. 2010-0375, amending Ordinance No. 2009-741 as amended to increase the maximum contract amount for a contract between the City and Epstein, Becker, Green, Wickliff & Hall, P.C. (the Firm) for legal services. The proposed ordinance approves a new legal services agreement between the City of Houston and Firm that includes \$40,000 for pre-contract services authorized by the previous contract but not budgeted. The Maximum Contract Amount for the new agreement does include an amount sufficient to fund unpaid pre-contract services and regular contract services.</p> <p>The Firm will represent the City's interests in the CenterPoint Electric rate case filed June 30, 2010 Public Utility Commission (PUC Docket 38339). On July 28, 2010, Council approved an Ordinance Suspending New Rates in this case to allow the City to investigate and hold rate hearings. The Firm and utility rate consultants will assist the City in formulating a rate recommendation to Council during the early fall with an opportunity for a full presentation to Council. In the event that CenterPoint appeals the City's rate ordinance, the Firm will participate in the hearing before the State Office of Administrative Hearings scheduled for October 11-16, 2010.</p> <p>The firm will also represent the City in other pending or upcoming utility related matters, including the CenterPoint Energy Efficiency Cost Recovery Factor Filing (Docket 38213), Stranded Cost True-Up Appeal at the Texas Supreme Court (Docket 29526) and Distribution Cost Recovery Rulemaking (Docket 38298). The Firm will also represent the City's interests in non-electric utility related matters including the CenterPoint Gas Rate Case Appeal in Travis County District Court (Docket 9902) and the CenterPoint Request for Purchased Gas Adjustment.</p> <p>Mr. Alton Hall, a shareholder in the Firm, estimates that approximately ninety-five percent of the contract expense is subject to reimbursement pursuant to applicable law and that approximately one-third to one-half of the funds will be needed for technical consultants. The Railroad Commission recently ordered CenterPoint Gas to reimburse City rate case expenses in the amount of no more than \$968,124.11.</p> <p>The Firm's billing rates under the proposed contract are consistent with the fee schedule suggested by the City Attorney.</p> <p>The Firm has a proven track record for successfully representing the City in similar matters. The City Attorney recommends that the firm of Epstein, Becker, Green, Wickliff & Hall P.C. represent the City in these matters.</p>				
REQUIRED AUTHORIZATION				
ARA Director:	Other Authorization:	Other Authorization:		

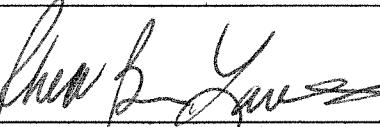
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

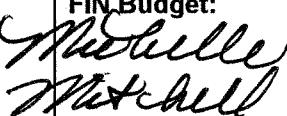
SUBJECT: Ordinance appropriating funds from the Public Library Consolidated Construction Fund for the purchase of equipment at the Oak Forest Neighborhood Library location.
WBS No. E-000073-0001-5

Category

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FROM (Department or other point of origin): Library Department	Origination Date July 1, 2010	Agenda Date AUG 04 2010
DIRECTOR'S SIGNATURE: Rhea Brown Lawson, Ph.D. 	Council District affected: A	
For additional information contact: Veronica Davidson Phone: 832-393-1335	Date and identification of prior authorizing council action:	

RECOMMENDATION: Adopt an ordinance appropriating \$500,000 from the Public Library Consolidated Construction Fund for the purchase of opening day collection, information technology equipment and miscellaneous equipment/furniture for Oak Forest Neighborhood Library.

Amount and Source of Funding: \$ 500,000.00 Public Library Consolidated Construction Fund (4507)	FIN.Budget: 
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SPECIFIC EXPLANATION: The Houston Public Library requests City Council approval of an ordinance appropriating \$500,000 from the Public Library Consolidated Construction Fund to purchase equipment for the Oak Forest Neighborhood Library which is currently undergoing renovation. The project includes renovation of the existing 8,400 SF library and the addition of a new 4,000 SF expansion to the facility. Substantial completion is expected in the winter of 2010 with opening in early 2011.

The appropriation will allow the Library to purchase the materials for the opening day collection, which will include expenditures for adult, teen and children book and audio-visual materials. It will also allow for the purchase of information technology equipment, materials security systems, and self-check machines. IT Equipment will be purchased using the Texas DIR contract, with purchases coming from various vendors using purchase orders of \$50,000 or less. The remaining funds will be used to purchase miscellaneous equipment and furniture by purchase order in small dollar amounts.

The following is a breakout of expected expenditures:

Library Materials	\$ 150,000.00
Information Technology Equipment	\$ 260,000.00
Miscellaneous Equipment	\$ 90,000.00
Total Appropriation	\$ 500,000.00

PROJECT LOCATION: 1349 W. 43rd Street (452K)

REQUIRED AUTHORIZATION		CUIC ID#
Library Department:  Wendy Teas Heger, AIA Assistant Director		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance authorizing the Houston Police Department to apply for and accept funds from the Department of Justice Fiscal Year 2010 Justice Assistance Grant and approving a related Interlocal agreement with Harris County.		Category #	Page 1 of 1	Agenda Item # 19
FROM: (Department or other point of origin): Houston Police Department		Origination Date July 23, 2010		Agenda Date AUG 04 2010
DIRECTOR'S SIGNATURE: Charles A. McClelland, Jr., Chief of Police		Council Districts affected: All		
For additional information contact: Joseph A. Fenninger, <i>JAF 7/20/10</i> CFO and Deputy Director 713-308-1770		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) The Houston Police Department recommends City Council approve an ordinance authorizing application for and acceptance of grant funds from the Department of Justice Fiscal Year 2010 Justice Assistance Grant and approving a related Interlocal agreement with Harris County.				
Amount of Funding: Grant Revenue Fiscal Year 2010 Justice Assistance Grant from the DOJ: \$3,560,872		Finance Budget:		
SOURCE OF FUNDING: <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)				
Department of Justice/Amount Requested: \$3,560,872				
SPECIFIC EXPLANATION: <u>2010 Justice Assistance Grant</u> The Houston Police Department (HPD) is submitting an application for funding to the Department of Justice seeking to obtain grant funding for the Fiscal Year 2010 Justice Assistance Grant. HPD has been designated as the lead agency and jointly applies for the funding with the Harris County Sheriff's Office (HCSO). The grant is non-competitive and formula driven. This formula based amount will be split equally with HCSO, providing both entities with \$1,780,436, for a total of \$3,560,872. As a requirement of the grant process, HPD is required to obtain an ordinance authorizing the application for and acceptance of the grant funds. This grant does not require a cash match. Further, HPD requests approval of a related interlocal agreement with Harris County. The interlocal agreement sets forth the terms and conditions, reporting requirements, payment and cash handling methods, and other elements of the relationship between the City of Houston and Harris County as joint applicants for the grant. The \$1,780,436 of Justice Assistance Grant proceeds provides HPD with flexibility to prioritize funding where it is most beneficial. HPD proposes to allocate this funding to civilian support personnel and classified overtime as a continuation of previous awards. The grant will fund six positions in the HPD Technology Services group and one in the Office of Budget and Finance (\$536,344). The Technology Services employees provide critical support in implementing and supporting computer systems across HPD while the Budget and Finance employee provides financial services and professional oversight of various grants administered by the Department. The balance of the proceeds (\$1,244,092) will provide funding for targeted law enforcement overtime for patrol and other high demand areas as law enforcement needs require. HCSO will utilize their funding for civilian personnel, law enforcement initiatives, and equipment upgrades.				
REQUIRED AUTHORIZATION		10MAT012B		
Finance Budget:	Other Authorization: <i>7/20/10</i>	Other Authorization:		

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8712

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Online Auction Services for Administration and Regulatory Department S46-T23438

Category #
4

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Agenda Item

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FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date April 06, 2010	Agenda Date AUG 04 2010
<u>DIRECTOR'S SIGNATURE</u> <i>Calvin D. Wells</i>	Council District(s) affected All	
For additional information contact: Frank Carmody Phone: (713) 837-9521 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, The Public Group, for online auction services for Administration and Regulatory Department.		Finance Budget
NONE REQUIRED (REVENUE)		

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year contract with five one-year options to The Public Group for online auction services for Administration and Regulatory Department. The City Purchasing Agent may terminate this contract for convenience at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment and incidentals necessary to provide internet auction services for online auction sales for the disposition of City of Houston assets (i.e. salvage, surplus, abandoned, confiscated, etc.), guns [sales only to holders of Federal Firearms Licenses (FFLs)], vehicles and equipment. Specifically, the City of Houston's Administration and Regulatory Services Department through its Asset Disposition Office is requiring the services of an Internet Auctioneer to provide a website to display items available for sale by auction.

Long-guns are rifles and shotguns. Long-guns offered for auction are either unclaimed stolen property or are recovered by HPD while investigating unassociated, non-violent crimes. ARA restricts bidding on long-guns to holders of either a Class 1 or Class 2 Federal Firearms License (FFL), which is issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). These licenses authorize businesses to buy and sell firearms from a specific physical location. Prior to becoming an authorized bidder ARA requires applicants to submit a signed copy of the FFL, and independently verifies the information contained therein using the ATF's online database. After ARA has verified the applicant to be in full compliance with federal requirements, they are authorized to bid on auctions for long-guns. ARA does not offer assault weapons, hand guns, or any weapons involved in violent crimes for auction.

The FY10 revenue from the online auction of surplus property by Asset Disposition was \$1,651,744.15. The vendor will charge a 7% fee and the balance of the proceeds will go to the city.

The Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Fifteen perspective bidders downloaded the solicitation from SPD's e-bidding website and as a result, proposals were received from The Public Group, Houston Auto Auction, GovDeals, Auction International,

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

Date: 4/6/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Online Auction Services for Administration and Regulatory Department S46-T23438	Originator's Initials EA	Page 2 of 2
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Wayne Auction Group and Lone Star Auctioneers. The Evaluation Committee consisted of three evaluators; one from Information Technology, one from the Finance Department and one from the ERP team. The evaluations were based on the following criteria:

- Proposed Strategy & Operational Plan
- Expertise/Experience/Qualifications
- Cost/Percent of fee charged
- Marketing of auction items
- Conformance to RFP Requirement
- Financial Strength of Vendor

The Public Group received the highest score.

Attachment: M/WBE zero-percent goal waiver approved by the Affirmative Action Division.

Pay or Play Program

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

Buyer: Eric Alexander

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8727

Subject: Approve an Ordinance Awarding a Contract for Towing Services for Vehicles and Equipment for Various Departments
S37-L23584

Category # 4

Page 1 of 2

Agenda Item

21

FROM (Department or other point of origin): Calvin D. Wells City Purchasing Agent Administration & Regulatory Affairs Department	Origination Date June 29, 2010	Agenda Date AUG 04 2010
DIRECTOR'S SIGNATURE <i>J. L. DeRousseau</i>	Council District(s) affected All	Date and Identification of prior authorizing Council Action:
For additional information contact: Joseph Fenninger <i>JF</i> 7/30/10 Phone: (713) 308-1708 Douglas Moore <i>DM</i> 7/30/10 Phone: (832) 393-8724		

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to RBEX, Inc. d/b/a Apple Towing Co. on its low bid in an amount not to exceed \$2,718,765.00 for towing services for vehicles and equipment for various departments.

Maximum Contract Amount: \$2,718,765.00	Finance Budget
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\$1,400,000.00 - Fleet Management Fund (1005)

\$1,318,765.00 - General Fund (1000)

\$2,718,765.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to RBEX, Inc. d/b/a Apple Towing Co. on its low bid in an amount not to exceed \$2,718,765.00 for towing services for vehicles and equipment for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

COMPANY	TOTAL AMOUNT
1. Dan Wheeler Wrecker Service	\$6,232,412.50 (Partial Bid)
2. RBEX, Inc. d/b/a Apple Towing Co.	\$2,718,765.00

This contract will be used by the Public Works and Engineering, Fire, Police, Parks and Recreation, and Solid Waste Management Departments to supplement services performed by the City-owned tow trucks, and will be used primarily after normal business hours, on weekends and on City-observed holidays. The scope of work requires the contractor to provide all labor, materials, equipment, tools, supervision, training, and transportation necessary for towing services. Services include, but are not limited to, light-, medium- and heavy-duty towing services, starting services and light-mechanic work for City-owned vehicles and equipment.

M/WBE Subcontracting

This Invitation to Bid was issued as a goal-oriented contract with a 7% M/WBE participation level. RBEX, Inc. d/b/a Apple Towing Co. has designated the below-named company as its certified M/WBE subcontractor.

Name	Type of Work	Dollar Amount	Percent
Peter Batarse Enterprises, Inc.	Auto Parts & Supplies	\$190,313.55	7%

REQUIRED AUTHORIZATION			NOT
Finance Department:	Other Authorization:	<i>7/30/10</i>	Other Authorization:

Date: 6/29/2010	Subject: Approve an Ordinance Awarding a Contract for Towing Services for Vehicles and Equipment for Various Departments S37-L23584	Originator's Initials JH	Page 2 of 2
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This contract will be monitored by the Affirmative Action Division.

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.

Estimated Spending Authority

Department	FY11	Out Years	Total
PWE	\$260,000.00	\$1,140,000.00	\$1,400,000.00
HPD (Fleet)	\$207,350.00	\$829,400.00	\$1,036,750.00
HFD	\$40,002.00	\$160,008.00	\$200,010.00
PR	\$14,000.00	\$65,000.00	\$79,000.00
SWD	\$601.00	\$2404.00	\$3005.00
Grand Total	\$521,953.00	\$2,196,812.00	\$2,718,765.00

Buyer: Joyce Hays

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Residential Weatherization Home Inspection Contract
 Your Home Check, L.P.
 Residential Energy Efficiency Program (REEP)

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1 of 2Agenda
Item
22

FROM (Department or other point of origin):
 General Services Department

Origination Date
7/29/10

Agenda Date

AUG 04 2010

DIRECTOR'S SIGNATURE *Forest R. Christy, Jr.*
 Forest R. Christy, Jr. Interim Director

Council District(s) affected:
All

For additional information contact:
 Jacquelyn L. Nisby

Phone: 832-393-8023

Date and identification of prior authorizing
Council action:

RECOMMENDATION: Approve Professional Residential Weatherization Home Inspection Contract for REEP and allocate funds.

Amount and Source Of Funding:

Maximum Contract Amount: \$2,500,000.00 - 3 years

Finance Budget:**Initial Allocation:**

\$1,250,000.00 – American Recovery and Reinvestment Act (ARRA) (5300)

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council approve a Professional Residential Weatherization Home Inspection Contract with Your Home Check, L.P., to perform initial and post-inspection services to identify the energy efficiency measures to be installed and ensure that the installation complies with the Department of Energy guidelines and that residents are satisfied with the service. It is further recommended that City Council delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$2,500,000.00.

Your Home Check, L.P. was selected through a Request for Qualifications (RFQ) process that ranked respondents on experience, capacity, references, project management plan, years in business, and claims history. Four firms responded: The Nelrod Company, PMG Project Management Group, LLC, Your Home Check, L.P. and ESPA Corp. GSD evaluated the respondents and The Nelrod Company and Your Home Check, L.P. ranked number one and two, respectively, based on the advertised criteria. This will be the second of two weatherization home inspection contracts. Council awarded the first Professional Residential Post Weatherization Home Inspection Contract to The Nelrod Company on December 16, 2009, by Ordinance No. 2009-1363.

PROJECT LOCATIONS: Citywide

SCOPE OF CONTRACT AND FEE: The consultant will perform weatherization inspections through work orders. Work orders issued under the contract will be paid on a per house basis.

M/WBE PARTICIPATION: A 24% MWBE goal has been established for this contract. The consultant has submitted the following certified firms to achieve the goals:

M/WBE Firm	Scope of Work	Amount	% of Contract
ESPA Corp	Inspector	\$175,000.00	14%
Medisco Imaging, Inc.	Inspector	\$125,000.00	10%
		\$300,000.00	24%

REQUIRED AUTHORIZATION

CUIC ID 25MSCL73

NOT

Date:	SUBJECT: Professional Residential Weatherization Home Inspection Contract Your Home Check, L.P. Residential Energy Efficiency Program (REEP)	Originator's Initials GD	Page 2 of 2
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PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' Ordinance regarding health benefits for employees of City contractors. In this case, the consultant provides health benefits to eligible employees in compliance with City policy.

ARRA REQUIREMENTS: The consultant will adhere to and comply with the special reporting requirements associated with this ARRA Grant as required by the Department of Energy and/or the City of Houston.

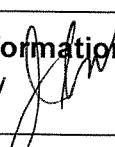
The City of Houston will adhere to and comply with the special reporting requirements associated with this ARRA Grant as required by the granting agency and/or the U.S. Office of Management and Budget.

FRC:JLN:LM:mlg

c: Forest R. Christy, Jr., Marty Stein, Jacquelyn L. Nisby, Martha Leyva, File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 830 W. 23 rd Street WBS No. F-000509-0070-4		Page 1 of 2	Agenda Item 23
FROM (Department or other point of origin): General Services Department	Origination Date 7/29/10	Agenda Date AUG 04 2010	
DIRECTOR'S SIGNATURE:  Forest R. Christy, Jr., Interim Director	Council Districts affected: A, H		
For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023	Date and identification of prior authorizing Council action:		
RECOMMENDATION: Award construction contract and appropriate funds for the project.			
Amount and Source of Funding: \$55,963.35 Parks Consolidated Construction Fund (4502)	Finance Budget:		

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to Inland Environments, Ltd. on the low bid amount of \$44,727.00 to provide asbestos abatement and demolition at Langwood Park Maintenance Barn and 830 W. 23rd Street for the future expansion of Wright-Bembry Park.

PROJECT LOCATIONS: 6311 Saxon, Houston, Texas 77092 (Key Map No. 451-K) - District A
830 W. 23rd Street, Houston, Texas 77008 (Key Map No. 452-U) – District H

PROJECT DESCRIPTION: The scope of work includes removal and disposal of asbestos containing materials, demolition of building and site improvements. The work also includes loading, hauling and proper disposal of debris generated due to all activities, hydro-mulching of the site and maintenance of existing landscaping for six months.

The contract duration for this project is 60 calendar days.

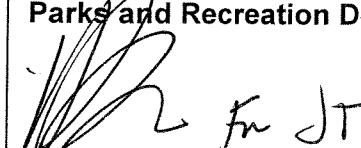
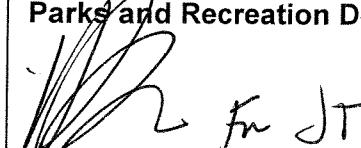
BIDS: The following three bids were received on June 7, 2010:

<u>Bidder</u>	<u>Bid Amount</u>
1. Inland Environments, Ltd.	\$44,727.00
2. AAR Incorporated	\$58,050.00
3. Arrow Services, Inc.	\$67,757.00

REQUIRED AUTHORIZATION

NDT

CUIC ID # 25GM231

General Services Department:  Humberto Bautista, P.E. City Engineer	Other Authorization:  Joe Turner Director	Parks and Recreation Department:  Joe Turner Director
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Date	SUBJECT: Award Construction Contract Inland Environments, Ltd. Asbestos Abatement and Demolition at Langwood Park Maintenance Barn and 830 W. 23 rd Street WBS No. F-000509-0070-4	Originator's Initials GM	Page 2 of 2
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Bids were obtained from the list of pre-qualified asbestos/lead abatement contractors to act as the general contractor for the project. All pre-qualified asbestos/lead abatement contractors were notified of the request for bids on this project. The City Legal Department has previously determined that the formal bid process is not required for these types of contracts and that GSD may utilize the contractors on a pre-qualified list.

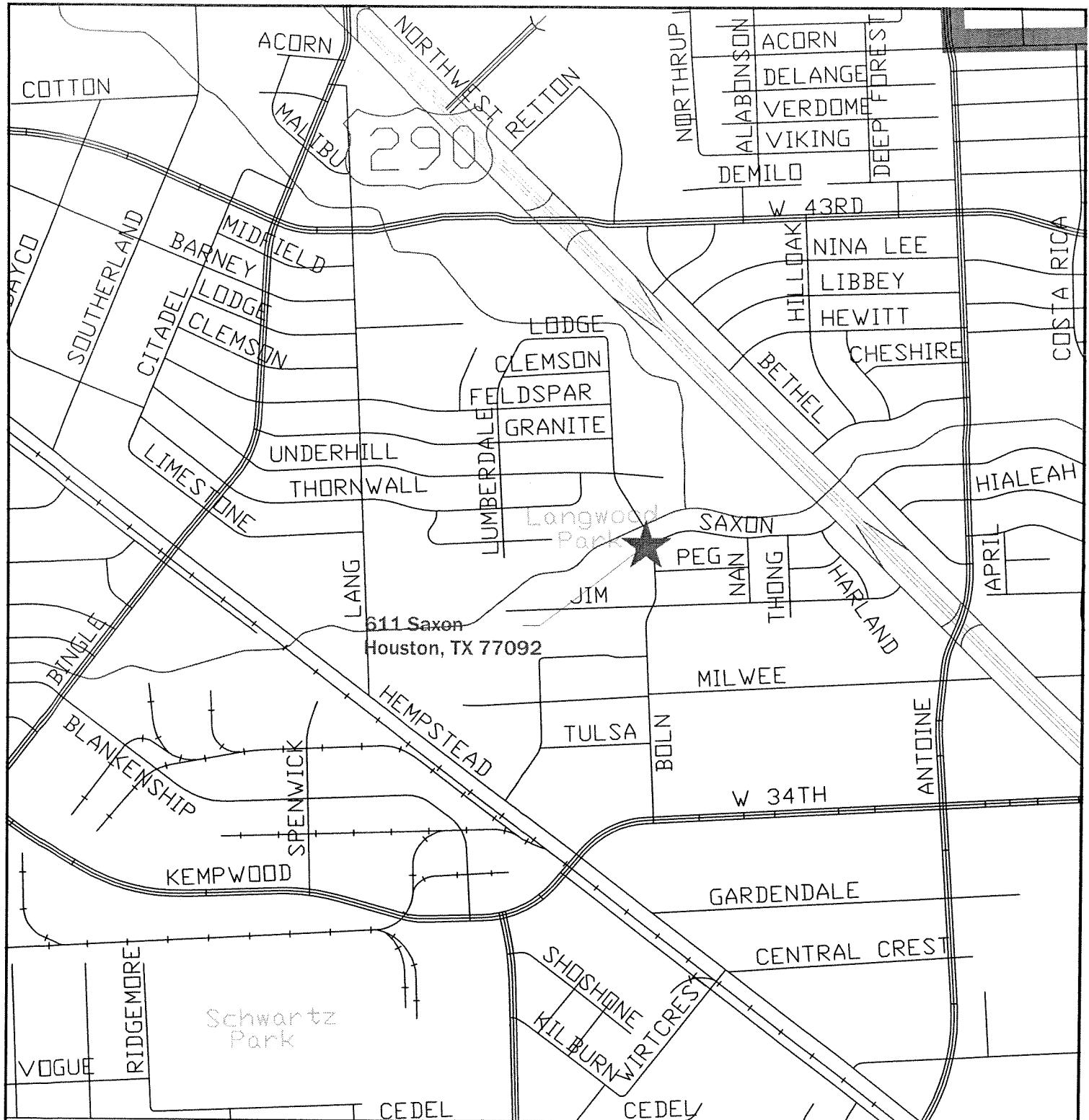
AWARD: It is recommended that City Council award the construction contract to Inland Environments, Ltd., and appropriate funds for the project, including an additional appropriation of \$9,000.00 for project management, construction oversight and air monitoring under the existing contract with Weston Solutions, Inc.

FUNDING SUMMARY:

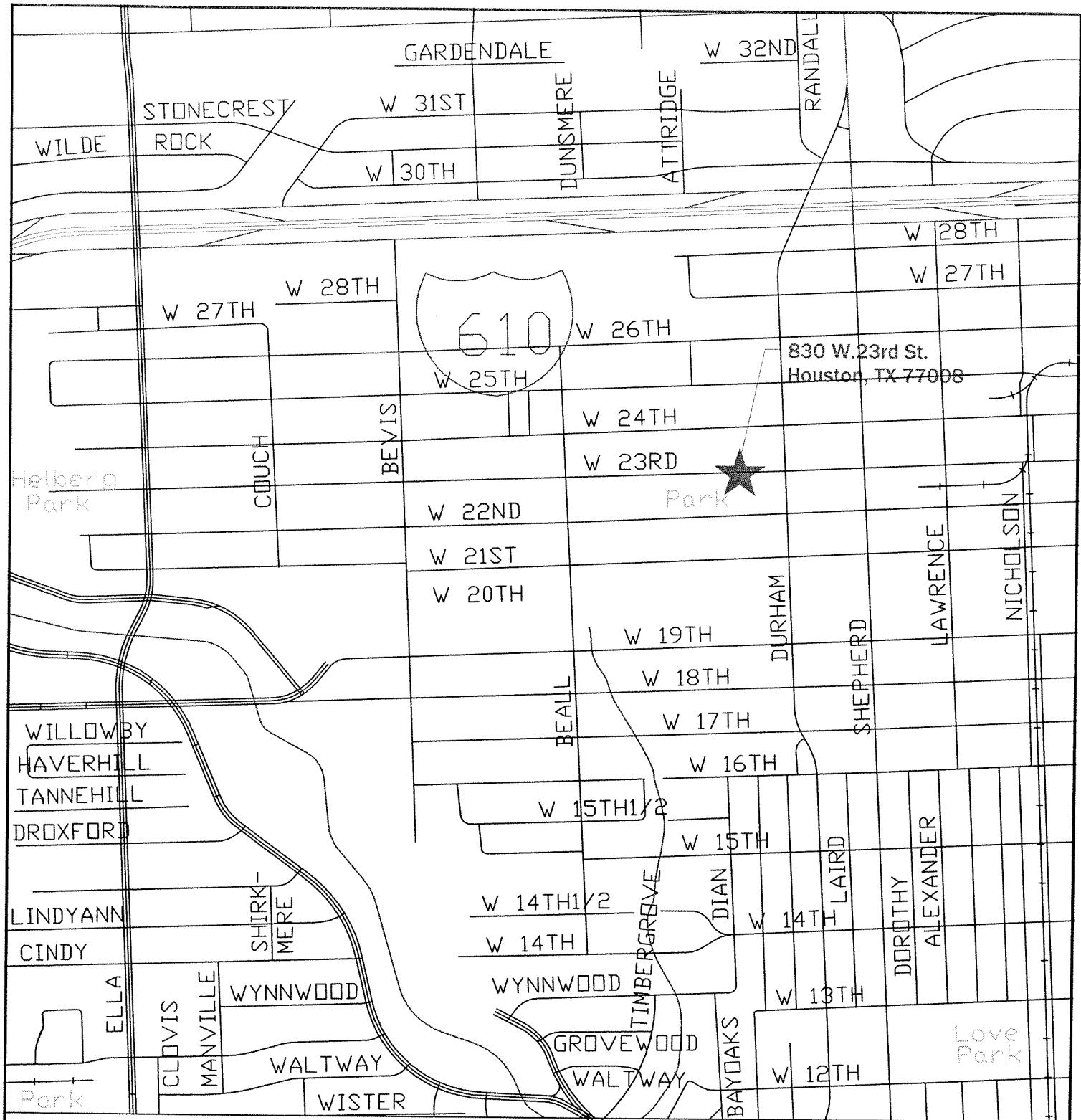
\$ 44,727.00	Construction Contract Services
\$ 2,236.35	5% Contingency
\$ 46,963.35	Total Contract Services
\$ 9,000.00	Project Management, Construction Oversight and Air Monitoring
\$ 55,963.35	Total Funding

mj
FRC:HB:JLN:GM:MC:fk

c: Marty Stein
Jacquelyn L. Nisby
Velma Laws
Calvin R. Curtis
Gabriel Mussio
File



**Asbestos Abatement & Demolition at:
Langwood Park Maintenance Barn
6311 Saxon
Houston, TX 77092**



Asbestos Abatement & Demolition at:
830 West 23rd St.
Houston, TX 77008

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance approving the closure to vehicular traffic of at-grade railroad crossings at Thompson Street and Bonner Street related to the Washington Avenue Corridor Quiet Zone; containing various findings and other provisions related to the subject; and declaring an emergency.		Page 1 of 1	Agenda Item # <i>24</i>						
FROM (Department or other point of origin): Public Works and Engineering Department	Origination Date <i>7/29/10</i>	Agenda Date <i>AUG 04 2010</i>							
DIRECTOR'S SIGNATURE: <i>David W. G.</i>	Council District affected: H								
For additional information contact: Michael Y. Ereti, Assistant Director (713) 837-0506 <i>jmfr</i>	Date and identification of prior authorizing								
<p>RECOMMENDATION: (Summary) <i>Adopt Ordinance approving closure to vehicular traffic of at-grade railroad crossings at Thompson Street and Bonner Street related to the Washington Avenue Corridor Quiet Zone.</i> </p> <p>Amount and Source of Funding: No Funding Required</p>									
<p>PROJECT NOTICE/JUSTIFICATION: The Public Works & Engineering (PWE) Department has coordinated with the Union Pacific Railroad Company (UPRR) to close (2) two streets at-grade railroad crossings to vehicular traffic. These closures were necessary in order to comply with the Washington Corridor Quiet Zone requirements.</p> <p>The crossings were closed in February, 2010 as part of UPRR track work and will remain closed as a part of the quiet zone requirements. Per PWE traffic assessment; minimal negative impact is anticipated in regards to mobility, and positive impact is anticipated in terms of safety.</p> <p>PWE requests that City Council approve an Ordinance authorizing the closure of the following locations. In addition, no additional construction will be necessary to complete the street closures.</p> <p>The candidate locations are:</p> <table> <tr> <td>LOCATION:</td> <td>KEY MAP</td> </tr> <tr> <td>1. Thompson Street between Center Street and Schuler Street</td> <td>492 H</td> </tr> <tr> <td>2. Bonner Street between Center Street and Schuler Street</td> <td>492 H</td> </tr> </table>				LOCATION:	KEY MAP	1. Thompson Street between Center Street and Schuler Street	492 H	2. Bonner Street between Center Street and Schuler Street	492 H
LOCATION:	KEY MAP								
1. Thompson Street between Center Street and Schuler Street	492 H								
2. Bonner Street between Center Street and Schuler Street	492 H								
REQUIRED AUTHORIZATION		CUIC ID #20JSW38							
	Other Authorization:	Other Authorization: <i>7/28/10</i> Jeffrey Weatherford, P.E., PTOE, Deputy Director Traffic And Transportation Division							

Washington Ave. RR Crossing Corridor

Legend:

- Median Work
- Closures
- One Way St. (w/gates)
- Convert to One-Way
- ↑ One-Way Traffic
- Quiet Zone Extents
- / / Railroads



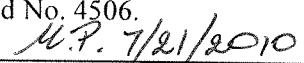
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and United Engineers, Inc. Various Paving Projects; WBS No. N-000668-0016-4		Category # 7, 9	Page 1 of 1	Agenda Item 25
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 7/29/10	Agenda Date AUG 04 2010		
DIRECTOR'S SIGNATURE: 	Council District affected: All			
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355 	Date and identification of prior authorizing Council action: N/A 			

RECOMMENDATION: (Summary) Approve Construction Management and Inspection Services Contract with United Engineers, Inc. and appropriate funds.

