

**AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 14, 2010 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - DECEMBER 15, 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** regarding amendments to the Second Amendment to the Project Plan and Reinvestment Zone Financing Plan for the **TAX INCREMENT REINVESTMENT ZONE NUMBER 15 (EAST DOWNTOWN ZONE) - DISTRICTS H - GONZALEZ and I - RODRIGUEZ**
2. **PUBLIC HEARING** regarding the designation of a Tax Abatement Reinvestment Zone for **EMERSON PROCESS MANAGEMENT LLLP (EMERSON REINVESTMENT ZONE) - DISTRICT F - HOANG**
  - a. ORDINANCE creating the Emerson Process Management LLLP Reinvestment Zone for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas - **DISTRICT F - HOANG**
  - b. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas and **EMERSON PROCESS MANAGEMENT LLLP** for certain property located within the Emerson Process Management LLLP Reinvestment Zone

**MAYOR'S REPORT** - Municipal Courts Budget Initiatives

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**CONSENT AGENDA NUMBERS 3 through 37**

**MISCELLANEOUS** - NUMBER 3

3. RECOMMENDATION from Director Administration & Regulatory Affairs Department for the designation of a residential parking permit area in the Super Neighborhoods of University Place, MacGregor and Greater Heights - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and H - GONZALEZ**

**ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$15,372,751.46 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Kingwood West Wastewater Treatment Plant Improvements 3.23% under the original contract amount - **DISTRICT E - SULLIVAN**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 7

5. **JNA PAINTING & CONTRACTING COMPANY, INC** for Exterior Painting at the George R. Brown Convention Center for Convention and Entertainment Facilities Department - \$206,450.00 and contingencies for a total amount not to exceed \$216,772.50 - Enterprise Fund
6. ORDINANCE appropriating \$74,370.00 out of Equipment Acquisition Consolidated Fund for Purchase of a Light, Medium and Heavy Duty Cab & Chassis and Truck Body for the Houston Parks & Recreation Department
  - a. **AMEND MOTION #2010-391, 6/16/10, TO PURCHASE** additional Light-Duty Cabs & Chassis and Truck Bodies for the Public Works & Engineering and Parks & Recreation Departments, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** - \$241,361.00 - Equipment Acquisition Consolidated and Stormwater Funds
7. **ADRITE** for Solar Powered Trash Compactors through the Interlocal Agreement for Cooperative Purchasing with BuyBoard for Solid Waste Management Department - \$53,068.40 - Grant Fund

**ORDINANCES** - NUMBERS 8 through 37

8. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, CHAPTER 14**, relating to the payment of Holiday Compensation to eligible employees who have an approved scheduled furlough day off on the day before or the day after a City recognized holiday
9. ORDINANCE amending and restating Ordinance No. 2009-1113, the second amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G; and declaring an emergency
- 9-1 ORDINANCE approving Special Warranty Deed conveying to Harris County an undivided one-half interest in the East End Economic Development Site Land; approving a Ground Lease of the East End Economic Development Site Land to the Harris County-Houston Sports Authority; approving a joinder by the City to the first amendment to Arena Lease, Sublease, License and Management Agreement, each in connection with the development of a Public Professional Soccer Stadium at the East End Economic Development Site - **DISTRICT I - RODRIGUEZ**
10. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings

**ORDINANCES** - continued

11. ORDINANCE approving and authorizing submission of an application to the **UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES** for grant assistance from the Centers for Disease Control and Prevention's Enhanced Comprehensive HIV Prevention Planning and Implementation for Metropolitan Statistical areas most affected by HIV/AIDS Project; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health and Human Services or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$891,108.00 Grant Fund
12. ORDINANCE approving and authorizing submission of an application to the **UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES** for grant assistance from the Centers for Disease Control and Prevention for the 2011-2015 National HIV Behavioral Surveillance System; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health and Human Services or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program \$2,567,069.00 - Grant Fund
13. ORDINANCE approving and authorizing the submission of an application to the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for grant assistance to implement the Houston STD Prevention and Control Program; declaring the City's eligibility for such grant; authorizing the Director of the Houston Department of Health and Human Services or his designee to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$1,644,701.00 - Grant Fund
14. ORDINANCE approving and authorizing contract between the City of Houston and **ORION HEALTH, INC** for Software Licenses, Implementation and Technical Support Services for the Houston Department of Health and Human Services; providing a maximum contract amount \$125,000.00 - Grant Fund
15. ORDINANCE approving and authorizing contract between the City of Houston and **SISTER'S OF SERENITY MINISTRY** providing up to \$351,453.00 in Housing Opportunities for Persons With AIDS Funds for the Operation of a Community residence along with the provision of supportive services - **DISTRICT D - ADAMS**
16. ORDINANCE approving and authorizing contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON** to provide \$137,000.00 in Community Development Block Grant Funds for the administration and operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services - **DISTRICT I - RODRIGUEZ**
17. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of Tourism and the Solicitation of Convention Business - Estimated \$9,228,750.00 - Enterprise Fund
18. ORDINANCE providing for an ad valorem tax exemption on a historical site located at **1840 Harvard Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemptions and the recapture of taxes upon the occurrence of stated events - **DISTRICT H - GONZALEZ**

**ORDINANCES** - continued

19. ORDINANCE appropriating \$3,000,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CH2M HILL, INC**, for Professional On-Call Planning Consulting Services for the Houston Airport System (Project No. 677) - 3 years with two one-year options - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
20. ORDINANCE appropriating \$2,035,000.00 out of Airports Improvement Fund and approving and authorizing agreement between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Job Order Contracting - Capital Improvement for minor construction, repair, rehabilitation and alteration of facilities for the Houston Airport System (Project 516D); providing funding for the Civic Art Program - 5 years - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
21. ORDINANCE appropriating \$2,035,000.00 out of Airports Improvement Fund and approving and authorizing agreement between the City of Houston and **WILLIAMS AND THOMAS, L.P. d/b/a JAMAIL & SMITH CONSTRUCTION** for Job Order Contracting - Capital Improvement for minor construction, repair, rehabilitation and alteration of facilities for the Houston Airport System (Project 516E); providing funding for the Civic Art Program - 5 years - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
22. ORDINANCE approving and authorizing agreement between the City of Houston and **CENTENNIAL CONTRACTORS ENTERPRISES, INC** for Job Order Contracting - Operations and Maintenance for minor construction, repair, rehabilitation and alteration of facilities for the Houston Airport System (Project 516F); providing a maximum contract amount - 5 years \$2,500,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
23. ORDINANCE approving and authorizing agreement between the City of Houston and **HORIZON INTERNATIONAL GROUP, LLC** for Job Order Contracting - Operations and Maintenance for minor construction, repair, rehabilitation and alteration of facilities for the Houston Airport System (Project 516G); providing a maximum contract amount - 5 years - \$2,500,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**
24. ORDINANCE approving and authorizing contract between the City of Houston and **BOMBARDIER TRANSPORTATION (HOLDINGS) USA INC**, for Automated People Mover Operations and Maintenance Services at George Bush Intercontinental Airport/Houston; providing a maximum contract amount - 5 Years with 5 option years - \$63,488,026.75 - Enterprise Fund **DISTRICT B - JOHNSON**
25. ORDINANCE consenting to the addition of land to **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 4 (Also known as the ENERGY CORRIDOR MANAGEMENT DISTRICT)**, for inclusion in its district - **DISTRICTS A - STARDIG and G - HOANG**
26. ORDINANCE appropriating \$48,622.40 out of General Improvement Consolidated Construction Fund for Purchase and Installation of Fire Alarm System Replacement for the Miller Outdoor Theatre; providing funding for contingencies financed by the General Improvement Consolidated Construction Fund - **DISTRICT D - ADAMS**
27. ORDINANCE approving and authorizing Amendment No. 1 to contract between the City of Houston and **WESTERN HORTICULTURAL SERVICES** for Landscape and Horticultural Services for the Houston Airport System - **DISTRICTS B - JOHNSON and I - RODRIGUEZ**
28. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SCOTT TECHNOLOGIES, INC d/b/a SCOTT HEALTH & SAFETY** for Portable Thermal Imaging Cameras and Associated Accessories

**ORDINANCES** - continued

29. ORDINANCE awarding contract to **GENUINE PARTS COMPANY** for Strategic Vehicle Parts Partner; providing a maximum contract amount - 5 Years - \$95,068,803.75 - General and Fleet Management Funds
30. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning and Janitorial Services for Various Departments (Approved by Ordinance No. 2005-1010); providing a maximum contract amount - 1 year - \$4,709,028.13 - General, Enterprise, Park Special Revenue and Houston TranStar Funds
31. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath six tracts of land containing 4.6178 acres commonly known as 7405 Almeda Road, Houston, Texas, Harris County, Texas; supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT D - ADAMS**
32. ORDINANCE amending Ordinance 2008-584 to increase the maximum contract amount and approving an additional allocation for Legal Services with **JACKSON, SJOBERG, MCCARTHY & WILSON** to represent the City before the Texas Commission on Environmental Quality and other State and Federal Regulatory Agencies on Water, Wastewater, and Storm Water Issues; providing a maximum contract amount - \$500,000.00 - Enterprise Fund
33. ORDINANCE consenting to the addition of 2.6677 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55**, for inclusion in its district
34. ORDINANCE consenting to the addition of 15.978 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district
35. ORDINANCE relating to a Water Conservation Incentive Program for Multifamily Residential Customers - 2 Years - \$18,000,000.00 - Enterprise Fund
36. ORDINANCE appropriating \$3,447,690.00 out of Metro Projects Construction Fund, and \$612,310.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LTD.**, for Sabo Road Paving from Kingspoint Road to Fuqua Street and Kingspoint Road from Sabo Road to Kleckley Drive; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Metro Projects Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN**
37. ORDINANCE No. 2010-0920 passed second reading December 8, 2010  
ORDINANCE granting to **ANTONIO VALVERDE, JR. dba SOUTHERN DISCOUNT VACUUM SERVICE, A TEXAS SOLE PROPRIETORSHIP**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**MISCELLANEOUS**

38. MOTION to set a date not less than seven days from December 15, 2010, to receive nominations for Positions 10 of the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION BOARD OF DIRECTORS**, for a two year term that will end March 1, 2012
39. REVIEW on the record and make determination relative to the appeal from the decision of the Electrical Board, filed on behalf of Patrick Hebert regarding the revocation of his State of Texas master electrician registration and Charles Hebert regarding the revocation of his State of Texas contractor's registration with the State of Texas as Heights Electrical Services, Inc

**MATTERS HELD** - NUMBERS 40 through 47A

40. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tim Austin of Allen, Boone, Humphries, Robinson, LLP, on behalf of Harris County MUD No. 424, (John Dawson, President), for sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2, Parcel SY11-012  
**DISTRICT E - SULLIVAN - TAGGED BY COUNCIL MEMBER JONES**  
This was Item 8 on Agenda of December 8, 2010
41. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$597,694.00 in Community Development Block Grant Funds for the Implementation, Oversight and Delivery of a Child Care Program  
**TAGGED BY COUNCIL MEMBER STARDIG**  
This was Item 14 on Agenda of December 8, 2010
42. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$623,453.00 in Community Development Block Grant Funds for the Implementation, Oversight and Delivery of a Juvenile Delinquency Prevention Program - **TAGGED BY COUNCIL MEMBER STARDIG**  
This was Item 15 on Agenda of December 8, 2010
43. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$2,029,099 (Emergency Shelter Grants Funds - \$1,329,099/Community Development Block Grant Funds - \$700,000) for the Administration of an Emergency Shelter Grants Program  
**TAGGED BY COUNCIL MEMBERS STARDIG and JONES**  
This was Item 16 on Agenda of December 8, 2010
44. ORDINANCE approving and authorizing Five Job Order Contracts between the City of Houston and **BURGHLI INVESTMENTS LLC, LANTERRA LLC, GALLARIA HOMES LTD., MASTERMARK DEVELOPERS INC and HORIZON INTERNATIONAL GROUP LLC** for the U.S. Department of Energy's 5 Star Energy Efficiency Homes Programs; establishing a maximum contract price - 2 Years - \$2,600,000.00 - American Recovery & Reinvestment Act Grant Fund  
**TAGGED BY COUNCIL MEMBER JONES**  
This was Item 24 on Agenda of December 8, 2010

**MATTERS HELD** – continued

45. ORDINANCE appropriating \$750,000.00 out of General Improvement Consolidated Construction Fund, \$50,000.00 out of Public Health Consolidated Construction Fund, \$410,000.00 out of Public Library Consolidated Construction Fund, \$475,000.00 out of Solid Waste Consolidated Construction Fund, \$200,000.00 out of Parks Consolidated Construction Fund and \$500,000.00 out of Police Consolidated Construction Fund for Minor Construction, Repairs, Rehabilitations or Alterations of Various Facilities under the Job Order Contracting Program

**TAGGED BY COUNCIL MEMBER JONES**

This was Item 25 on Agenda of December 8, 2010

46. ORDINANCE approving and authorizing the City of Houston to enter into contract with **HOUSTON INDEPENDENT SCHOOL DISTRICT** to administer an After-School Achievement Program - \$205,580.00 General Fund and \$429,420.00 CDBG Fund - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ** - TAGGED BY COUNCIL MEMBER BRADFORD

This was Item 27 on Agenda of December 8, 2010

47. WRITTEN Motion by Council Member Stardig to amend Item 47A below as follows:

1. Amend Section 3 to add a new section  
Section 1-13. Annual fee increase
2. Amend proposed ordinance to add new Sections 4 and 5 as follows:  
Section 4 amend Section 7-57. License fees; use of license at shows.  
Section 5 amend wording of Section 43-38 of Code of Ordinances
3. Amend Exhibit A to delete 3 line items relating to Swimming Pools
4. Amend Section 14 to provide Sections 4 through 12 of the ordinance are saved from repeal for continuing application to any fee incurred before the effective date of the Ordinance, as applicable.
5. Amend Section 11 to add a new Section 1-14 Administrative fee.

(For detail of proposed amendment see back-up material Item 47 for Agenda of 12-15-2010)

**TAGGED BY COUNCIL MEMBERS STARDIG, CLUTTERBUCK and SULLIVAN**

- a. ORDINANCE **AMENDING VARIOUS SECTIONS OF THE CITY OF HOUSTON CODE OF ORDINANCES**, the **CITY OF HOUSTON CONSTRUCTION CODE** and the **CITY OF HOUSTON FIRE CODE** relating to service and permit fees; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability - **POSTPONED BY MOTION #2010-869, 12/8/10**

This was Item 35 on Agenda of December 8, 2010

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

1  
DEC 15 2010

MOTION NO. 2010 0850

MOTION by Council Member Lovell that the recommendation of the Chief Development Officer of the Mayor's Office, to set a hearing date regarding amendments to the Project Plan and Reinvestment Zone Financing Plan for the Tax Increment Reinvestment Zone Number 15 (East Downtown Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 15, 2010, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Jones and carried.

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

PASSED AND ADOPTED this 1st day of December, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is December 7, 2010.

  
City Secretary

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

RCA #

**SUBJECT:** Motion establishing a public hearing date for a second amendment to the Project Plan and Reinvestment Zone Financing Plan for TIRZ No. 15 (East Downtown Zone).

Category #

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Agenda Item#

67

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

Andrew F. Icken  
Chief Development Officer

Origination Date

11/19/10

Agenda Date

DEC 01 2010

**DIRECTOR'S SIGNATURE:**



Council Districts affected:

H, I

**For additional information contact:**

Ralph De Leon  
Tim Douglass

Phone: (713) 837-9573  
(713) 837-9857

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

Ord. 1999-0708, 07/07/99, Ord. 1999-0757, 07/21/99, Ord. 2008-0192, 03/05/08

**RECOMMENDATION: (Summary)**

Establish a public hearing date regarding amendments to the Project Plan and Reinvestment Zone Financing Plan for TIRZ No. 15 (East Downtown Zone).

**Amount of Funding:** No Funding Required

**Finance Budget:**

**SOURCE OF FUNDING:**

General Fund     Grant Fund     Enterprise Fund  
 N/A

**SPECIFIC EXPLANATION:**

On April 7, 2010, by Ordinance No. 2010-265, City Council approved an Interlocal Agreement (the "ILA") between the City of Houston, Harris County, and the Harris County-Houston Sports Authority for the purposes of describing actions preliminary to the construction of a public professional soccer stadium. The Interlocal stipulates that certain Agreements be entered into between the parties including provisions for Harris County (the "County") to participate in TIRZ No. 15 (East Downtown Zone).

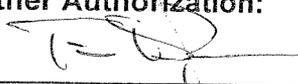
On November 15, 2010, the Board of Directors of the East Downtown Redevelopment Authority (the "Authority") and TIRZ No. 15 (the "Zone") approved amendments to the Project Plan and Reinvestment Zone Financing Plan (the "Plan") for the Zone which include provisions per the ILA, for County participation in the Zone. The Authority subsequently transmitted the proposed Second Amended Project Plan and Reinvestment Zone Financing Plan (the Amended Plan) to the City for City Council's consideration.

When initially created on June 7, 1999, the duration of TIRZ No. 15 was established at 30 years, terminating on December 31, 2029. The proposed improvements included in the Amended Plan, in conjunction with an extension of the duration of the Zone for 11 more years, to December 31, 2040, will allow the Zone to pay or provide project costs related to the development of the stadium and East Downtown area as a whole including project costs associated with storm drainage, water and waste water systems, roadway and streetscape improvements, pedestrian amenities and parks.

Pursuant to Section 311.011(e) of the Texas Tax Code, a public hearing must be held prior to the adoption of an ordinance approving the Amended Plan. The Administration recommends setting a public hearing for December 5, 2010.

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

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> 
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## **Second Amended Project Plan and Reinvestment Zone Financing Plan**

### **East Downtown Zone/TIRZ No. 15**

**Public Hearing December 15, 2010**

#### **City Statement**

On April 7, 2010, City Council approved an Interlocal Agreement (“ILA”) among the City of Houston, Harris County, and the Harris County-Houston Sports Authority related to the development and construction of a public professional soccer stadium (“Stadium”) to be located within the boundaries of TIRZ No. 15, the East Downtown Zone (“Zone”). In the ILA, the parties agreed that specific actions must occur prior to construction of the Stadium, including, but not limited to, execution of an agreement between the City, the Zone, and Harris County (“County”) for the County to participate in the Zone; extension of the duration of the Zone to December 31, 2040; and a second amendment to the Zone’s Project Plan and Reinvestment Zone Financing Plan (“Amended Plan”) describing the improvements contemplated in the ILA and for the revitalization of the East Downtown area as a whole.

On November 15, 2010, the Board of Directors of the Zone and the East Downtown Redevelopment Authority (“Authority”) approved the proposed Amended Plan, including the ILA provisions for County participation in the Zone and extension of the duration of the Zone. The Authority subsequently transmitted the proposed Amended Plan to the City for City Council’s consideration.

A public hearing on the proposed Amended Plan is required pursuant to Chapter 311 of the Texas Tax Code. Notice of this public hearing was published in the *Houston Chronicle* on December 6, 2010. The proposed Amended Plan was forwarded to the Houston Independent School District and the County for review and comment.

The improvements proposed in the Amended Plan and the extension of the duration of the Zone to December 31, 2040 will allow the Zone to pay or provide for project costs related to the development of the Stadium and the East Downtown area as a whole, including project costs associated with storm drainage, water and waste water systems, roadway and streetscape improvements, pedestrian amenities, parks, and economic development opportunities associated with mass transit, and homeless housing initiatives.

In total, project costs will increase in the Amended Plan by \$48,250,000 from the first plan amendment approved in 2008 (see Part C, Exhibit 1). Projected tax increment revenues are sufficient to support the projects proposed in the Amended Plan (see Part C, Exhibit 2).