Amount and Source of Funding: \$12,000.00 from Street and Bridge Consolidated Construction Fund No. 4506.

 M.P. 7/21/2010

PROJECT NOTICE/JUSTIFICATION: These projects are part of the City's Capitol Improvements (CIP) and are required to improve the condition of residential streets, sidewalks and enhance the quality of life in the neighborhood.

DESCRIPTION/SCOPE: This contract provides Construction Management and Inspection Services for the Construction Branch of the Department of Public Works and Engineering in connection with the Various Streets.

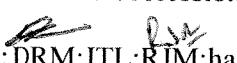
LOCATION: These projects are located in various Key Map Grids.

SCOPE OF CONTRACT AND FEE: This contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, closeout documentation, and tasks requested by the Director. The requested appropriation of \$12,000.00 will provide for limited pre-construction review and preparation as required.

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 PARTICPATION: The Consultant has submitted the following proposed M/WBE participation to satisfy the 24% goal for the project.

Name of Firm	Work Description	Percentage
1. ESPA Corp.	Inspection Services	12%
2. KIT Professional, Inc.	Inspection Services	12%
		24%

 MSM:DRM:JTL:RJM:ha

cc: Velma Laws Marty Stein Craig Foster

File No. N-0668-16/1.0

REQUIRED AUTHORIZATION

20HA93

Finance Department 	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #20JBX52

SUBJECT:

Ordinance to issue a pipeline permit to Enterprise Intrastate L.P., for one existing pipeline for the underground transportation of materials within portions of certain City street rights of way.

Category #	Page	Agenda Item#
	1 of 1	26

FROM: (Department or other point of origin):

Public Works and Engineering

Origination Date	Agenda Date
7/29/10	AUG 04 2010

DIRECTOR'S SIGNATURE:

[Signature]
Director

Council Districts affected:
E

For additional information contact:

Jim Boxley

Phone: (832) 395-2070

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance granting a permit to Enterprise Intrastate L.P., a Delaware Limited Liability Company, to operate, maintain, improve, repair and replace one existing pipeline for underground transportation of materials under portions of certain street rights of way.

SPECIFIC EXPLANATION:

It is recommended that City Council approve a pipeline permit pursuant to the provisions of Article IX of Chapter 40 of the Code of Ordinances, authorizing Enterprise Intrastate L.P., a Delaware Limited Liability Company, to operate, maintain, improve, repair one existing pipeline for the underground transportation of materials under portions of certain street rights of way in the City, as listed below and more specifically detailed in the permit ordinance:

<u>Pipeline Name</u>	<u>Diameter Size</u>	<u>Materials Transporting</u>
Aqua Dulce – Sabine Line	30-inch	Natural Gas

The permit is for 30 years. Enterprise Intrastate L.P., submitted the initial required application permit fee of \$2,000.00 plus \$1,000.00 per pipeline for a total of \$3,000.00.

LOCATION: The pipeline is located in Key Map grids 617CF, 577Z, 578TW

MM:DRM:ELK:JB:tss

cc: Marty Stein

Daniel R. Menendez, P.E.

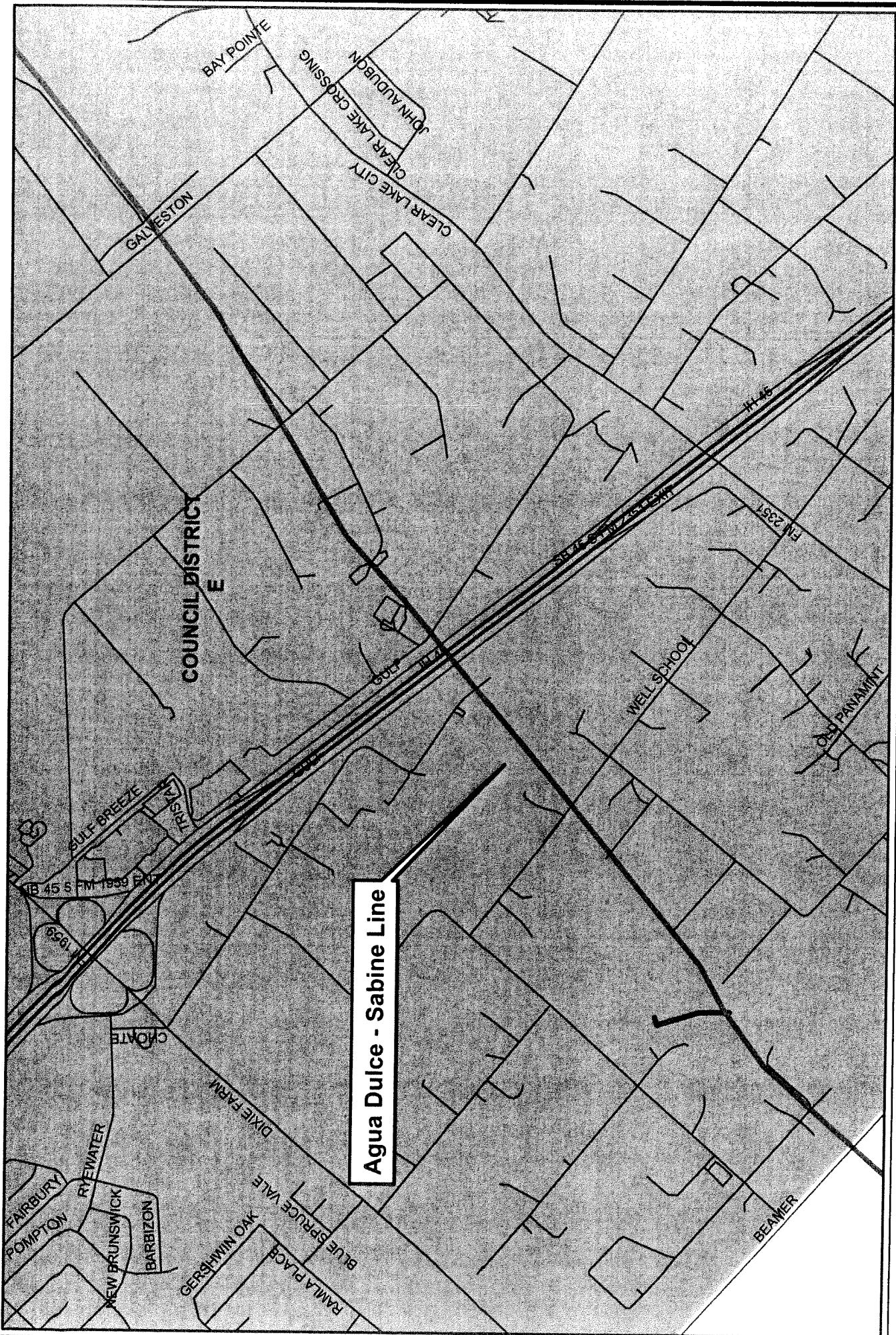
Deborah McAbee

Paige E. Bryant

REQUIRED AUTHORIZATION

CUIC ID 20JBx52

Finance Director:	Other Authorization:	Other Authorization:
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Legend

Enterprise Infrastate L.P. **Aqua Dulce - Sabine Line**

DISTRICT A	DISTRICT B	DISTRICT C	DISTRICT D	DISTRICT E	DISTRICT F	DISTRICT G	DISTRICT H	DISTRICT I
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**CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING
Enterprise Intrastate L.P.
Permit Request**

N.T.S.
Vicinity Map
Council District

Drawn By: T. Shannon December 15, 2009 Sheet 02

COUNCIL DISTRICT

11

Agua Dulce - Sabine Line

A black and white map showing the layout of a residential area. Several streets are labeled with names: 'LONG BOUGH' running vertically along the top; 'CHERRY GROVE' and 'SCENIC GLADE' running diagonally from bottom-left to top-right; 'MOSS' running horizontally across the middle; and 'PLEASANT COR' running diagonally from top-left to bottom-right. The map also shows several intersecting roads and property boundaries.

A map showing the locations of Mosswood, Elmwood, Golden Field, Prairie Knoll, and Willow Creek. The map features a grid of streets and several curved roads. The names of the neighborhoods are written in a stylized font along the edges of these roads. Mosswood is at the top left, Elmwood is at the top center, Golden Field is in the middle left, Prairie Knoll is on the right, and Willow Creek is at the bottom center.

A map showing the locations of Willow Heights, Island Palm, and Field Springs. Willow Heights is at the top, Island Palm is in the center, and Field Springs is at the bottom right.

SPACE CENTRE

Dunce - Sabine Line

ACORN WOOD

PLUM GLEN

CROWN RIDGE

CANYON BLUFF

OAK LIMNS

GOLF VIEW

LAKE SCENE

BAY OAKS

LOFTY MOUNTAIN

ASIMINE RIDGE

GARDEN CREEK

SILVER Bough

TIMBER BARK

MILL GARDEN

ROSEBANCH

INLAND SPRING

COUNTRY GREEN

HERON FIELD

ROBIN HILL

MIDFIELD GLEN

SHADOW FALLS

APPLE KNOB

VIEWFIELD

ASPIEN KNOB

PLACID BROOK

HARVEST BROOK

WILDCAT GLEN

ROCKY GLEN

WOODS

PARTRIDGE HILL

Legend

Enterprise Intrastate L.P.

DISTRICT A

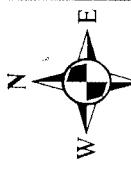
DISTRICT A

DISTRIBUZIONI

DISTRICT G

**CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING**

ENTERPRISE INTRASTATE L.P.
Permit Request
N.T.S.
Location Map
Council District
"E"
Drawn By: T. Shannon December 15, 2009 Sheet 03



KEY MAPS: 5777

DI
DI
DI

CT A CT B CT C

DIST

Enterprise Intrastate L.P. Crossings

OWNER_NAME	SYSTEM_TYPE	PIPELINE_NAME	PIPE_SIZE (in.)	NOP	MOP	PRODUCT	*LOCATION	KEYMAP	COUNCIL DISTRICT	EXHIBIT MAP PAGE
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	Well School Rd	617F	E	2
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	16000 Gulf Fwy	617F	E	2
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	13500 Galveston Rd.	617C	E	2
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	13700 Space Center Blvd.	577Z	E	3
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	2920 Leafy Glen	578W	E	3
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	3415 Almond Creek Dr.	578W	E	3
Enterprise Intrastate L.P.	TRANSMISSION	Aqua Dulce - Sabine Line	30	700 PSI	750 PSI	Natural Gas	5450 El Dorado	578T	E	3

*Existing pipeline crossings at the approximate 100 blocks of the streets specified. These locations should not be relied on for excavation or other purposes. Permittee should be contacted to establish concise locations.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #20JBX53

SUBJECT: Ordinance to issue a pipeline permit to Enterprise Products Operating LLC, for three existing pipelines for the underground transportation of materials within portions of certain City street rights of way.		Category # 1 of 1	Page 1 of 1	Agenda Item# 27												
FROM: (Department or other point of origin): Public Works and Engineering		Origination Date 7/29/10		Agenda Date												
DIRECTOR'S SIGNATURE: Director 		Council Districts affected: ED														
For additional information contact: Jim Boxley Phone: (832) 395-2070		Date and identification of prior authorizing Council Action:														
<p>RECOMMENDATION: (Summary) Approve an ordinance granting a permit to Enterprise Products Operating LLC, a Texas Limited Liability Company, to operate, maintain, improve, repair and replace three existing pipelines for underground transportation of materials under portions of certain street rights of way.</p> <p>SPECIFIC EXPLANATION:</p> <p>It is recommended that City Council approve a pipeline permit pursuant to the provisions of Article IX of Chapter 40 of the Code of Ordinances, authorizing Enterprise Products Operating LLC, a Texas Limited Liability Company, to operate, maintain, improve, repair three existing pipelines for the underground transportation of materials under portions of certain street rights of way in the City, as listed below and more specifically detailed in the permit ordinance:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Pipeline Name</u></th> <th style="text-align: left;"><u>Diameter Size</u></th> <th style="text-align: left;"><u>Materials Transporting</u></th> </tr> </thead> <tbody> <tr> <td>1. Morgans Point to Texas Petro Olefins #3</td> <td>6-inch</td> <td>Natural Gas, Butane, Isobutane</td> </tr> <tr> <td>2. Morgans Point to Texas City #6</td> <td>6-inch</td> <td>Natural Gas, Butane, Isobutane</td> </tr> <tr> <td>3. Texas Brine Facility to A57 Tie-in</td> <td>4-inch</td> <td>Nitrogen</td> </tr> </tbody> </table> <p>The permit is for 30 years. Enterprise Products Operating LLC, submitted the initial required application permit fee of \$2,000.00 plus \$1,000.00 per pipeline for a total of \$5,000.00.</p> <p>LOCATION: The pipeline is located in Key Map grids 617G, 577Z, 578TW, 619P, 572D</p> <p>MM:DRM:ELK:JB:tss cc: Marty Stein Daniel R. Menendez, P.E. Deborah McAbee Paige E. Bryant</p>					<u>Pipeline Name</u>	<u>Diameter Size</u>	<u>Materials Transporting</u>	1. Morgans Point to Texas Petro Olefins #3	6-inch	Natural Gas, Butane, Isobutane	2. Morgans Point to Texas City #6	6-inch	Natural Gas, Butane, Isobutane	3. Texas Brine Facility to A57 Tie-in	4-inch	Nitrogen
<u>Pipeline Name</u>	<u>Diameter Size</u>	<u>Materials Transporting</u>														
1. Morgans Point to Texas Petro Olefins #3	6-inch	Natural Gas, Butane, Isobutane														
2. Morgans Point to Texas City #6	6-inch	Natural Gas, Butane, Isobutane														
3. Texas Brine Facility to A57 Tie-in	4-inch	Nitrogen														
REQUIRED AUTHORIZATION		CUIC ID 20JBx53														
Finance Director:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E. Engineering & Construction														

COUNCIL DISTRICT E

Morgans Point to Texas Petro Olefins #3

Legend

Morgans Point to Texas Petro Olefins #3

DISTRICT A	<input type="checkbox"/>	DISTRICT D	<input type="checkbox"/>	DISTRICT G
DISTRICT B	<input type="checkbox"/>	DISTRICT E	<input type="checkbox"/>	DISTRICT H
DISTRICT C	<input type="checkbox"/>	DISTRICT F	<input type="checkbox"/>	DISTRICT I

A compass rose with four points: North (N), South (S), East (E), and West (W). The North and South points are labeled with letters, while the East and West points are represented by solid black triangles.

**CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING
Enterprise Operating LLC
Permit Request**

"E" Drawn By: T. Shannon December 15, 2009 Sheet 02

COUNCIL DISTRICT E

Morgans Point to Texas Petro Olefins #3

Legend

Morgans Point to Texas Petro Olefins #3

DISTRICT A DISTRICT B DISTRICT C

DISTRICT 5
DISTRICT 6
DISTRICT 7

DISTRICT

DISTRICT

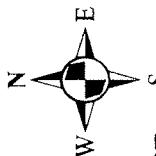
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N
CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

Enterprise Operating LLC
Permit Request

N.T.S. Location Map

**Council District
"E"**



KEY WORDS: EZ81W

CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

Enterprise Operating LLC
Permit Request

Location Map
N.T.S.

Council District
"E"

Morgans Point to Texas Refineries #3

COUNCIL DISTRICT

SPACE CENTER

116

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DELTAC/INK

SATUR

Enterprise C

	<input type="checkbox"/>	DISTRICT A	<input type="checkbox"/>	DISTRICT D	<input type="checkbox"/>	DISTRICT G
	<input type="checkbox"/>	DISTRICT B	<input type="checkbox"/>	DISTRICT E	<input type="checkbox"/>	DISTRICT H
	<input type="checkbox"/>	DISTRICT C	<input type="checkbox"/>	DISTRICT F	<input type="checkbox"/>	DISTRICT I

A compass rose with four arrows pointing North (N), South (S), East (E), and West (W). The letters are placed outside the compass points.

**CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING**

Enterprise Operating LLC

Permit Request

N.T.S.

Location Map

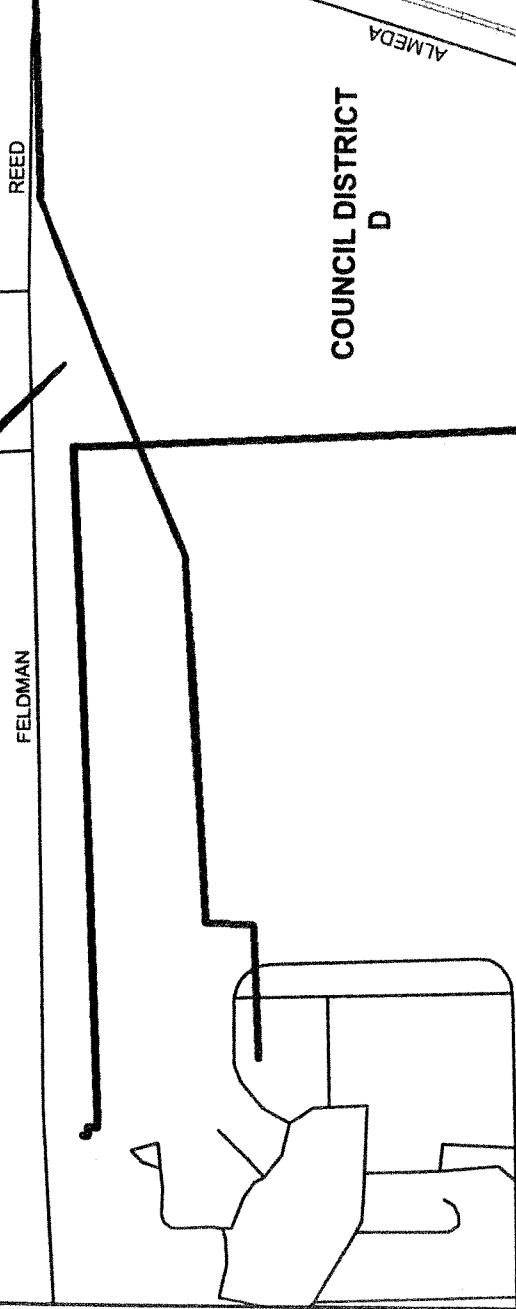
Council District

"E"

By T. Shannon December 15, 2009 Sheet 04

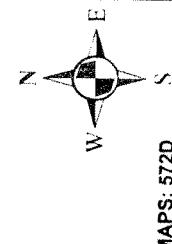
Drawn By: T. Shannon December 15, 2009 Sheet 04

Texas Brine Facility to A57 Tie-in

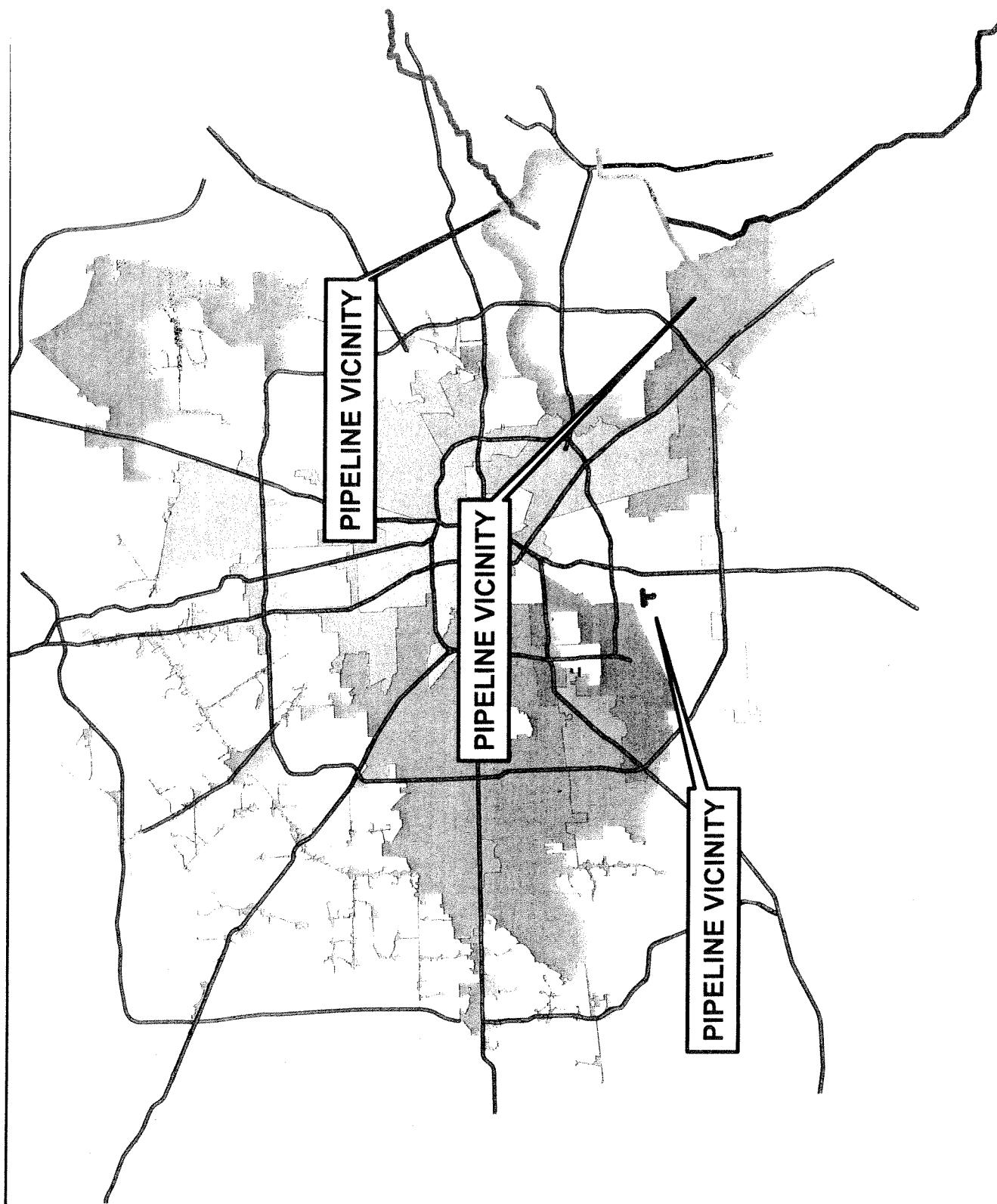


Legend
Enterprise Operating LLC
— Texas Brine Facility to A57 Tie-in

DISTRICT A	DISTRICT D	DISTRICT G
DISTRICT B	DISTRICT E	DISTRICT H
DISTRICT C	DISTRICT F	DISTRICT I
KEY MAPS: 572D		



CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING
Enterprise Operating LLC
Permit Request
N.T.S.
Location Map
Council District
"D"

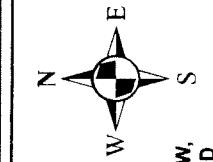


Legend

Enterprise Operating LLC	
Almeda to Texas Eastman	—
Bay Area #19	—
Morgans Point to Texas City #6	—
Morgans Point to Texas Petro Olefins #3	—
Texas Brine Facility to A57 Tie-in	—

KEY MAPS:

DISTRICT A	DISTRICT D
DISTRICT B	DISTRICT E
DISTRICT C	DISTRICT F
DISTRICT G	DISTRICT H
DISTRICT I	DISTRICT I



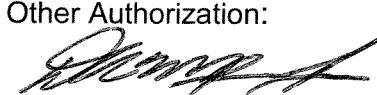
**CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING**