In summary, the City has determined the benefits of the proposed Amended Plan and of utilizing tax increment financing as follows:

#### **BENEFITS OF THE AMENDED PLAN**

- The objectives defined in the Amended Plan will create a new urban neighborhood while respecting the character of the area, and create gateways between East Downtown and adjacent activity centers through the development of connections with other neighborhoods and districts; produce a product unique to the East Downtown area; and enhance the sense of civic pride for area residents.
- The East Downtown Zone will provide the financing and management tools to remedy recent and historic negative trends within the East Downtown area, which is currently characterized by blighted, deteriorating, unsanitary, and unsafe conditions.

### **BENEFITS TO THE EAST DOWNTOWN ZONE AND TO THE CITY**

- The public benefit improvement projects defined in the Amended Plan will encourage sound growth of residential, commercial, and complementary retail development in and around the East Downtown Zone.

### **BENEFITS OF TAX INCREMENT FINANCING**

- The use of tax increment financing to finance the proposed improvements in the Amended Plan allows for a dedicated source of revenue and an efficient means of raising capital to fund the improvements.

Section 311.005 of the Texas Tax Code requires that certain criteria be met for the inclusion of territory into a reinvestment zone. The East Downtown Zone meets the following criteria:

- 311.055(1) – Substantially arrest or impairs the sound growth of the municipality or county creating the zone, retard the provision of housing accommodations, or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use because of the presence of:
  - 311.005(1)(A) – a substantial number of substandard, slum, deteriorated, or deteriorating structures;
  - 311.005(1)(B) – The predominance of defective or inadequate sidewalk or street layout;
  - 311.005(1)(C) – Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
  - 311.005(1)(D) – Unsanitary or unsafe conditions;
  - 311.005(1)(E) – The deterioration of site or other improvements; and
  - 311.005(1)(H) – Conditions that endanger life or property by fire or other cause.

**TAX INCREMENT REINVESTMENT ZONE NUMBER FIFTEEN  
CITY OF HOUSTON, TEXAS**

**EAST DOWNTOWN ZONE**

Second Amended  
Project Plan and Reinvestment Zone Financing Plan

November 15, 2010

REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS  
 EAST DOWNTOWN ZONE, PART C PLAN  
 Second Amended Project Plan and Reinvestment Zone

Financing Plan  
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Tax Increment Reinvestment Zone Number Fifteen, City of Houston, Texas  
East Downtown Redevelopment Authority  
Plan C – Amendment 2010

INTRODUCTION

The purpose of the Project Plan and Reinvestment Zone Financing Plan (collectively, the Parts A and B Plans are the “Plans”) for Reinvestment Zone Number Fifteen, City of Houston, Texas and the East Downtown Zone (herein referred to as the “TIRZ”) is to set forth goals, expectations and redevelopment plans and programs necessary to create and support an environment attractive to private investment in the East Downtown area. The intent of the Plan is to ensure that the improvements will result in the long-term stability and viability of the area.

OVERVIEW

The City created the TIRZ by Ordinance No. 1999-708 adopted July 7, 1999 for the purposes of redevelopment in approximately 179 acres in an area generally referred to as “Old” Chinatown. A Project Plan and Reinvestment Zone Financing Plan (the “Part A Plan”) was adopted by City Council on July 21, 1999 by Ordinance no. 1999-757. The intent of the Plan was to provide for the repositioning of the East Downtown area by promoting and developing infrastructure improvements, parking facilities to support a major destination retail center, environmental mitigation and remediation, and which may be amended from time to time. Combined, these actions were taken to assist in the revitalization of Chinatown from an abandoned and deteriorated neighborhood into a mixed-use district that included retail, commercial, residential and entertainment development.

Subsequently, by Resolution No. 2000-27, dated June 6, 2000, the Houston City Council approved the creation of the East Downtown Redevelopment Authority. The Authority was established to assist the City and the Zone Board of Directors in implementing the TIRZ Project Plan & Financing Plan. On December 12, 2007 by Ordinance 2007-1441, City Council approved an annexation of an additional 422 acres into the Zone. On March 5, 2008, by Ordinance No. 2008-192 City Council approved an Amended Project Plan and Reinvestment Zone Financing Plan, (the “Part B Plan”).

The TIRZ and the City now desire to further amend the TIRZ Project Plan and Financing Plan as further described herein, (the “Part C Plan”).

Part A Plan: Project Plan Summary

The original Project Plan contemplated that significant commercial development would occur in the TIRZ related to both the expansion of the George R. Brown Convention Center and the construction of Minute Maid Park. For example, the Part A Plan estimated \$158 million of Captured Appraised Value (CAV) was projected to occur within the Zone by Tax Year 2009. Of that amount, an estimated \$30 million was attributable to the development of a large parking facility with ground-floor retail. The

remainder of the projected value was attributed to several multi-family residential developments that did not occur. Consequently, the actual Tax Year 2009 CAV of the Zone was \$112 million and/or approximately \$46 million less than what was projected in the Part A Plan. The lack of anticipated development as set forth in the original financing plan has resulted in significantly less increment revenue due to the Zone since it was created. Despite some improvements undertaken since its creation in 1999, The TIRZ still presents a visibly deteriorated face with a lack of adequate roads, sidewalks, storm sewer, wastewater, and water systems.

#### Part B Plan: Project Plan Summary

The Part B Plan sought to build upon the goals previously defined in the Part A Plan and included provisions for the December 2, 2007 expansion of the TIRZ. The geographic area covered by the Part B Plan included the areas of the Part A, as well as the recently annexed 422 acres into the Zone. The new public improvements category included in the Part B Plan consisted of:

Cultural and Public Facilities: The Zone desires to promote the development of cultural and public facilities and economic development. The Zone and City may use any available legal authority to facilitate the development of such cultural and public facilities and economic development in the area surrounding such facilities. One specific project within this category is a planned public destination facility to be constructed in a 6-block area bounded by Texas Avenue, Walker Avenue, Hutchins Street, and Dowling Street. An additional element of the project is that the Zone and City may use its resources and powers to: 1) facilitate the public facility development as a catalyst project in the Zone; and 2) attract and incentivize substantial economic development from private sector commercial and retail investment in the surrounding area.

#### Part C Plan Initiatives:

The Part C Plan will remedy recent and historic negative trends within the East Downtown area by creating a viable and attractive environment for new investment and reinvestment. In addition, the amendments in the Part C Amendment both restates and redefines the Part A and Part B Project Costs infrastructure categories to be more consistent with standard City of Houston Public Works and Engineering Department nomenclature thus making the intent more specific. The project costs associated with each category were also modified to allow for the integration of updated infrastructure costs included in the 2009 Infrastructure Assessment Study conducted by HNTB Corporation. The proposed Part C Plan project costs include provisions for upgrades and improvements to public utility systems, public roadways and thoroughfares, parks, provisions for public art, lighting, landscaping, and environmental remediation. The geographical area covered by the Part C Plan includes the areas covered by the Parts A and B Plans. The goal of the TIRZ is to create a new urban neighborhood; create gateways between East Downtown and adjacent districts through the development of connections with other neighborhoods and activity centers; produce a project unique to East Downtown; and enhance the sense of civic pride for area residents.

Public improvements proposed in the Part C Plan are in relationship with the original goals of the Zone and are as follows:

Goal 1: Infrastructure improvements. Public roadways and public utilities systems are required to create an environment that will stimulate private investment in retail, residential, commercial, and mixed-use developments. Reconstruction of utility systems will be taken to improve functionality and replace aged facilities. All roadway improvements will be integrated with street reconstruction projects of the City of Houston, METRO, TxDOT, and other public entities, and where possible include elements not included in those programs.

Goal 2: Pedestrian-friendly environments with ample lighting and streetscape amenities. Streetscape enhancements are required to create an environment that will help stimulate investment in retail, residential, and commercial developments. Enhanced streetscape components include: sidewalks, lighting, signage, street trees, landscaping, benches and other pedestrian amenities. The reconstruction of key streets and major thoroughfares will enhance the level of service in the area. The construction of sidewalk systems including ADA compliant ramps and other treatments will improve pedestrian safety, enhance the visual environment and provide connectivity both within the community and to adjacent districts.

Goal 3: Parks and related amenities. The development of public green space through land acquisition, the dedication of public easements, dedicated parking, and the construction of enhancements. All improvements will be integrated with adjacent land uses and provided with upgrades focused on connectivity, pedestrian safety, and the visual environment.

Goal 4: The reinforcement of pedestrian-attractive retail developments. The retention and expansion of the retail and commercial developments in the East Downtown area including the Bastrop, Saint Emanuel, Dowling, Hutchins, Texas and Chartres corridors is of key importance to the successful redevelopment of the area. The provision of base level retail functionality is essential to the continued expansion of mixed use residential projects in the area. In particular, it is envisioned to assist in the development of primary commercial and retail corridors through the implementation of an enhanced pedestrian environment with an emphasis on parking, landscaping, wide sidewalks, public art and adequate pedestrian amenities.

Goal 5: Complementing revitalization activities proposed to occur along future/proposed METRO mass transit alignments within the boundaries of the TIRZ. METRO funding of public transit systems can be complimented by TIRZ activities including the funding of alignment improvements, upgrades, right-of-way acquisition, and provisions for public art. Future METRO stations within the boundaries of the TIRZ could spur redevelopment while benefiting existing businesses. The METRO Solutions Southeast and East End alignments will include station locations within the boundaries of the TIRZ. The TIRZ will look for specific key economic development opportunities and capitalize on METRO's revitalization of key corridors included in the TIRZ.

Goal 6: Economic Development. In cases where improving public infrastructure alone is insufficient or inadequate to stimulate private investment and economic development, the TIRZ would seek to fund an economic development program that would directly incentivize private enterprise that affects the TIRZ and serve as a catalyst for other business developments. Examples of how the program would be used including funding for business development and retention, business loss mitigation in cases where large public construction projects disrupt access to and operation of businesses, economic development grants to catalyze investments, and matching grants to provide leverage for other economic development funds, such as state enterprise projects, state economic development bank funds and new market tax credit allocations. An appropriate economic development program would be created by the TIRZ and subject to City approval.

Goal 7: Affordable Housing. The TIRZ projects it will fund Affordable Housing initiatives inside and outside the Zone. The Affordable Housing projects could include a supportive housing program designed to develop supportive housing and services that allow homeless persons to live as independently as possible. Emphasis could be placed on supportive services needed to assist homeless persons in the transition from homelessness to self-sufficiency.

Other Project Plan Provisions:

Existing and Proposed Uses of Land Within the Zone: A map of existing land uses within the Zone and of proposed improvements to and proposed uses of property within the zone is included in this Part C Plan.

Estimated Non-Project Cost Items: It is estimated that the East Downtown Management District will generate approximately \$400,000 in annual revenues in tax year 2010, a portion of which will be expended within the Zone to fund public safety programs, graffiti abatement, landscape maintenance, and illegal dumping cleanup programs.

Proposed Changes of Zoning Ordinances, Master Plan of Municipality, Building Codes, and other Municipal Ordinances: All construction will be done in conformance with existing rules and regulations of the City of Houston. There are no proposed changes of any city ordinance, master plan, or building codes.

Statement of Method of Relocating Persons to be Displaced as a Result of Implementing the Plan: It is not anticipated that residents will be displaced by any of the projects to be undertaken by the Zone.

Financing Plan:

Estimated Project Costs: Exhibit 1 is a detailed listing of the proposed project costs including administrative and educational project costs included in this Part C Plan. The project descriptions in Part A and Part B of the Project and Financing Plan remain valid for those projects at this time.

Economic Feasibility: Exhibits 2, 3, 4, 5, and 6 are updated revenue estimates for both the original Zone territory and the areas annexed in December of 2007. These estimates detail the expected total appraised value, the captured appraised value and the net revenue from each taxing entity participating in the Zone over the remaining life of the Zone.

Bond Indebtedness/Methods of Financing: It is anticipated that Notes will be issued by the TIRZ. The value and timing of these future notes and bonds issues will correlate to the debt capacity as derived from the revenue and project schedules attached herein, and by actual market conditions for the issue and sale of such notes and bonds. The TIRZ will explore other financing methods including developer agreement financing and collaboration with other entities for grant funding and partnerships.

Reinvestment Zone Duration: When initially created by City Council on July 7, 1999, the term of the Zone was established at 30 years. Due to the magnitude of anticipated development to occur within the TIRZ, it is expected a greater demand will be placed on the already TIRZ distressed infrastructure. The proposed improvements extending beyond the 2028 projects include in the Parts A and B Plans as well as those needed to adequately address future drainage, mobility and quality of life issues resulting from existing and projected densities. It is therefore recommended that the life of the TIRZ be extended to December 31, 2040 as part of this Part C Plan.

Taxing Jurisdiction Participation: Property valuation of the Zone is projected to increase from \$32,031,620, the Zone Base Year (1999) to \$298,265,477 in Tax Year 2010. The 2010 incremental revenue estimate from all participating jurisdictions is sufficient to cover the costs of the proposed redevelopment as well as to support the public improvement projects proposed for the Zone. The Project Plan and Reinvestment Zone Financing Plan estimates a total project costs of \$152,787,949.

## **MAPS AND EXHIBITS**

## Exhibit 1 – Parts A, B and C Project Costs

**Project Cost Amendments:** The following table includes the approved project cost for Parts A and B and the changes made to those budgets through this Part C amendment:

	Estimated Costs 1999 Plan	Estimated Costs 2008 Plan	Estimated Costs 2010 Plan	Cumulative
<b>Infrastructure Improvements:</b>				
<b>Public Utilities - Parts A and B</b>				
Design and Construction of Water Lines	\$ 1,230,500	\$ 1,230,500	\$ -	\$ 1,230,500
Design and Construction of Storm Sewer	\$ 2,209,400	\$ 2,209,400	\$ -	\$ 2,209,400
Design and Construction of Sanitary Sewer	\$ 1,113,950	\$ 1,113,950	\$ -	\$ 1,113,950
<b>Public Utilities - Part C</b>				
Public Utilities	\$ -	\$ -	\$ 15,000,000	\$ 15,000,000
<b>Total Public Utilities - Parts A, B and C</b>	<b>\$ 4,553,850</b>	<b>\$ 4,553,850</b>	<b>\$ 15,000,000</b>	<b>\$ 19,553,850</b>
<b>Roadway and Sidewalk Improvements - Parts A and B</b>				
Design and Construction of Street Paving	\$ 9,845,750	\$ 9,845,750	\$ -	\$ 9,845,750
Design and Construction of Sidewalks	\$ 774,000	\$ 774,000	\$ -	\$ 774,000
<b>Roadway and Sidewalk Improvements - Part C</b>				
Roadway, Sidewalks, Lighting, Pedestrian and Transit Amenities	\$ -	\$ -	\$ 25,500,000	\$ 25,500,000
<b>Total Roadway and Sidewalk Improvements - Parts A, B and C</b>	<b>\$ 10,619,750</b>	<b>\$ 10,619,750</b>	<b>\$ 25,500,000</b>	<b>\$ 36,119,750</b>
<b>Infrastructure Improvements associated with Cultural and Public Facilities Costs:</b>				
Cultural and Public Facilities Infrastructure Improvements	\$ -	\$ 20,000,000	\$ -	\$ 20,000,000
Land Acquisition for Cultural and Public Facilities Improvements	\$ -	\$ -	\$ 16,000,000	\$ 16,000,000
<b>Total Cultural and Public Facilities Infrastructure Improvements - Parts B &amp; C</b>	<b>\$ -</b>	<b>\$ 20,000,000</b>	<b>\$ 16,000,000</b>	<b>\$ 36,000,000</b>
<b>Total Infrastructure Improvements - Parts A, B and C</b>	<b>\$ 15,173,600</b>	<b>\$ 35,173,600</b>	<b>\$ 56,500,000</b>	<b>\$ 91,673,600</b>
<b>Other Project Costs:</b>				
<b>Parking Facilities to Support a Major Destination Retail Center - Parts A &amp; B</b>				
Parking Facilities	\$ 30,500,000	\$ 30,500,000	\$ (30,500,000)	\$ -
<b>Total Parking Facilities - Parts A &amp; B</b>	<b>\$ 30,500,000</b>	<b>\$ 30,500,000</b>	<b>\$ (30,500,000)</b>	<b>\$ -</b>
<b>Parks and Plazas</b>				
Parks and Recreational Facilities	\$ -	\$ -	\$ 5,000,000	\$ 5,000,000
<b>Total Parks and Plazas - Part C</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 5,000,000</b>	<b>\$ 5,000,000</b>
<b>Environmental Clean-up Parts - A &amp; B</b>				
Environmental Clean-up (Mitigation and Remediation)	\$ 1,000,000	\$ 1,000,000	\$ -	\$ 1,000,000
<b>Total Environmental Clean-up - Parts A &amp; B</b>	<b>\$ 1,000,000</b>	<b>\$ 1,000,000</b>	<b>\$ -</b>	<b>\$ 1,000,000</b>
<b>Affordable Housing - Parts C</b>				
Affordable Housing - Homeless Initiatives	\$ -	\$ -	\$ 8,000,000	\$ 8,000,000
<b>Total Affordable Housing - Part C</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 8,000,000</b>	<b>\$ 8,000,000</b>
<b>Project Financing Costs - Parts A &amp; B</b>				
Project Financing Costs	\$ 23,822,727	\$ 23,822,727	\$ 7,000,000	\$ 30,822,727
<b>Total Project Financing Costs - Parts A &amp; B</b>	<b>\$ 23,822,727</b>	<b>\$ 23,822,727</b>	<b>\$ 7,000,000</b>	<b>\$ 30,822,727</b>
<b>TIRZ Creation - Parts A &amp; B</b>				
TIRZ Creation	\$ 120,000	\$ 120,000	\$ -	\$ 120,000
<b>Total TIRZ Creation - Parts A &amp; B</b>	<b>\$ 120,000</b>	<b>\$ 120,000</b>	<b>\$ -</b>	<b>\$ 120,000</b>
<b>TIRZ Management</b>				
TIRZ Administration and Management - Parts A & B	\$ 720,000	\$ 720,000	\$ -	\$ 720,000
TIRZ Administration and Management - Part C	\$ -	\$ -	\$ 2,250,000	\$ 2,250,000
<b>Total TIRZ Management - Parts A, B &amp; C</b>	<b>\$ 720,000</b>	<b>\$ 720,000</b>	<b>\$ 2,250,000</b>	<b>\$ 2,970,000</b>
<b>Educational Project Costs - Parts A &amp; B</b>				
Design and Construction of Educational Facilities	\$ 13,201,622	\$ 13,201,622	\$ -	\$ 13,201,622
<b>Total Educational Project Costs - Parts A &amp; B</b>	<b>\$ 13,201,622</b>	<b>\$ 13,201,622</b>	<b>\$ -</b>	<b>\$ 13,201,622</b>
<b>PROJECT PLAN TOTAL</b>	<b>\$ 84,537,949</b>	<b>\$ 104,537,949</b>	<b>\$ 48,250,000</b>	<b>\$ 152,787,949</b>

Exhibit 2  
Part C Revenue Schedule – All Entities

**EXHIBIT 2: TIRZ 15 East Downtown Revenue Schedule  
2010 Second Amended Project Plan and Reinvestment Zone Financing Plan (PART C)**