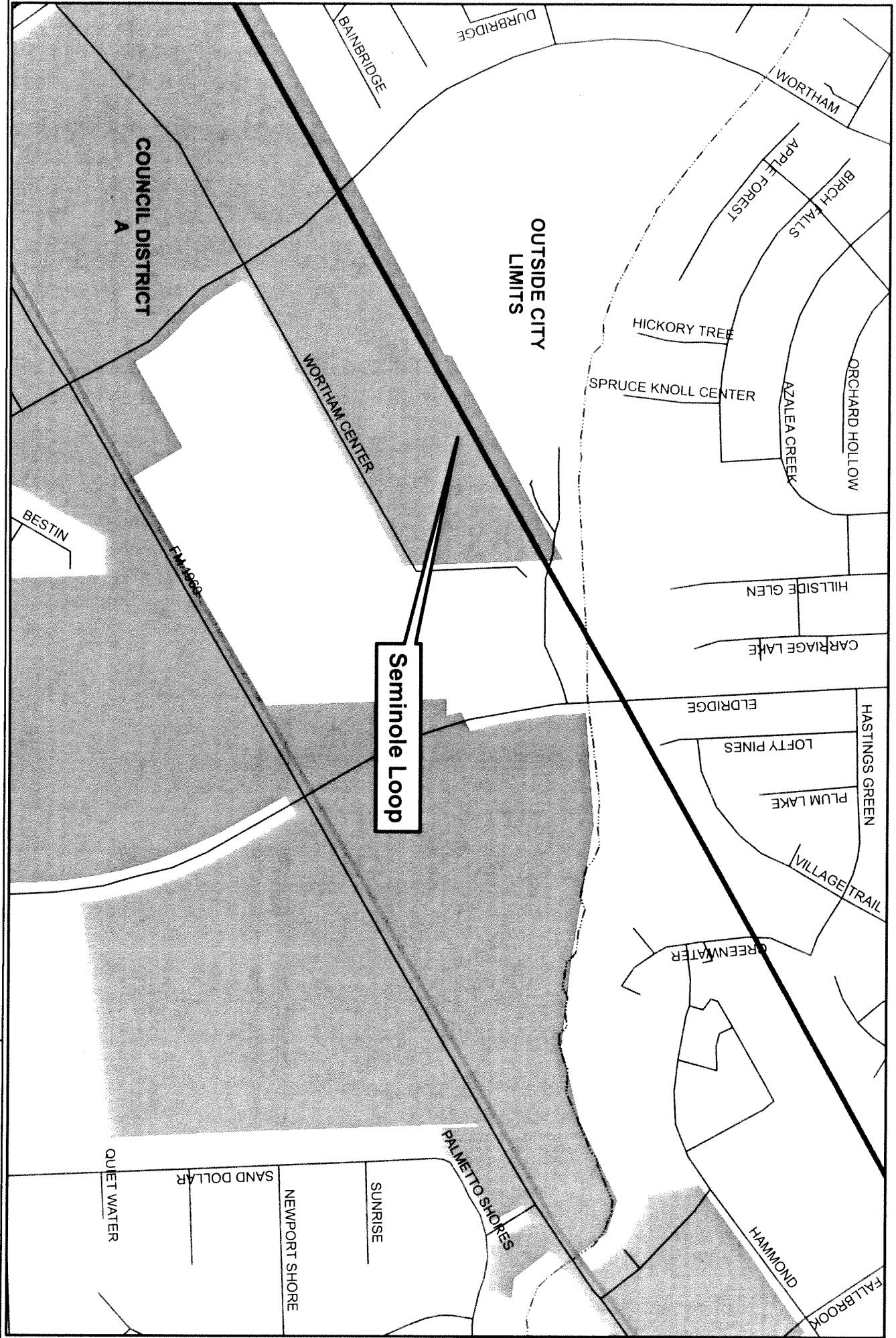
Enterprise Operating LLC
Permit Request
N.T.S
Vicinity Map
Council District
"ED"
Drawn By: T. Shannon December 15, 2009 Sheet 01

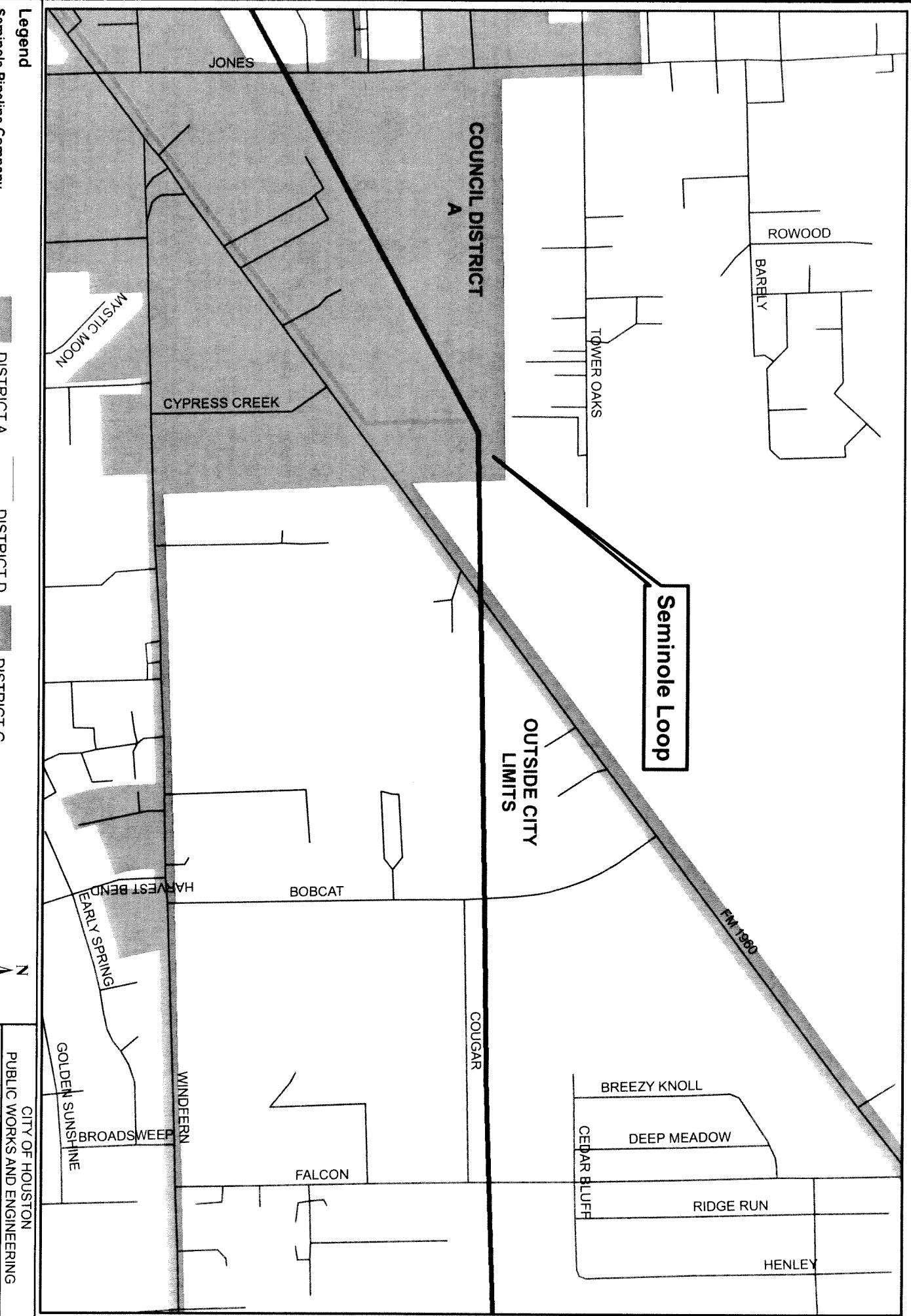
REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

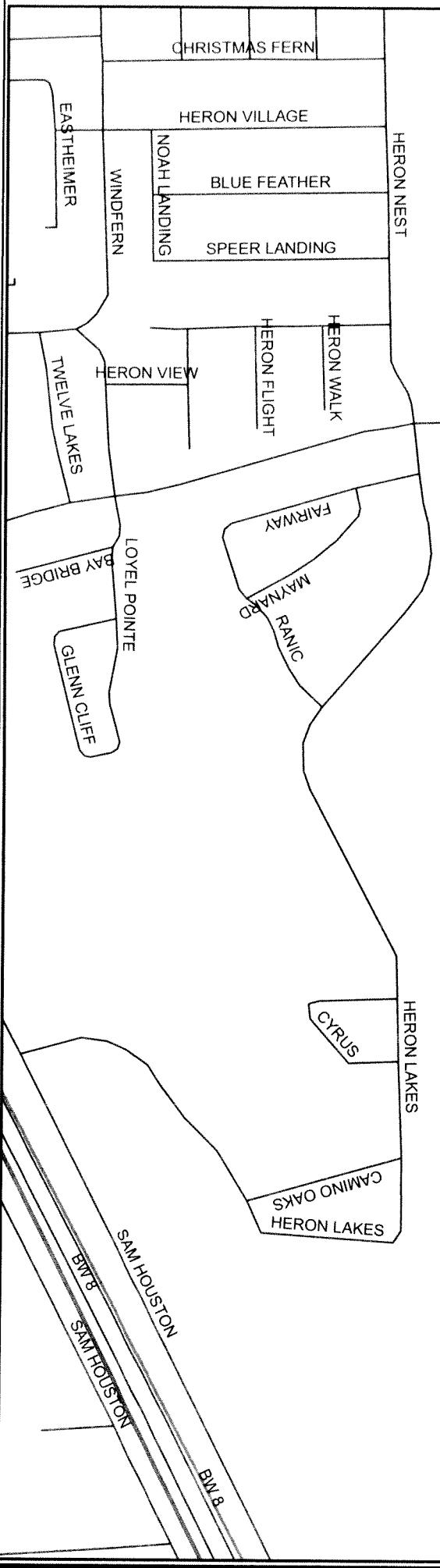
RCA #20JBX54

SUBJECT: Ordinance to issue a pipeline permit to Seminole Pipeline Company, for four existing pipelines for the underground transportation of materials within portions of certain City street rights of way.		Category # 1 of 1	Page	Agenda Item# <i>28</i>
FROM: (Department or other point of origin): Public Works and Engineering		Origination Date <i>7/29/10</i>		
DIRECTOR'S SIGNATURE:  Director		Council Districts affected: ABGEI		
For additional information contact: Jim Boxley Phone: (832) 395-2070		Date and identification of prior authorizing Council Action:		
RECOMMENDATION: (Summary) Approve an ordinance granting a permit to Seminole Pipeline Company, a Delaware Corporation, to operate, maintain, improve, repair and replace four existing pipelines for underground transportation of materials under portions of certain street rights of way.				
SPECIFIC EXPLANATION: It is recommended that City Council approve a pipeline permit pursuant to the provisions of Article IX of Chapter 40 of the Code of Ordinances, authorizing Seminole Pipeline Company, a Delaware Corporation, to operate, maintain, improve, repair four existing pipelines for the underground transportation of materials under portions of certain street rights of way in the City, as listed below and more specifically detailed in the permit ordinance:				
Pipeline Name		Diameter Size	Materials Transporting	
Seminole Loop		14-inch	Y-Grade	
Clemens Alt. – Copano Meter to Seminole Loop		6-inch	Propane, Y-Grade	
Seminole Mainline – Adams Junction to Mont Belvieu		16-inch	EPMix, Butane, Isobutane, Y-Grade, Natural Gas	
Seminole Mainline – Gaines Station to Adams Junction		14-inch	EPMix, Propane, Butane, Y-Grade	
 The permit is for 30 years. Seminole Pipeline Company, submitted the initial required application permit fee of \$2,000.00 plus \$1,000.00 per pipeline for a total of \$6,000.00.				
LOCATION: The pipeline is located in Key Map grids 487CUY, 447HRY, 488E, 448A, 408C, 368YZ, 497V, 575VZ, 576FKJNS, 370S, 371U, 372TUV, 375STU, 417M				
MM:DRM:ELK:JB:tss cc: Marty Stein Daniel R. Menendez, P.E. Deborah McAbee Paige E. Bryant				
REQUIRED AUTHORIZATION			CUIC ID 20JBX54	
Finance Director:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E. Engineering & Construction		





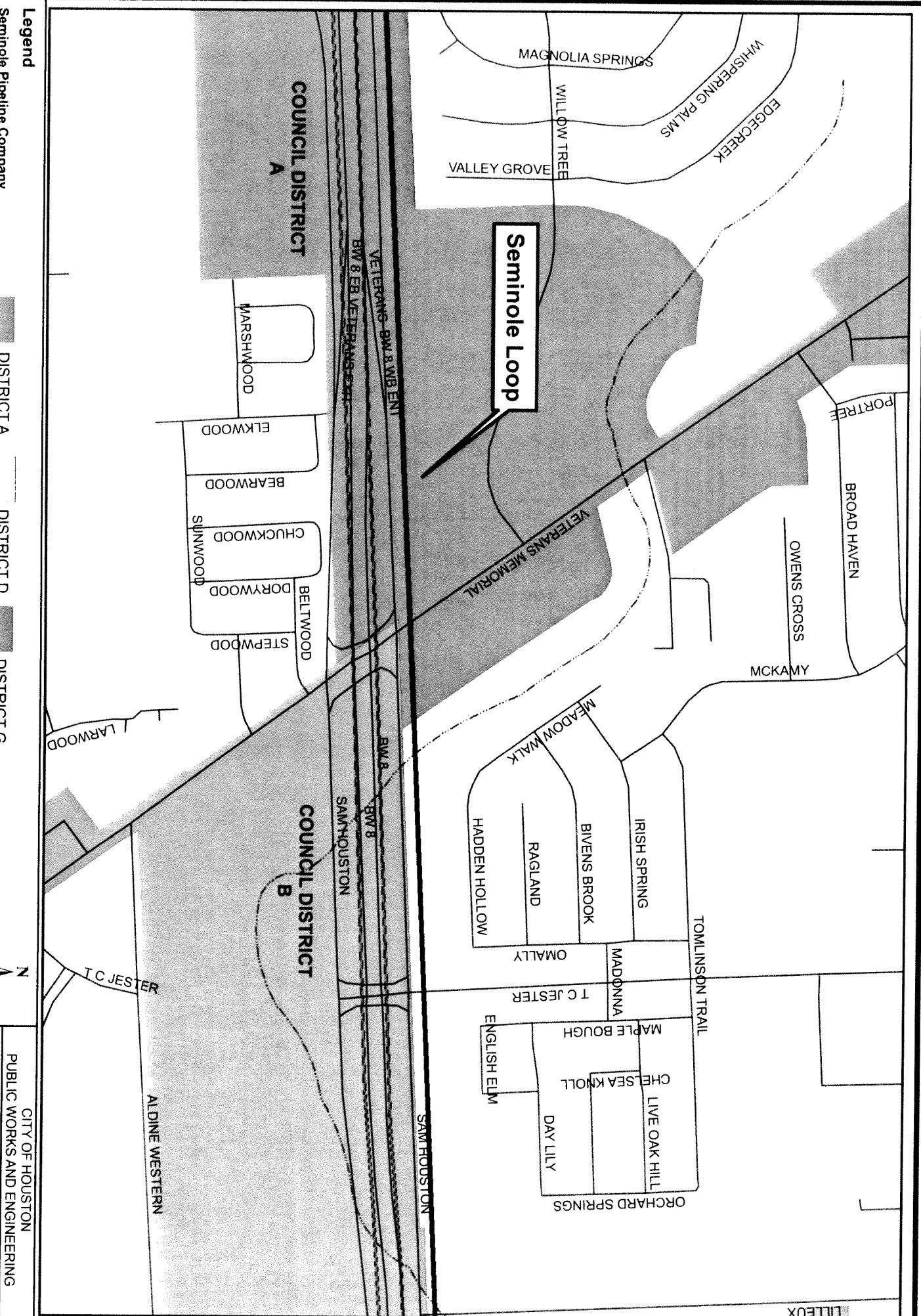
OUTSIDE CITY
LIMITS



COUNCIL DISTRICT
A

Seminole Loop

GESSNER



Legend

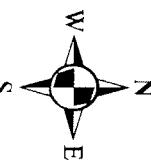
Seminole Pipeline Company

— Seminole Loop

KEY MAP(S): 372T

DISTRICT A	DISTRICT D	DISTRICT G
DISTRICT B	DISTRICT E	DISTRICT H
DISTRICT C	DISTRICT F	DISTRICT I

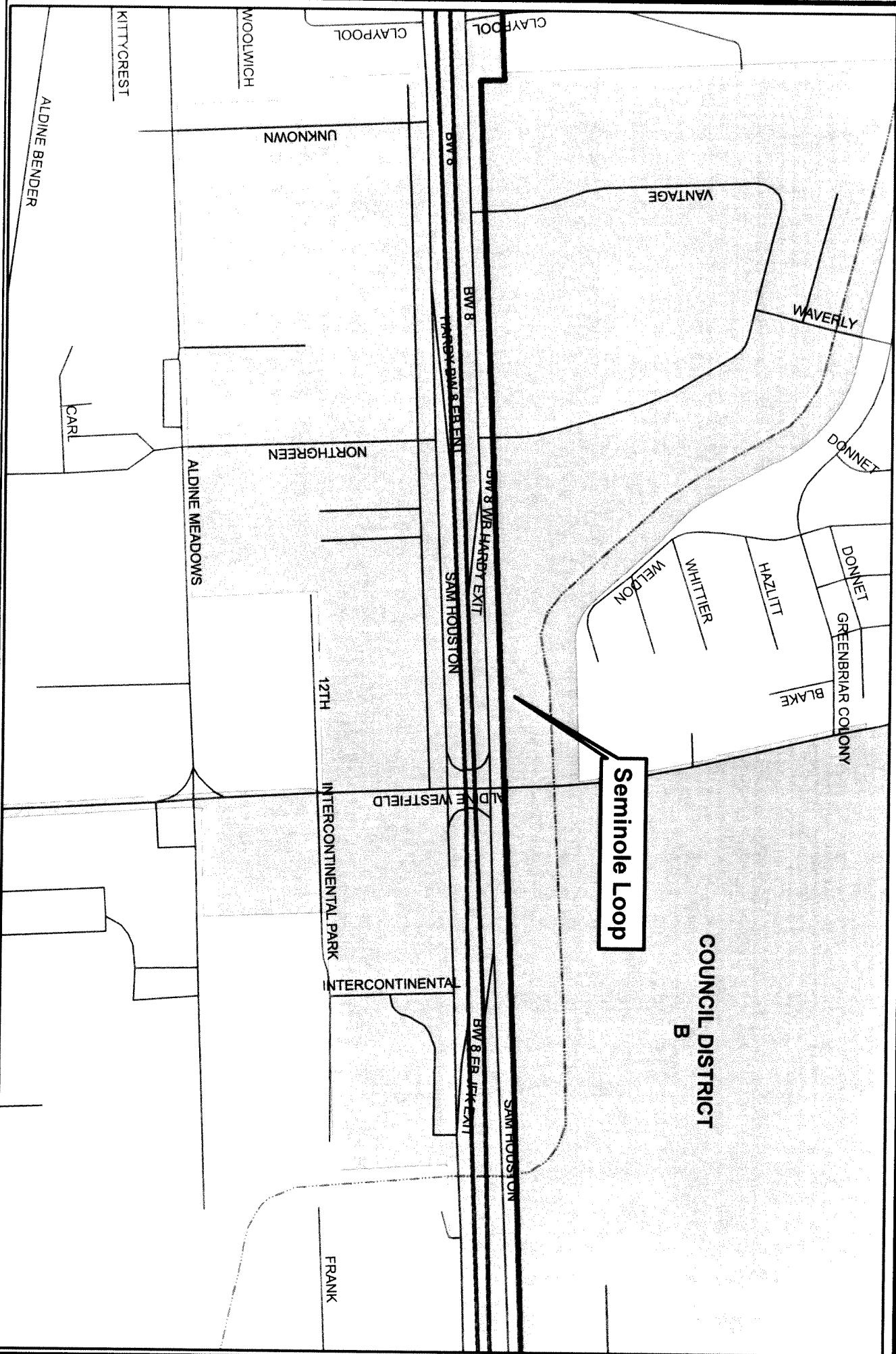
Seminole Loop



**CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING**

**COUNCIL DISTRICT
B**

Seminole Loop



CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

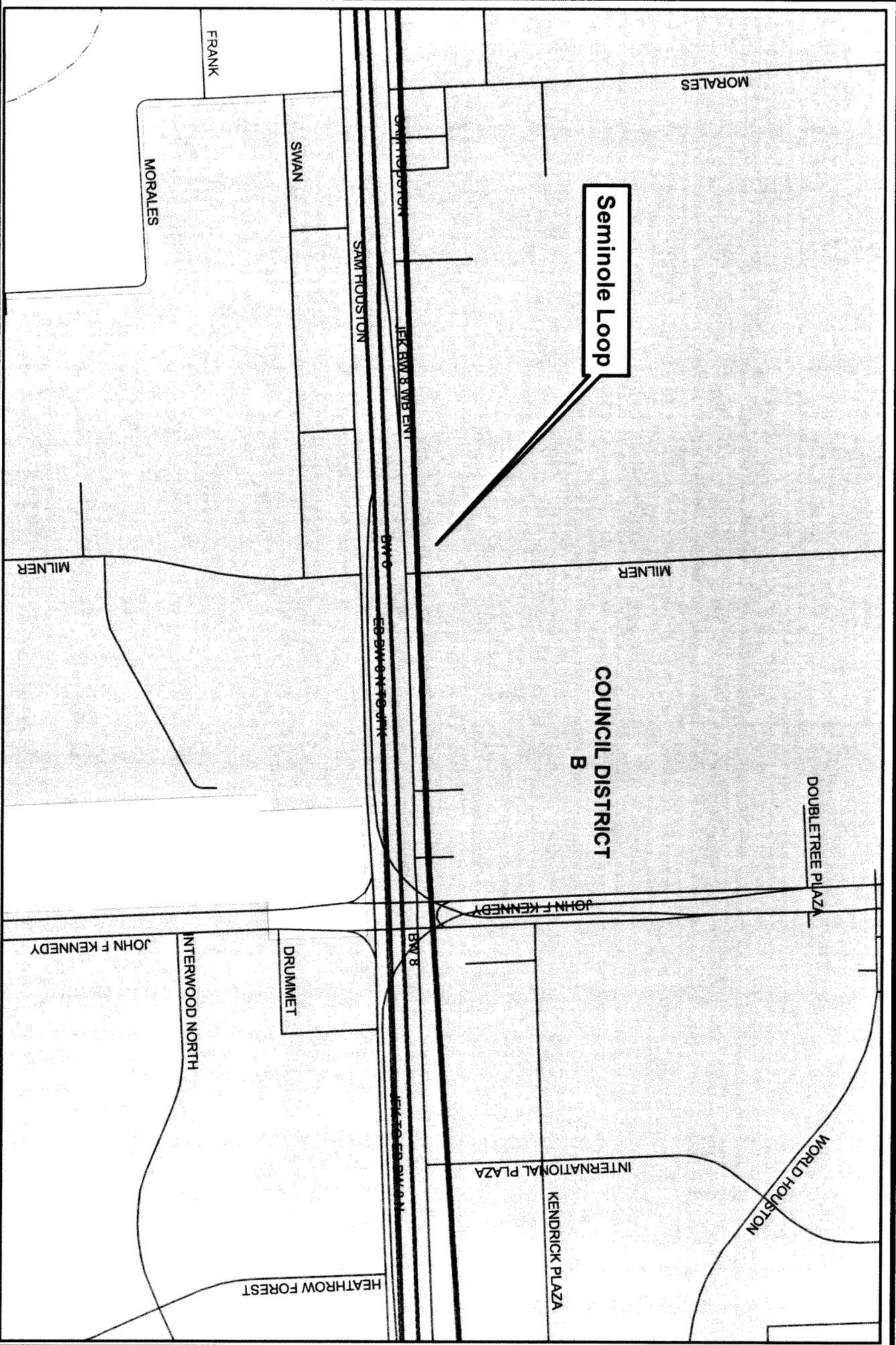
Seminole Pipeline Company
Permit Request

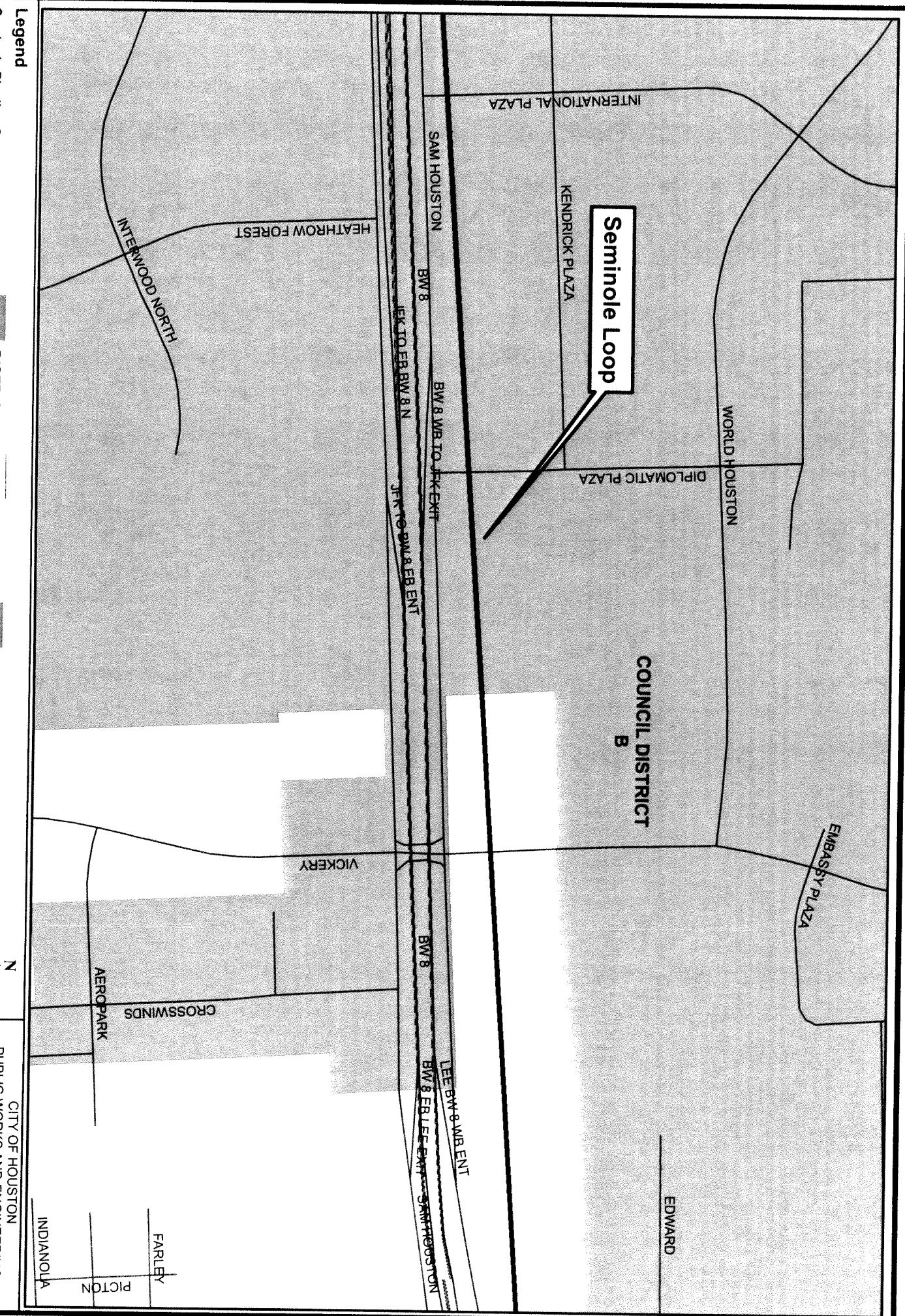
N.T.S.