Tax Year (1)	Increment Revenue					Net Revenue (Total Increment Revenue Less Transfers)
	City	Houston ISD (2)	Harris County Land/Infrastructure (3)	Harris County Homeless Housing (4)	Total Increment Revenue	
2010	\$ 1,013,249	\$ 946,010	\$ 285,802	\$ 16,812	\$ 2,261,873	\$ 1,805,147
2011	\$ 1,100,632	\$ 987,429	\$ 331,413	\$ 19,495	\$ 2,438,969	\$ 1,949,661
2012	\$ 1,192,383	\$ 1,051,400	\$ 379,304	\$ 22,312	\$ 2,645,400	\$ 2,121,881
2013	\$ 1,288,723	\$ 1,118,570	\$ 429,589	\$ 25,270	\$ 2,862,152	\$ 2,302,713
2014	\$ 1,389,879	\$ 1,189,098	\$ 482,389	\$ 28,376	\$ 3,089,743	\$ 2,492,585
2015	\$ 1,496,094	\$ 1,263,153	\$ 537,829	\$ 31,637	\$ 3,328,712	\$ 2,691,952
2016	\$ 1,607,619	\$ 1,340,910	\$ 596,041	\$ 35,061	\$ 3,579,631	\$ 2,901,286
2017	\$ 1,724,720	\$ 1,422,555	\$ 657,164	\$ 38,657	\$ 3,843,095	\$ 3,121,088
2018	\$ 1,847,676	\$ 1,448,256	\$ 721,342	\$ 42,432	\$ 4,059,706	\$ 3,314,363
2019	\$ 1,976,780	\$ 1,448,256	\$ 788,730	\$ 46,396	\$ 4,260,162	\$ 3,500,435
2020	\$ 2,112,339	\$ 1,448,256	\$ 859,487	\$ 50,558	\$ 4,470,640	\$ 3,695,811
2021	\$ 2,254,676	\$ 1,448,256	\$ 933,782	\$ 54,928	\$ 4,691,642	\$ 3,900,956
2022	\$ 2,404,131	\$ 1,448,256	\$ 1,011,791	\$ 59,517	\$ 4,923,695	\$ 4,116,358
2023	\$ 2,561,057	\$ 1,448,256	\$ 1,093,701	\$ 64,335	\$ 5,167,350	\$ 4,342,530
2024	\$ 2,725,830	\$ 1,448,256	\$ 1,179,707	\$ 69,395	\$ 5,423,188	\$ 4,580,011
2025	\$ 2,898,842	\$ 1,448,256	\$ 1,270,013	\$ 74,707	\$ 5,691,817	\$ 4,829,366
2026	\$ 3,080,505	\$ 1,448,256	\$ 1,364,834	\$ 80,284	\$ 5,973,879	\$ 5,091,189
2027	\$ 3,271,250	\$ 1,448,256	\$ 1,464,396	\$ 86,141	\$ 6,270,043	\$ 5,366,102
2028	\$ 3,471,533	\$ 1,448,256	\$ 1,568,936	\$ 92,290	\$ 6,581,015	\$ 5,654,762
2029	\$ 3,681,830	\$ 1,448,256	\$ 1,678,703	\$ 98,747	\$ 6,907,536	\$ 5,957,854
2030	\$ 3,902,642		\$ 1,793,959	\$ 105,527	\$ 5,802,127	\$ 5,395,941
2031	\$ 4,134,494		\$ 1,914,977	\$ 112,646	\$ 6,162,117	\$ 5,730,101
2032	\$ 4,377,939		\$ 2,042,047	\$ 120,120	\$ 6,540,106	\$ 6,080,968
2033	\$ 4,633,556		\$ 2,175,469	\$ 127,969	\$ 6,936,994	\$ 6,449,379
2034	\$ 4,901,954		\$ 2,315,563	\$ 136,210	\$ 7,353,727	\$ 6,836,210
2035	\$ 5,183,772		\$ 2,462,662	\$ 144,862	\$ 7,791,296	\$ 7,242,383
2036	\$ 5,479,681		\$ 2,617,115	\$ 153,948	\$ 8,250,744	\$ 7,668,864
2037	\$ 5,790,385		\$ 2,779,292	\$ 163,488	\$ 8,733,165	\$ 8,116,670
2038	\$ 6,116,625		\$ 1,063,964	\$ 173,505	\$ 7,354,093	\$ 6,701,253
2039	\$ 6,459,176		\$ -	\$ 184,022	\$ 6,643,198	\$ 5,952,195
2040	\$ 6,818,855		\$ -	\$ 195,066	\$ 7,013,921	\$ 6,282,847
	<b>\$ 100,898,827</b>	<b>\$ 26,698,197</b>	<b>\$ 36,800,000</b>	<b>\$ 2,654,712</b>	<b>\$ 167,051,737</b>	<b>\$ 146,192,862</b>

Notes:

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2040
- (2) Houston ISD participation terminates at the end of Tax Year 2029
- (3) Harris County Land/Infrastructure participation is at 85% and County Land/Infrastructure participation terminates when the CAP is reached, \$36,800,000
- (4) Harris County Homeless Housing participation is at 5%
- (5) Per Section 311.0213 Sales Tax Increment, Chapter 311, of the Tax Increment Financing Act, the City of Houston may incorporate municipal sales and use tax into the East Downtown Zone increment revenues for the purposes of paying project costs and will bring forth a program at a later date.

## Exhibit 3 Part C Revenue – Transfer Schedule

**EXHIBIT 3: TIRZ 15 East Downtown Revenue Schedule  
2010 Second Amended Project Plan and Reinvestment Zone Financing Plan (PART C)**

Tax Year (1)	Increment Revenue					Transfers						Net Revenue (Total Increment Revenue less Total Transfers)
	City	Houston ISD(2)	Harris County Land/Infrastructure (3)	Harris County Homeless Housing (4)	Total Increment Revenue	Houston ISD Educational	Admin Fees				Total Transfers	
							City	Houston ISD	Harris County (5)	Total		
2010	\$ 1,013,249	\$ 946,010	\$ 285,802	\$ 16,812	\$ 2,261,873	\$ 347,439	\$ 50,662	\$ 25,000	\$ 33,624	\$ 109,286	\$ 456,725	\$ 1,805,147
2011	\$ 1,100,632	\$ 987,429	\$ 331,413	\$ 19,495	\$ 2,438,969	\$ 370,286	\$ 55,032	\$ 25,000	\$ 38,990	\$ 119,021	\$ 489,307	\$ 1,949,661
2012	\$ 1,192,383	\$ 1,051,400	\$ 379,304	\$ 22,312	\$ 2,645,400	\$ 394,275	\$ 59,619	\$ 25,000	\$ 44,624	\$ 129,243	\$ 523,518	\$ 2,121,881
2013	\$ 1,288,723	\$ 1,118,570	\$ 429,589	\$ 25,270	\$ 2,862,152	\$ 419,464	\$ 64,436	\$ 25,000	\$ 50,540	\$ 139,976	\$ 559,440	\$ 2,302,713
2014	\$ 1,389,879	\$ 1,189,098	\$ 482,389	\$ 28,376	\$ 3,089,743	\$ 445,912	\$ 69,494	\$ 25,000	\$ 56,752	\$ 151,246	\$ 597,157	\$ 2,492,585
2015	\$ 1,496,094	\$ 1,263,153	\$ 537,829	\$ 31,637	\$ 3,328,712	\$ 473,682	\$ 74,805	\$ 25,000	\$ 63,274	\$ 163,079	\$ 636,761	\$ 2,691,952
2016	\$ 1,607,619	\$ 1,340,910	\$ 596,041	\$ 35,061	\$ 3,579,631	\$ 502,841	\$ 80,361	\$ 25,000	\$ 70,122	\$ 175,503	\$ 678,345	\$ 2,901,286
2017	\$ 1,724,720	\$ 1,422,555	\$ 657,164	\$ 38,657	\$ 3,843,095	\$ 533,458	\$ 86,236	\$ 25,000	\$ 77,313	\$ 188,549	\$ 722,007	\$ 3,121,088
2018	\$ 1,847,676	\$ 1,448,256	\$ 721,342	\$ 42,432	\$ 4,059,706	\$ 543,096	\$ 92,384	\$ 25,000	\$ 84,864	\$ 202,248	\$ 745,344	\$ 3,314,363
2019	\$ 1,976,780	\$ 1,448,256	\$ 788,730	\$ 46,396	\$ 4,260,162	\$ 543,096	\$ 98,839	\$ 25,000	\$ 92,792	\$ 216,631	\$ 759,727	\$ 3,500,435
2020	\$ 2,112,339	\$ 1,448,256	\$ 859,487	\$ 50,558	\$ 4,470,640	\$ 543,096	\$ 105,617	\$ 25,000	\$ 101,116	\$ 231,733	\$ 774,829	\$ 3,695,811
2021	\$ 2,254,678	\$ 1,448,256	\$ 933,782	\$ 54,928	\$ 4,691,642	\$ 543,096	\$ 112,734	\$ 25,000	\$ 109,857	\$ 247,590	\$ 790,686	\$ 3,900,956
2022	\$ 2,404,131	\$ 1,448,256	\$ 1,011,791	\$ 59,517	\$ 4,923,695	\$ 543,096	\$ 120,207	\$ 25,000	\$ 119,034	\$ 264,241	\$ 807,337	\$ 4,116,358
2023	\$ 2,561,057	\$ 1,448,256	\$ 1,093,701	\$ 64,335	\$ 5,167,350	\$ 543,096	\$ 128,053	\$ 25,000	\$ 128,671	\$ 281,724	\$ 824,820	\$ 4,342,530
2024	\$ 2,725,830	\$ 1,448,256	\$ 1,179,707	\$ 69,395	\$ 5,423,188	\$ 543,096	\$ 136,292	\$ 25,000	\$ 136,789	\$ 300,081	\$ 843,177	\$ 4,580,011
2025	\$ 2,898,842	\$ 1,448,256	\$ 1,270,013	\$ 74,707	\$ 5,691,817	\$ 543,096	\$ 144,942	\$ 25,000	\$ 149,413	\$ 319,355	\$ 862,451	\$ 4,823,366
2026	\$ 3,080,505	\$ 1,448,256	\$ 1,364,834	\$ 80,284	\$ 5,973,879	\$ 543,096	\$ 154,025	\$ 25,000	\$ 160,569	\$ 339,594	\$ 882,690	\$ 5,091,189
2027	\$ 3,271,250	\$ 1,448,256	\$ 1,464,396	\$ 86,141	\$ 6,270,043	\$ 543,096	\$ 163,563	\$ 25,000	\$ 172,282	\$ 360,844	\$ 903,940	\$ 5,366,102
2028	\$ 3,471,533	\$ 1,448,256	\$ 1,568,936	\$ 92,290	\$ 6,581,015	\$ 543,096	\$ 173,577	\$ 25,000	\$ 184,581	\$ 383,157	\$ 926,253	\$ 5,654,762
2029	\$ 3,681,830	\$ 1,448,256	\$ 1,678,703	\$ 98,747	\$ 6,907,536	\$ 543,096	\$ 184,091	\$ 25,000	\$ 197,494	\$ 406,586	\$ 949,682	\$ 5,957,854
2030	\$ 3,902,642		\$ 1,793,959	\$ 105,527	\$ 6,802,127		\$ 195,132		\$ 211,054	\$ 406,186	\$ 406,186	\$ 5,395,941
2031	\$ 4,134,494		\$ 1,914,977	\$ 112,646	\$ 6,162,117		\$ 206,725		\$ 225,291	\$ 432,016	\$ 432,016	\$ 5,730,101
2032	\$ 4,377,939		\$ 2,042,047	\$ 120,120	\$ 6,540,106		\$ 218,897		\$ 240,241	\$ 459,138	\$ 459,138	\$ 6,080,968
2033	\$ 4,633,556		\$ 2,175,469	\$ 127,969	\$ 6,936,994		\$ 231,678		\$ 255,938	\$ 487,615	\$ 487,615	\$ 6,449,379
2034	\$ 4,901,954		\$ 2,315,563	\$ 136,210	\$ 7,353,727		\$ 245,098		\$ 272,419	\$ 517,517	\$ 517,517	\$ 6,836,210
2035	\$ 5,183,772		\$ 2,462,662	\$ 144,862	\$ 7,791,296		\$ 259,189		\$ 289,725	\$ 548,914	\$ 548,914	\$ 7,242,383
2036	\$ 5,479,681		\$ 2,617,115	\$ 153,948	\$ 8,250,744		\$ 273,984		\$ 307,896	\$ 581,880	\$ 581,880	\$ 7,668,864
2037	\$ 5,790,385		\$ 2,779,292	\$ 163,488	\$ 8,733,165		\$ 289,519		\$ 326,975	\$ 616,495	\$ 616,495	\$ 8,116,670
2038	\$ 6,116,625		\$ 1,063,964	\$ 173,505	\$ 7,354,093		\$ 305,831		\$ 347,009	\$ 652,840	\$ 652,840	\$ 6,701,253
2039	\$ 6,459,176			\$ 184,022	\$ 6,643,198		\$ 322,959		\$ 368,044	\$ 691,003	\$ 691,003	\$ 5,952,195
2040	\$ 6,818,855			\$ 195,066	\$ 7,013,921		\$ 340,943		\$ 390,131	\$ 731,074	\$ 731,074	\$ 6,282,847
	\$ 100,898,827	\$ 26,698,197	\$ 36,800,000	\$ 2,654,712	\$ 167,051,737	\$ 10,004,509	\$ 5,044,941	\$ 500,000	\$ 5,309,424	\$ 10,854,365	\$ 20,858,875	\$ 146,192,862

**Notes:**

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- (2) Houston ISD participation terminates at the end of Tax Year 2029
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Exhibit 4  
Part C Revenue Schedule – City of Houston

**EXHIBIT 4: TIRZ 15 East Downtown Revenue Schedule  
City of Houston Jurisdiction  
2010 Second Amended Project Plan and Reinvestment Zone Financing Plan (PART C)**

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2012	\$ 121,026,714	\$ 317,526,208	\$ 196,499,494	95.00%	0.63875	\$ 1,192,383
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2016	\$ 121,026,714	\$ 385,955,091	\$ 264,928,377	95.00%	0.63875	\$ 1,607,619
2017	\$ 121,026,714	\$ 405,252,845	\$ 284,226,131	95.00%	0.63875	\$ 1,724,720
2018	\$ 121,026,714	\$ 425,515,487	\$ 304,488,773	95.00%	0.63875	\$ 1,847,676
2019	\$ 121,026,714	\$ 446,791,262	\$ 325,764,548	95.00%	0.63875	\$ 1,976,780
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2021	\$ 121,026,714	\$ 492,587,366	\$ 371,560,652	95.00%	0.63875	\$ 2,254,676
2022	\$ 121,026,714	\$ 517,216,734	\$ 396,190,020	95.00%	0.63875	\$ 2,404,131
2023	\$ 121,026,714	\$ 543,077,571	\$ 422,050,857	95.00%	0.63875	\$ 2,561,057
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2028	\$ 121,026,714	\$ 693,119,891	\$ 572,093,177	95.00%	0.63875	\$ 3,471,533
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2030	\$ 121,026,714	\$ 764,164,680	\$ 643,137,966	95.00%	0.63875	\$ 3,902,642
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2033	\$ 121,026,714	\$ 884,616,137	\$ 763,589,423	95.00%	0.63875	\$ 4,633,556
2034	\$ 121,026,714	\$ 928,846,944	\$ 807,820,230	95.00%	0.63875	\$ 4,901,954
2035	\$ 121,026,714	\$ 975,289,292	\$ 854,262,578	95.00%	0.63875	\$ 5,183,772
2036	\$ 121,026,714	\$ 1,024,053,756	\$ 903,027,042	95.00%	0.63875	\$ 5,479,681
2037	\$ 121,026,714	\$ 1,075,256,444	\$ 954,229,730	95.00%	0.63875	\$ 5,790,385
2038	\$ 121,026,714	\$ 1,129,019,266	\$ 1,007,992,552	95.00%	0.63875	\$ 6,116,625
2039	\$ 121,026,714	\$ 1,185,470,229	\$ 1,064,443,515	95.00%	0.63875	\$ 6,459,176
2040	\$ 121,026,714	\$ 1,244,743,741	\$ 1,123,717,027	95.00%	0.63875	\$ 6,818,855
						\$ 100,898,827

Notes:

- (1) Redevelopment Authority is scheduled to terminate in Tax Year 2040
- (2) Base Year is Tax Year 1999
- (3) Tax Year 2010 Certified Property Values based on Harris County Appraisal District Report dated September 17, 2010  
For Tax Years 2011 to 2040, the property value increases at an annual rate of 5%
- (4) Collection rate for Tax Year 2010 to Tax Year 2040 estimated at 95%

## Exhibit 3 Part C Revenue – Transfer Schedule

**EXHIBIT 3: TIRZ 15 East Downtown Revenue Schedule  
2010 Second Amended Project Plan and Reinvestment Zone Financing Plan (PART C)**

Tax Year (1)	Increment Revenue					Transfers						Net Revenue (Total Increment Revenue less Total Transfers)
	City	Houston ISD(2)	Harris County Land/Infrastructure (3)	Harris County Homeless Housing (4)	Total Increment Revenue	Houston ISD Educational	Admin Fees			Total Transfers		
							City	Houston ISD	Harris County (5)		Total	
2010	\$ 1,013,249	\$ 946,010	\$ 285,802	\$ 16,812	\$ 2,261,873	\$ 347,439	\$ 50,662	\$ 25,000	\$ 33,624	\$ 109,286	\$ 456,725	\$ 1,805,147
2011	\$ 1,100,632	\$ 987,429	\$ 331,413	\$ 19,495	\$ 2,438,969	\$ 370,286	\$ 55,032	\$ 25,000	\$ 38,990	\$ 119,021	\$ 489,307	\$ 1,949,661
2012	\$ 1,192,383	\$ 1,051,400	\$ 379,304	\$ 22,312	\$ 2,645,400	\$ 394,275	\$ 59,619	\$ 25,000	\$ 44,624	\$ 129,243	\$ 523,518	\$ 2,121,881
2013	\$ 1,288,723	\$ 1,118,570	\$ 429,589	\$ 25,270	\$ 2,862,152	\$ 419,464	\$ 64,436	\$ 25,000	\$ 50,540	\$ 139,976	\$ 559,440	\$ 2,302,713
2014	\$ 1,389,879	\$ 1,189,098	\$ 482,389	\$ 28,376	\$ 3,089,743	\$ 445,912	\$ 69,494	\$ 25,000	\$ 56,752	\$ 151,246	\$ 597,157	\$ 2,492,585
2015	\$ 1,496,094	\$ 1,263,153	\$ 537,829	\$ 31,637	\$ 3,328,712	\$ 473,682	\$ 74,805	\$ 25,000	\$ 63,274	\$ 163,079	\$ 636,761	\$ 2,691,952
2016	\$ 1,607,619	\$ 1,340,910	\$ 596,041	\$ 35,061	\$ 3,579,631	\$ 502,841	\$ 80,381	\$ 25,000	\$ 70,122	\$ 175,503	\$ 678,345	\$ 2,901,286
2017	\$ 1,724,720	\$ 1,422,555	\$ 657,164	\$ 38,657	\$ 3,843,095	\$ 533,458	\$ 86,236	\$ 25,000	\$ 77,313	\$ 188,549	\$ 722,007	\$ 3,121,088
2018	\$ 1,847,676	\$ 1,448,256	\$ 721,342	\$ 42,432	\$ 4,059,706	\$ 543,096	\$ 92,384	\$ 25,000	\$ 84,864	\$ 202,248	\$ 745,344	\$ 3,314,363
2019	\$ 1,976,780	\$ 1,448,256	\$ 788,730	\$ 46,396	\$ 4,260,162	\$ 543,096	\$ 96,839	\$ 25,000	\$ 92,792	\$ 216,631	\$ 759,727	\$ 3,500,435
2020	\$ 2,112,339	\$ 1,448,256	\$ 859,487	\$ 50,558	\$ 4,470,640	\$ 543,096	\$ 105,617	\$ 25,000	\$ 101,116	\$ 231,733	\$ 774,829	\$ 3,695,811
2021	\$ 2,254,676	\$ 1,448,256	\$ 933,782	\$ 54,928	\$ 4,691,642	\$ 543,096	\$ 112,734	\$ 25,000	\$ 109,857	\$ 247,590	\$ 790,686	\$ 3,900,956
2022	\$ 2,404,131	\$ 1,448,256	\$ 1,011,791	\$ 59,517	\$ 4,923,695	\$ 543,096	\$ 120,207	\$ 25,000	\$ 119,034	\$ 264,241	\$ 807,337	\$ 4,116,358
2023	\$ 2,561,057	\$ 1,448,256	\$ 1,093,701	\$ 64,335	\$ 5,167,350	\$ 543,096	\$ 128,053	\$ 25,000	\$ 128,671	\$ 281,724	\$ 824,820	\$ 4,342,530
2024	\$ 2,725,830	\$ 1,448,256	\$ 1,179,707	\$ 69,395	\$ 5,423,188	\$ 543,096	\$ 136,292	\$ 25,000	\$ 138,789	\$ 300,081	\$ 843,177	\$ 4,580,011
2025	\$ 2,898,842	\$ 1,448,256	\$ 1,270,013	\$ 74,707	\$ 5,691,817	\$ 543,096	\$ 144,942	\$ 25,000	\$ 149,413	\$ 319,355	\$ 862,451	\$ 4,829,366
2026	\$ 3,080,505	\$ 1,448,256	\$ 1,364,834	\$ 80,284	\$ 5,973,879	\$ 543,096	\$ 154,025	\$ 25,000	\$ 160,569	\$ 339,594	\$ 882,690	\$ 5,091,189
2027	\$ 3,271,250	\$ 1,448,256	\$ 1,464,396	\$ 86,141	\$ 6,270,043	\$ 543,096	\$ 163,563	\$ 25,000	\$ 172,282	\$ 360,844	\$ 903,940	\$ 5,366,102
2028	\$ 3,471,533	\$ 1,448,256	\$ 1,568,936	\$ 92,290	\$ 6,581,015	\$ 543,096	\$ 173,577	\$ 25,000	\$ 184,581	\$ 383,157	\$ 926,253	\$ 5,654,762
2029	\$ 3,681,830	\$ 1,448,256	\$ 1,678,703	\$ 98,747	\$ 6,907,536	\$ 543,096	\$ 184,091	\$ 25,000	\$ 197,494	\$ 406,586	\$ 949,682	\$ 5,957,854
2030	\$ 3,902,642		\$ 1,793,959	\$ 105,527	\$ 5,802,127		\$ 195,132		\$ 211,054	\$ 406,186	\$ 406,186	\$ 5,395,941
2031	\$ 4,134,494		\$ 1,914,977	\$ 112,646	\$ 6,162,117		\$ 206,725		\$ 225,291	\$ 432,016	\$ 432,016	\$ 5,730,101
2032	\$ 4,377,939		\$ 2,042,047	\$ 120,120	\$ 6,540,106		\$ 218,897		\$ 240,241	\$ 459,138	\$ 459,138	\$ 6,080,968
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Exhibit 4  
Part C Revenue Schedule – City of Houston