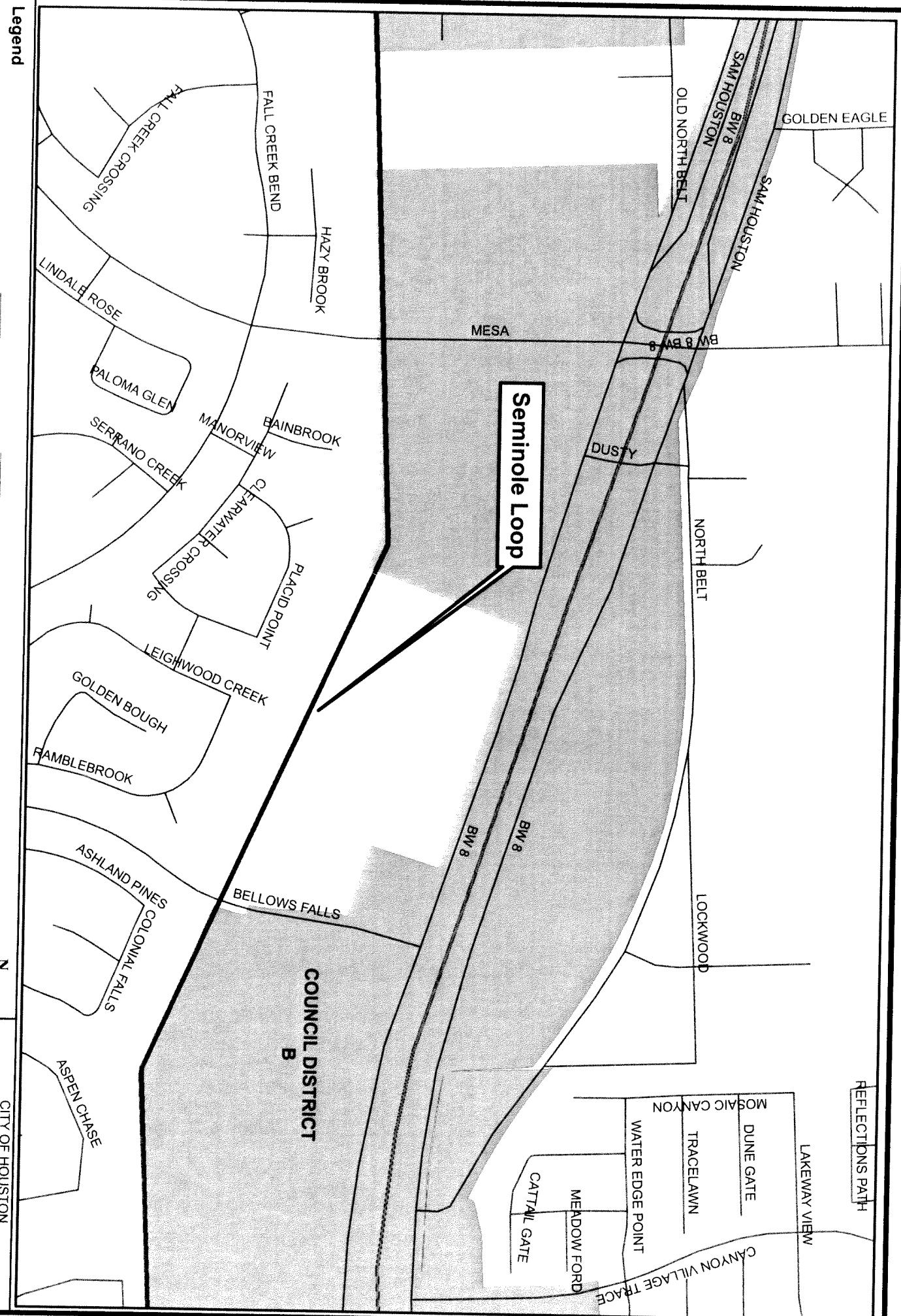
Vicinity Map
Council District
"B"

Seminole Loop

COUNCIL DISTRICT B





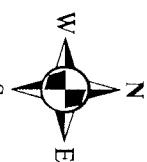


Legend

Seminole Pipeline Company
— Seminole Loop

-  DISTRICT A
-  DISTRICT B
-  DISTRICT C
-  DISTRICT D
-  DISTRICT E
-  DISTRICT F
-  DISTRICT G
-  DISTRICT H
-  DISTRICT I

KEY MAP(S): 417M



CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

Seminole Pipeline Company

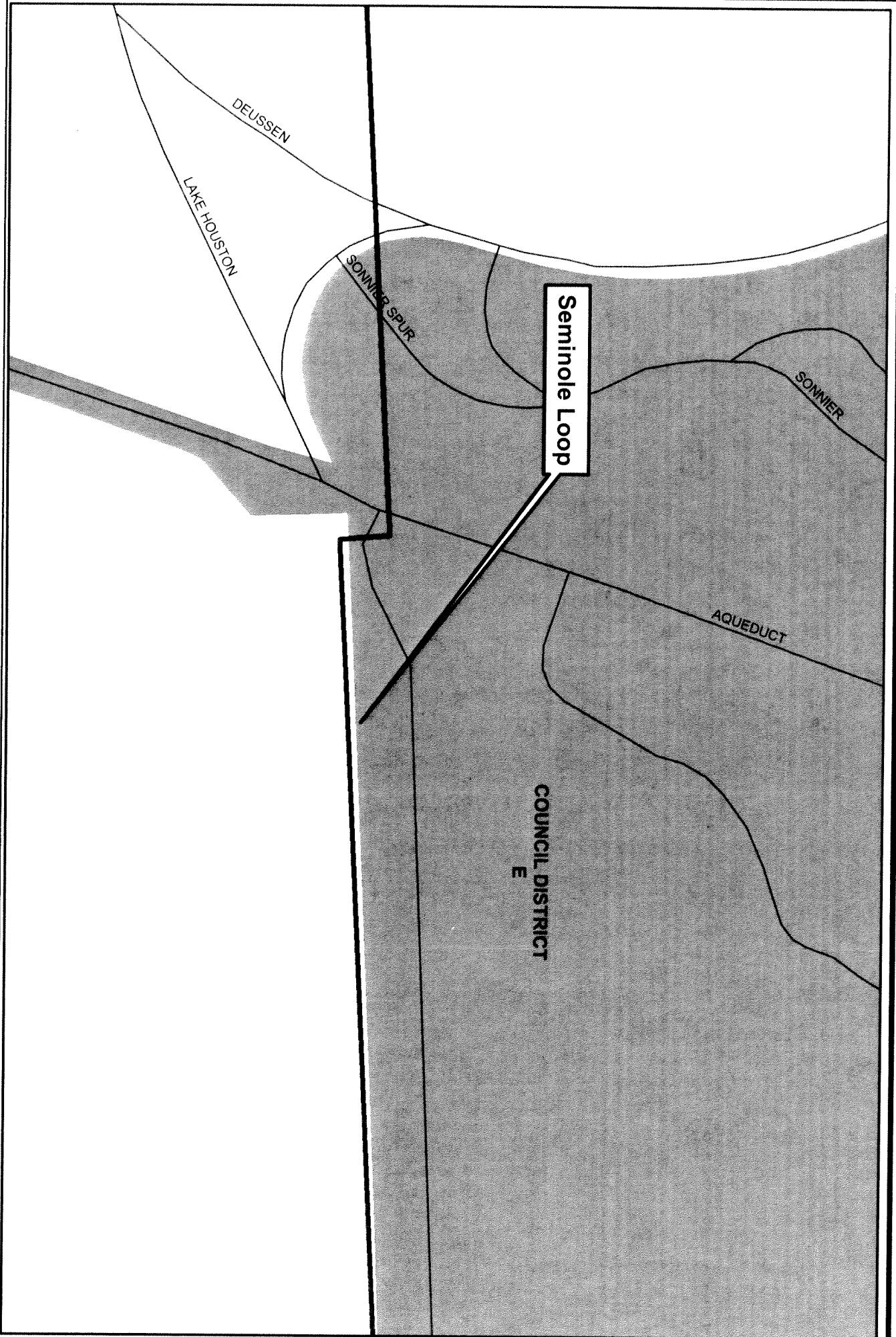
Permit Request

N.T.S.

Location Map

Council District

"E"



COUNCIL DISTRICT
G

Clemens Alt. - Copano Meter to Seminole Loop

RIFLE AND PISTOL
SHOOTING CENTER

TRAP AND SKEET

LEGON

OLYMPIC
WESTHEIMER

BOXELDER
BIRCH RIVER
HONEY CREEK

Legend

Seminole Pipeline Company

Clemens Alt. - Copano Meter to Seminole Loop

<input checked="" type="checkbox"/> DISTRICT A	<input type="checkbox"/> DISTRICT D	<input type="checkbox"/> DISTRICT G
<input type="checkbox"/> DISTRICT B	<input checked="" type="checkbox"/> DISTRICT E	<input type="checkbox"/> DISTRICT H
<input type="checkbox"/> DISTRICT C	<input checked="" type="checkbox"/> DISTRICT F	<input type="checkbox"/> DISTRICT I

KEY MAP(S): 487XYU

CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

Seminole Pipeline Company

Permit Request

N.T.S.

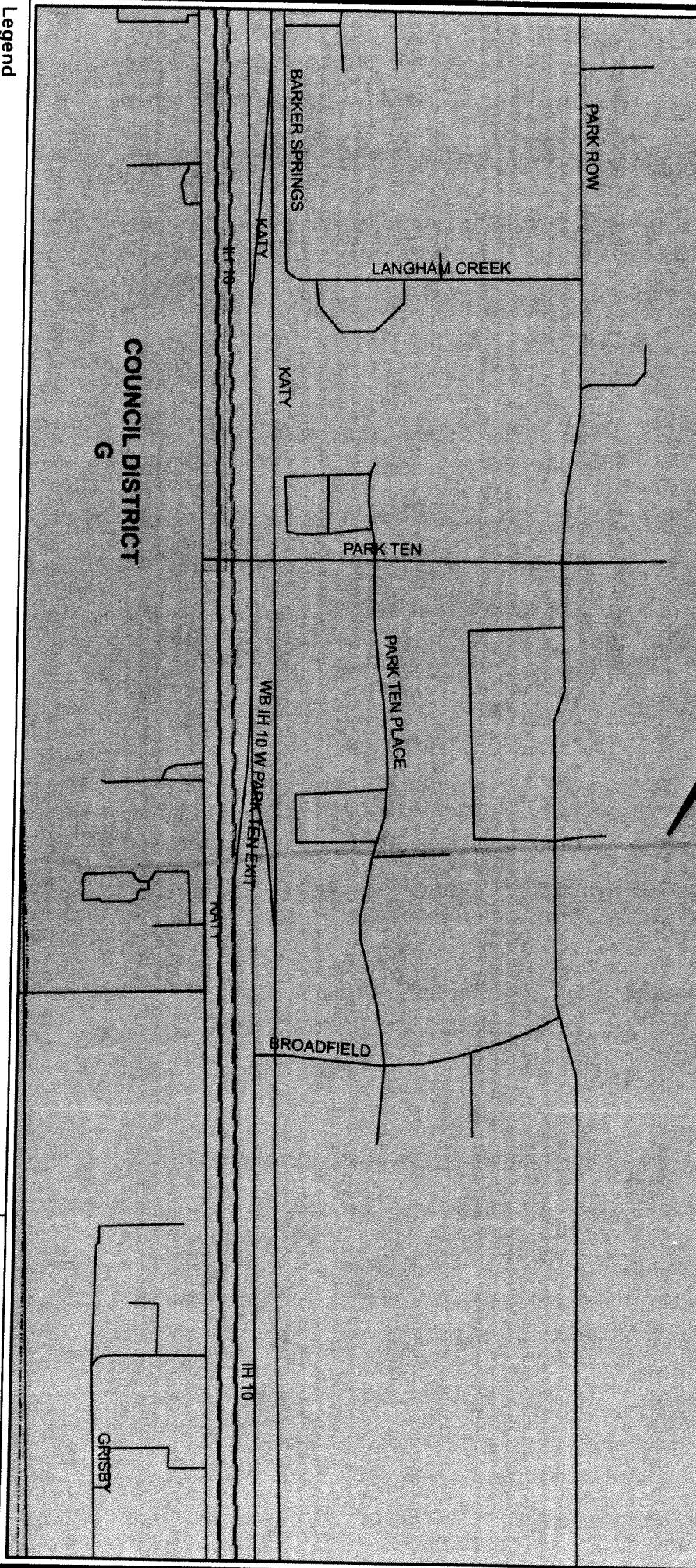
Vicinity Map

Council District

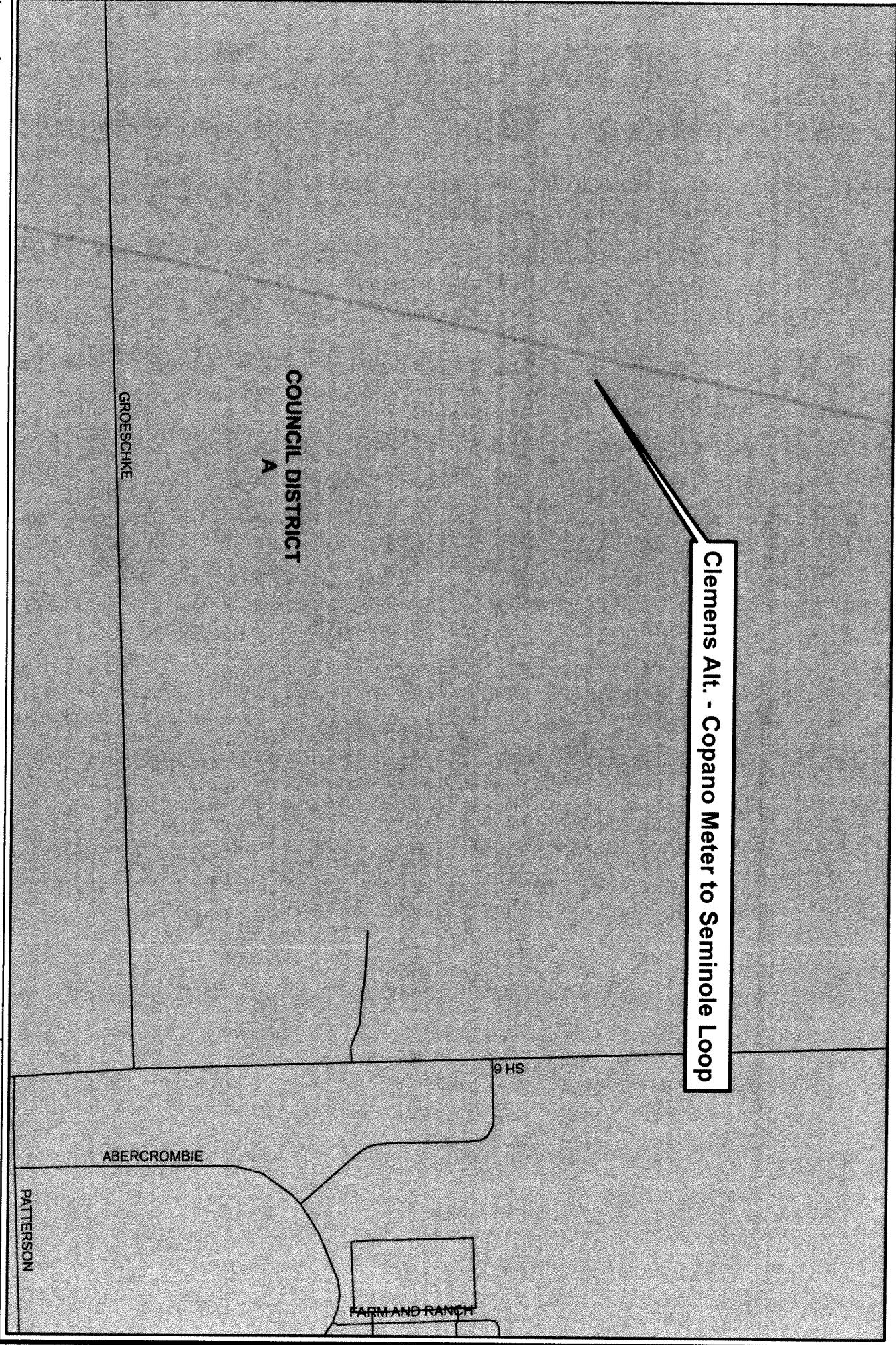
"G"

COUNCIL DISTRICT A

Clemens Alt. - Copano Meter to Seminole Loop



Clemens Alt. - Copano Meter to Seminole Loop



Legend

Seminole Pipeline Company
Clemens Alt. - Copano Meter to Seminole Loop

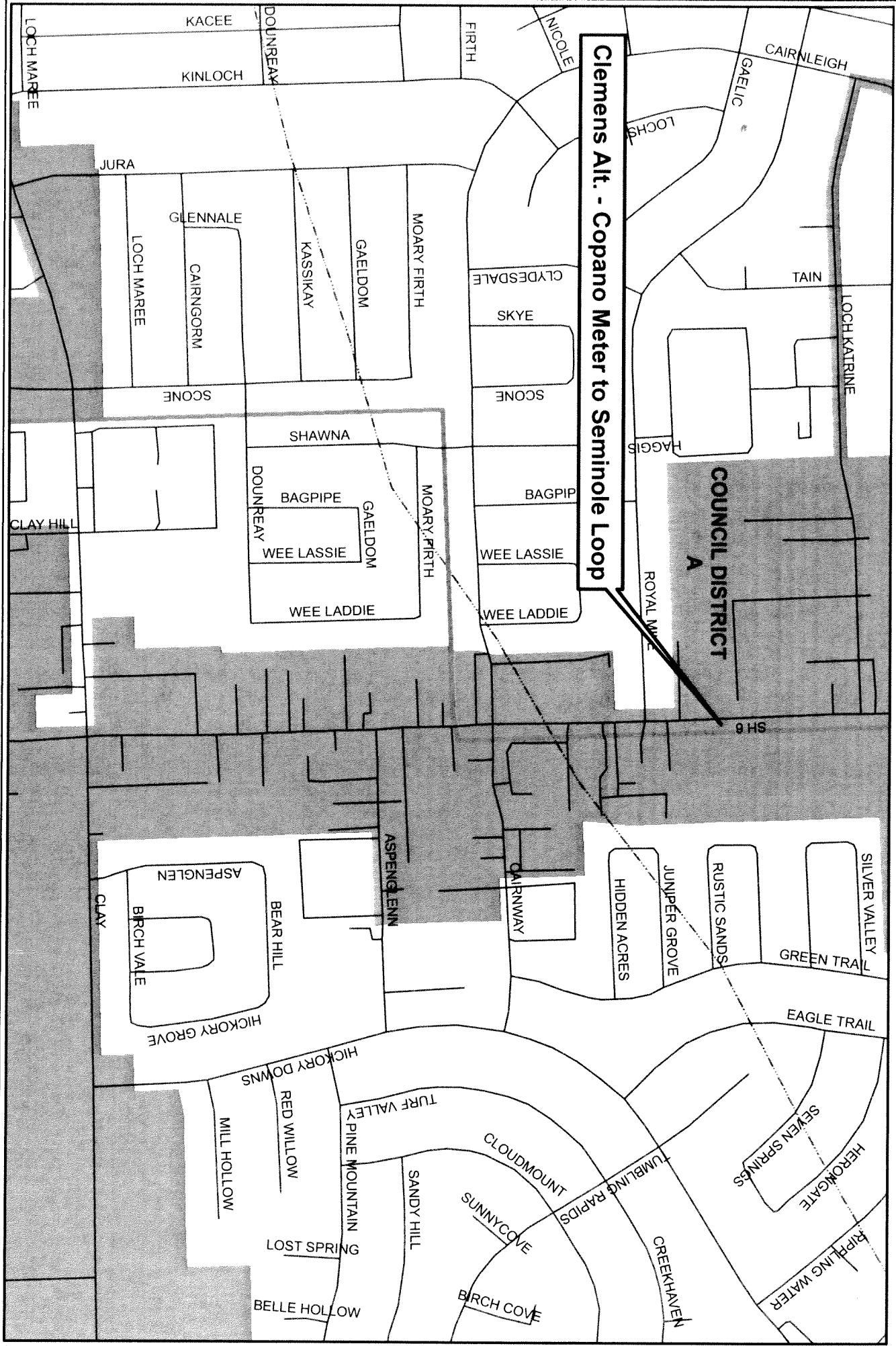
- DISTRICT A
- DISTRICT D
- DISTRICT G

- DISTRICT B
- DISTRICT E
- DISTRICT H

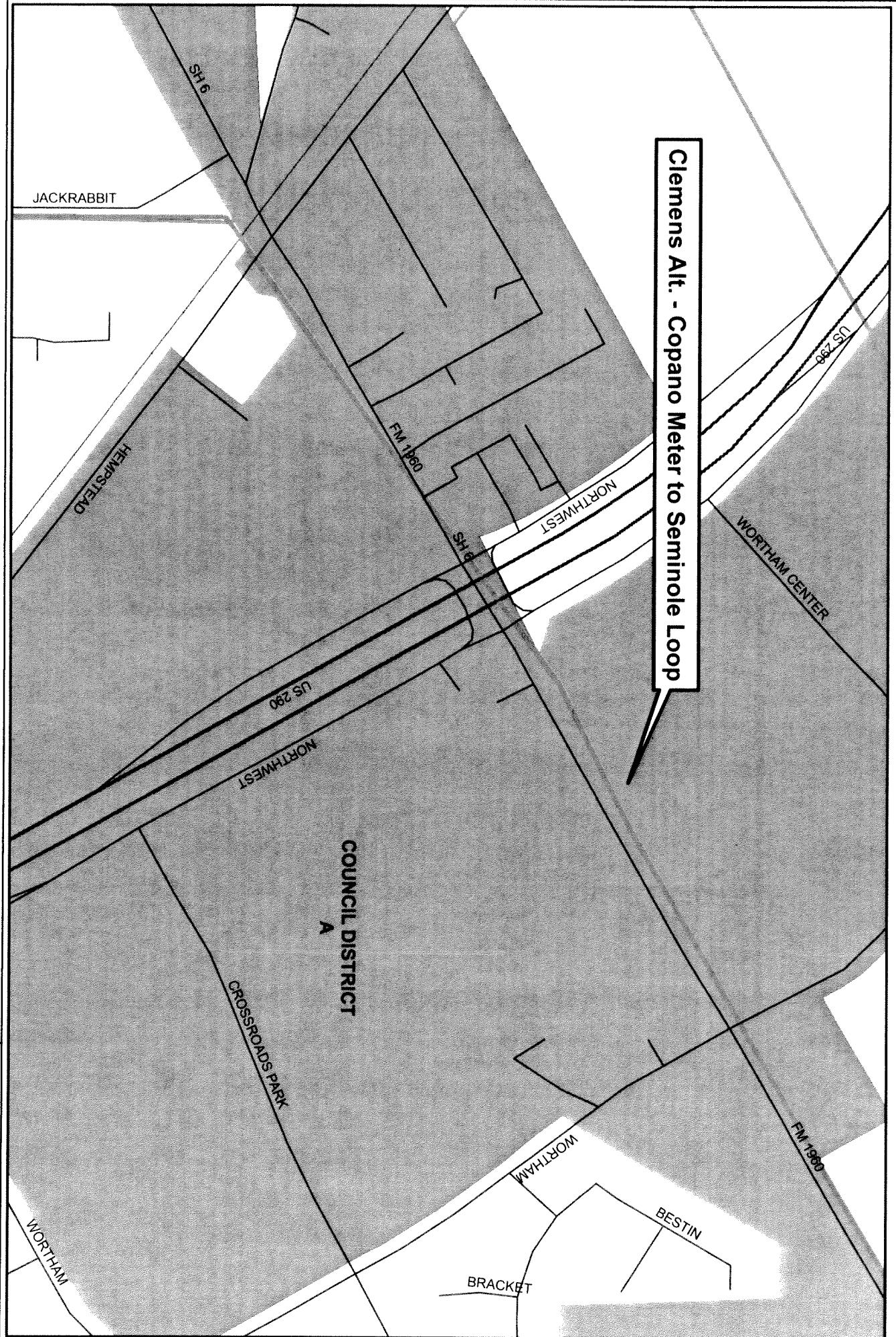
- DISTRICT C
- DISTRICT F
- DISTRICT I

KEY MAP(S): 447R

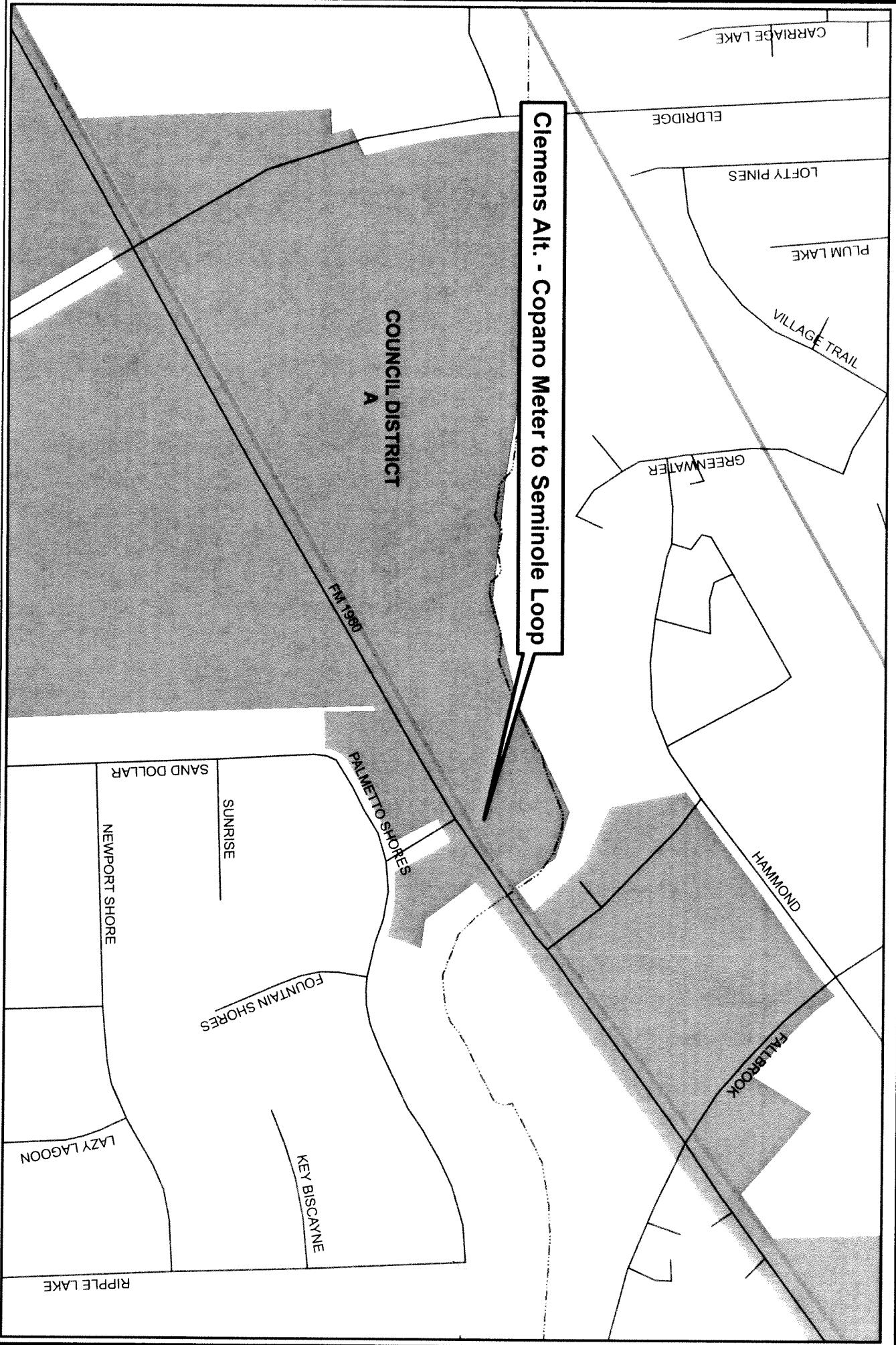
Clemens Alt. - Copano Meter to Seminole Loop



Clemens Alt. - Copano Meter to Seminole Loop



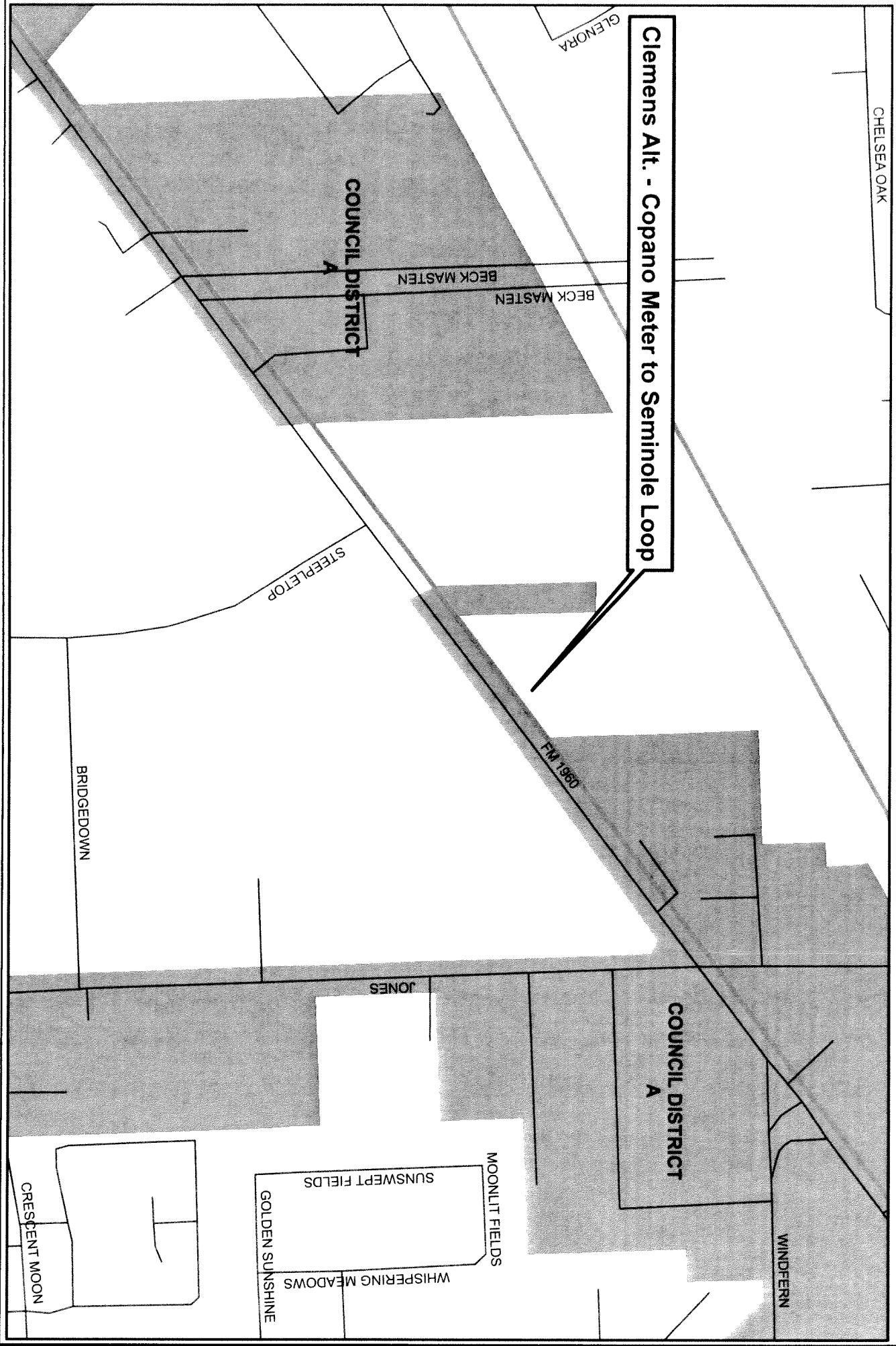
Clemens Alt. - Copano Meter to Seminole Loop



CHELSEA OAK

WINDFERN

Clemens Alt. - Copano Meter to Seminole Loop



Legend

- Seminole Pipeline Company
- Clemens Alt. - Copano Meter to Seminole Loop
- DISTRICT A
- DISTRICT B
- DISTRICT C
- DISTRICT D
- DISTRICT E
- DISTRICT F
- DISTRICT G
- DISTRICT H
- DISTRICT I

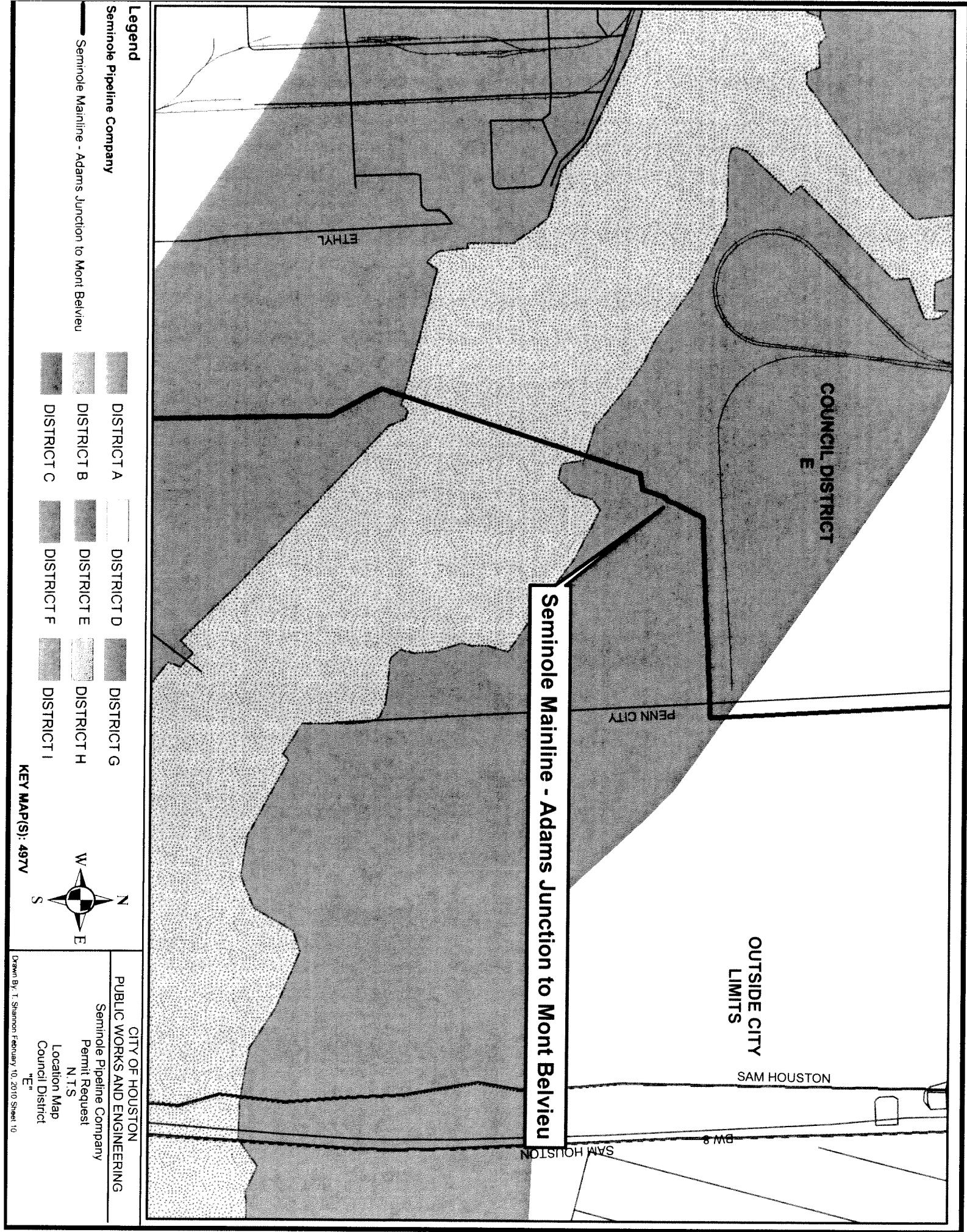
KEY MAP(S): 309W, 369T

Drawn By: T. Stratton February 10, 2010 Sheet 09

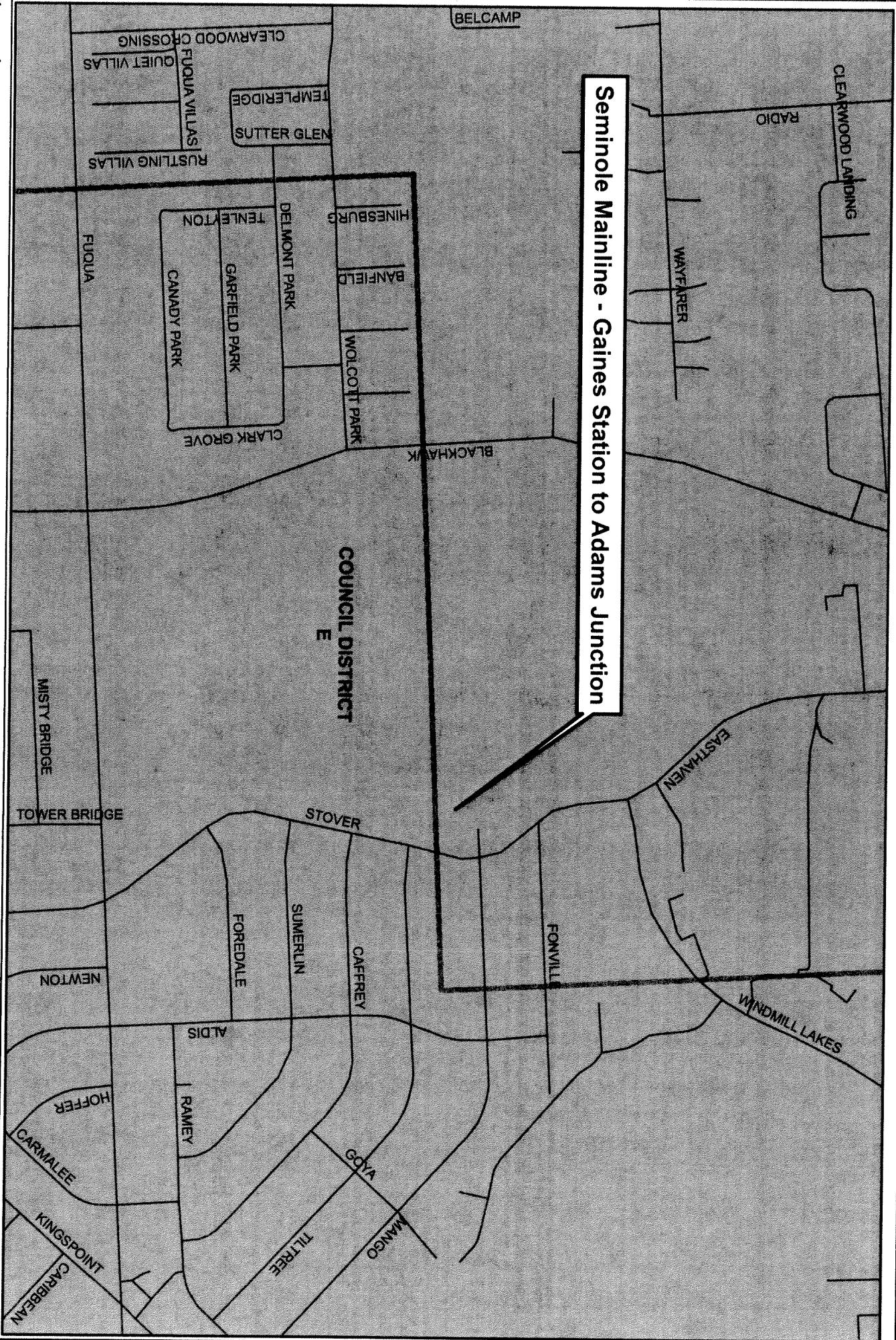
CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

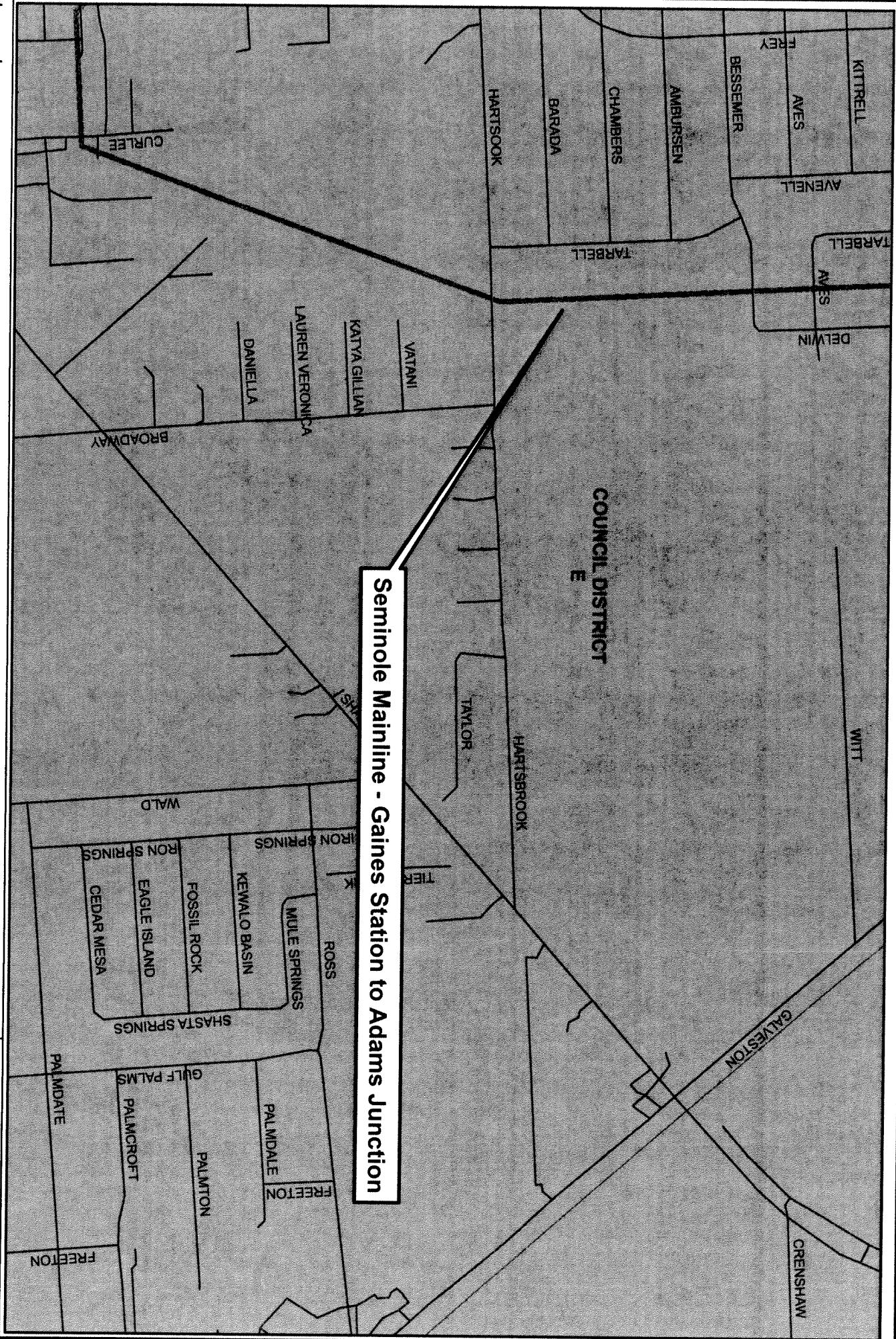
Seminole Pipeline Company
Permit Request

N.T.S.
Location Map
Council District
"A"



Seminole Mainline - Gaines Station to Adams Junction



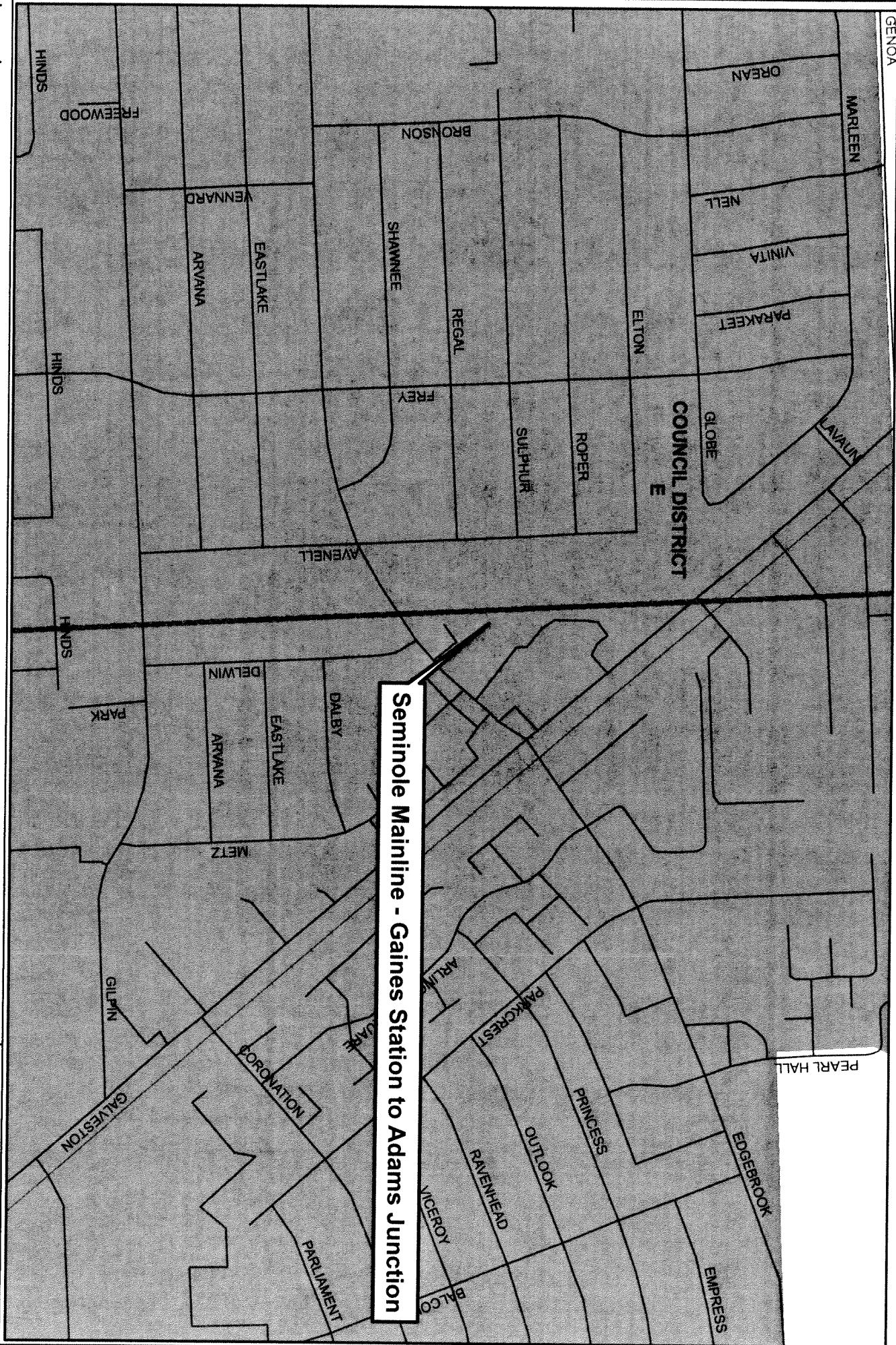


KEY MAP(S): 576KF

Drawn By: T. Shannon February 10, 2010 Sheet 14

NORTH
SOUTH
EAST
WEST

CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING
Seminole Pipeline Company
Permit Request
N.T.S
Location Map
Council District
"E"



CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING

Seminole Pipeline Company
Permit Request

N.T.S
Location Map

"E"
Council District

KEY MAP(S): 576F

Drawn By: T. Shannon February 10, 2010 Sheet 15

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #20JBX56

SUBJECT:

Ordinance to issue a pipeline permit to South Texas NGL Pipelines, LLC, for one existing pipeline for the underground transportation of materials within portions of certain City street rights of way.

Category #

Page
1 of 1

Agenda Item#

29

FROM: (Department or other point of origin):

Public Works and Engineering

Origination Date

7/29/10

Agenda Date

AUG 04 2010

DIRECTOR'S SIGNATURE:

Director



Council Districts affected:

E

For additional information contact:

Jim Boxley

Phone: (832) 395-2070**Date and identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve an ordinance granting a permit to South Texas NGL Pipelines, LLC, a Texas Limited Liability Company, to operate, maintain, improve, repair and replace one existing pipeline for underground transportation of materials under portions of certain street rights of way.

SPECIFIC EXPLANATION:

It is recommended that City Council approve a pipeline permit pursuant to the provisions of Article IX of Chapter 40 of the Code of Ordinances, authorizing South Texas NGL Pipelines, LLC, a Texas Limited Liability Company, to operate, maintain, improve, repair one existing pipeline for the underground transportation of materials under portions of certain street rights of way in the City, as listed below and more specifically detailed in the permit ordinance:

Pipeline Name	Diameter Size	Materials
Shoup to Mt Belvieu 16"	16/18-inch	Ethane

The permit is for 30 years. South Texas NGL Pipelines, LLC, submitted the initial required application permit fee of \$2,000.00 plus \$1,000.00 per pipeline for a total of \$3,000.00.

LOCATION: The pipeline is located in Key Map grids 618QM

MM:DRM:ELK:JB:tss

cc: Marty Stein

Daniel R. Menendez, P.E.

Deborah McAbee

Paige E. Bryant

REQUIRED AUTHORIZATION**CUIC ID 20JBx56**

Finance Director:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E. Engineering & Construction
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Shoup to Mt. Belvieu 16"

COUNCIL DISTRICT E

A detailed map of a residential area in a suburban town, showing numerous street names and neighborhood boundaries. The map includes labels such as Space Center, Neumann, Collins, Elm Park, Elmwood, Glenwood, Birchwood, Barnwood, Clearon, Hartwood, Ashmoor, College Green, Gemini, Thor, Hercules, Neptune, Rainman, Wavecrest, Mermaid, Richvale, Redway, Redway, Huntsess, Reseda, Bonanza, Sunnaza, Bay Area, Pebble Run, Holly Hall, Linfield, Suilins, Barlinton, Ivy Grove, Oak Clusters, and Saturn. The map is oriented with a north arrow pointing upwards.

Legend

South Texas NGL Pipelines, LLC

Shoup to Mt Belvieu 16"

DISTRICT A	DISTRICT D	DISTRICT G
DISTRICT B	DISTRICT E	DISTRICT H
DISTRICT C	DISTRICT F	DISTRICT I

CITY OF HOUSTON
PUBLIC WORKS AND ENGINEERING
South Texas NGL Pipelines, LLC

KEY MAPS: 618QM

Council District "F"

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract
 O'Donnell/Snider Construction, LP
 Wortham Theater Hot Water Piping Replacement
 WBS No. B-00141E-0001-4

Page
1 of 2Agenda
Item

30

FROM (Department or other point of origin):
 General Services Department

Origination Date
07-28-2010Agenda Date
AUG 04 2010

DIRECTOR'S SIGNATURE: *Forest R. Christy, Jr.*
 Forest R. Christy, Jr., Interim Director

Council District(s) affected:
1

For additional information contact:
 Jacquelyn L. Nisby *On Hold* Phone: 832-393-8023

Date and identification of prior authorizing
Council action:

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

Amount and Source of Funding:

\$313,500.00 C&E – Civic Center Facility Revenue Fund (8601)

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department (GSD) recommends that City Council award a construction contract to O'Donnell/Snider Construction, LP on the proposal amount of \$285,000.00 to provide construction services for the replacement of the domestic hot water piping at the Wortham Theater for the Convention and Entertainment Facilities Department.

PROJECT LOCATION: 510 Preston (493L)

PROJECT DESCRIPTION: The scope of work includes the removal and replacement of the existing domestic hot water piping in the Wortham Theater. The galvanized pipe was installed during the original construction of the facility in 1987 and has developed pin-hole leaks over the past few years.

The contract duration for this project is 30 days. CHP & Associates, Consulting Engineers, Incorporated is the design consultant for the project.

PROPOSALS: On April 30 and May 7, 2010, GSD advertised a Request for Competitive Sealed Proposals containing selection criteria that ranked the respondents on price, experience, references, sub-contractors and schedule. The proposals were due on May 27, 2010, and three firms responded. GSD evaluated the respondents and O'Donnell/Snider Construction, LP received the most points and offers the best value for the City based on the advertised criteria.

The three proposals are ranked as follows:

Proposer

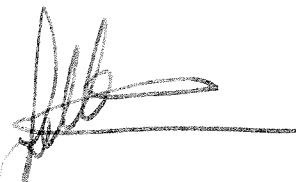
1. O'Donnell/Snider Construction, LP
2. TD Industries
3. Resicom, Inc.

REQUIRED AUTHORIZATION

CUIC ID # 25CON159

MOT

General Services Department:



Richard A. Vella
 Chief of Design & Construction Division

Convention and Entertainment Facilities
Department:



Dawn R. Ullrich
 Director

Date	SUBJECT: Award Construction Contract O'Donnell/Snider Construction, LP Wortham Theater Hot Water Piping Replacement WBS No. B-00141E-0001-4	Originator's Initials JJR	Page 2 of 2
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AWARD: It is recommended that City Council award the construction contract to O'Donnell/Snider Construction, LP and allocate funds for the project.

FUNDING SUMMARY:

\$ 285,000.00 Construction Contract Services

\$ 28,500.00 10% Contingency

\$ 313,500.00 Total Contract Services

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

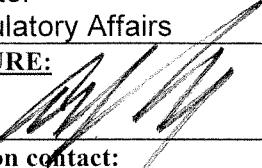
FRC:JLN:RAV:JJR:jr

c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Morris Scott, Chris Gonzales, Martha Leyva, Deyanira Rodriguez, File

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# <i>31</i>
FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs	Origination Date July 28, 2010		Agenda Date AUG 04 2010
<u>DIRECTOR'S SIGNATURE:</u> 	Council Districts affected: ALL		
For additional information contact: Juan Olguin <i>MMW</i> Phone: (713) 837- 9623 Nikki Cooper Phone: (713) 837- 9889	Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.		

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding: REVENUE	FIN Budget:
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<u>SOURCE OF FUNDING:</u>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund	<input type="checkbox"/> Other (Specify)
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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 VII, Chapter 39. The proposed Franchisee is:

1. Oil Patch Transportation, Inc.

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:

F&A 011.A Rev. 5/11/98

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#

32

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory AffairsOrigination Date
July 15, 2010Agenda Date
AUG 04 2010

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

For additional information contact:

Juan Olguin *JFO* Phone: (713) 837- 9623
Nikki Cooper Phone: (713) 837- 9889Date and identification of prior authorizing
Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

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

1. Velez Trucking, Inc.

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:

F&A011.A Rev. 5/11/98

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#

2nd reading

33-60

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory AffairsOrigination Date
July 12, 2010

Agenda Date

JUL 28 2010

DIRECTOR'S SIGNATURE:



Council Districts affected:

AUG 04 2010

ALL

For additional information contact:

Juan Olguin  Phone: (713) 837- 9623
Nikki Cooper Phone: (713) 837- 9889Date and identification of prior authorizing
Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. V.F. Waste Services, Inc. DBA V.F. Trash Service

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

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

REQUIRED AUTHORIZATION

Finance Director:

F&A 011.A Rev. 5/11/98

34

MOTION NO. 2010

AUG 04 2010

MOTION by Council Member Clutterbuck that the recommendation of the City Attorney, relative to eminent domain proceeding styled City of Houston v. Hiki Corporation, A Texas Corporation, et al., Cause No. 951,771, in connection with the acquisition of Parcel No. AY8-126 for the Homestead Road Grade Separation Project (Ley Road - Firnat), be adopted, and the City Attorney is hereby authorized to deposit the amount of the Award of Special Commissioners in the amount of \$45,588.00 into the registry of the Court and pay the costs of Court incurred in this matter.