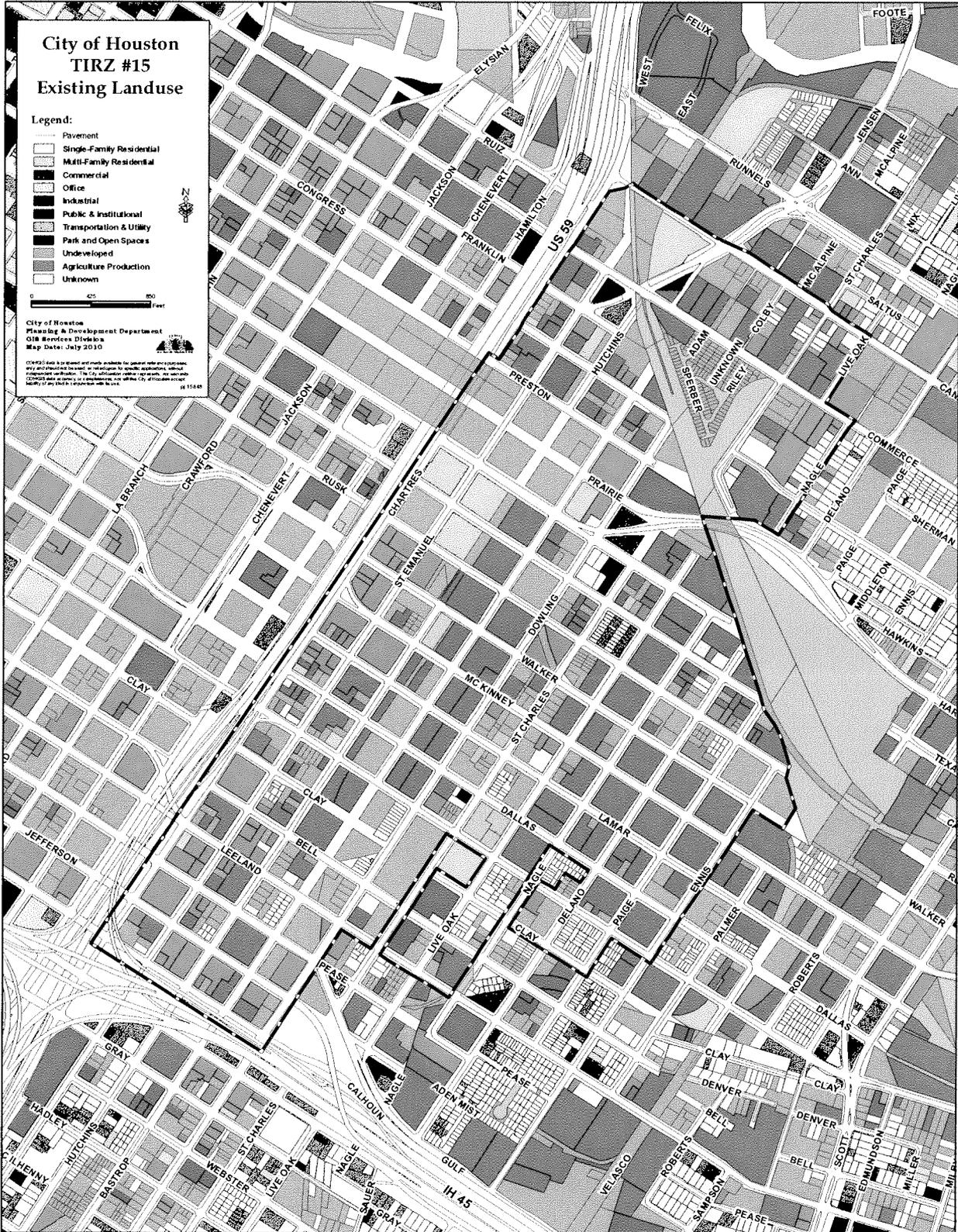
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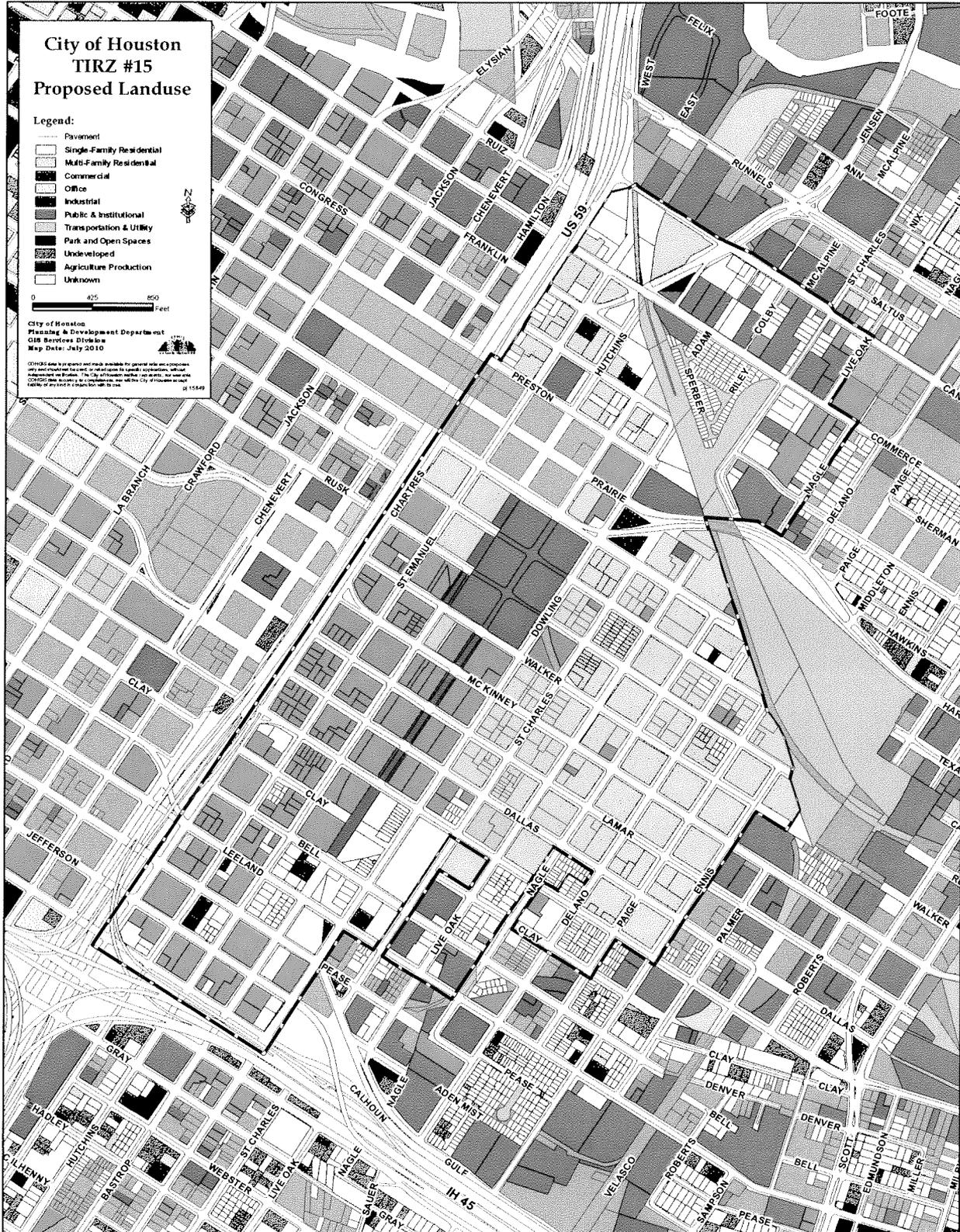
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Map 1 – Map showing existing land uses in the Zone



Map 2 – Map showing Proposed Part C Plan land uses in the Zone



2

OFC 1 5 2010

MOTION NO. 2010 0851

MOTION by Council Member Lovell that the recommendation of the Chief Development Officer of Mayor's Office, to set a hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Emerson Process Management LLLP (Emerson Reinvestment Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, December 15, 2010 in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Hoang and carried.

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

PASSED AND ADOPTED this 1st day of December 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 7, 2010.

  
City Secretary

**REQUEST FOR COUNCIL ACTION**

**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 Emerson Process Management LLLP (Emerson Reinvestment Zone).

**Category #**

**Page 1 of**  
1

**Agenda Item#**  
*68*

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

Andy Icken, Chief Development Officer  
Mayor's Office

**Origination Date**  
November 17, 2010

**Agenda Date**  
~~DEC 13 2010~~

**SIGNATURE:**



**Council Districts affected:**  
District "F" - CM Hoang

**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 a December 15, 2010 public hearing date regarding the designation of a Tax Abatement Reinvestment Zone for Emerson Process Management LLLP (Emerson Reinvestment Zone).

**Amount of Funding:** Not Applicable

**Finance Budget:**

**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 Emerson Process Management LLLP facility proposed at 6005 Rogerdale Road, Houston, will be a consolidation of its process management products and services headquarters and administrative operations from other locations outside the COH. Emerson Process Management LLLP submitted a tax abatement application to the City on October 22, 2010. The proposed abatement would involve new jobs, investment in real and personal property involved in the purchase and renovation of an existing building and constructing a new building. 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. Emerson Process Management LLLP has also applied for a tax abatement from Harris County.

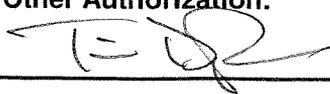
cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney  
Deborah McAbee, Senior Assistant City Attorney

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**





GREATER HOUSTON PARTNERSHIP  
houston.org

# PROJECT SON

## BRIEFING REPORT

November, 2010

CONFIDENTIAL

**PREPARED FOR:**  
City of Houston  
Finance Department – Economic Development

**COMPANY CONTACT:**

Michael Lateur, CCIM  
VP, Property Tax Advisory Services  
DUFF & PHELPS,  
Tel: 512-671-5575  
michael.lateur@duffandphelps.com

**COMPANY BACKGROUND**

**History**

Emerson Electric Co. was incorporated in Missouri in 1890, and has grown from a regional manufacturer of electric motors and fans into a diversified global technology company. Having expanded its product lines through internal growth and acquisition, Emerson today is designing and supplying product technology and delivering engineering services and solutions in a wide range of industrial, commercial and consumer markets around the world.

Emerson is organized into the following business segments, based on the nature of the products and services rendered:

- Process Management, providing measurement, control and diagnostic capabilities for automated industrial processes producing items such as foods, fuels, medicines and power.
- Industrial Automation, bringing integrated manufacturing solutions to diverse industries worldwide.
- Network Power, providing power and environmental conditioning and reliability to help keep telecommunication systems, data networks and critical business applications continuously operating.
- Climate Technologies, enhancing household and commercial comfort as well as food safety and energy efficiency through air-conditioning and refrigeration technology.
- Appliance and Tools, providing uniquely designed motors for a broad range of applications, appliances and integrated appliance solutions, tools for both professionals and homeowners, and home and commercial storage systems

**Business Activities**

The specific business segment involved in this project is Process Management. The Process Management segment generated revenue of \$6.2 billion in fiscal year 2009. The business segment offers customers product technology as well as engineering and project management services for precision control, monitoring and asset optimization of oil and gas reservoirs and plants that produce power or that process or treat such items as oil, natural gas and petrochemicals; food and beverages; pulp and paper; pharmaceuticals; and municipal water supplies. This array of products and services helps customers optimize their plant capabilities in the areas of plant safety and reliability, and product quality and output. In 2009, sales by geographic destination for this segment were United States 33 percent, Europe 22 percent, Asia 23 percent and other regions 22 percent.



**PROJECT SUMMARY**

Emerson is considering the purchase of an existing facility in the Houston area. Upon renovation of the facility, the company will consolidate several of its various operations in the area into the renovated structure. The company is reviewing two structures for its expanded operations in the range of 150,000 – 500,000 square feet.

Emerson has stated that a facility located at 6005 Rogerdale Rd is under contract and will commence the purchase subject to property tax abatement approval by the City of Houston.

2 Locations under consideration:

- 6005 Rogerdale Rd, Houston, TX (building under contract and will close purchase subject to property tax abatement approval by City of Houston)
- 14141 Southwest Freeway, Sugarland, TX

The company anticipates retaining 361 jobs and relocating 144 jobs from Ft. Bend county, 90 jobs from out of state and creating 100 new jobs. Emerson is anticipating an investment of approximately \$40.6 million. A location decision will be made by the end of 2010.

**Project/Potential Site facts**

**Request:** Tax Abatement  
**Precinct:** District F - Al Hoang  
**Investment:** \$40.6M Total Investment  
 \$15M Office Building Purchase  
 \$11.8M Building Addition  
 \$7.6M Tenant Improvements  
 \$6.2M Build-Out Costs

**Consolidation**  
**(Retained) Jobs:** 361  
**Jobs Transferred**  
**From Ft Bend:** 144  
**Jobs Transferred**  
**From Other State:** 90  
**Direct Jobs Created:** 100

**D & I Jobs Created:** 1,677  
**Total Salaries :** \$1,332,894,777

**Taxable Purchases by workers:** \$606,365,232

**Net Benefit to City:** \$12,321,970



**ECONOMIC AND FISCAL IMPACTS**

This analysis was created on the assumption of the created employment and production at the Houston facility. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

**Economic Impact Over the First Ten Years**

The following are some of the economic impacts that the area can expect from the firm over the first ten years:

<b>Some of the Regional Economic Impacts of the Firm over the First Ten Years</b>	
Total number of direct and indirect jobs to be retained and created	1,677
Total salaries to be paid to direct and indirect workers retained and created	\$1,332,894,777
Total taxable sales and purchases retained and created	\$606,365,232
Total property to be added to local tax rolls over the first ten years	\$164,224,242

**Costs and Benefits for Over the First Ten Years**

The city can expect the following costs and benefits from the plant and from the retained direct and indirect employees associated with the plant over the over the first ten years:

<b>Net Benefits Created and Retained for the City Over the First Ten Years</b>	
<u>Benefits:</u>	
Sales taxes collections	\$6,063,652
Property tax collections	\$9,290,864
Utility revenues and utility franchise fee collections	\$20,369,398
Collections of other taxes and user fees	\$4,157,486
Total benefits	\$39,881,400
<u>Costs:</u>	
Costs of providing municipal services	\$11,715,680
Costs of providing utility services	\$15,843,750
Total costs	\$27,559,430
Net benefits	<b>\$12,321,970</b>



### Net Benefits for All Local Taxing District Over the First Ten Years

The city, county, school district and other districts where the plant is located can expect the following costs and benefits from the plant and the retained direct and indirect employees associated with the plant over the first 10 years.

<b>Net Benefits Created and Retained for the City, County, School District, and Special Taxing Districts Over the First Ten Years</b>	
<b>Benefits:</b>	
Sales tax collections	\$14,459,871
Property tax collections	\$40,370,729
Utility revenues	\$16,445,715
Utility franchise fees	\$3,923,682
Hotel occupancy taxes	\$3,123,534
Collections of other taxes and user fees	\$2,677,870
Building permits	\$54,403
Additional state and federal school funding	\$46,137,503
Total benefits	\$127,193,306
<b>Costs:</b>	
Costs of providing services to new residents	\$13,389,349
Costs of providing city utility services to new residents	\$15,843,750
Costs of providing services to new students	\$21,855,007
Reduction in state aid with the addition of new residential and commercial property on school district tax rolls	\$17,415,136
Total costs	\$68,503,241
Net benefits for city, county, school district and special taxing districts	<b>\$58,690,065</b>

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** An Ordinance creating the Emerson Process Management LLLP Tax Abatement Reinvestment Zone.

**Category #**

**Page 1 of**  
1

**Agenda Item#**

2A

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

Andy Icken, Chief Development Officer  
Mayor's Office

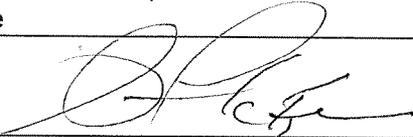
**Origination Date**

December 7, 2010

**Agenda Date**

DEC 15 2010

**SIGNATURE:**



**Council Districts affected:**

District "F" - CM Hoang

**For additional information contact:**

Tim Douglass  
Keith R. Phillips

**Phone:** 713-837-9857

**Phone:** 713-837-0610

**Date and identification of prior authorizing Council Action:** Ord. No. 2009-858, 9/16/09

**RECOMMENDATION: (Summary)** That City Council approve an Ordinance creating the Emerson Process Management LLLP Tax Abatement Reinvestment Zone.

**Amount of Funding:** Not Applicable

**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

The Economic Development Division of the Mayor's Office requests that City Council designate an 11-acre site located at 6005 Rogerdale Road, Houston Texas 77072 as the Emerson Reinvestment Zone for tax abatement purposes ("Zone"). This action will enable the City and Harris County to consider approval of a tax abatement agreement for Emerson Process Management LLLP to support the investment in real and personal property involved in the purchase and renovation of an existing building and the construction of a new building.

The estimated value of new abatable investment (site development, improvements, and new construction) subject to the proposed ad valorem tax abatement is estimated to be \$13,850,000. As a result of this consolidation, expansion and renovation project, Emerson Process Management LLLP will retain 210 full-time jobs, transfer at least 144 employees from outside the City by January 1, 2012 and create approximately 96 new jobs by January 1, 2015..

The public hearing on the Zone was held at 9:00 A.M. on December 15, 2010. The project and the Zone meet the criteria established by the City of Houston guidelines for tax abatement adopted on September 16, 2009 by Ordinance No. 2009-858.

Approval is recommended.

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:**

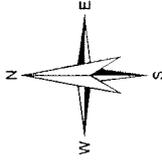
**Other Authorization:**



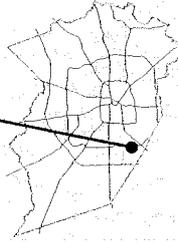
# Harris County Appraisal District



0 100 200  
PUBLICATION DATE:  
1/15/2010



MAP LOCATION



## FACET 4955C

1	2	3	4
5	6	7	8
9	10	11	12

4955D5

SHARPSTOWN PID

BELTWAY 8

4955C4

REALTY ASSOCIATES OAK PARK

129-239

129-239-001-0001  
11.3510 AC

129-239-001-0002  
11.4540 AC

RES B

W.N. LYON

A-516

126-466-001-0001  
8.4100 AC

OWN PARK AT  
DALE PAR R/P NO 1  
126-466

RES D4  
114-976-000-0022  
2.7410 AC

RES D4-A  
114-976-000-0038  
2.3260 AC

4955C12

4955C7

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Approve an Ordinance authorizing the Mayor to execute a tax abatement agreement with Emerson Process Management LLLP.

**Category #**

**Page 1 of**  
1

**Agenda Item#**

*2B*

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

Andy Icken, Chief Development Officer  
Mayor's Office

**Origination Date**  
December 7, 2010

**Agenda Date**  
DEC 15 2010

**SIGNATURE:**



**Council Districts affected:**  
District "F" - CM Hoang

**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:**  
Public Hearing 12/15/10; Ord. No. 2009-858, 9/16/09

**RECOMMENDATION: (Summary)** Approve an Ordinance authorizing the Mayor to execute a tax abatement agreement with Emerson Process Management LLLP.

**Amount of Funding:** Not Applicable

**F&A Budget:**

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

**SPECIFIC EXPLANATION:** Emerson Process Management LLLP ("Emerson") is one of five business groups of its parent company, Emerson Electric Co., a diversified global manufacturing and technology company incorporated in 1890. Emerson Electric Co. offers a wide range of products and services in the areas of process management, climate technologies, network power, storage solutions, motor technologies and industrial automation. Emerson generated \$2.6 billion in revenue, accounting for 29% of Emerson Electric Co. total 2009 sales.

This project involves the national consolidation of Emerson's businesses currently located in several facilities around the Houston area, Connecticut and Missouri. Emerson intends to retain 210 jobs and transfer at least 144 jobs from its Fort Bend locations by January 1, 2012. Additionally, Emerson will create 96 jobs by January 1, 2015.

To complete the proposed consolidation, Emerson would purchase the currently vacant, 158,200 square-foot facility located on 11.4 acres at 6005 Rogerdale Road, Houston, Texas 77072 at an estimated cost of \$15.3 million. Emerson expects to invest an additional \$13,850,000 in constructing and installing the improvements in the reinvestment zone. A potential expansion phase could include the construction of an additional 67,000 square feet of office space - expected to cost an additional \$11.9 million.

The real property improvements (approximately \$7.6 million) and new personal business property investments (estimated at \$5.5 million) are the basis of the proposed ad valorem tax abatement. Based upon a 50% abatement, the total City tax to be abated is estimated at \$419,000 over the ten-year abatement period.

Emerson's proposed facility is located within the boundaries of TIRZ #20, Southwest Houston Zone ("Zone"). On December 2, 2010, pursuant to Section 311.0125 of the Texas Tax Code, the Zone's board of directors voted to approve the City's proposed tax abatement to Emerson in the Zone.

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

**REQUIRED AUTHORIZATION**

**F&A Director:**

**Other Authorization:**

**Other Authorization:**



**CITY OF HOUSTON  
TAX ABATEMENT ANALYSIS  
ESTIMATED AD VALOREM REVENUE BREAKDOWN  
EMERSON ELECTRIC**

Average Abatement =

The numbers in "blue" are the control numbers. Insert your particular values inside these boxes.

**ASSUMPTIONS:**

- A Base Year (2010) Appraised Value (Real & Personal Property):  (improvements currently on the tax rolls)
- B Total Nonabatable Improvements Value (Land):  (land is not abatable plus any personal property that is not included in the abatement))
- C Total Abatable Improvements Value (Real and Personal Property):  (site development and new construction) (what will be added to the tax rolls and can be abated))

Tax Rate (Assumes no fluctuation) **0.0063875**

VALUES:	Base Year 2010	Year 1 2011	Year 2 2012	Year 3 2013	Year 4 2014	Year 5 2015	Year 6 2016	Year 7 2017	Year 8 2018	Year 9 2019	Year 10 2020
Base Values (assumes no HCAD value fluctuation)	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768	8,717,768
Improvement Value, Abatable		13,150,470	13,150,470	13,150,470	13,150,470	13,150,470	13,150,470	13,150,470	13,150,470	13,150,470	13,150,470
Improvement Value, Nonabatable		5,987,232	5,987,232	5,987,232	5,987,232	5,987,232	5,987,232	5,987,232	5,987,232	5,987,232	5,987,232
<b>Total Improvement Value</b>	>>>>>>>>	<b>27,855,470</b>									
<b>ABATEMENT %</b>		50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
<b>City portion Emerson Electric Portion</b>		50%	50%	50%	50%	50%	50%	50%	50%	50%	50%

**ANNUAL TAXES THAT WOULD BE PAID TO CITY W/O ABATEMENT**

A Base Year (2010) Appraised Value (Real & Personal Property):	55,685	55,685	55,685	55,685	55,685	55,685	55,685	55,685	55,685	55,685	55,685
C Abatable Improvements Only	83,999	83,999	83,999	83,999	83,999	83,999	83,999	83,999	83,999	83,999	83,999
B Nonabatable Improvements Only	38,243	38,243	38,243	38,243	38,243	38,243	38,243	38,243	38,243	38,243	38,243
<b>TOTAL</b>	<b>177,927</b>										

**CUMULATIVE TAXES THAT WOULD BE PAID TO CITY W/O ABATEMENT**

A Base Year (2010) Appraised Value (Real & Personal Property):	55,685	111,370	167,055	222,740	278,425	334,110	389,795	445,480	501,165	556,850	612,535
C Abatable Improvements Only	83,999	167,988	251,997	335,996	419,995	503,994	587,993	671,992	755,991	839,990	923,989
B Nonabatable Improvements Only	38,243	76,486	114,729	152,972	191,215	229,458	267,701	305,944	344,187	382,430	420,673
<b>TOTAL</b>	<b>177,927</b>	<b>355,854</b>	<b>533,781</b>	<b>711,708</b>	<b>889,635</b>	<b>1,067,562</b>	<b>1,245,489</b>	<b>1,423,416</b>	<b>1,601,343</b>	<b>1,779,270</b>	<b>1,957,198</b>

**ANNUAL TAXES PAID / ABATED WITH ABATEMENT**

Taxes Abated on Abatable Improvements Only	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000
Taxes Paid on Abatable Improvements Only	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000	42,000
Taxes Paid, Base Value and All Improvements	135,928	135,928	135,928	135,928	135,928	135,928	135,928	135,928	135,928	135,928	135,928

**CUMULATIVE TAXES PAID / ABATED WITH ABATEMENT**

Cumulative Taxes Paid, Base Value and All Improvements	135,928	271,855	407,783	543,710	679,638	815,565	951,493	1,087,420	1,223,348	1,359,275	1,495,203
<b>Cumulative Taxes Abated, Abatable Improvements Only</b>	<b>42,000</b>	<b>83,999</b>	<b>125,999</b>	<b>167,998</b>	<b>209,998</b>	<b>251,997</b>	<b>293,997</b>	<b>335,996</b>	<b>377,996</b>	<b>419,995</b>	<b>461,994</b>
Cumulative Taxes Paid, Abatable Improvements Only	42,000	83,999	125,999	167,998	209,998	251,997	293,997	335,996	377,996	419,995	461,994

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA #

<b>SUBJECT:</b> Designation of residential parking permit areas in various neighborhoods in the City of Houston.	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item#</b> <span style="font-size: 2em; float: right;">3</span>
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<b>FROM: (Department or other point of origin):</b> Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	<b>Origination Date</b>  12/9/10	<b>Agenda Date</b>  DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> C, D, H
-------------------------------------------------------------------------------------------------------------------	-----------------------------------------------

<b>For additional information contact:</b> Liliana Rambo, CAPP Phone: 713-853-8193 Chris Newport Phone: 713-837-9533	<b>Date and identification of prior authorizing Council Action:</b>
----------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

**RECOMMENDATION: (Summary)**  
Adopt a motion authorizing the designation of a residential parking permit area in the Super Neighborhoods of University Place, Macgregor, and Greater Heights.

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

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

**SPECIFIC EXPLANATION:**

Chapter 26, Section 26-311 of the Code of Ordinances provides for the creation of Residential Permit Parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 99 permit areas have been designated.

The Administration & Regulatory Affairs Department (ARA) recommends that the following proposed areas be designated residential parking permit areas, where on-street parking at the times of day and days of the week specified in the attachment require a valid permit. ARA and the Department of Public Works and Engineering reviewed the applications. The required public hearing was held on November 8, 2010 and all outstanding issues have been satisfactorily resolved.

The findings and related regulations for the following proposed areas are attached.

- Tierwester Civic Club - 9 a.m. to 8 p.m., Monday through Friday, tow-away zone
  - 4300 block of Fiesta Ln, both sides
  - 3300 block of Arbor, southside only
  - 3600-3700 blocks of Rosedale, northside only
  - 4900 block of Rosedale Circle, both sides
  - 3300 block of Wentworth, southside only
  - 2400 block of Wentworth, southside only
- University Oaks - 7 a.m. to 7 p.m., Monday through Friday, tow-away zone
  - 4300 block of Fiesta Lane, both sides
  - 4400-4715 blocks of University Oaks Blvd.
  - 4300 block of Harvest Lane, both sides
  - 4300 block of Varsity Lane, both sides
  - 4400-4850 blocks of Rockwood, both sides
- 6900 block of Van Etten, between Old Spanish Trail and Lockett, eastside only, 8 a.m. to 5 p.m., Monday through Friday, tow-away zone
- 1100 block of Merrill, between Studewood and Oakridge, eastside only, 5 p.m. to 11 p.m., Tuesday – Saturday, tow-away zone
- 400-500 blocks of E. 13<sup>th</sup> Street, between Arlington and Oxford, southside only, 7 a.m. to 9 p.m., Monday – Saturday, tow-away zone
- 5400 – 5500 blocks of Ashby, between Rice and Sunset 9 a.m. to 10 p.m., Monday – Sunday, tow-away zone
- 2200 block Shakespeare, between Greenbriar and Montclair, 9 a.m. to 9 p.m., Monday – Sunday, tow-away zone
- 1900 block of Bolsover, between Hazard and Kent, 9 a.m. to 10 p.m., Monday – Sunday, tow-away zone
- 5300 block of Kent, between Albans and Wroxton, eastside only, 9 a.m. to 4 p.m., Monday – Friday, tow-away zone

AM:LR:MLI:mrc

**REQUIRED AUTHORIZATION**

# Residential Parking Permit Areas

## Legend

- MACGREGOR (SN#83)
  - Existing Areas
  - Proposed Areas
- 092909-83-150: TIERWESTER CIVIC CLUB  
 072310-83-183: UNIVERSITY OAKS  
 062810-83-165: 3400 WENTWORTH ST  
 012910-83-153: 6900 VAN ETEN ST

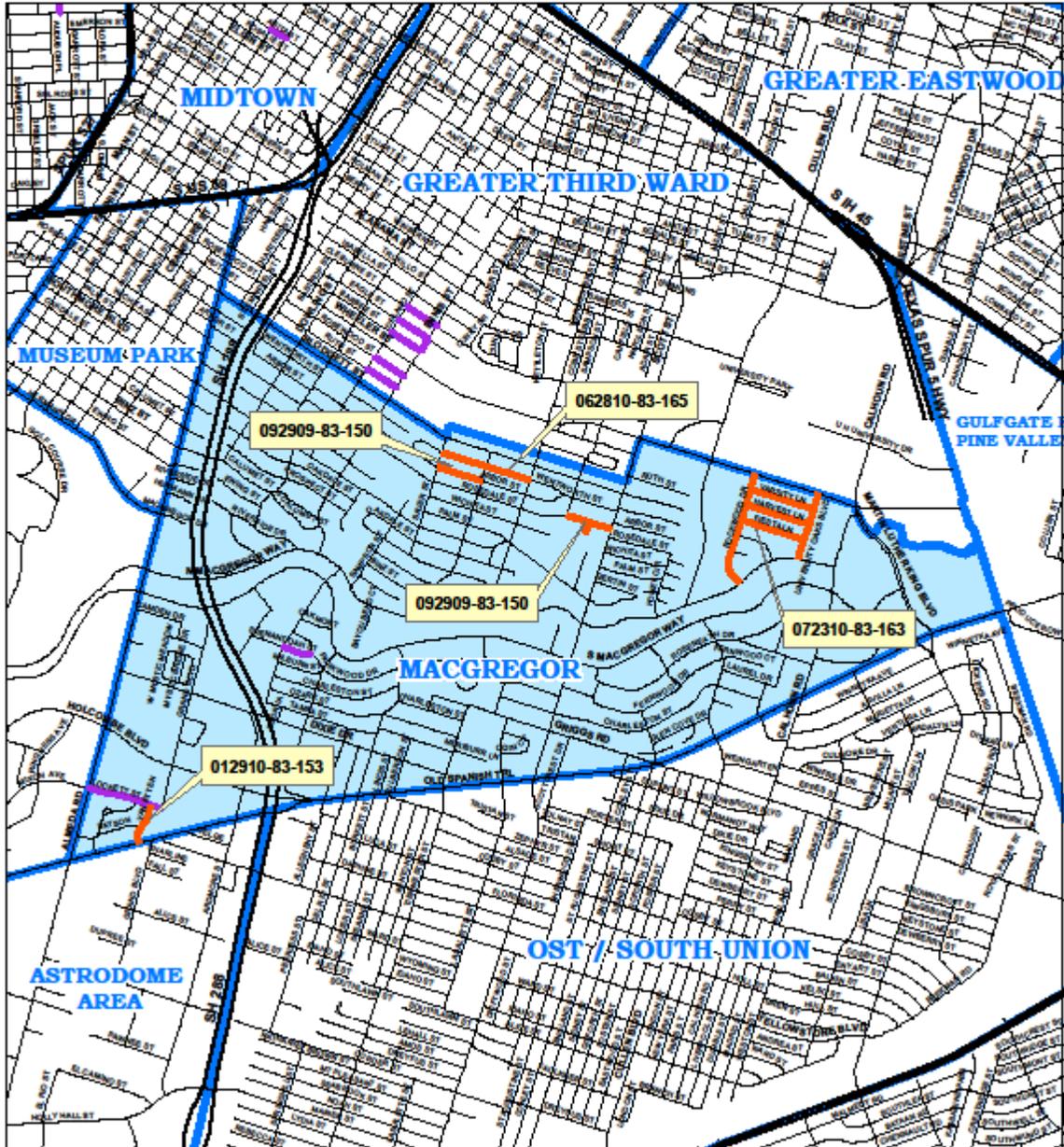


City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: December 2010



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PJ15833\_macgregor\_revise



# Designation of Residential Parking Permit Areas: Findings

## Permit Area and Restrictions Proposed by Applicant:

Application 092909-83-150 **Tierwester Civic Club** (3300 Arbor, 3600-3700 Rosedale, 4900 Rosedale Circle, 3300 Wentworth), proposed by permit only parking restrictions from Monday – Friday, 7 a.m. – 7 p.m., tow-away zone

## Parking Official Recommendation:

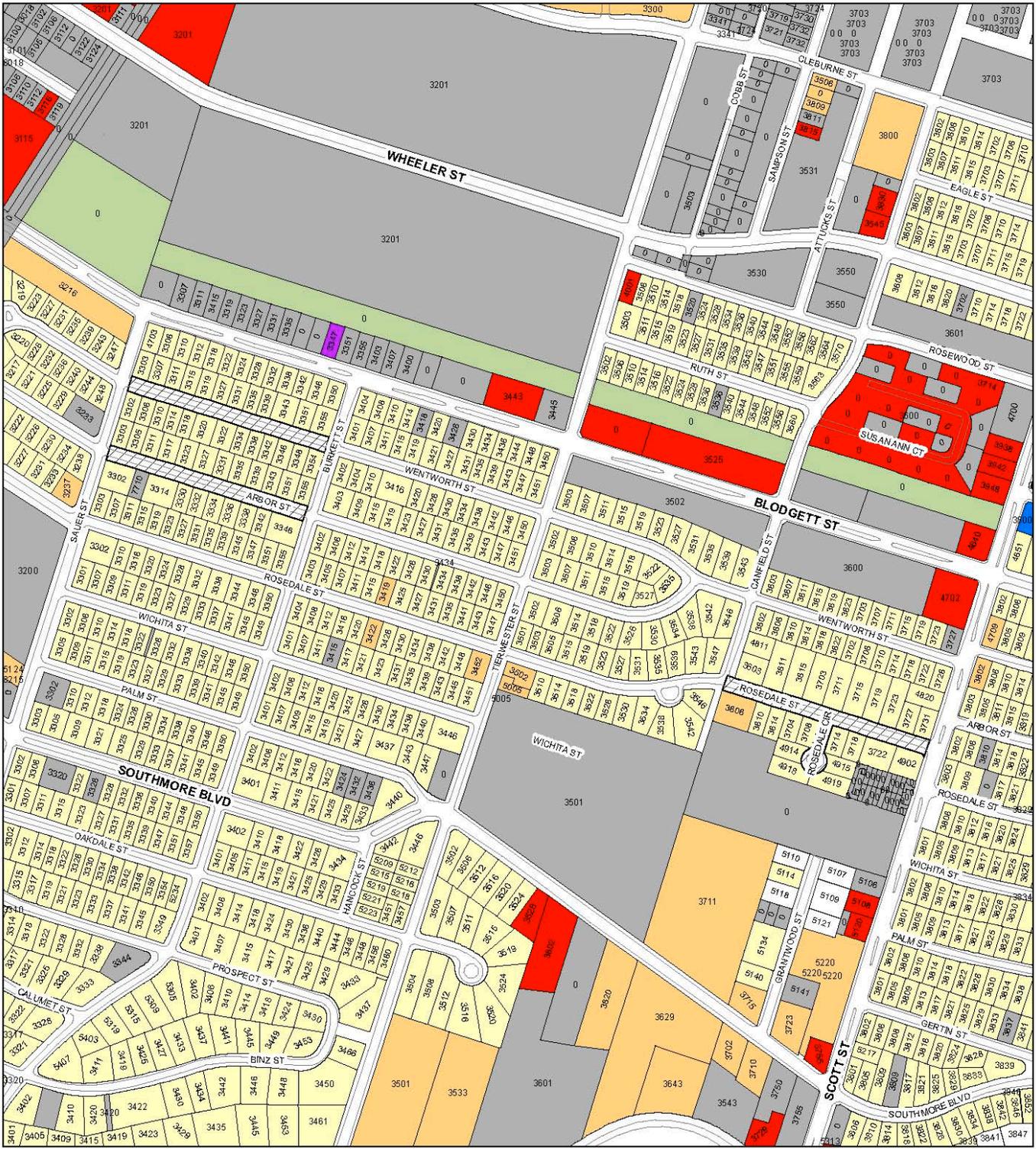
**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 8 p.m., Monday through Friday, tow-away zone**

3300 block of Arbor, southside only  
3600-3700 blocks of Rosedale, northside only  
4900 block of Rosedale Circle  
3300 block of Wentworth, southside only

## Findings:

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 8 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Texas Southern University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 69 percent of residents (out of 68 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



## Proposed Residential Parking Permit Area

Application: 092909-83-150

TIERWESTER CIVIC CLUB (77004)



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pj15781\_Tier\_rev

### Legend

Proposed

Land Use:

- Single-Family
- Multi-Family
- Commercial
- Office
- Industrial
- Public & Institutional
- Transportation & Utilities
- Parks & Open Areas
- Agriculture Production
- Undeveloped
- Unknown

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: September 2010

# Designation of Residential Parking Permit Areas: Findings

## **Permit Area and Restrictions Proposed by Applicant:**

Application 062810-83-165 **3400 Wentworth**, between Burkett and Tierwester, proposed by permit only parking restrictions from Monday – Friday, 7 a.m. – 4 p.m., tow-away zone

## **Parking Official Recommendation:**

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 8 p.m., Monday through Friday, tow-away zone**