Seconded by Council Member Costello

Council Members Johnson, Hoang and Noriega absent on personal business

Council Member Gonzalez out of the City on City business

On 7/28/2010 the above motion was tagged by Council Member Jones.

mla

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY8-126; City of Houston v. Hiki Corporation, a Texas corporation, et al., Cause No. 951,771; Homestead Road Grade Separation Project (Ley Road - Firnat) WBS/CIP No. N-000713-0001-2-01; Legal Department File No. 052-0900033-015.		Page 1 of 2 # 34 #	Agenda Item
FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 06/28/10	Agenda Date 08-28-2010 AUG 04 2010	
DIRECTOR'S SIGNATURE: 	Council District affected: "B" Jarvis Johnson; Key Map#454H		
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: A.O. #2009-438, psd. 5/27/09 B.A.O. #2007-1067, psd. 09/19/07		

MS

RECOMMENDATION: (Summary)
That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court and pay the costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding: \$51,583.75 (No appropriation needed as funding will be provided by previously approved Appropriation)	4.7.7/10
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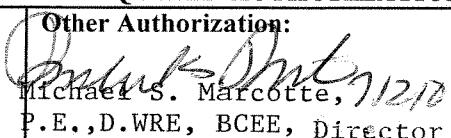
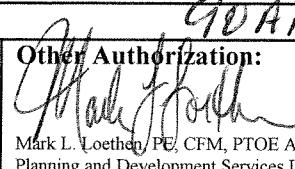
SPECIFIC EXPLANATION:

The Homestead Road Grade Separation Project (Ley Road - Firnat) will provide design, right-of-way acquisition, engineering and construction of a grade separation over the Union Pacific Railroad tracks. The project will reduce delays and improve traffic circulation on the major thoroughfare.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 2,112 square feet (0.0485 acre) of land out of a parent tract containing 25,304 square feet of land. The property is located at 8805 Homestead Road and is owned by Hiki Corporation, a Texas corporation. The property is improved with a 10,350 square-foot neighborhood grocery store. The City's taking is a rectangularly shaped tract of land varying in width from 15.22 feet to 16.59 feet for 132.78 feet along the Homestead Road street frontage. The City's final offer of \$39,196.00, in August 2009, to purchase the needed property was rejected by the landowner's attorney and no counter-offer was submitted. Efforts by Public Works & Engineering to negotiate the purchase were unsuccessful and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The Legal Department retained the same appraiser utilized by Public Works & Engineering in making the City's final offer to value the property and testify at the Special Commissioners' Hearing. The appraiser updated the appraisal report for the hearing, and presented the following conclusions and opinions of market value for the Special Commissioners' consideration.

City's Testimony Before the Special Commissioners: \$42,588.00 (i.e. \$4.00 psf for the land being acquired; \$24,690.00 for the improvements thereon and \$9,450.00 for damages in the form of costs to cure)

Award of Special Commissioners: \$45,588.00 The landowner's legal representative promptly filed Objections to the Award of Special Commissioners and the matter was placed on the Court's trial docket.

h:\mark\hikirca.wpd		REQUIRED AUTHORIZATION	
Other Authorization:	Other Authorization:  Michael S. Marcotte, 7/12/10 P.E., D.WRE, BCEE, Director	Other Authorization:  Mark L. Loethen, PE, CFM, PTOE Acting Deputy Director Planning and Development Services Division, PWE	90AH233

Date 06/28/10	SUBJECT: Parcel AY8-126; Hiki Corporation; Cause No. 951,771; Homestead Road Grade Separation Project; L.D. File No. 052-0900033-015;	Originator's Initials RGR/JNQ	Page 2 of 2
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The “**Costs of Court**” are as follows, to wit: \$172.00 filing fee; \$225.00 Service of process fee; \$1,350.00 Special Commissioners’ fees (i.e. \$450.00 x 3); \$4,248.75 Appraiser’s fee; **Total:** \$5,995.75. These “costs of court” account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approve an Ordinance Amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances relating to Jitneys.

RCA# 8035

Category #

Page 1 of 2

Agenda Item

35

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FROM (Department or other point of origin):

Alfred J. Moran, Jr., Director
Administration & Regulatory Affairs Department

Origination Date

July 16, 2010

Agenda Date

~~July 20, 2010~~
AUG 04 2010

DIRECTOR'S SIGNATURE

For additional information contact:

Tina Paez **Phone:** (713) 837-9630
Christopher Newport **Phone:** (713) 837-9533

Council District(s) affected

All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an Ordinance amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances relating to Jitneys.

Amount of Funding: N/A

Finance Budget

SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances ("Chapter 46") relating to Jitneys.

A "jitney" is a form of vehicle for hire that serves fixed, closed loop, "short haul" circulator routes that are designed to transport passengers within areas of concentrated economic activity. The City of Houston first implemented provisions to regulate jitneys in 1995. Since that time, only four permits have been issued – one in 1995, one in 2009 and two in 2010 – with only two permittees currently providing service in Houston. We believe that there are several obsolete provisions in the jitney ordinance that may have discouraged entrepreneurs wishing to offer these services. Accordingly, the proposed ordinance amendments constitute an "overhaul" of the jitney provisions to enhance understanding of what is required of permit and license applicants, remove requirements which are inconsistent with those to which other types of vehicles for hire must comply, and to enhance market function and encourage investment in these services. Several revisions requested by industry, pursuant to meetings of the Transportation Subcommittee of the Washington Avenue Advisory Committee as well as other stakeholder meetings, are incorporated into these recommended amendments.

Specifically, ARA recommends the following amendments to the jitney provisions in Chapter 46:

- Define "jitney service"
- Clarify the definitions of "License", "Licensee", "Permit", and "Permittee"
- Prescribe specific requirements that must be met by applicants for a jitney permit and license.
- **Fees:** Create a license (driver) application fee of \$10.00 and a vehicle inspection fee of \$25.00. Both fees are non-refundable. Existing fees will remain at current levels until the Finance Department concludes its omnibus review of permit fees and is prepared to make recommendations for changes. The existing fees affecting jitneys include a \$400 annual fee per vehicle, a \$100 non-refundable permit application fee, and a \$30 rate & route fee to be paid with each rate filing.
- **Fingerprinting and License Term:** Rather than designate the responsibility within the City for the criminal background check, and to allow for any future changes in this area, amend the Ordinance to require that the applicant submit himself/herself for fingerprinting at a location approved by the Director of ARA.

Secondly, licenses for jitney drivers are currently issued for a five-year term. This is inconsistent with license terms for other vehicle for hire drivers. Accordingly, ARA recommends the license term be limited to two years.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 7/16/10	Subject: Approve an Ordinance Amending Chapter 46, Article VI, Sections 46-321 through 46-355 of the Houston Code of Ordinances relating to Jitneys	Originator's Initials TP	Page 2 of 2
<ul style="list-style-type: none"> ▪ <u>False or Materially Incomplete Applications; Due Process:</u> Add a provision that clearly communicates under what specific conditions an application may be denied, and applicants' rights to due process upon denial. ▪ <u>Vehicle Appearance; Required Markings:</u> Allow applicants to submit distinct color schemes for approval by the Director rather than requiring that vehicles be painted a uniform white. The proposed provision also requires that vehicles be cleaned and disinfected at least once in each 24-hour period. ▪ <u>Required Equipment and Route Information:</u> In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing, and current route and rates for each must be posted in a conspicuous manner in the interior of the vehicle. Rates and routes are to be submitted to the Director for approval. ▪ <u>Insurance Requirements:</u> Require specific proof of insurance upon application for a permit or to renew a permit. ▪ <u>Authorized Operators:</u> Allow jitneys to be operated by independent contractors and non-employees. The proposed provision is identical to that which applies to taxicabs. ▪ <u>Licensee Responsibility for Passenger Safety:</u> Prohibit a licensee from allowing passengers to stand or ride on the running board, dash board, fender, or any outside portion of the vehicle, or to impede the licensee's view of other traffic. Restrict licensees (drivers) to operating a jitney no more than 12 hours in a 24-hour period. ▪ <u>Discrimination Prohibited:</u> Prohibit any licensee from refusing to board and convey a passenger on the basis of race, color, religion, sex, national origin, age, or disability or refusing to board and convey a service animal. ▪ <u>Minimum Passenger Requirement and Maximum Vehicle Age:</u> The Ordinance currently defines a jitney as a motor vehicle having a manufacturer's rated seating capacity of not less than four nor more than 15 passengers. The seating capacity specified in the existing provision would allow sedans and other small vehicles to be used for jitney services. There are existing provisions for smaller vehicles in other areas of Chapter 46 and additional provisions for no-emission, low speed vehicles will be presented to Council within 60 days. Taxicabs, limousines and other vehicles for hire are distinctive and easy to identify. ARA's intent is to encourage the use of trolleys and small buses for jitney services so that these vehicles come to be easily identified by the riding public as jitney vehicles. To that end, ARA recommends that the seating capacity be amended to no fewer than 9 passengers, while the maximum will remain at 15 passengers. 			
<p>These vehicles also have longer useful lives than sedans. Small buses reportedly have useful lives of up to 20 years, while trolley-type vehicles have useful lives of 20 to 40 years. To allow operators of these vehicles to recoup their investment, ARA recommends that the maximum allowable vehicle age limit be increased from the existing five years to ten years. This change also recognizes that these vehicles operate fewer miles per year than other vehicles for hire in Houston, thereby enduring less wear and tear on an annual basis.</p>			
<ul style="list-style-type: none"> ▪ <u>Use of Bus Zones:</u> With the agreement of Metropolitan Transit Authority, as expressed during the Transportation Subcommittee meetings, jitneys will be permitted to pickup and discharge passengers at designated bus stops. However, the restriction against pickup and discharge at taxi zones will remain. 			
<p>ARA proposes to review and recommend additional changes to Chapter 46 to address the emergence of several low speed and/or no-emission vehicles in the market, including pedicabs and neighborhood electric vehicles. ARA is continuing to analyze the approaches taken by other municipalities with regard to these types of vehicles to ensure the City of Houston adopts a "best practices" approach to regulating these emerging industries. ARA intends to present preliminary recommendations to regulate these vehicles to City Council within the next 60 days. The next scheduled stakeholder meeting regarding these revisions will be conducted on Monday, July 26, 2010.</p>			
<p><u>Recommendation:</u></p> <p>The Administration & Regulatory Affairs Department respectfully requests City Council's approval of the recommended revisions to Chapter 46 of the Code of Ordinances.</p> <p>The recommended amendments to the Code of Ordinances were presented to the Transportation, Infrastructure and Aviation Committee on July 13, 2010.</p>			

ARTICLE VI. JITNEYS

DIVISION 1. GENERALLY

Sec. 46-321. Definitions.

When used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

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

Jitney means a motorized passenger vehicle having a manufacturer's rated seating capacity of not less than nine ~~four~~ nor more than 15 persons including the driver, that is operated upon a closed loop route following specified streets and highways in a specified direction, and is operated without a fixed schedule, carrying passengers from place to place in exchange for a fee.

Jitney service means the business of renting, leasing, or owning a "jitney," as defined in this section, including the services of a driver, for the use and convenience of the general public. Specifically excluded from this definition are the following:

- (1) Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service.
- (2) All taxicabs licensed by the city.
- (3) All vehicles operating under a contract with the city.
- (4) All sightseeing or charter vehicles licensed by the city.

License means a current and valid jitney driver's license issued under division 2 of this article.

Licensee means any person who is the holder of a current and valid jitney driver's license issued under division 2 of this article.

Permit means a current and valid jitney permit issued under division 2 of this article.

Permittee means any person, entity, business, partnership, joint venture, or corporation that the holder of a current and valid permit to operate a jitney service issued under division 2 of this article.

Route means the route for a jitney, as filed with the director in accordance with section 46-340 of this Code.

Sec. 46-322. Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$100.00 nor more than \$500.00. Each day that any violation continues shall constitute a separate offense.

Sec. 46-323. Article is cumulative.

This article is cumulative of all other applicable laws and ordinances. Without limitation, this article is expressly made cumulative of division 3 5 of article II of chapter 9 of this Code. The director shall not approve a route that involves the operation of a jitney upon any airport terminal complex unless the permittee has first obtained an airport use permit for use of that jitney upon that route.

Sec. 46-324. Exception for existing permits.

The minimum seating capacity of a jitney prescribed in section 46-321 of this Code shall not apply to any permit issued on or before ¹ The minimum seating capacity requirements provided in this article shall be immediately applicable to all permittees who received a permit on or before ² upon:

- (1) The expiration of the vehicle age limitations set forth in section 46-353; or
- (2) A finding that the permittee has failed to comply with all other applicable provisions of this article resulting in the suspension, revocation, or refusal for renewal of a permit.

Secs. 46-3254-46-330. Reserved.

¹Editor/City Secretary shall insert the effective date of this Ordinance.

²Editor/City Secretary shall insert the effective date of this Ordinance.

DIVISION 2. LICENSES AND PERMITS

Sec. 46-331. **Permit required.**

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney service unless a permit has been issued for the operation of the jitney service under this article.

(b) Each applicant for a permit required by this division must:

- (1) Have no conviction of an offense stated in subsection (c) of section 1-10 of this Code;
- (2) Identify the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle the applicant desires to receive a permit for and operate as a jitney;
- (3) Be 18 years of age or older, if a natural person;
- (4) Be able to read and write the English language, if a natural person;
- (5) Provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding five-year period;
- (6) Hold a current and valid class A, B or C Texas driver's license;
- (7) Not have had a license, permit or franchise issued under any article of this chapter revoked or not renewed for cause by the city within the five-year period preceding the date of filing of the application; and
- (8) Provide any other information reasonably requested by the director for administration of this article.

Sec. 46-332. **License required.**

It shall be unlawful for any person to drive a jitney unless the person holds a license issued for the driving of a jitney under this article. In addition to the permit requirements provided in subsection 46-331, each applicant for a license required by this division must provide medical evidence from a Texas licensed physician on a certificate form promulgated by the director attesting that the applicant is not subject to any disability that would cause the applicant to be unable to safely operate a jitney.

Sec. 46-333. Fees.

- (a) There shall be a no fee of \$10.00 for the issuance of a license.
- (b) There shall be a nonrefundable application processing fee of \$100.00 payable upon the filing of each application for one or more permits, regardless of the number of permits requested.
- (c) In addition to the application processing fee provided in subsection (b) of this section, an annual permit fee shall be payable for each jitney before it is placed into service and annually thereafter, as ~~more particularly~~ provided in section 46-336 of this Code.

Sec. 46-334. Application.

- (a) Each person desiring to obtain a license or one or more permits shall make application on forms provided by the director and shall include the information requested by the director for implementation of this article.
- (b) Upon notification by the director, each permit and license applicant (including the proprietor if a proprietorship, each partner if a partnership, or each corporate officer, director or holder of ten percent or more of the outstanding stock if a corporation) shall present himself ~~at the location identified by the director to the police department~~ for identification and fingerprinting to determine if he has been convicted of any applicable offense(s) as set forth in ~~item (4) of subsection (a)~~ of section 1-10 of this Code. If so, the director shall follow the procedures set forth in section 1-9 of this Code and conduct a hearing if timely requested.

Sec. 46-335. Review.

- (a) Following review of the application, the director shall provide issue or notify the applicant with written notification of intent to issue the approval or denial of the requested permit(s) or license, unless:
 - (1) ~~The applicant is determined to be unfit in accordance with the criteria of section 1-10 of this Code following a hearing under section 1-9 of this Code, if a hearing is timely requested;~~
 - (2) ~~If the application is for one or more permits, the applicant failed to specify the number of vehicles (and also to provide the make, model, manufacturer's rated seating capacity and vehicle identification number for each vehicle, if the applicant has acquired the vehicles);~~
 - (3) ~~The applicant, if a natural person, is not yet 18 years old;~~

- ____ (4) The applicant, or a representative of the applicant who shall be designated as the applicant's liaison with the director, is unable to read and write the English language;
- ____ (5) The applicant failed to provide written character references from two persons who have known the applicant for at least two years and who attest that the applicant is of good moral character, which references shall be from persons who reside in the city unless the applicant has not resided in the city or county for the preceding period of five years;
- ____ (6) If the application is for a license, the applicant failed to demonstrate that he holds a current and valid class A, B or C Texas driver's license;
- ____ (7) If the application is for a license, the applicant failed to provide medical evidence from a Texas licensed physician on a certificate form promulgated by the director attesting that the applicant is not subject to any disability that would cause the applicant to be unable to safely operate a jitney;
- ____ (8) The applicant failed to provide any other information reasonably requested by the director for administration of this article;
- ____ (9) Any information provided in the application was materially incomplete or false; or
- ____ (10) The applicant has had a license, permit or franchise issued under any article of this chapter revoked or not renewed for cause by the city within the five-year period next preceding the date of filing of the application.

(b) The submission of any false information or a materially incomplete application, including but not limited to an applicant's failure to provide any other information reasonably requested by the director, shall be immediate grounds for denial of the application. In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. The applicant shall be entitled to appeal the decision if the application is denied in whole or in part upon section 1-10 of this Code. Notice of denial in whole or in part upon section 1-10 of this Code shall comply with section 1-9 of this Code and applicable state laws. If the application is denied in whole or in part on the basis of any other criteria stated in sections 46-331 and 46-332, the applicant may request a hearing regarding the denial by submitting a written notice of appeal to the director within 15 days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license or permit.

(b) In the event that the application is denied, the applicant shall be given written notice of each reason for the denial. If the application is denied in whole or in part upon the basis of the first criterion specified above, the applicant shall be entitled to appeal the decision regarding the first criterion in the manner provided by the applicable state law. If the application is denied in whole or in part on the basis of any of criteria (2) through (10), above, then the applicant may request a hearing regarding the denial under those criteria by submitting a written notice of appeal to the director within 15 days following the date that notice of the director's decision is deposited in the United States mail, addressed to the applicant. The director shall cause an informal hearing to be conducted on the matter by a disinterested hearing officer who shall render a decision within 30 days from the date of the filing of the appeal. In the hearing, the burden shall be upon the applicant to demonstrate that he is entitled to the issuance of the license or permit.

(c) If the reason for the denial of an application is curable, the director shall allow the applicant, upon the applicant's request, to submit an amendment within the time allowed in subsection (b) for an appeal, in lieu of filing of an appeal. If the application is again denied, the applicant shall still be entitled to file an appeal within 15 days following the date that notice of the director's decision regarding the amended application is deposited in the United States mail, addressed to the applicant.

(d) If the application is for a license, then the license shall be issued upon the approval of the application. Following approval of an application for one or more permits, the actual permits shall not be issued until the applicant has provided the make, model, manufacturer's seating capacity and vehicle identification number of each jitney, if not provided with the application, and also has paid the annual fee, obtained an inspection certificate, provided proof of insurance, provided proof of ownership or lease and filed routes and rate data for each jitney in a manner consistent with, all as provided by sections 46-336 through 46-340 of this Code for each jitney.

Sec. 46-336. Annual permit fee.

(a) There is hereby assessed an annual permit fee of \$400.00 per jitney, which shall be payable on or before June 1 of each year, provided that the director shall alternatively allow the fee to be paid in two installments, with one half due by June 1 and the balance by December 1. In the event that a permit is issued after December, then an amount equal to one-half of the foregoing fees shall be payable for the balance of the annual fee period.

(b) There shall be no fee for replacement of a jitney with another jitney.

(c) In the event that any permittee fails to pay the fee or any installment before the applicable due date for any permit, the permit shall be suspended, and no jitney may be operated under the permit. If the fee or installment is not paid by the thirtieth day following

the due date, the permit shall terminate and not thereafter be subject to renewal, provided that the former permittee may apply for a new permit in the manner specified in this article.

(d) The fee imposed under this section is based upon an estimate of the fee allowed pursuant to section 502.003 of the Texas Transportation Code by Texas Revised Civil Statutes article 6698 in the amount of two percent of gross receipts. Any permittee who wishes to do so may keep a record of gross receipts in the manner prescribed by regulation of the director. Within 90 days following the expiration of any permit year (June 1 to May 31) a permittee who has kept a record of gross receipts in the prescribed form may apply to the director for a refund of any portion of his total fees paid under this section for the previous permit license year that exceeds two percent of the permittee's gross receipts from the operation of the vehicle to which the permit pertains. The refund application shall be made on a form promulgated by the director. The application shall state the amount of refund requested and shall be accompanied by copies of records maintained by the permittee in the form approved by the director. The application as well as any supplementary material required by the director must be accompanied by an affidavit signed and sworn to by or on behalf of the permittee. The permittee shall state that the application and all attachments thereto are correct and complete and do not omit any material item, and that the permittee either: (i) has personal knowledge of each matter affirmed, or (ii) has conducted a thorough investigation into each matter affirmed. Upon receipt of a complete and timely application, together with any required supplements, and after examining and investigating same, the director shall either:

- (1) Refund or credit to the account of the permittee the amount stated on the application; or
- (2) Deny the refund. If the refund is denied, the director shall give written notice of the reason and, upon request, shall afford the permittee an informal hearing on the matter before a disinterested hearing official.

Sec. 46-337. Vehicle inspection; fee.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney, unless the jitney has been inspected as required in this section and has a current and valid certification decal affixed. There shall hereby be a non-refundable vehicle inspection fee of \$25.00 per jitney. All jitneys shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(b) Each jitney shall be inspected before it is initially placed into service and thereafter before October 1 of each year by the director at such location as the director may specify. The director shall approve the jitney if he determines that:

- (1) The jitney has current Texas registration and required Texas vehicle inspection stickers for both safety and air quality, if applicable;
- (2) The jitney is of the approved required color scheme and is marked as provided in this article;
- (3) The jitney is in generally sound working condition with no apparent safety-related defects, including inspection or testing of the speedometer, odometer, horn, windshield wipers, mirrors, steering, service brake, parking brake, tires, exhaust system, high beam indicator, tail lamp, stop lamps, license plate lamp, rear reflectors, turn signal lamps and headlamps.
- (4) The jitney has a lap or lap/shoulder seat belt for the driver and for each passenger seating space to the extent that the vehicle was so equipped by the manufacturer;
- (5) The jitney has no seats that have been added in excess of the manufacturer's specifications; and
- (6) The jitney complies with all other applicable requirements of this article.

(c) Upon the satisfactory completion of the inspection, the director shall issue and permanently affix a certification decal to the lower right portion of the windshield of the jitney. In any prosecution under this section, it shall be presumed that a jitney has not been inspected as required in this section unless it has a current and valid certification decal affixed.

(d) Replacement certification decals shall only be provided upon reinspection of the jitney.

Sec. 46-338. Insurance.

(a) Before any permit shall be issued to any person, or before renewal of any permit shall be granted, the applicant shall file an insurance policy evidencing insurance coverage complying with the requirements contained in subsection (b) below or give proof that he is qualified as self-insured, including the provision of a certificate of self-insurance issued pursuant to the Texas Motor Vehicle Safety Responsibility Act as now in force or hereafter amended. Each jitney operated by any permittee under his permits shall be covered by public liability insurance meeting all requirements of Texas Revised Civil Statutes article 6701h and having policy limits of not less than the minimum coverage amounts required by law.

(b) The insurance required in subsection (a) shall be in the form of commercial auto liability coverage in no less than the minimum coverage amounts specified in the Texas

Motor Vehicle Safety Responsibility Act issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. The policy must be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Additionally, the policy must include an endorsement requiring 30 days' written notice of termination or cancellation to the director. In the event that a policy terminates or is cancelled without replacement, then each permit to which it pertains shall be suspended, and those jitneys may not be operated. If a proper replacement policy is not provided to the director on or before the date of termination or cancellation of the policy, the permit shall automatically terminate. Proof of the insurance required in subsection (a) shall be accepted only in the authorized form that has been promulgated by the city and adopted by the Texas Automobile Insurance Plan Association. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

~~(c) In lieu of proof of insurance as provided in subsections (a) and (b), the permit holder may be self-insured and provide a certificate of self-insurance issued pursuant to Chapter 601 of the Texas Transportation Code.~~

Sec. 46-339. Authorized operators Ownership of vehicles; use of drivers.

No jitney for which a permit has been issued under this article shall be operated by anyone except the permittee or an employee of the permittee or other person who may be operating the jitney under a written agreement specifically incorporating therein any rules, regulations, and conditions as may be reasonably required by the director to ensure compliance with applicable laws and regulations. The permittee shall be responsible for anyone operating under his permit whether he be an employee or other person operating under a written agreement. Any person driving or operating a jitney upon the streets or other public property of the city is presumed to be an employee of the permittee or to have entered into a written agreement with the permittee. Any person driving or operating a jitney upon the streets or other public property of the city shall be required to secure a license pursuant to division 2 of this article.

~~(a) Each jitney must be registered to or leased on a long-term basis of at least a year to the permittee who operates the jitney, a copy of which title or lease shall be provided to the director.~~

~~(b) Each driver of a jitney, other than the proprietor of a proprietorship-permittee or partner of a partnership-permittee, shall be a salaried employee of the permittee.~~

~~(c) It is the express intent of the city council in establishing the requirements of this section to encourage owner operation of jitneys, to ensure that permit holders are fully responsible for the maintenance and operation of their jitneys and to avoid any sort of scheme or artifice in which jitneys are operated by persons who "lease" licenses or drive~~

~~vehicles as "independent contractors." The director shall promulgate any regulations that are necessary to carry out this section. Without limitation, the regulations may require that each permittee make his drivers' payroll records available for inspection and copying at the offices of the director to verify compliance.~~

Sec. 46-340. Rates; routes.

(a) Each jitney shall be operated upon a route, including a direction of travel upon that route, that has been filed by the permittee with the director. The permittee may file two or more routes for the same jitney if each route is specified for use during different times that are clearly specified. The rate shall be a fixed amount, per person, for transportation from any place on the route to any other place on the route. Rates may either be constant or may be differentiated between peak and off-peak hours, provided that the hours during which each rate will be imposed are specified.

(b) The permittee shall submit all proposed rates and route cards for review and approval by the director. Rates and routes may be amended from time to time. Routes shall not be exclusive. A fee of \$30.00 shall be imposed for each route or rate filing, per jitney. Each route application that involves use of airport facilities shall be accompanied by the proof required under section 46-323 of this Code.

(c) Approved The director shall provide rate and route cards for each jitney that shall be conspicuously posted in the manner specified by regulation of the director. The route card shall state the route and the rate. The information shall also be posted on each side of the vehicle in a manner and location approved painted on the rear quarter panel of the vehicle on each side in a manner prescribed by the director. The director may assign route numbers and may assign issue different colors of route cards to signify fare amounts. Cards shall remain the property of the city and shall be surrendered to the director upon request.

(d) It shall be unlawful for the driver of any jitney a licensee or permittee while in service with any passenger for hire on board to deviate from the route or to deviate from the direction of travel as filed with the director for that jitney.

(e) It shall be unlawful for the driver of any jitney a licensee or permittee to impose a fare other than as filed with the director. It shall be unlawful for any driver of any jitney to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

(f) It shall be unlawful to drive or operate or cause to be driven or operated any jitney without the current rate cards posted as provided by the director for the jitney.

(g) Following notice and a hearing, the director may cancel any route that was authorized in error.

Sec. 46-341. Transfer; nonexclusive.

(a) A license or permit is personal to the licensee or permittee to whom it is issued and may not be leased, rented, sold, transferred or conveyed by operation of law or otherwise. Provided, any change of proprietor, change of partnership interests or change of corporate officer, director or holder of ten percent or more of the outstanding shares of stock as shown on the permit application shall render a permit void, unless an application for transfer is filed within ten days following the effective date of the change. The director shall promulgate procedures for the processing of amendments and may suspend the permit(s) pending the completion of the processing if any additional person who has acquired an interest in the business is determined to have been convicted of an applicable offense as provided in item (4) of subsection (ca) of section 1-10 of this Code. The fee for filing an application amendment shall be \$100.00.