3400 block of Wentworth, southside only

## **Findings:**

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 8 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Texas Southern University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 88 percent of residents (out of 25 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



**Proposed Residential Parking Permit Area**

**Application: 062810-83-165**

**3400 WENTWORTH ST (77004)**

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: August 2010



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g15756\_Went

- Legend**
- Proposed
  - Land Use:**
    - Single-Family
    - Multi-Family
    - Commercial
    - Office
    - Industrial
    - Public & Institutional
    - Transportation & Utilities
    - Parks & Open Areas
    - Agriculture Production
    - Undeveloped
    - Unknown

# Designation of Residential Parking Permit Areas: Findings

## Permit Area and Restrictions Proposed by Applicant:

Application 012910-83-153 **6900 Van Etten**, between Old Spanish Trail and Lockett, proposed by permit only parking restrictions from Monday – Friday, 8 a.m. – 5 p.m., tow-away zone

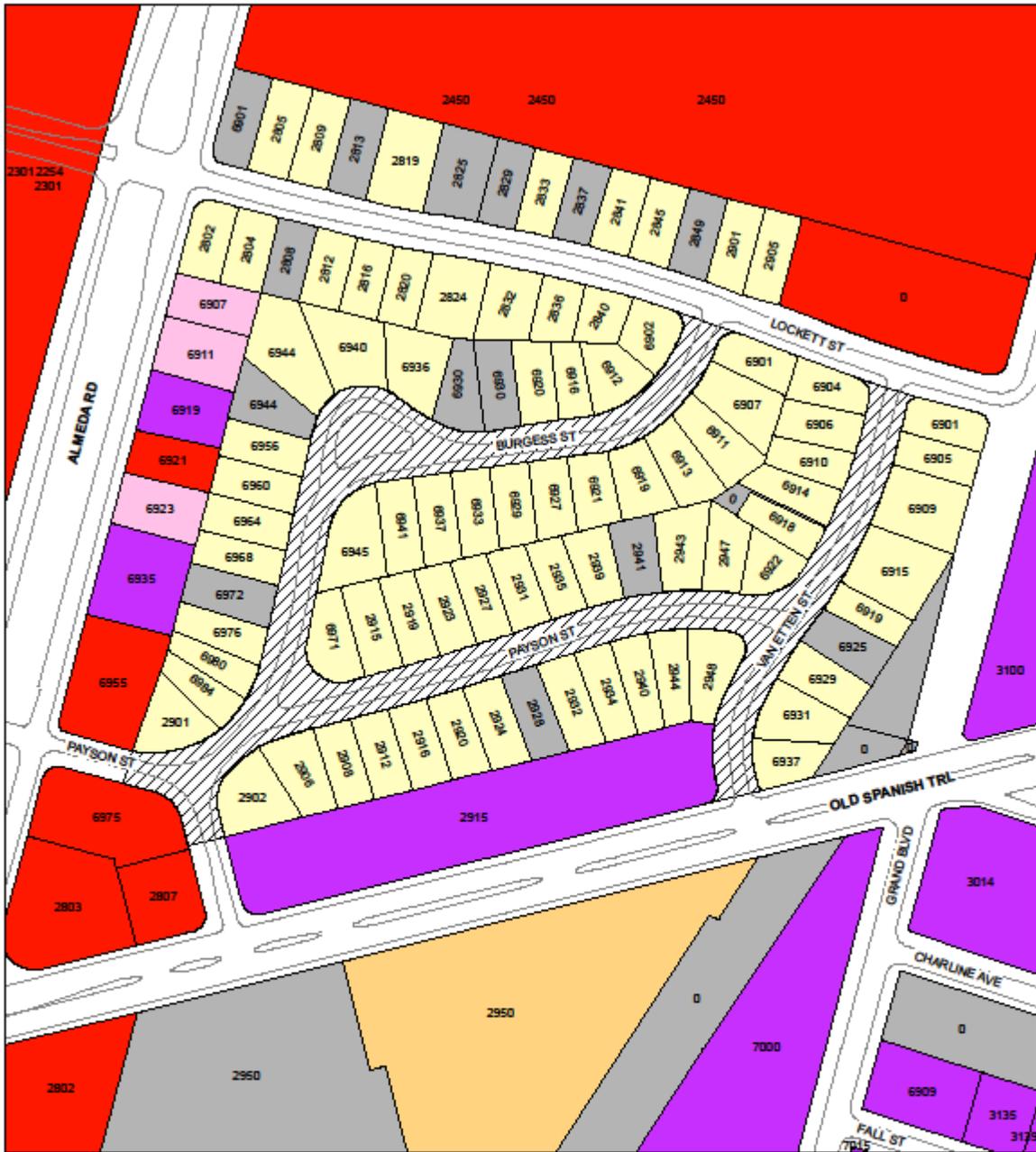
## Parking Official Recommendation:

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 8 a.m. to 5 p.m., Monday through Friday, tow-away zone**

6900 block of Van Etten, eastside only

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 8 a.m. and 5 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Texas Southern University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 81 percent of residents (out of 12 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



**Proposed Residential Parking Permit Area**

**Application: 012910-83-153**

**CENTRAL CITY (77021)**



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- Legend**
- Proposed
  - Land Use:**
  - Single-Family
  - Multi-Family
  - Commercial
  - Office
  - Industrial
  - Public & Institutional
  - Transportation & Utilities
  - Parks & Open Areas
  - Agriculture Production
  - Undeveloped
  - Unknown

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: April 2010

pl15603\_cency

# Designation of Residential Parking Permit Areas: Findings

## Permit Area and Restrictions Proposed by Applicant:

Application 072310-83-163 **University Oaks** (4300 Fiesta Ln., 4400-4715 University Oaks Blvd., 4300 Harvest Ln., 4300 Varsity Ln., 4400-4850 Rockwood) proposed by permit only parking restrictions from Monday – Friday, 7 a.m. – 7 p.m., tow-away zone

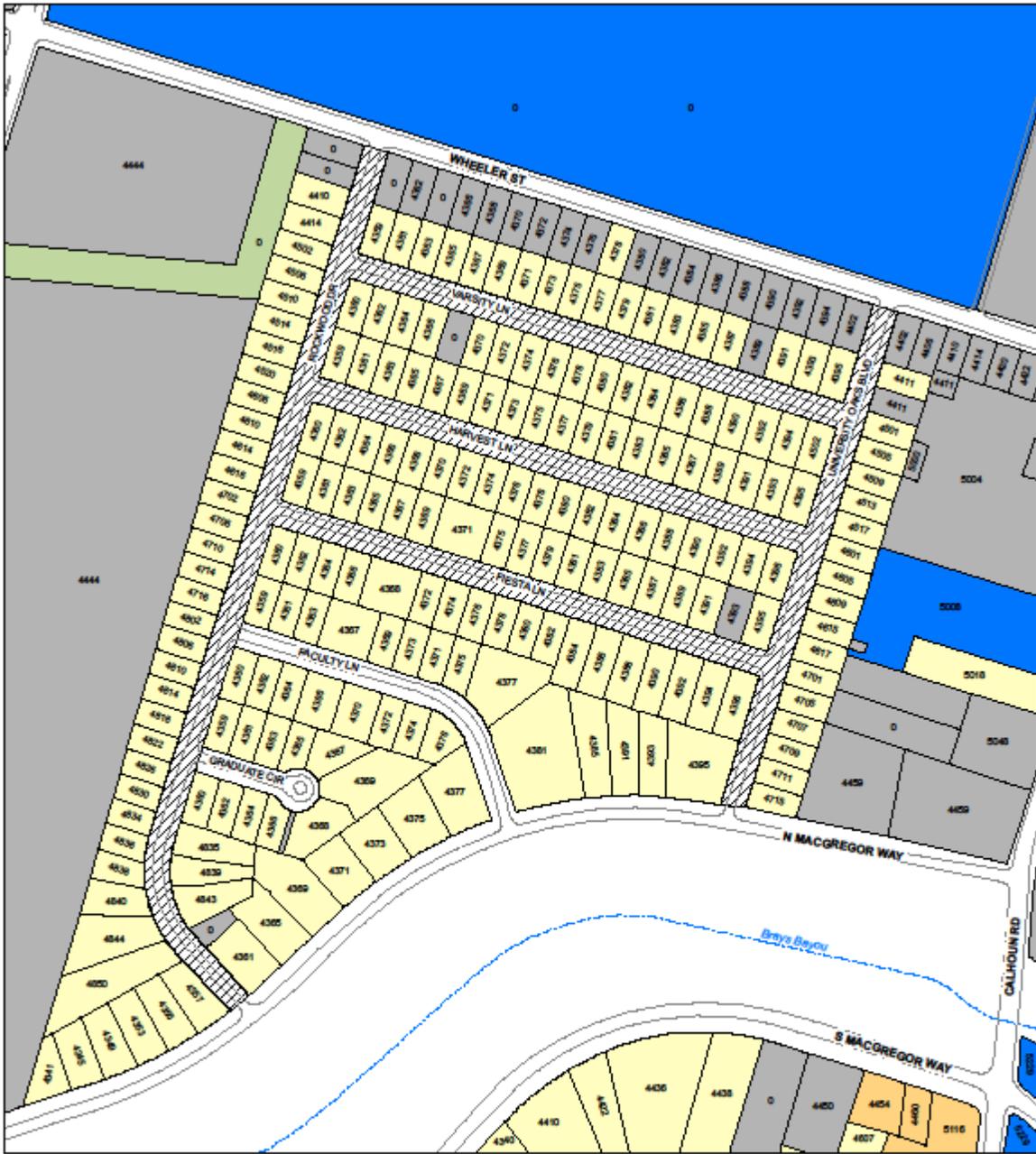
## Parking Official Recommendation:

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 7 a.m. to 7 p.m., Monday through Friday, tow-away zone**

4300 block of Fiesta Ln  
4400-4715 block of University Oaks Blvd.  
4300 block of Harvest Ln  
4300 block of Varsity Ln  
4400-4850 block of Rockwood

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 7 a.m. and 7 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from the University of Houston.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 59 percent of residents (out of 152 households affected) signing the petition in favor of the permit area.
- Testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



**Proposed Residential Parking Permit Area**

**Application: 072310-83-163**

**UNIVERSITY OAKS (77004)**



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- Legend**
- Proposed
  - Land Use:**
    - Single-Family
    - Multi-Family
    - Commercial
    - Office
    - Industrial
    - Public & Institutional
    - Transportation & Utilities
    - Parks & Open Areas
    - Agriculture Production
    - Undeveloped
    - Unknown

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: August 2010

p15757\_Univ

# Residential Parking Permit Areas

## Legend

 GREATER HEIGHTS (SN#15)

 Existing Areas

 Proposed Areas

082810-15-188: 400-500 E. 13TH ST

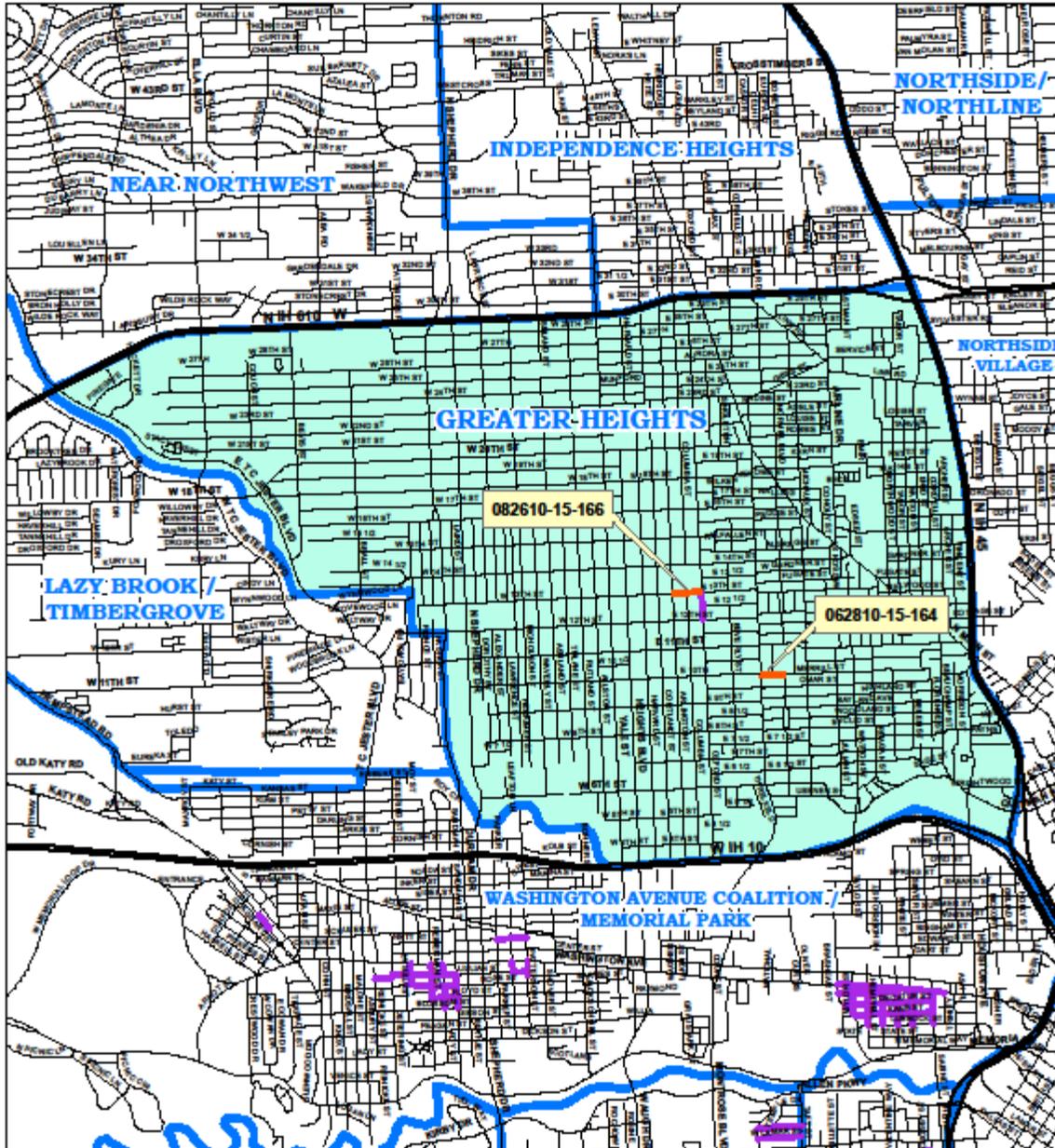
062810-15-164: 1100 MERRILL ST



City of Houston  
Planning & Development Department  
GIS Services Division

Map Date: December 2010

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# Designation of Residential Parking Permit Areas: Findings

## Permit Area and Restrictions Proposed by Applicant:

Application 082610-15-166 **400-500 E. 13<sup>th</sup> St. southside only**, between Arlington and Oxford, proposed by permit only parking restrictions from Monday – Saturday, 7 a.m. – 9 p.m., tow-away zone

## Parking Official Recommendation:

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 7 a.m. to 9 p.m., Monday – Saturday, tow-away zone**

400-500 blocks of E. 13th, southside only

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 7 a.m. and 9 p.m., Monday through Saturday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Reagan High School.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 83 percent of residents (out of 6 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



**Proposed Residential Parking Permit Area**

**Application: 082610-15-166**

**400-500 E 13th ST (77008)**

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: September 2010



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p15779\_E13

- Legend**
- Proposed
  - Land Use:**
  - Single-Family
  - Multi-Family
  - Commercial
  - Office
  - Industrial
  - Public & Institutional
  - Transportation & Utilities
  - Parks & Open Areas
  - Agriculture Production
  - Undeveloped
  - Unknown

# Designation of Residential Parking Permit Areas: Findings

## **Permit Area and Restrictions Proposed by Applicant:**

Application 062810-15-164 **1100 Merrill**, between Studewood and Oakridge, proposed by permit only parking restrictions from Monday – Friday, 5 p.m. – 11 p.m., Saturday – Sunday, 8 a.m. – 11 p.m., tow-away zone

## **Parking Official Recommendation:**

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 5 p.m. to 11 p.m., Tuesday – Saturday, tow-away zone**

1100 block of Merrill, eastside only

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 8 a.m. and 11 p.m., Tuesday through Saturday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from local restaurants.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 80 percent of residents (out of 10 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



**Proposed Residential Parking Permit Area**

**Application: 062810-15-164**

**1100 MERRILL ST (77009)**

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: August 2010

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R15747\_Merril

- Legend**
- Proposed
  - Land Use:**
    - Single-Family
    - Multi-Family
    - Commercial
    - Office
    - Industrial
    - Public & Institutional
    - Transportation & Utilities
    - Parks & Open Areas
    - Agriculture Production
    - Undeveloped
    - Unknown

# Residential Parking Permit Areas

## Legend

 UNIVERSITY PLACE (SN#28)

 Existing Areas

 Proposed Areas

050310-28-157: 6400-6600 ASHBY ST

050410-28-158: 2200 SHAKESPEARE ST

051010-28-159: 1800 BOLSOVER ST

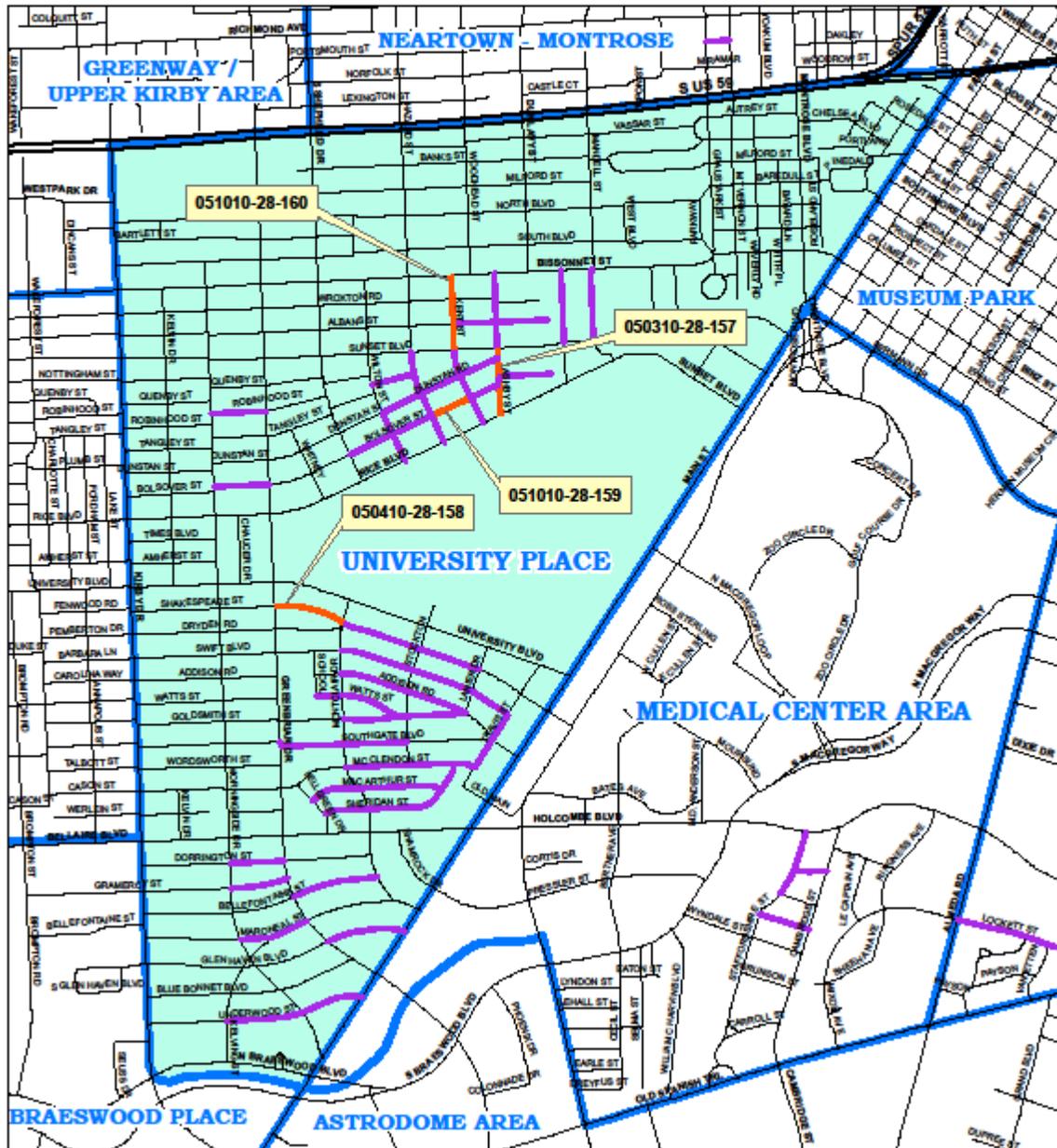
051010-28-160: 6300 KENT ST



City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: October 2010

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FU15833\_University.pl



# **Designation of Residential Parking Permit Areas: Findings**

## **Permit Area and Restrictions Proposed by Applicant:**

Application 050310-28-157 **5400-5500 Ashby**, between Rice and Sunset, proposed by permit only parking restrictions from Monday – Sunday, 9 a.m. – 9 p.m., tow-away zone

## **Parking Official Recommendation:**

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 10 p.m., Monday – Sunday, tow-away zone**

5400 – 5500 blocks of Ashby between Rice and Sunset

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. - 10 p.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Rice University and the Texas Medical Center.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 86 percent of residents (out of 14 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.
- Designating a parking permit area is the most cost-effective way to resolve the parking problem.



**Proposed Residential Parking Permit Area**

**Application: 050310-28-157**

**5400-5500 ASHBY ST (77005)**



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p15628\_ashby

- Legend**
- Proposed
  - Land Use:**
    - Single-Family
    - Multi-Family
    - Commercial
    - Office
    - Industrial
    - Public & Institutional
    - Transportation & Utilities
    - Parks & Open Areas
    - Agriculture Production
    - Undeveloped
    - Unknown

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: May 2010

# Designation of Residential Parking Permit Areas: Findings

## Permit Area and Restrictions Proposed by Applicant:

Application 050410-28-158 **2200 Shakespeare**, between Greenbriar and Montclair, proposed by permit only parking restrictions from Monday – Friday, 7 a.m. – 9 p.m. Sunday, 7 p.m. – 11 p.m., tow-away zone

## Parking Official Recommendation:

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 9 p.m., Monday – Sunday, tow-away zone**

2200 block Shakespeare

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 9 p.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Rice University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 80 percent of residents (out of 25 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.

Designating a parking permit area is the most cost-effective way to resolve the parking problem



## **Designation of Residential Parking Permit Areas: Findings**

### **Permit Area and Restrictions Proposed by Applicant:**

Application 051010-28-159 **1900 Bolsover**, between Hazard and Kent, proposed by permit only parking restrictions from Monday – Sunday, 7 a.m. – 10 p.m., tow-away zone

### **Parking Official Recommendation:**

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 10 p.m., Monday – Sunday, tow-away zone**

1900 block of Bolsover

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 10 p.m., Monday through Sunday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Rice University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 94 percent of residents (out of 16 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.

Designating a parking permit area is the most cost-effective way to resolve the parking problem



**Proposed Residential Parking Permit Area**

**Application: 051010-28-159**

**1900 BOLSOVER ST (77005)**

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: May 2010



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g15541\_bolsovr

- Legend**
- Proposed
  - Land Use:**
  - Single-Family
  - Multi-Family
  - Commercial
  - Office
  - Industrial
  - Public & Institutional
  - Transportation & Utilities
  - Parks & Open Areas
  - Agriculture Production
  - Undeveloped
  - Unknown

# Designation of Residential Parking Permit Areas: Findings

## Permit Area and Restrictions Proposed by Applicant:

Application 051010-28-160 **5300 Kent**, between Albans and Wroxtton, proposed by permit only parking restrictions from Monday – Friday, 9 a.m. – 4 p.m., tow-away zone

## Parking Official Recommendation:

**Designate a Residential Parking Permit Area with regulations requiring a valid residential parking permit to park curbside from 9 a.m. to 4 p.m., Monday – Friday, tow-away zone**

5300 block of Kent , eastside only

Testimony from the Parking Management Division, approval by the Public Works and Engineering – Traffic Engineering Branch, and the public at the November 8, 2010 hearing leads to the findings:

- A parking problem exists between the hours of 9 a.m. and 4 p.m., Monday through Friday.
- More than 60 percent of the available parking spaces were occupied. More than 25 percent of cars parked curbside were generated by commuters from Rice University.
- Excessive commuter parking on the blocks creates traffic congestion and reduces safety and residential quality.
- Neighborhood support is demonstrated by 75 percent of residents (out of 4 households affected) signing the petition in favor of the permit area.
- No testimony in opposition was received at the public hearing.

Designating a parking permit area is the most cost-effective way to resolve the parking problem



**Proposed Residential Parking Permit Area**

**Application: 051010-28-160**

**5300 KENT ST (77005)**



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- Legend**
- Proposed
  - Land Use:
    - Single-Family
    - Multi-Family
    - Commercial
    - Office
    - Industrial
    - Public & Institutional
    - Transportation & Utilities
    - Parks & Open Areas
    - Agriculture Production
    - Undeveloped
    - Unknown

City of Houston  
 Planning & Development Department  
 GIS Services Division  
 Map Date: May 2010

p15539\_kent

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

<b>SUBJECT:</b> Accept Work for Kingwood West Wastewater Treatment Plant Improvements. WBS No. R-000265-0029-4.	<b>Page 1 of 1</b>	<b>Agenda Item #</b> <span style="font-size: 2em; float: right;">4</span>
-----------------------------------------------------------------------------------------------------------------	--------------------	------------------------------------------------------------------------------

<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 12/9/10	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council Districts affected:</b> E
-----------------------------------------------------------------------	-----------------------------------------

<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director   <b>Phone:</b> (832) 395-2355	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2007-951 dated 08/22/2007
-------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$15,372,751.46, which is 3.23% under the original Contract Amount, accept the Work and authorize the final payment.

**Amount and Source of Funding:** No additional appropriation required.  
(Original appropriation of \$17,248,700.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's program to renew/replace inefficient components of the existing wastewater treatment plant (WWTP) facilities.

**DESCRIPTION/SCOPE:** The project consisted of construction, replacement or rehabilitation of numerous components of Kingwood West Wastewater Treatment Plant and other components such as lift station piping, pumps, potable water line and accessories, motor control centers, new administration building and headworks. Binkley & Barkley Consulting Engineers designed the project with 540 calendar days allowed for construction. The project was awarded to LEM Construction Co., Inc. with an original Contract Amount of \$15,886,583.00.

**LOCATION:** The project is located at 26808 Sorters Road. The project is located in Key Map Grid 295-Z.

**CONTRACT COMPLETION AND COST:** The Contractor, LEM Construction Co., Inc. has completed the Work under subject Contract. The project was completed with an additional 55 days approved by Change Order Nos. 2 and 3. The final cost of the project, including overrun and underrun of estimated bid quantities, previously approved Change Order Nos. 1, 2, and 3 is \$15,372,751.46, a decrease of \$513,831.54 or 3.23% under the original Contract Amount.

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

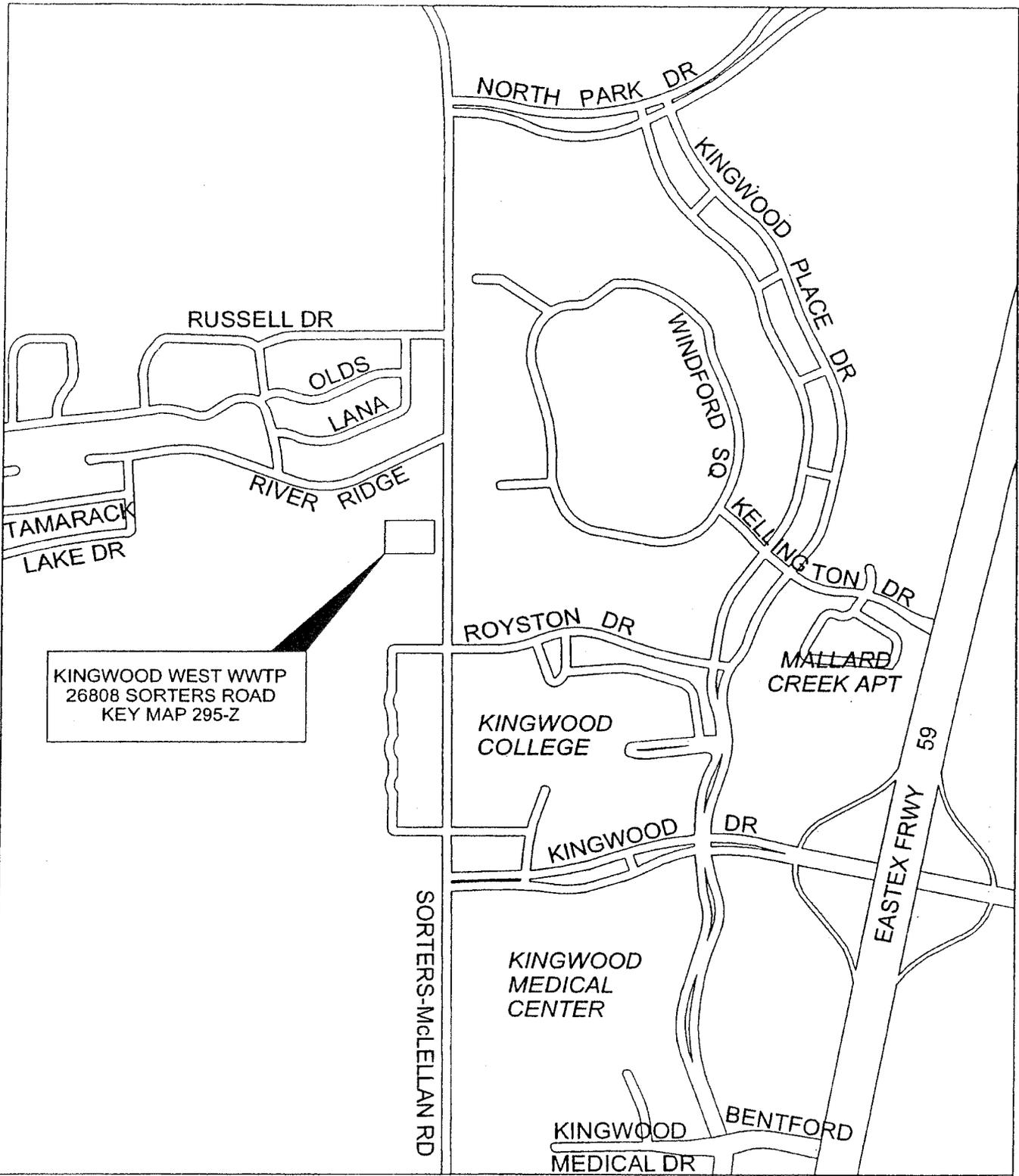
**M/WBE PARTICIPATION:** The M/S/WBE goal set for this project was 20.00%. According to Affirmative Action and Contract Compliance Division, the actual participation was 21.03%. The Contractor was awarded an Outstanding rating for M/S/WBE compliance.

DWK:DRM:JTL:SKF:RC:mq  
Z:\E&C Construction\Facilities\Projects\R-000265-0029-4 KINGWOOD WEST WWTP IMPR\Closeout\RCA\RCA.DOC

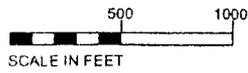
File No. R-000265-0029-4 – Closeout

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20MZQ181</b>
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division

NDT



KINGWOOD WEST WWTP  
 26808 SORTERS ROAD  
 KEY MAP 295-Z



CITY OF HOUSTON

WBS NO. R-000265-0029-4  
 KINGWOOD WEST WWTP  
 IMPROVEMENTS  
 VICINITY MAP  
 HOUSTON, TEXAS

DATE 05/19/07	PROJECT NO. 00002 00000	SCALE AS SHOWN
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**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8907

**Subject:** Formal Bids Received for Exterior Painting at the George R. Brown Convention Center for the Convention and Entertainment Facilities Department  
S50-C23765

Category #  
4

Page 1 of 2

Agenda Item

5

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

**Origination Date**  
November 30, 2010

**Agenda Date**  
DEC 15 2010

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

**Council District(s) affected**  
1

**For additional information contact:**  
Stephen Lewis Phone: (713) 853-8888  
Ray DuRousseau Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an award to JNA Painting & Contracting Company, Inc. on its low complete bid in the amount of \$206,450.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$10,322.50 for a total amount not to exceed \$216,772.50 for exterior painting at the George R. Brown Convention Center for the Convention and Entertainment Facilities Department.

Award Amount: \$216,772.50

**Finance Budget**

\$216,772.50 - Civic Center Facility Revenue Fund (8601)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to JNA Painting & Contracting Company, Inc. on its low complete bid in the amount of \$206,450.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$10,322.50 for a total amount not to exceed \$216,772.50 for exterior painting at the George R. Brown Convention Center for the Convention and Entertainment Facilities Department, and that authorization be given to issue purchase orders as necessary. The work is necessary to give the exterior of the George R. Brown Convention Center a new and refreshed appearance.

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

<u>Company</u>	<u>Total Amount</u>
1. JNA Painting & Contracting Company, Inc.	\$206,450.00
2. Classic Paint & Wallcovering, Inc.	\$283,784.00
3. TMI Coatings, Inc.	\$358,400.00
4. R & M Service Company, Inc.	\$364,760.00
5. Structural Design	\$405,900.00
6. Milam & Company Painting, Inc.	\$432,200.00
7. Superior Building Services, Inc.	\$455,000.00
8. Bamex Painting, Inc.	\$499,647.65

The scope of work requires the construction contractor to furnish all labor, materials, equipment, supervision and transportation necessary to clean and repaint the exterior areas of the George R. Brown Convention Center (GRBCC). The contractor shall clean and repaint all blue and white exterior steel areas of GRBCC which includes the balcony columns, entrance canopies, upper truss and structural steel of the roof, loading dock, ramp, light and sound fixtures and deck plates of Docks B, C and D. In addition, the contractor shall clean and repaint the red exterior steel air vent grills, side exhaust grills and cooling tower grills. Materials

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT

MS

gr

*[Signature]*

Date: 11/30/2010	Subject: Formal Bids Received for Exterior Painting at the George R. Brown Convention Center for the Convention and Entertainment Facilities Department S50-C23765	Originator's Initials AL	Page 2 of 2
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and workmanship for this project are warranted for two years. The Contractor shall have 120 calendar days to complete all work associated with this project after receipt of the notice to proceed.

**Pay or Play Program:**

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

Buyer: Art Lopez

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8878

**Subject:** Amend Council Motion No. 2010-0391, Passed June 16, 2010, to Purchase Additional Light-Duty Cabs & Chassis and Truck Bodies for the Public Works & Engineering and Parks & Recreation Departments S38-N23483-A1

Category #  
1 & 4

Page 1 of 1

Agenda Item

*606A*

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

**Origination Date**  
December 02, 2010

**Agenda Date**  
DEC 15 2010

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

**Council District(s) affected**  
All

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

**Date and Identification of prior authorizing Council Action:**  
CM No. 2010-0391, Passed 06/16/2010

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$74,370.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800) and amend Council Motion No. 2010-0391, passed June 16, 2010 to purchase additional light-duty cabs & chassis and truck bodies for a total increase of \$241,361.00 for the Public Works & Engineering and Parks & Recreation Departments.

Award Amount: \$241,361.00

**Finance Budget**

\$ 74,370.00 - Equipment Acquisition Consolidated Fund (Fund 1800)  
\$166,991.00 - Stormwater Fund (Fund 2302)  
\$241,361.00 - Total Funding

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$74,370.00 out of the Equipment Acquisition Consolidated Fund (Fund 1800). It is further recommended that City Council amend Council Motion No. 2010-0391, passed June 16, 2010, to purchase two additional light-duty cabs & chassis and truck bodies for the Public Works & Engineering and Parks & Recreation Departments for a total increase of \$241,361.00, and that authorization be given to issue purchase orders to the awarded supplier, Philpott Motors, Ltd., d/b/a Philpott Ford. The cab & chassis mounted with an herbicide body will be used citywide by the Public Works & Engineering Department to spray herbicides to control weeds in right-of-ways and de-icing agents on bridges during severe cold weather. The cab & chassis mounted with a 37-ft. aerial manlift body (aerial manlift truck) will be used citywide by the Parks & Recreation Department to inspect and repair lighting and other electrical equipment at department facilities. The aerial manlift truck being purchased for the Parks & Recreation Department with Equipment Acquisition Consolidated Funds is included in the adopted Equipment Acquisition Plan.

In April 2010, as a result of advertising this bid in accordance with the requirements of the State of Texas bid laws, bids were received from seven bidders. The bid document included a provision that allows the City to purchase additional vehicles, provided the awarded supplier agrees to honor the original bid price. Philpott Motors, Ltd., d/b/a Philpott Ford has agreed in writing to honor its original bid prices through December 30, 2010.

These new trucks will meet the EPA's current emission standards for trucks equipped with gasoline and diesel engines. The cabs & chassis will come with full warranties that range from three years/36,000 miles to five years/100,000 miles and the bodies will come with full warranties that range from one to three years. The life expectancy of these new trucks is seven years or 100,000 miles and they will replace Shop Nos. 23826 and 27645, 16- and 14-year-old units, respectively, that have reached their life expectancy and will be sent to auction for disposition.

Buyer: Lena Farris/PR Nos. 10109482/10111104

Attachment M/WBE Zero Percentage Goal Document approved by the Affirmative Action Division

**REQUIRED AUTHORIZATION**

NDT

Finance Department:

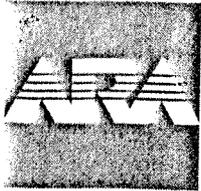
Other Authorization:

Other Authorization:

*MS*

*LF*

*W*



Administration & Regulatory Affairs

# Memorandum

**To:** Robert Gallegos, Deputy Assistant Director  
Affirmative Action Division

**From:** Lena Farris  
Procurement Specialist

**Date:** April 26, 2010

**Subject:** MWBE Participation Form

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

I am requesting a MWBE goal below 11% Yes  No  \_\_\_\_\_ %

I am requesting a revision of the MWBE Goal for **Bid Item Nos. 1, 2, 4, 7, 8 and 10-12:** Yes  No  Original Goal: 11% New Goal: 0%

If requesting a revision, how many solicitations were received: 7

Solicitation Number: S38-N23483 Estimated Dollar Amount: \$1,948,880.00

Anticipated Advertisement Date: 12/18/2009 Solicitation Due Date: 02/11/2010

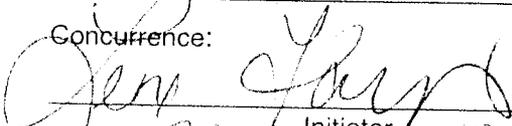
Goal On Last Contract: N/A Was Goal met: Yes  No

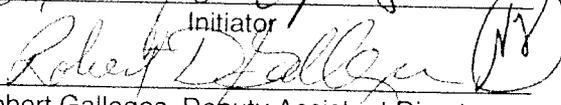
If goal was not met, what did the vendor achieve: \_\_\_\_\_

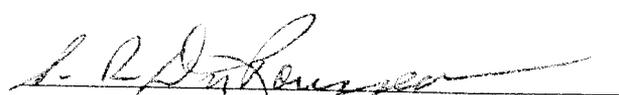
Name and Intent of this Solicitation: **Light-, Med-, and Heavy-Duty Cabs & Chassis and Bodies**

**Rationale for requesting a Waiver of M/WBE Goal for Bid Item Nos. 1, 2, 4, 7, 8 and 10-12:**

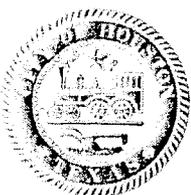
The only M/WBE potential in this procurement is the purchase and installation of after-market truck bodies and associated equipment. 1) The International Trucks of Houston award recommendation includes Bid Item Nos. 1 and 8. International Trucks of Houston requested pricing from General Truck Body (the only certified M/WBE supplier that can provide bodies) and other non-M/WBE body suppliers. General Truck Body did not submit price quotes for these bid items because it cannot provide the specified truck bodies. 2) The Philpott Motors award recommendation includes Bid Item Nos. 2, 4 and 12. Philpott Motors requested pricing from General Truck Body (the only certified M/WBE supplier that can provide bodies) and other non-M/WBE body suppliers. General Truck Body did not submit price quotes for these bid items because it cannot provide the specified truck bodies. 3) The Houston Freightliner award recommendation includes Item Nos. 7, 10 and 11. Houston Freightliner requested pricing from General Truck Body and other non-M/WBE body suppliers. General Truck Body did not submit price quotes for Item Nos. 10 and 11 because they cannot provide the specified truck bodies. General did submit a price quote for Item No. 7 but their pricing is higher than that of a non-M/WBE body supplier and Houston Freightliner made a business decision to accept the lower price quote. See attached documentation received from International Trucks of Houston, Philpott Motors and Houston Freightliner.