(b) Each permit is nonexclusive, and no limits or restrictions shall exist upon the number of jitneys that may be permitted, provided that each must be operated pursuant to a permit and in accordance with all applicable requirements of this article.

Sec. 46-342. Terms; suspension.

(a) A license shall be valid for two years from the date of its issuance, or A permit shall be valid for five years from the date of its issuance.

(b) A license or permit may be sooner terminated by operation of law as provided in sections 46-336 and 46-338 of this Code for failure to pay annual permit fees or maintain required insurance.

(c) A license or permit may be revoked or refused for renewal based upon the applicable grounds specified in section 1-10 of this Code by following the procedures specified in section 1-9 of this Code.

(d) Additionally, a license or permit may be revoked or refused for renewal following notice and a hearing conducted by an impartial hearing officer appointed by the director if:

- (1) The license or permit was issued through error;
- (2) The applicant provided materially false or incomplete information on the license or permit application; or

(3) There are three or more instances within any period of one year in which the licensee or permittee or any permittee's employee violates any provision of this article or regulation issued by the director hereunder.

(e) In accordance with regulations promulgated by the director, a jitney permit may be amended, without charge, for the limited purpose of adding, deleting or substituting jitney vehicles.

Secs. 46-343--46-350. Reserved.

DIVISION 3. OPERATING REQUIREMENTS

Sec. 46-351. Licensee Driver appearance and conduct.

(a) It shall be the duty of every licensee jitney driver to be hygienically clean, well groomed, neat, and suitably dressed in compliance with all applicable requirements of this section at all times while a jitney is in his or her custody.

(b) Licensees Drivers shall be clean-shaven, and facial hair shall be neatly trimmed. If a beard or moustache is worn, it shall be well groomed and neatly trimmed at all times in order not to present a ragged appearance.

(c) The term "suitably dressed" shall be interpreted to mean the driver licensee shall wear slacks or trousers, a shirt with collar or blouse with or without a tie, a dress or suit, shoes, and, if desired, appropriate outer garments.

(d) Clothing that is not considered appropriate and is not permitted, when the driver licensee is in charge of a jitney includes: T-shirts, underwear (as an outer garment), tank tops, body shirts, swimwear, jogging suits, or similar types of attire when worn as an outer garment, shorts or trunks (jogging or bathing), or sandals.

(e) No licensee shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall a licensee permit any passenger to stand in such a position that the licensee's vision forward or to the right front or left is blocked.

(f) It shall be unlawful for any licensee to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.

Sec. 46-352. Jitney equipment.

(a) It shall be unlawful for any person to drive or operate or cause to be driven or operated any jitney that is not marked in a manner and location approved by the director; painted and equipped as provided in this section.

(b) No licensee or permittee shall drive or cause to be driven any jitney in the city until the permittee has filed with the director, for approval, the color scheme that he proposes to use in conjunction with the provision of the jitney service. In approving or disapproving the color scheme submitted, the director shall consider:

- (1) The color scheme presently in use by the permittee, if any;
- (2) The color schemes of other permittees; and
- (3) Which permittee first used or requested approval of the color scheme.

If the director finds that the permittee is entitled to the use of the requested color scheme because of first or prior use and that it does not deceptively resemble the approved color scheme of another permittee, he shall approve its use by the permittee.

(c) If the color scheme is approved, the permittee shall, within 15 days, deliver to the director a color photograph, of a size and kind to be approved by the director, of a jitney of his color scheme, and he shall not change the color scheme without approval of the director.

(d) Additionally, eEach jitney shall:

- (1) ~~Be painted a uniform color of white, a sample of which color is on file with the director;~~
- (2) Be equipped with a light-equipped roof sign, which shall have the word "jitney" visible from the front and rear in red letters at least three inches tall with a brush stroke of at least 5/16 inch upon a white background and shall be illuminated at all times while the jitney is in service;
- (23) Have no taxi meter;
- (34) Have the word "jitney" painted on each side of the vehicle in black in letters at least 6 12-inches tall with a brush stroke width of at least one inch;
- (45) Have the following signage in letters not less than three inches in height nor less than 5/16 of an inch in brush stroke and of contrasting color to the background:

- a. The name and telephone number of the permittee and rate structure on both front doors;
- b. The telephone number of the permittee on the rear deck or trunk lid;
- c. The permit number on the right side of the trunk or rear deck, the right side of the hood, and below the rear door handle on each side of the vehicle; and
- d. The street names or route name below the permit number on each side of the vehicle. In the event one jitney services multiple routes, a changeable electronic or analog sign shall indicate the route the vehicle is currently servicing. The current route and rate structure for each must be posted in a conspicuous manner in the interior of the vehicle so as to be clearly visible and understood by all passengers.

(56) Have a dashboard-mounted holder of a type approved by the director in which shall be mounted the operator's license, a photograph of the operator and one set of rate and route cards approved provided by the director under section 436-340(d) of this Code; and

(57) Have a radio, mobile telephone or other means of two-way communication that may be used to request assistance in the event of an emergency.

The information required in items (12), (34) and (45) above shall be painted upon the vehicle, provided that the director may allow the street name or route name information only to be posted upon a magnetic sign or other removable sign of durable materials.

Sec. 46-353. Age of vehicle.

No person shall drive or operate or cause to be driven or operated any jitney that is more than ten five years old. For purposes of this requirement, a jitney is considered to be ten five years old on the thirty-first day of May of the tenth fifth year following the manufacturer's model year of the jitney, regardless of the date of its original purchase or the date it was first placed into service.

Sec. 46-354. Operating requirements.

- (a) It shall be the duty of the licensee driver to ensure that his jitney is operated in accordance with this section.
- (b) Solicitation of passengers is unlawful. However, a licensee jitney driver may indicate available space by gesture from within the jitney and may stop when flagged or hailed by a potential passenger.

(c) No jitney shall stop or stand to pick up or discharge any passenger at a bus stop or in a taxicab zone.

(d) No jitney shall stop or stand to pickup or discharge any passenger at any place that is not upon the streets and highways designated upon the route.

(e) No jitney shall stop or stand upon the public streets or other public property, except as required to comply with lawful traffic control devices and to discharge and pick up passengers.

(f) Additional passengers shall have the right to utilize the jitney up to the manufacturer's rated seating capacity.

(g) A log shall be maintained within each jitney in a form prescribed by the director setting forth the hours of work of each licensee driver. No licensee driver shall operate a jitney for more than 12 hours in any 24-hour period and no permittee shall allow or cause any licensee to drive a vehicle in operation as a jitney more than 12 hours in a 24-hour period. Each permittee shall maintain the log for a period of six months and shall make the same available for inspection or copying upon request at the offices of the director.

Sec. 46-355. Inspection.

The director may inspect any jitney and any records or documents required to be carried in or upon the jitney at any time upon presentation of identification to the driver in order to determine operation in compliance with the provisions of this article and the regulations adopted hereunder by the director.

Sec. 46-356. Regulations.

The director is authorized to adopt any regulations to implement this article. A copy of the regulations shall be maintained in the director's office for inspection by the public, and copies shall be made available for purchase at the fees prescribed by law.

Secs. 46-3576--46-360. Reserved.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: Approve an Ordinance Amending Chapter 46 of the Houston Code of Ordinances, Specifically Sections 46-61 through 46-72 relating to Taxicabs and 46-191 through 46-247 relating to Sightseeing and Charter Services to Correct Scriveners' Errors		Category #	Page 1 of 1	Agenda Item
			<u>36</u>	<u>26</u>

FROM (Department or other point of origin): Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	Origination Date July 16, 2010	Agenda Date JUL 23 2010
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DIRECTOR'S SIGNATURE	Council District(s) affected All	AUG 04 2010
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For additional information contact: Tina Paez Phone: (713) 837-9630 Christopher Newport Phone: (713) 837-9533	Date and Identification of prior authorizing Council Action: Ord. 2007-1419 (12/12/07). Ord. 2009-0411 (5/13/09)
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RECOMMENDATION: (Summary) Approve an Ordinance Amending Chapter 46 of the Houston Code of Ordinances, specifically Sections 46-61 through 46-72 relating to Taxicabs and 46-191 through 46-247 relating to Sightseeing and Charter Services to correct errors.	
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Amount of Funding: N/A	Finance Budget
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SOURCE OF FUNDING: N/A

SPECIFIC EXPLANATION:
The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance amending Chapter 46 of the Houston Code of Ordinances ("Chapter 46"), specifically Sections 46-61 through 46-72 relating to Taxicabs and 46-191 through 46-247 relating to Sightseeing and Charter Services to correct scrivener errors.

As part of the One-Stop Permitting Initiative, and to facilitate the application and permitting process, ARA has been conducting an ongoing review of all regulatory language associated with our commercial and vehicle-for-hire permits to determine whether the permits are still applicable and necessary, and whether the Code provisions governing those permits are onerous, outdated, redundant or inconsistent. We are also reviewing internal business processes to ensure our regulatory and enforcement compliance with the Ordinance provisions. This review has resulted in numerous recommendations for amendments to the Code of Ordinances over the past year.

In our most recent review of Chapter 46, we identified several provisions that were inconsistent with recent changes made to this chapter. For example, in December 2007, omnibus changes to the taxicab provisions of Chapter 46 were approved by City Council. Because the amendments were extensive, the approved changes were made to some provisions but were inadvertently omitted in other sections of Chapter 46 where they were supposed to have been duplicated for consistency. ARA is recommending changes to correct this minor oversight.

In addition, we are including proposed amendments to the Charter & Sightseeing provisions of Chapter 46. These are provisions that formerly existed in the Suburban Buses sections of the Code. The Suburban Buses provisions were repealed during the first phase of our permit review and consolidation effort in May 2009, but some of those provisions were material requirements for Charter & Sightseeing vehicles. ARA is recommending that the relevant, inadvertently deleted provisions be added to the Charter & Sightseeing sections of Chapter 46 at this time.

Recommendation:

The Administration & Regulatory Affairs Department respectfully requests City Council's approval of the recommended revisions to Chapter 46 of the Code of Ordinances to correct various scriveners' errors that resulted from recent changes to this Chapter.

The recommended amendments to the Code of Ordinances were presented to the Transportation, Infrastructure and Aviation Committee on July 13, 2010.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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ARTICLE II. TAXICABS

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DIVISION 2. VEHICLE PERMIT

* * *

Sec. 46-65. Applications.

(a) Applications for permits may be filed on or before December 1 of each permit year in which permits are determined to be available pursuant to section 46-63 of this Code. Each applicant shall utilize forms promulgated by the director and shall submit any information requested in accordance with instructions that shall be promulgated by the director. Without limitation of other information that the director may require in order to determine compliance with this Code and other applicable laws, the applicant shall set forth and provide under oath:

- (1) The applicant's name, mailing address (and street address if different), and telephone number.
- (2) Evidence of the type of business enterprise that the applicant utilizes, e.g. proprietorship, partnership, or corporation, together with the identity and address of each principal.
- (3) Criminal history information for every principal as required by the director to determine compliance with section 1-10 of this Code.
- (4) Evidence that the applicant has a place of business within the metropolitan area from which the applicant's taxicab business is or will be operated and that use of the proposed location is in compliance with any applicable deed restrictions.
- (5) A statement indicating the number of permits requested by a new entrant applicant or an other applicant.
- (6) A statement indicating whether the applicant is a new entrant applicant or an other applicant.
- (7) For new entrant applicants, evidence that the applicant's operator has within the preceding period of ten years had at least five years active and practical taxicab business experience, with at least two of those years in the city.
- (8) For other applicants, the identity of the permittee as defined in section 46-16 of this Code on whose behalf the application is filed.

- (9) Evidence that the operator is either a United States citizen or an alien legally residing in the United States with the legal right to engage in employment in the United States.

Each application shall be accompanied by a filing fee. The filing fee shall be an amount established by city council by motion upon recommendation of the director of administration and regulatory affairs. ~~In addition to the filing fee, the applicant shall provide funding to the director in a form and manner specified by the director for criminal history checks to be performed by state and federal agencies, as applicable under subsection (b) below.~~

(b) Each applicant and principal shall provide fingerprints in a manner specified by the director within five days following the application filing deadline. The director shall make arrangements for the fingerprints to be taken without charge by the director or by the city police department or another agency and, for the convenience of persons who may not reside in the city, shall accept finger prints taken by law enforcement agencies of other jurisdictions, provided that they are taken and transmitted to the director under methods specified by the director to prevent falsification. Each person who is required to provide fingerprints shall also complete any state or federal request and release forms that are required to obtain the criminal history and authorize it to be forwarded to the director.

(c) Each applicant, whether a new entrant applicant or other applicant shall be limited to the consideration of one application per permit computation year. An application filed by a new entrant applicant shall be considered a duplication if any principal is also named in another application. An application filed by an other applicant shall be considered to be a duplicate if it identifies the same permittee as any previously filed application. In case of multiple applications, the first one filed shall be considered, and all others shall be returned unless the applicant elects in writing to withdraw the earlier-filed application.

(d) The director shall review applications received and on or before March 1 of the permit distribution year advise each applicant whether the applicant has been determined to be qualified or unqualified. An applicant is considered qualified if each of the following criteria is met:

- (1) The application was filed in completed form with no material inaccuracies or omissions, provided that if the application as originally filed was substantially complete and in proper form, the director shall allow an applicant a reasonable opportunity to correct any minor inaccuracies or omissions if that can be accomplished without delaying the processing of applications.
- (2) Neither the applicant nor any other business entity with which any of its principals is or was then associated has transferred one or more permits to another person within the four year period preceding the date of filing of the application, exclusive of transfers made for the purpose of settlement of

estates and divorce proceedings, or exclusive of transfers to effect a change in the form of entity when the principal owner in the original company remains a principal in the subsequent entity, e.g., sole proprietorship or partnership to a corporation. This item applies only to the transferor and not the transferee.

- (3) The applicant and its principals are in compliance with the criminal history provisions of section 1-10 of this Code.
- (4) The applicant's operator has the experience required in item (a)(7) above.
- (5) The applicant's operator is a citizen or resident alien with work privileges as provided in item (a)(9) above.
- (6) ~~The director is able to verify compliance with the financial ability requirement as provided in item (a)(5) above for other applicants.~~
- (67) The applicant has a place of business within the metropolitan area as provided in item (a)(4) above.
- (78) The applicant is in compliance with any other applicable requirement of this Code and other laws.

(e) Applicants who are determined to be unqualified shall also be notified of the grounds asserted for that determination and of their right to a hearing upon the determination to be conducted by an independent hearing examiner designated by the director. If the determination 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 examiner with respect to the application shall be final, unless otherwise provided by law. ~~With respect to the financial ability requirement of item (a)(5) above, an applicant shall be unqualified for purposes of the entire application unless the director is able to verify compliance in the total amount required for all permits requested, and the applicant shall not be allowed to reduce the number of permits requested if the verified financial ability is insufficient.~~

(f) Following the completion of the appeal hearings, if any, as provided in subsection (e), the director shall generate a list of qualified new entrant applicants and a list of qualified other applicants.

Sec. 46-66. Drawing; distribution.

(a) Based upon the list generated for new entrant applicants in section 46-65(f) of this Code and the number of permits reserved for new entrant applicants in section 46-

64(a) of this Code, the director shall conduct or cause to be conducted a public drawing to determine the granting of permits. All qualified new entrant applicants shall be invited to attend the drawing. The drawing shall be conducted in such a manner as to ensure distribution of the permits by random chance. Each new entrant applicant may receive no more than one permit.

(b) For other applicants, an equal percentage of permits shall be granted to each qualified applicant based on the total number of permits reserved for other applicants in section 46-64(a) of this Code and the total number of permits requested by qualified other applicants. For example, if a total number of 100 permits is reserved for other applicants and the qualified other applicants have cumulatively requested a total number of 200 permits, then each qualified other applicant shall receive 50 percent of the number of permits he requested. Fractional permits may not be issued. The director may adjust percentages as required equitably to dispose of fractions or conduct a public drawing in accordance with regulations promulgated for that purpose to resolve any fractional imbalance.

(c) Within five days following the completion of the drawing and distribution process, the director shall notify qualified applicants of the number of permits granted to each by mailing a notice to each qualified applicant at his last known address.

(d) In permit years in which permits are issued, a qualified other applicant who meets the criteria set forth below may petition the city council requesting that he be granted permits or additional permits in an amount not exceeding the difference between the number of permits the applicant requested in his application and the number of permits that the applicant was granted, if any, under subsection (b) above. Petitions shall be filed with the director within 30 days following the date of mailing of the notices under subsection (c) above, upon forms promulgated by the director. The director shall forward to city council each timely filed petition. In order to be considered for permits hereunder, a petitioner shall be required to demonstrate through written evidence submitted with the petition that is independently verifiable by the director that each of the following criteria has been satisfied:

- (1) The petitioner has had an overall vehicle utilization rate of 90 percent or more during the six month period preceding the date of filing of the petition as determined in accordance with computation regulations established by the director. Acceptable evidence shall include lease documents or employer tax records; and
- (2) The petitioner's taxicab business has sustained growth from sources other than trips departing from the city airports in a percentage at least equal to the taxicab permit adjustment factor. Acceptable evidence shall be in the form of growth in radio dispatch trips, growth in trips from contracts, growth in reservation trips (commonly known as personal trips), or any combination thereof. Percentage growth shall be measured over the three year period

preceding the filing date of the petition; provided, however, that during the 2001 permit issuance process, growth shall be measured from February 2000 to the date of filing of the petition, and a corresponding adjustment shall be made to the taxicab permit adjustment factor for purposes of petitions under this subsection (d), ~~and~~

~~(3) The petitioner continues to have the financial ability required in section 46-65(a)(5) of this Code for each additional permit requested.~~

(e) The total number of additional permits granted to all petitioners under this subsection ~~(d)~~ may not exceed 25 percent of the available permit number. The purposes of granting additional permits, if any, by petition under this subsection ~~(d)~~ are (i) to foster enhanced competition within the taxicab industry, (ii) to increase the level and quality of taxicab service available to the public for other than city airport departure trips, and (iii) to promote more efficient utilization of taxicabs, which purposes should enhance the public satisfaction and generate operating cost and fare savings. Within 60 days following the last day for filing of petitions, the director shall submit the petitions to the city council for consideration with a report setting forth and including:

- (1) The director's determination whether each of the petitioners has met each of the consideration criteria set forth above and is therefore eligible or ineligible to be considered hereunder; and
- (2) If two or more petitioners have met each of the consideration criteria, the relative ranking of those petitioners with respect to their utilization rates and sustained growth rates for service other than trips departing from city airports.

The director shall forward the petitions and report to city council accompanied by any relevant portions of the application processing record. City council shall consider the matter based upon the petition, report, and record in the same manner as an appeal under City Council Rule 12. The decision of city council shall be based upon the consideration criteria and purposes set forth above, and the city council's decision whether to grant any additional permits and, if so, the distribution thereof shall be final.

ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURLED LIMOUSINE SERVICES

* * *

DIVISION 2. SIGHTSEEING AND CHARTER SERVICES

* * *

Sec. 46-206. Reserved Vehicle condition, safety and equipment.

~~In the matter of the condition, safety and equipment of the vehicles operated by a sightseeing and charter service licensee, the licensee shall observe all of the provisions of and the director shall have all of the powers given by sections 46-137, 46-142, 46-143, 46-145 and 46-146 of this Code except to such extent, if any, as any provisions of such sections are by their language completely inapplicable other than to the operation of buses upon fixed schedules.~~

Sec. 46-207. Insurance requirements.

(a) Every vehicle operated under a charter and sightseeing service license issued pursuant to the provisions of this division shall at all times be covered by liability insurance meeting all requirements of Chapter 643 of the Texas Transportation Code.

(b) Policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon, and that 30 days written notice shall be given the director before cancellation of such policy is effective. In the matter of cancellation of such policies, replacements thereof by new policies, and all such related matters, the licensee shall have the responsibility to comply with the provisions of section 46-140 of this Code, and the mayor and the director shall have all of the powers given them by such section.

(c) The insurance required in subsection (a) shall be issued by a company listed as an authorized auto liability lines carrier on the Texas Department of Insurance's List of Authorized Insurance Companies. Proof of coverage shall be accepted only in the authorized form that has been promulgated by the city for that purpose. A copy of the authorized form has been placed on file for inspection in the office of the city secretary, and it is adopted as a part of this Code by reference.

Sec. 46-208. Maintenance and operation of vehicles; qualifications of drivers.

(a) No operator of any sightseeing or charter service shall permit or cause to be driven, nor shall any driver of any sightseeing or charter service drive, on any street of the city any vehicle which does not comply with all of the provisions of this article. It shall be

a violation of this article on the part of any operator of a sightseeing or charter service and on the part of any driver of a sightseeing or charter service to fail to comply and to fail to require compliance with any of the provisions of this article.

(b) All vehicles operating as a sightseeing or charter service shall be maintained in a safe and sanitary condition and shall be thoroughly cleaned and disinfected at least once in each 24-hour period.

(c) All vehicles operating as a sightseeing or charter service shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights which shall always be in good working condition and which shall be lit from one-half hour after sunset to one-half hour before sunrise. If the sightseeing or charter service vehicle is being driven, all four-wheel brakes employed may be either hydraulic or air brakes and shall always be kept in first-class working order.

(d) Every vehicle operating as a sight seeing or charter service shall have posted in a conspicuous place in the vehicle the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear thereof, or on both sides, a serial number indicating the sightseeing or charter service vehicle's route in accordance with the classification and enumeration of routes as the director may devise and order.

(e) The director, or his duly appointed representative, may at any time make tests and inspections of all vehicles operating as a sightseeing or charter service, and if, as a result of such inspection, any vehicle is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same to the satisfaction of the director. If the director finds any sightseeing or charter service vehicle to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of the sightseeing or charter service and such operator shall not thereafter cause or permit such vehicle to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of sightseeing or charter service vehicles shall be given free and ready access to all sightseeing or charter service vehicles.

(f) Drivers of a sightseeing or charter service shall not smoke or use tobacco during the time they are driving vehicles that are operating as a sightseeing or charter service.

(g) No driver of a sightseeing or charter service shall drive for more than 12 hours in any twenty-four-hour period and no licensee of any sightseeing or charter service shall permit any person to drive a vehicle operating as a sightseeing or charter service more than 12 hours in any 24-hour period.

(h) The doors of a vehicle operated as a sightseeing or charter service shall be securely closed at all times while the vehicle is in motion.

(i) Passengers of a sightseeing or charter service shall not be received or discharged in the traveled portion of any street, but if passengers are to be received or discharged, the driver shall pull the vehicle to the curb and discharge the passengers on the side of the vehicle immediately against the curb.

(j) No driver of a sightseeing or charter service shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the vehicle, nor shall he permit any passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.

(k) Sightseeing or charter service operators shall make immediate report to the director regarding each and every accident in which any sightseeing or charter service vehicle is involved. Such report shall give the time and place of the accident, the number and names of all persons injured or killed, both passengers and nonpassengers.

(l) Notwithstanding other provisions of this article or any franchise granted under this article, the city reserves the right, by ordinance or any other lawful rule or regulation, to regulate the operation of all motor vehicles on the streets of the city.

~~The provisions of sections 46-137, 46-142, 46-147 through 46-150 and 46-153 through 46-156 of this Code shall also apply to the condition, safety and equipment of vehicles operated by a sightseeing and charter service licensee.~~

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD10-129

SUBJECT: The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended (1) to allow 25% of the grant be spent to create permanent housing for households whose income is at or below 50% of the Area Median Income (AMI), as required by the NSP program, through both single family homeownership projects and multifamily rental projects, (2) to align program activities with project descriptions, and (3) to include land banking as a potential activity.		Category # 1, 2	Page 1 of 1	Agenda Item #
				37
FROM (Department or other point of origin): Jim Noteware Housing and Community Development Department		Origination Date June 28, 2010	Agenda Date AUG 04 2010 JUL 28 2010	
DIRECTOR'S SIGNATURE: 		Council District affected: A, B, D, E, H, I		
For additional information contact: Eta Paransky - Phone: 713-868-8449 (regarding the NSP Program) Brenda Scott - Phone : 713- 868-8484 (regarding the Amendment)		Date and identification of prior authorizing Council action: Ordinance No. 2009-1275, 12/09/2009 (Amendment 1) Ordinance No. 2008-1051, 04/30/2008 (Application)		
RECOMMENDATION: (Summary) The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended, to allow 25% of the grant be spent to create permanent housing for households whose income is at or below 50% of the Area Median Income (AMI), as required by the NSP program, through both single family homeownership projects and multifamily rental projects and to align program activities with project descriptions, and to include land banking as a potential activity.				
Amount of Funding:		Finance Budget:		
SOURCE OF FUNDING		<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
<input checked="" type="checkbox"/> Other (Specify) NSP Grant				
SPECIFIC EXPLANATION: The Housing and Community Development Department recommends City Council's approval of an Ordinance amending the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended. The changes to the NSP 1 Grant constitute a substantial amendment under the 2008 Plan. The proposed substantial amendment entails the changes as described below.				
In Section F, page 7 – Acquisition/Rehabilitation-Single Family — under the current description, the NSP 1 Grant reflects that HCDD will acquire foreclosed single family houses and then convey those properties to qualified non-profit developers selected through a Request for Proposal process for redevelopment and sale. The description also states that the developed single family houses must be sold exclusively to households with incomes at or below 50% of the Area Median Income (AMI) in order to meet the NSP required 25% very low income set-aside. Due to the current economic climate and stricter lending requirements imposed on borrowers, the City has now determined that it would be more practical and advantageous to residents if the City allowed the selected non-profits to also sell redeveloped homes to households between 50 and 120% of AMI as allowed by NSP 1. However, the non-profits would still be required to set aside at least 25% of their NSP allocation to serve households at or below the 50% AMI category. Additionally, the amendment also adds the phrase "subrecipient" to the selected non-profits to accommodate those who were designated as subrecipients and not developers.				
In Section G, page 9 – Acquisition/Rehabilitation-Multifamily - under the description, the NSP 1 Grant reflects that HCDD will acquire one foreclosed multifamily property and, through an RFP process, convey the property to a qualified non-profit developer. The description requires 25% of the NSP funding spent on the project must be for rental to households with incomes at or below 50% of AMI. With a better understanding of the NSP program and the needs of the citizens within the target areas identified in the City's 2008 NSP Substantial Amendment, the City believes that it would practical to allow more than one developer to participate, where feasible. In addition, although the activity description states that 25% of the units must be rented to families at 50% of AMI and below, the income targeting and allocation sections of the plan do not reflect this requirement.				
REQUIRED AUTHORIZATION				
Finance Director:	Other Authorization:	Other Authorization:		

Date 6/28/10	Subject: The Housing and Community Development Department recommends City Council's approval of an Ordinance approving an amendment to the Neighborhood Stabilization Program (NSP 1) Grant under the 2008 Consolidated Plan (Plan), as amended (1) to allow 25% of the grant be spent to create permanent housing for households whose income is at or below 50% of the Area Median Income (AMI), as required by the NSP program, through both single family homeownership projects and multifamily rental projects, (2) to align program activities with project descriptions, and (3) to include land banking as a potential activity.	Originator's Initials 	Page 2 of 2
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This amendment will make the necessary changes to ensure that the multifamily activity is reflected as a part of the 25% set aside. **Activity Description under Sections F and G, Pages 7 and 9** - This amendment also removes the language which states "HCDD acquiring foreclosed properties" in both the single family and multifamily activities since the selected non-profits will acquire the properties directly.

The above change in scope will accelerate the obligation and expenditure of NSP 1 funds thus ensuring that the City meets its NSP objective to sell or rent the redeveloped houses in lieu of leaving them vacant.

These changes do not trigger any reduction or increase in funding categories nor the number of beneficiaries served by the program.

Finally, by the amendment, the City hereby adds new section H to reflect the reflect land banking as an activity that it wishes to undertake. The new activity description is appended hereto.

In accordance with HUD regulations, a substantial amendment is triggered when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) when there is a change in the purpose, location or beneficiaries of an activity, or when a priority has changed. The amendments herein reflect changes in the purpose and a new activity has been added.

Through a Notice published in the Houston Chronicle on July 3, 2010, the public is notified of these proposed changes to the NSP. The public has fifteen (15) days to comment on these proposed changes. The comment period extended from Saturday, July 3, 2010 to Monday, July 19, 2010. Therefore, approval of an ordinance is recommended.

The Housing and Community Development Committee reviewed this item on July 15, 2010.

JN: EP:DR

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: Approve an Ordinance Authorizing the Execution of an Interlocal Agreement Between the City of Houston and the Houston Independent School District for Printing, Copying, Scanning and on-site Management Services for the City of Houston – L23521

Category #

Page 1 of 2

Agenda Item

38

#3

FROM (Department or other point of origin): Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	Origination Date July 15, 2010	Agenda Date JUL 28 2010
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DIRECTOR'S SIGNATURE <i>Amelia Chen</i>	Council District(s) affected All	AUG 04 2010
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For additional information contact: Frank Carmody Christopher Newport	Date and Identification of prior authorizing Council Action: Phone: (713) 837-9521 Phone: (713) 837-9533
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RECOMMENDATION: (Summary) Approve an ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and the Houston Independent School District for printing, copying, scanning and on-site management services for the City of Houston.	
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Maximum Contract Amount: \$7,557,460.00 (5 years)	Finance Budget
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Source of Funds: Central Service Revolving Fund (1002) Initial Allocation - \$200,000

SPECIFIC EXPLANATION: The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance authorizing the execution of an Interlocal Agreement between the City of Houston and the Houston Independent School District (HISD) for a five-year term, with five one-year options for renewal, for printing, copying, scanning, imaging, mailing and on-site management services for all City departments. The estimated contract spending for FY11, based on the adopted FY11 Budget, is \$1,511,492.00. A breakdown of the departmental budgeted funds is included in the attached spreadsheet.

The Houston Independent School District (HISD) has specific printing needs to serve its own internal purposes. To address this requirement, HISD elected to invest in specialized printing equipment which allows it to produce a broad array of print services and products. Because HISD had excess capacity for printing equipment utilization, it began offering print services on a fee-for-service basis to other governmental and non-profit organizations. The diversity of specialized equipment and non-profit status of HISD enables it to produce a very diverse mix of printing services internally, avoiding the need to outsource print jobs and the accompanying mark-up.

HISD provides print and copy services to Lone Star College, Crosby ISD, Huffman ISD, Klein ISD, Spring ISD, Spring Branch ISD, Tomball ISD, the Mental Health and Mental Retardation Authority of Harris County (MHMRA), SPARK School Park Program, Harris County Department of Education, and approximately 50 other non-profit organizations. HISD is therefore able to achieve a scale of production that minimizes its operating costs and prices it may offer to provide print services.

Under the proposed contract, HISD will operate Image Solutions and will provide full-service design, copying, offset printing and bindery at their main facility located within ten minutes of City Hall. HISD will establish an electronic web-based print request system to handle all print requests from City departments, at no additional monthly expense. This paperless ordering system will provide departments with real time status of their requests for services.

REQUIRED AUTHORIZATION

NOT

Finance Department:	Other Authorization:	Other Authorization:
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Date: 6/21/2010	Subject: Approve an Appropriating Ordinance; Approve a Contract for an Automated Time and Attendance System and Authorize the Purchase of Hardware and Software from the GSA Schedule 70 Contract through the Coop. Purchasing Program for ARA/ S46-E23596	Originator's Initials EA	Page 2 of 2
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ARA compared HISD's prices to Texas Multiple Award Schedule (TXMAS) prices. TXMAS is the State's cooperative purchasing group, and the City is a member. TXMAS contracts have been developed from contracts that have been competitively awarded by the federal government or another governmental entity, and cover multiple commodities and services.

HISD's prices range from 3% less to as much as 75% less than those on the TXMAS schedule. The average is 35% less; and, in not one single case was the TXMAS price less.

ARA estimates that the City of Houston can reduce print service cost by approximately \$300,000 per year, or 18%, under the proposed contract. The savings are a result of the negotiated fixed prices of the proposed contract and the capability of HISD to process the majority of jobs internally.

ARA recommends that Council approve HISD as the new service provider to improve service and reduce cost. The proposed contract allows the City of Houston to more efficiently utilize equipment already financed by Houston taxpayers, and to forego unnecessary additional outsourcing mark-up expenses incurred by the current "print broker" business model employed by the incumbent vendor.

M/WBE Subcontracting:

HISD has agreed to a 15% M/WBE participation level and has designated the below named companies as its certified M/WBE subcontractors:

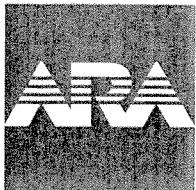
<u>Name</u>	<u>Type of Work</u>
Allprint & Office Supply, Inc.	Printing and Scanning Services
Absolute Color, Ltd	Printing and Scanning Services

This recommendation is made pursuant to Chapter 791 of the Texas Local Government Code for exempt procurement.

This item was presented to the Budget & Fiscal Affairs Committee on July 6th, 2010.

City Of Houston
FY11 Budget Summary
Printshop Services & Printing & Reproducing Services

Prinshop Services				Printing & Reproduction Services			
Fund Number	Fund Name	Dept Name	520515 Budget	Fund Number	Fund Name	Dept Name	520520 Budget
1000	General Fund	HPD	30,000	1000	General Fund	HPD	28,700
1000	General Fund	HFD	5,950	1000	General Fund	HFD	33,082
1000	General Fund	MCA	4,574	1000	General Fund	MCA	102,927
1000	General Fund	MCJ	300	1000	General Fund	MCJ	200
1000	General Fund	PWE	7,000	1000	General Fund	PWE	5,500
1000	General Fund	SWD	27,416	1000	General Fund	SWD	57,000
1000	General Fund	GSD	7,000	1000	General Fund	GSD	21,000
1000	General Fund	HPL	2,229	1000	General Fund	HPL	43,460
1000	General Fund	PRD	18,600	1000	General Fund	PRD	4,600
1000	General Fund	HHS	32,592	1000	General Fund	HHS	49,600
1000	General Fund	MYR	4,000	1000	General Fund	MYR	1,100
1000	General Fund	AA	13,902	1000	General Fund	AA	900
1000	General Fund	CNL	8,482	1000	General Fund	CNL	5,866
1000	General Fund	CTR	6,185	1000	General Fund	CTR	16,100
1000	General Fund	FINANCE	37,695	1000	General Fund	ARA	69,418
1000	General Fund	ARA	28,736	1000	General Fund	IT	1,500
1000	General Fund	IT	2,500	1000	General Fund	HR	2,160
1000	General Fund	PD	3,942	1000	General Fund	LGL	35,000
1000	General Fund	CS	10,000				
1000	General Fund	HR	4,500				
1000	General Fund	LGL	5,600				
Total Gen. Fund			261,203	Total Gen. Fund			478,113
8001	HAS-Revenue	HAS	12,815	8001	HAS-Revenue	HAS	92,928
8601	C&E Facility/Rev	C&E	2,725	8601	C&E Facility/Rev	C&E	1,750
8300	Wtr&SwrSystOperatng	PWE	77,200	8300	Wtr&SwrSystOperatng	PWE	106,300
2302	Stormwater	PWE	800	2302	Stormwater	PWE	300
8700	Parking Management	ARA	15,027	8700	Parking Management	ARA	64,000
2205	Houston Emergency Ctr	HEC	6,500	2205	Houston Emergency Ctr	HEC	7,000
2401	Cable Television	MYR	200	2211	Juvenile Case Managr	MCJ	5,000
2211	Juvenile Case Managr	MCJ	300	2100	Park Special Rev.	PRD	15,200
2100	Park Special Rev.	PRD	200	2404	Supplemental Environ	HPD	30,000
2301	Building Inspection	PWE	59,200	2301	Building Inspection	PWE	44,400
				2404	Supplemental Environ	PWE	10,000
				2305	Recycling Revenue	SWD	220,331
Enterprise Fund			174,967	Total Enterprise Fund			597,209
General Fund				General Fund			
Enterprise Fund				Enterprise Fund			
Total				Total			
261,203				478,113			
174,967				597,209			
436,170				1,075,322			



**City of Houston
Administration & Regulatory Affairs Department
Executive Summary – Interlocal Agreement with Houston Independent School District
July 8, 2010**

I. Background

The Administration & Regulatory Affairs Department (ARA) is tasked with examining City of Houston processes and operations to identify opportunities to improve efficiency and cost-effectiveness. ARA conducted a review of the existing print services contract with Oce Business Services, Inc. (Oce), a North American subsidiary of the parent company Oce N.V., the shares of which are listed on the NYSE Euronext exchange in Amsterdam. Oce Business Services, Inc. is headquartered in New York, NY.

In 2005, the City of Houston contracted with Oce Business Services, Inc. to provide on-site management of Image Solutions, the City's Print Shop facility, and to provide printing, copying and scanning services. The contract was amended in 2006 to include the provision of coin operated copy machines for Houston Public Library facilities.

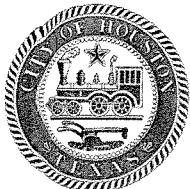
In January 2007 and January 2009, the City of Houston conducted audits of the Image Solutions contract. The audits revealed material weaknesses in the operational performance of its accounting and print management functions.

Following the 2009 audit of FY07 and FY08 transactions, ARA proactively engaged Oce to improve Image Solutions accounting and product service delivery to a level of Best Practices for its City of Houston customers. ARA scheduled monthly meetings with Oce to reconcile monthly expenses and to review opportunities for service enhancement. A number of these meetings were rescheduled or cancelled by Image Solutions due to being unprepared for the meetings.

II. ARA Analysis of Oce Contract

ARA conducted a review of the existing print services contract with Oce. The review revealed that basic on-site services do not cover the fixed costs of the Print Shop facility as it is currently operated by Oce because much of the work is outsourced. Oce employs a “printing broker” business model to manage the Print Shop facility. Approximately 85% of the print jobs submitted to Image Solutions are outsourced to subcontractors, the mark-up for which is passed back to the City of Houston.

Additionally, Oce has not implemented industry-standard processes known to increase efficiency and reliability. Examples include web-based ordering and tracking, and sequential order numbers that facilitate performance monitoring. Although the City's contract with Oce provides that web-based ordering and tracking be made available to its customers in City departments, Oce has indicated this service would require an additional expense of \$3,000 per month. Oce representatives have described the implementation of sequential job numbering (a standard operating procedure found in all printing companies) as “impossible”.



III. Houston Public Library Experience

As mentioned above, in 2006 the City of Houston and Oce negotiated an amendment to their contract to provide on-site coin operated copy machines to Houston Public Library (HPL) facilities. The HPL system is the City's largest provider of free internet access and computer instruction. HPL provides access to more than 4,000 computer users per day.

HPL reports that Oce has repeatedly and systematically failed to meet minimum customer service contract commitments of the 2006 contract amendment. HPL's service delivery is severely impacted when public service computer printers are nonoperational for extended periods of time. It should be noted that HPL provides free computer and printer access to individuals who would otherwise not have access to this equipment.

In 2009, HPL registered 465 service calls with Oce, which required an average 3.82 days to resolve. In the first quarter of 2010, HPL registered 157 service calls to Oce, which required an average 4.12 days to resolve. HPL reports that by late 2009 and into 2010 customers regularly called HPL facilities to determine whether printers and copiers were operational prior to travelling to HPL facilities.

HPL believes Oce's performance under this contract has materially impacted its ability to provide service to City of Houston residents. As a result, HPL recommended that City Council approve a contract with a new vendor to provide print and copy services in HPL facilities. Council approved the new contract on June 30, 2010.

IV. Interlocal Cooperation Contracts (Interlocal Agreements)

Chapter 791 of the State of Texas Government Code authorizes one local government to agree with another local government to purchase goods or services. The 72nd Legislature stated that the purpose of this provision is:

To increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state.

The intent of Chapter 791 is to allow local government entities to leverage the goods and services financed by taxpayers to provide functions associated with the routine operation of government, specifically including printing services.

Section 791.025 (c) states that “a local government that purchases goods and services under this section satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and services.” This section allows one local government to benefit from a competitive bid process undertaken by another entity, allowing it to realize the higher value and/or lower prices which result from this process without incurring the financial and search cost of undertaking its own redundant competitive bid process.

V. Proposed Interlocal Agreement with Houston Independent School District

The Houston Independent School District (HISD) has specific printing needs to serve its own internal purposes. To address this requirement, HISD elected to invest in specialized printing equipment which allows it to produce a broad

array of print services and products. Because HISD had excess capacity for printing equipment utilization, it began offering print services on a fee-for-service basis to other governmental and non-profit organizations.

HISD is by definition prohibited from generating a profit for the provision of its services. The diversity of specialized equipment and non-profit status of HISD enables it to produce a very diverse mix of printing services internally, avoiding the need to outsource print jobs and the accompanying mark-up. The HISD Printing Services Department operates as an internal service fund, similar to City of Houston enterprise funds. The Printing Services Department is required to submit a business and marketing plan as part of the annual HISD budget process.

HISD provides print and copy services to Lone Star College, Crosby ISD, Huffman ISD, Klein ISD, Spring ISD, Spring Branch ISD, Tomball ISD, the Mental Health and Mental Retardation Authority of Harris County (MHMRA), SPARK School Park Program, Harris County Department of Education, and approximately 50 other non-profit organizations. HISD is therefore able to achieve a scale of production that minimizes its operating costs and the prices it may offer to provide print services.

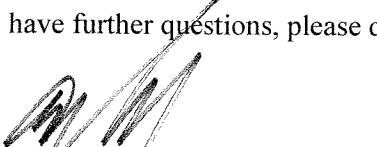
VI. Recommendation

ARA estimates that the City of Houston can reduce print service cost by approximately \$300,000 per year, or 18%. The savings are a result of the fixed prices for typical printing jobs and fully negotiated pricing for more custom orders under the proposed contract, as well as the capability of HISD to process the majority of jobs internally.

Under the proposed contract, HISD will operate Image Solutions and will provide full-service design, copying, offset printing and bindery at their main facility located within ten minutes of City Hall at 228 McCarty Road. HISD will establish an electronic web-based print request system to handle all print requests from City departments, at no additional monthly expense. This paperless ordering system will provide departments with real time status of their requests for services.

ARA recommends that Council approve HISD as the new service provider to improve service and reduce cost. The proposed contract allows the City of Houston to more efficiently utilize equipment already financed by Houston taxpayers, and to forego unnecessary additional outsourcing mark-up expenses incurred by the current “print broker” business model employed by Oce.

Should you have further questions, please do not hesitate to contact Frank Carmody at (713) 837-9521.

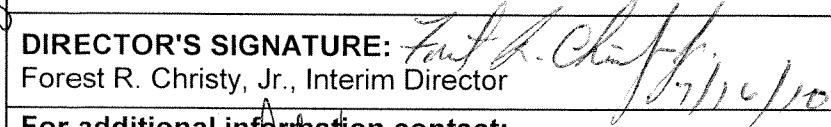
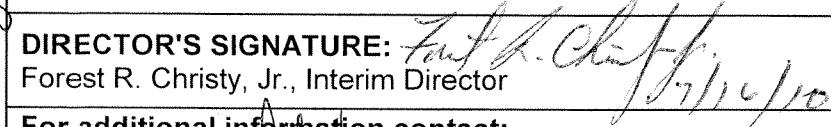


Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

cc: Waynette Chan
Lloyd Waguespack
Marty Stein

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amend Ordinance No. 2008-0890 to Increase Maximum Contract Amount and Appropriate Additional Funds Roof Consulting Services Task Order Contract for Various City Departments Building Envelope Consultants, LLC Roof Replacement (Design) at PWE McCarty Maintenance Facility WBS No. N-000396-0018-3		Page 1 of 2	Agenda Item
		 39 54	
FROM (Department or other point of origin): General Services Department		Origination Date <i>07-22-2010</i>	Agenda Date AUG 04 2010 JUL 28 2010
DIRECTOR'S SIGNATURE:  Forest R. Christy, Jr., Interim Director		Council District(s) affected: 1	
For additional information contact: Jacquelyn L. Nisby		Date and identification of prior authorizing Council action: Ordinance No. 2008-0890; October 8, 2008	
RECOMMENDATION: Approve an Ordinance amending Ordinance No. 2008-0890 (passed October 8, 2008) to increase the maximum contract amount to \$1,500,000 and appropriate additional funds for the project.			
Amount and Source of Funding: \$49,970.00 Street & Bridge Consolidated Construction Fund (4506)		Finance Budget: 	
Previous Funding: Maximum contract amount: \$800,000 – 3 years \$ 200,000.00—General Improvement Consolidated Construction Fund (4509) \$ 150,000.00—Public Library Consolidated Construction Fund (4507) \$ 100,000.00—Public Health Consolidated Construction Fund (4508) \$ 200,000.00—Police Consolidated Construction Fund (4504) \$ 650,000.00 Total Funding			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve an Ordinance amending Ordinance No. 2008-0890 to increase the maximum contract amount from \$800,000 to \$1,500,000 for the existing task order contract with Building Envelope Consultants, LLC, (BEC) and appropriate an additional \$49,970.00 for roof consulting services for replacement of the roofs at the Public Works and Engineering Department (PWE) McCarty Maintenance Facility. Concurrently, with this action Council will be requested to appropriate funds for construction to expedite the project and avoid further water infiltration into the buildings. Periodically, as departments identify projects, additional funding will be made available by supplemental allocations from various departmental budgets, or appropriations from various bond funds up the maximum contract amount of \$1,500,000.			
PROJECT LOCATION: 5500 McCarty Road (455U)			
PROJECT DESCRIPTION: The project will replace the failed roof system at three buildings of the complex. The roofs are over 19 years old and are nearing the end of their useful life cycle. The scope of services consists of preparation of specifications and construction documents, construction administration and inspection services for the project.			
REQUIRED AUTHORIZATION		CUIC # 25DSGN62 <i>M0</i>	
General Services Department:  Humberto Bautista, P.E. City Engineer		Public Works and Engineering Department:  Daniel R. Menendez, P.E. Interim Director	

Date	SUBJECT: Amend Ordinance No. 2008-0890 to Increase Maximum Contract Amount and Appropriate Additional Funds Roof Consulting Services Task Order Contract for Various City Departments Building Envelope Consultants, LLC Roof Replacement (Design) at PWE McCarty Maintenance Facility WBS No. N-000396-0018-3	Originator's Initials EA	Page 2 of 2
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PREVIOUS HISTORY AND PROJECT SCOPE: On October 8, 2008, Ordinance 2008-0890, City Council approved a three-year task order contract with BEC in an amount not to exceed \$800,000, for citywide task order roofing and waterproofing consulting services for various departments. Under the terms of the contract, BEC performs design phase services, on an as needed basis, for various City departments and seals documents to comply with the City Building Code. Fees for each project is negotiated based upon the size and complexity of the tasks involved.

M/WBE INFORMATION: The original contract and this additional appropriation have an 8% M/WBE participation goal. Currently, BEC has achieved 5.43% M/WBE participation and has contracted with an additional MBE construction management firm to further assist in achieving the goal. It is anticipated that BEC will achieve the goal by the completion of the contract.

FRC:JLN:RAV:EA:ps

c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, Christopher Gonzales, Morris Scott, Josie Sun, Juan Rendon, Martha Leyva, File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds
 Charter Roofing Company, Inc.
 Roof Replacement at HPD Southeast Command Center and
 PWE McCarty Maintenance Facility
 WBS No. G-000102-0002-4; N-000396-0018-4

Page
1 of 1

Agenda Item

4055

FROM (Department or other point of origin): General Services Department	Origination Date 07-21-2010	Agenda Date JUL 28 2010
INTERIM DIRECTOR'S SIGNATURE: Forest R. Christy, Jr., Interim Director	Council District affected: E, I	
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0891; Dated October 8, 2008	
RECOMMENDATION: Appropriate funds for the projects.		

Amount and Source Of Funding: \$ 1,280,260.00 Police Consolidated Construction Fund (4504) \$ 460,259.00 Street & Bridge Consolidated Construction Fund (4506) \$ 1,740,519.00 Total Funding	Finance Budget: ✓
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$1,740,519.00 to the existing citywide contract with Charter Roofing Company, Inc. for replacement of the roofs at the Houston Police Department Southeast Command Station and the Public Works and Engineering Department McCarty Maintenance Facility.

PROJECT LOCATIONS: 8300 Mykawa Road (574C) and 5500 McCarty Road (455U)

PROJECT DESCRIPTION: The projects will replace the failed roof systems. The roofs are over 19 years old and are nearing the end of their useful life cycle. The scope includes removal of the existing roof down to the concrete substrate, patching and repairing the substrate as required, and installation of a new 3-ply built-up roofing system. The scope also includes but is not limited to flashing all roof penetrations, repair and replacement of lightning protection where required, fabrication and installation of rooftop equipment supports, and pre-fabricated maintenance walkways.

PREVIOUS HISTORY AND PROJECT SCOPE: On October 8, 2008, Ordinance 2008-0891, City Council awarded a five-year job order contract to Charter Roofing Company, Inc., in an amount not to exceed \$7,500,000.00, for roof repair/replacement services for various departments. The contract is funded through various appropriations/allocations. Periodically, as departments identify projects and specific funding for each project, Council will be requested to appropriate additional funds to this contract. To date, \$1,119,821.00 has been expended on the contract.

M/WBE INFORMATION: The contract was awarded with 14% MBE, 5% WBE and 3% SBE participation goals. Currently, Charter Roofing Company, Inc. has achieved 7.05% MBE, 15.04% WBE and 0.00% SBE participation.

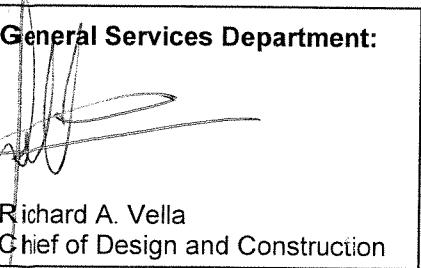
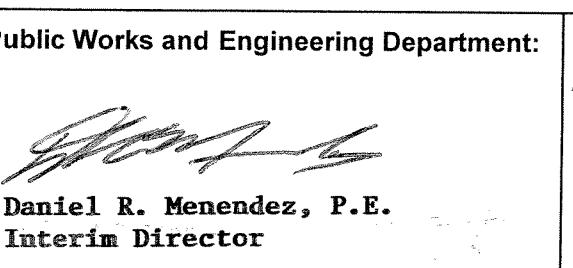
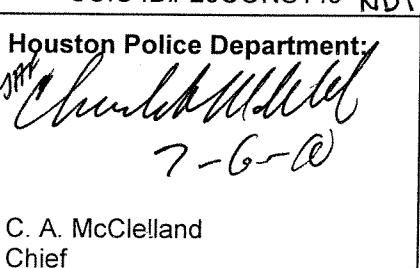
PAY OR PLAY PROGRAM: The contract requires compliance with the City's "Pay or Play" Ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

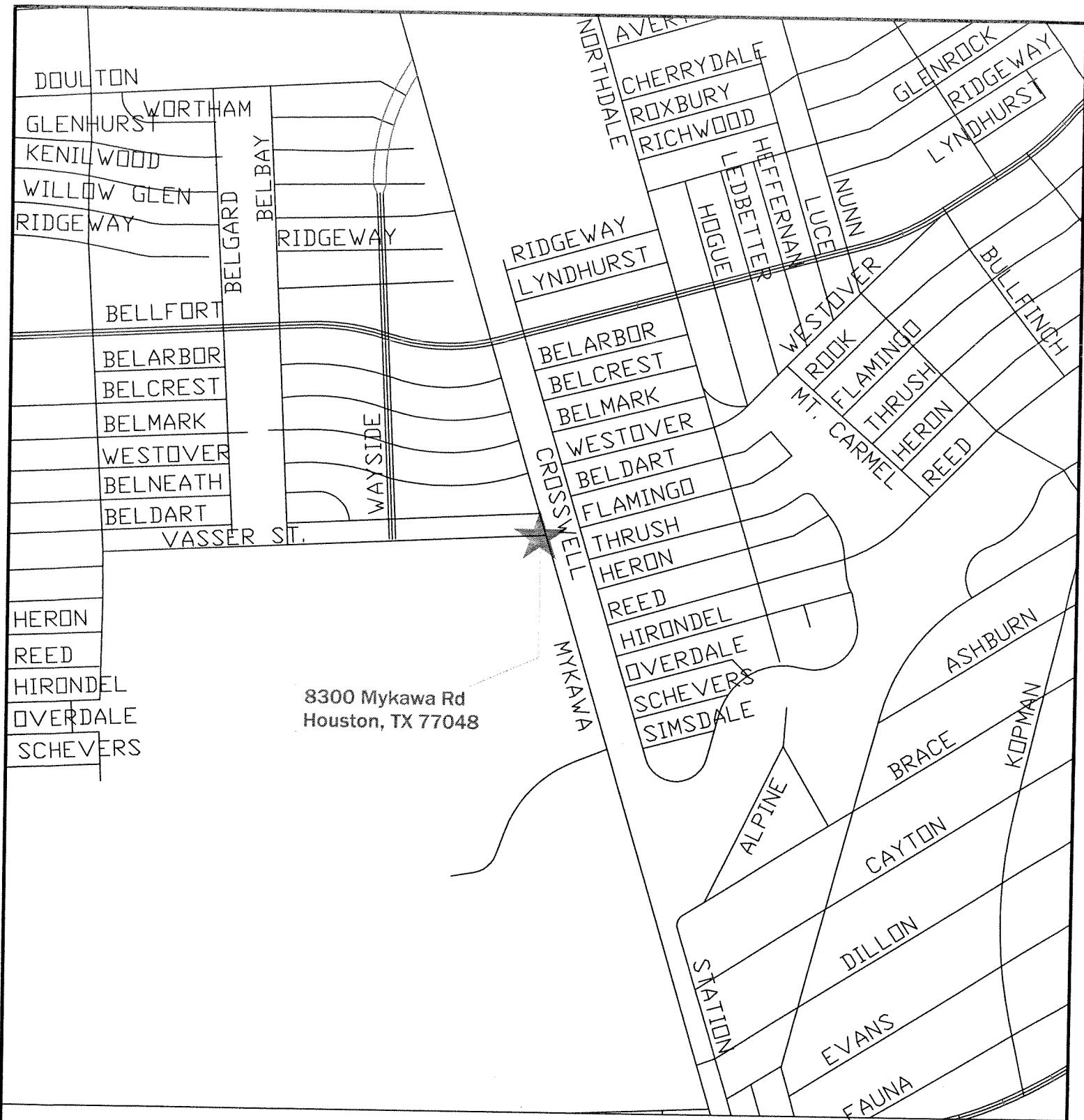
FRC:JLN:RAV:ON:EA

c: Marty Stein, Jacquelyn L. Nisby, Calvin Curtis, Christopher Gonzales, Martha Leyva, Kirk Munden, Morris Scott, Lacy Lovelady, File

REQUIRED AUTHORIZATION

CUIC ID# 25CONS149 NDT

General Services Department: 	Public Works and Engineering Department: 	Houston Police Department: 
Richard A. Vella Chief of Design and Construction	Daniel R. Menendez, P.E. Interim Director	C. A. McClelland Chief



**Roof Replacement at:
HPD Southwest Command Center**

**8300 Mykawa Rd.
Houston, TX 77048**