Concurrence:   
Initiator

  
Robert Gallegos, Deputy Assistant Director  
\*Affirmative Action

  
Deputy Assistant Director

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



RECEIVED

MAY 14 2010  
City of Houston  
Affirmative Action

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8916

Subject: Purchase of Solar Powered Trash Compactors through the Texas Local Government Purchasing Cooperative for the Solid Waste Management Department S45-E23828

Category #  
4

Page 1 of 1

Agenda Item

7

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

Origination Date  
December 01, 2010

Agenda Date  
DEC 15 2010

DIRECTOR'S SIGNATURE  
*Calvin D. Wells*

Council District(s) affected  
A, D, H, I

For additional information contact:  
Vic Ayres Phone: (713) 837-9131  
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)  
Purchase of Solar Powered Trash Compactors through the Texas Local Government Purchasing Cooperative (BuyBoard) in the amount of \$53,068.40 for the Solid Waste Management Department.

Award Amount: \$53,068.40

Finance Budget

\$53,068.40 - Federal State Local - Pass Through Fund (Fund 5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of solar powered trash compactors through the Interlocal Agreement for Cooperative Purchasing with BuyBoard in the total amount of \$53,068.40 for the Solid Waste Management Department, and that authorization be given to issue a purchase order to the BuyBoard contractor, Adrite. These new solar powered trash compactors automatically compact trash at the point of disposal, dramatically increasing the capacity, by five times, within the same footprint as standard trash receptacles. These units will decrease operational costs by utilizing a new wireless receiver that will monitor the status of each compactor; thus, decreasing the number of trips needed to collect sorted materials. The environmental savings will be a reduction in fuel and vehicle emissions and increased recyclable diversion.

This purchase consists of ten solar powered trash compactors, equipped with a recycled unit kiosk, ten customs wraps and ten wireless monitoring systems. The compactors will be installed at the following locations: Cullen Park's Sports Field (3); Herman Park (1); Memorial Park's Tennis Center (2); MacGregor Park's Ball Field (2); and Downtown's City Hall and Annex Buildings (2). The solar powered trash compactors will come with a one-year warranty for parts and the life expectancy is 10 to 15 years.

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

Buyer: Sandy Yen  
PR# 10116593

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

*Handwritten initials*



# CLEAN

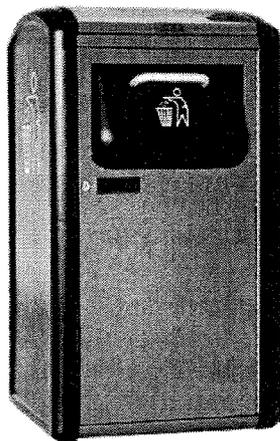
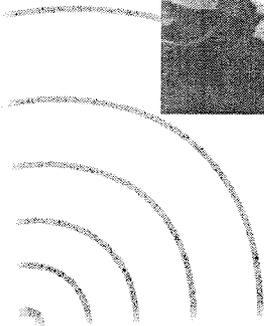
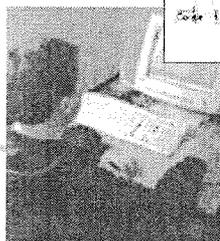
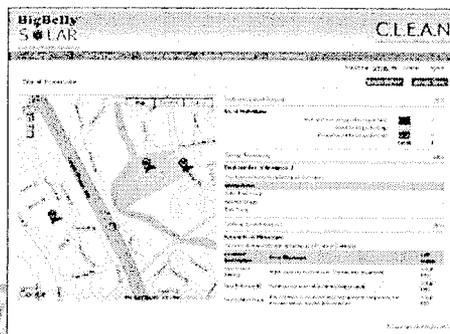
COLLECTION LOGISTICS EFFICIENCY AND NOTIFICATION

## Wireless Monitoring System

Save more time, money,  
& fuel with BigBelly® CLEAN  
wireless technology

### Advantages

- ▶ See real-time BigBelly operational data right at your desk
- ▶ Monitor collection activity to eliminate unnecessary pickups and free up workers from on-street status checks
- ▶ Optimize collection efforts for faster ROI and increased savings for your business



### Simple & Easy to Use

- ▶ BigBelly solar compactors are upgraded with wireless hardware
- ▶ **CLEAN** sends data through standard SMS (text messaging) format to our online server
- ▶ Password-protected software application on the web allows access from any computer so there's no software to buy or maintain
- ▶ Our easy-to-navigate application displays customizable maps, fullness reports, group lists and critical alerts

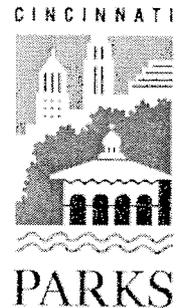
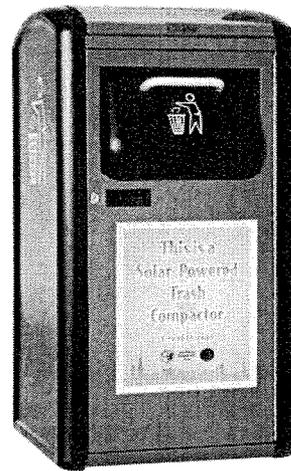
One thing is certain: conditions in the field are constantly changing. Currently, managers are either unaware of these conditions or find out about them after the fact—if at all. **CLEAN** provides accurate, real-time information from every BigBelly in the field. Combined with the onsite solar-powered compaction of BigBelly, **CLEAN** will enable you to further optimize trash collection, achieve a faster ROI, monitor collections, increase ongoing savings and increase environmental benefits.

## Silk Screen



- ▶ Provide artwork for your logo or seal
- ▶ Custom silk screening is applied in the factory
- ▶ Durable and weather resistant treatment
- ▶ Set up charge is \$300 and silk screening ranges from \$130 to \$30 based on volume and complexity

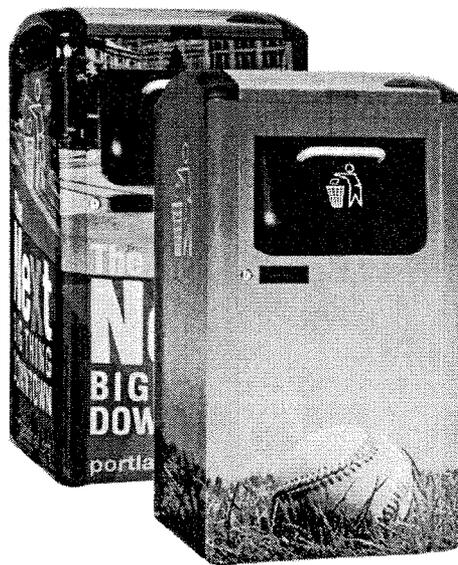
## Decal



- ▶ Provide your artwork for a custom decal
- ▶ 18" x 22" front decal or 18" x 30" side decal, contains vinyl coating for durability and weather resistance
- ▶ Decal can be applied in the factory or in the field
- ▶ Consult price list for quantities and pricing

## Wrap

- ▶ BigBelly® can be wrapped just like a bus or automobile
- ▶ BigBelly Solar will connect the customer with a wrap company
- ▶ Wrap company will develop graphics with customer



- ▶ Local installer applies wrap onsite or in the factory
- ▶ Estimated pricing for wrapping all 4 sides is \$240 for the graphics plus \$250 for installation with discounts for multiple machines. Note: one-time design charge may apply.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

<b>Subject:</b> Revision to Chapter 14 of the Code of Ordinances regarding compensation for holidays for civilian employees	<b>Category #</b> 3	<b>Page 1 of 1</b>	<b>Agenda Item</b> 8
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<b>FROM (Department or other point of origin):</b> Human Resources	<b>Origination Date</b> December 6, 2010	<b>Agenda Date</b> DEC 15 2010
-----------------------------------------------------------------------	---------------------------------------------	-----------------------------------

*MR*  
*cc: Omar Reid*

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

<b>For additional information contact:</b> Omar Reid <b>Phone:</b> (713) 837-9330	<b>Date and Identification of prior authorizing Council Action:</b> Ordinance 2010-551
--------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------

**RECOMMENDATION: (Summary)**  
Adopt ordinance approving proposed revision to Chapter 14-168 regarding compensation for holidays for civilian employees.

<b>Amount of Funding:</b> None	<b>Budget</b>
--------------------------------	---------------

<b>SOURCE OF FUNDING:</b>	<input type="checkbox"/> General Fund	<input type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
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**SPECIFIC EXPLANATION:**

Currently, when an employee is unpaid (i.e., a dock) on the scheduled workday before and/or after the City recognized holiday, he/she is not paid for the holiday. The proposed change provides an exception for an employee who takes an unpaid furlough day before and/or after the City recognized holiday by allowing him/her to be paid for the holiday. This revision benefits employees by providing more desirable options for when to schedule their furlough day.

If the proposed revision is approved, it will be effective for the Christmas Eve and Christmas Day holidays, which will be observed on December 24 and 27, 2010, respectively.

**REQUIRED AUTHORIZATION**

Finance Director:	Other Authorization:	Other Authorization:
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City of Houston, Texas, Ordinance No. 2010-\_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, CHAPTER 14, RELATING TO THE PAYMENT OF HOLIDAY COMPENSATION TO ELIGIBLE EMPLOYEES WHO HAVE AN APPROVED SCHEDULED FURLOUGH DAY OFF ON THE DAY BEFORE OR THE DAY AFTER A CITY RECOGNIZED HOLIDAY; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City of Houston has determined that when an eligible employee has a scheduled authorized furlough day on the day before or the day after a holiday the employee will be paid for the holiday, and

**WHEREAS**, the City has proposed an amendment to the ordinance to recognize that when an eligible employee has a scheduled furlough day on the day before or the day after the holiday the employee will be paid for the holiday, and

**WHEREAS**, City Council finds that the terms proposed by the City prevent employees from having hardship in addition to taking furlough day(s); **NOW, THEREFORE**,

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

**Section 1.** That the findings set forth in the preamble of this Ordinance are determined to be true and correct and are hereby adopted.

**Section 2.** That item (11) of Subsection (d) of Section 14-168 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(11) An eligible employee who is scheduled to work, but does not work and is not paid for the last scheduled workday (unless the day is an authorized furlough day) before the holiday or is scheduled to work but does not work and is not paid for the first scheduled workday (unless the day is an authorized furlough day) after the holiday will not be paid holiday compensation, holiday premium pay, short notice premium pay, or accrue holiday hours for the holiday.”

**Section 3.** That the City Council hereby approves and authorizes the Mayor or her designee to implement any regulations or rules that they deem appropriate and

necessary to fully implement the policies articulated in this Ordinance and in order to ensure that employees are compensated consistently with this Ordinance.

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

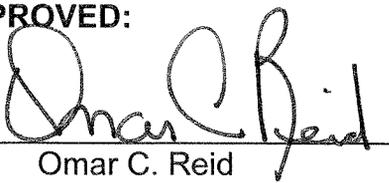
**Section 5.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

**APPROVED:**

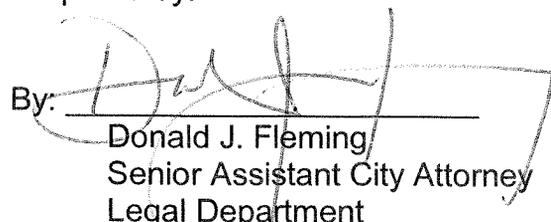
By:



Omar C. Reid  
Director  
Human Resources Department

Prepared by:

By:



Donald J. Fleming  
Senior Assistant City Attorney  
Legal Department

REDLINE

**Sec. 14-168. Attendance; workweek; overtime compensation, etc.**

\* \* \* \* \*

(d) \* \* \*

(11) An eligible employee who is scheduled to work, but does not work and is not paid for the last scheduled workday (unless the day is an authorized furlough day) before the holiday or is scheduled to work but does not work and is not paid for the first scheduled workday (unless the day is an authorized furlough day) after the holiday will not be paid holiday compensation, holiday premium pay, short notice premium pay, or accrue holiday hours for the holiday.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: AN ORDINANCE AMENDING ORDINANCES NO. 2006-1074, AS AMENDED, RELATING TO THE ISSUANCE OF CITY OF HOUSTON, TEXAS, GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES G.

Page 1 of 2

Agenda Item 9

FROM (Department or other point of origin):

Finance Department

Origination Date

12/10/2010

Agenda Date

DEC 15 2010

DIRECTOR'S SIGNATURE:

Michelle Mitchell

*Jack Alexander*  
12/9/10

Council District(s) affected:

All

For additional information contact:

Jennifer Olenick

Phone: 713-837-9899

Date and identification of prior authorizing

Council action: 10/24/2006 2006-1074;  
7/18/2007 2007-0846; 2/27/2008 2008-0130;  
7/30/2008 2008-0670; 12/10/2008 2008-1147;  
6/16/2009 2009-0527

RECOMMENDATION: That City Council approve an ordinance authorizing the allocation of \$94 million of commercial paper from the General Obligation Commercial Paper Notes, Series G, in support of the Capital Improvement Program.

Amount and Source of Funding: N/A

Finance Budget:

SPECIFIC EXPLANATION: In 1993, City Council authorized commercial paper programs to provide appropriation capacity and on-time funding for capital projects. The commercial paper notes are later refinanced to long-term fixed rate public improvement bonds with amortizations that match the useful life of the projects being financed.

City Council has previously authorized \$343.55 million of commercial paper issuance in support of the 2006 voter authorized public improvement bonds (2006 Bond Election). There is now additional capacity under the General Obligation Commercial Paper Notes, Series G, due to the Public Improvement Refunding Bonds Series 2010A and B (PIB Series 2010AB), which was closed on December 7<sup>th</sup>, 2010. By authorizing an additional allocation, Council will allow the commercial paper program to meet anticipated appropriation needs through at least the end of Fiscal Year 2011.

The PIB Series 2010AB refunded \$94 million of Series G commercial paper. This now available capacity was previously used in support of the 2006 Bond election. Therefore, the Finance Department recommends continuing to use this commercial paper capacity for this same purpose. The recommended allocation is as follows on page 2:

REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

SUBJECT: AN ORDINANCE AMENDING ORDINANCES NO. 2006-1074, AS AMENDED, RELATING TO THE ISSUANCE OF CITY OF HOUSTON, TEXAS, GENERAL OBLIGATION COMMERCIAL PAPER NOTES, SERIES G.

Program and Department	2006 Election Authorization	Approved by City Council for CP Issuance	Requested Additional CP Capacity Allocation	New CP Allocation	Remaining Balance
Streets & Bridges	320,000	154,950	65,000	219,950	100,050
Public Safety	135,000	70,450	6,000	76,450	58,550
Parks and Recreation	55,000	28,100	13,000	41,100	13,900
General Permanent Improvement	60,000	55,000	5,000	60,000	0
Public Libraries	37,000	27,675	5,000	32,675	4,325
Low Income Housing	18,000	7,375	0	7,375	10,625
<b>TOTAL</b>	<b>625,000</b>	<b>343,550</b>	<b>94,000</b>	<b>437,550</b>	<b>187,450</b>
Breakdown of Public Safety					
Fire	35,000	23,500	5,000	28,500	6,500
Police	100,000	46,950	1,000	47,950	52,050
<b>Total Public Safety</b>	<b>135,000</b>	<b>70,450</b>	<b>6,000</b>	<b>76,450</b>	<b>58,550</b>
Breakdown of General Permanent Improvement					
General Government	35,000	30,000	5,000		
Public Health Facilities	17,000	17,000			
Solid Waste	8,000	8,000			
<b>Total Gen Permanent Improvement</b>	<b>60,000</b>	<b>55,000</b>	<b>5,000</b>	<b>60,000</b>	<b>0</b>

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Ordinance approving transactions related to the planned public professional soccer stadium

**Category #**

**Page 1 of**  
1

**Agenda Item#**  
9-1

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

Andy Icken, Chief Development Officer  
Mayor's Office

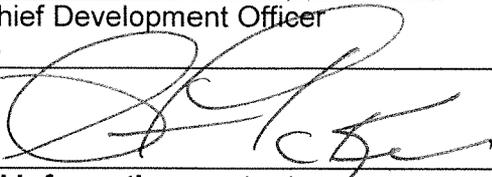
**Origination Date**

December 8, 2010

**Agenda Date**

DEC 15 2010

**SIGNATURE:**



**Council Districts affected:**

District "I" - CM Rodriguez

**For additional information contact:**

Tim Douglass

Phone: 713-837-9857

**Date and identification of prior**

**authorizing Council Action:** Ordinance 2010-265 (4-07-2010)

**RECOMMENDATION: (Summary)** That City Council adopt an ordinance approving: (i) the conveyance to Harris County of a one-half interest in the land for soccer stadium site, (ii) the ground lease of the stadium site to the Harris County-Houston Sports Authority, and (iii) an amendment of the non-compete provision concerning Toyota Center.

**Amount of Funding:** Not Applicable

**Finance Budget:**

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

**SPECIFIC EXPLANATION:** On April 7, 2010, City Council approved an Interlocal Agreement between the City, Harris County and the Harris County-Houston Sports Authority which outlined certain actions by each of the three parties in order to facilitate the building of a public professional soccer stadium for use by the Houston Dynamo and Texas Southern University. The action proposed is fully consistent with that agreement.

The stadium will be constructed on a six blocks of land, east of U.S. 59, acquired by the City. The City has abandoned the public streets within the six blocks and platted such land as the East End Economic Development Site. Pursuant to the April 7 Interlocal Agreement, the City is to convey an undivided one-half interest in the East End Economic Development Site to Harris County, in consideration of the future payment by the County to the City of moneys which net present value equals \$7,500,000 (or one-half of the purchase price paid by the City for the land). The proposed ordinance approves a Special Warranty Deed for the City to convey to the County a one-half interest in the land.

The City and County will then jointly, as landlords, enter into a ground lease with the Harris County-Houston Sports Authority for the stadium site. The consideration under that ground lease is the Sports Authority's undertaking to cause the stadium to be developed, constructed and operated by the Houston Dynamo. At the end of the Ground Lease, the stadium and all other improvements on the land will become the property of the City and Harris County as joint owners of the land. The proposed ordinance approves the Ground Lease with the Harris County-Houston Sports Authority.

The City agreed, in connection with the lease of land for the Toyota Center, that the City would be bound by and adhere to certain non-compete provisions set out in the (Toyota Center) Arena Lease. The tenant in the Arena Lease, Clutch City Sports and Entertainment, L.P., and the landlord, the Sports Authority, have negotiated certain changes to the non-compete provisions to facilitate the development of the public professional soccer stadium. The proposed ordinance approves an amendment of the non-compete provision concerning Toyota Center.

Approval of the proposed ordinance is recommended.

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:**



# CITY OF HOUSTON

Mayor's Office

9-1  
DEC 15 2010

## Interoffice

Correspondence

To: City Council Members

From: Andrew F. Icken   
Chief Development Officer

Date: December 10, 2010

Subject: Dynamo Stadium

Attached is an advance copy of a Sports Authority op/ed about the proposed Dynamo Stadium that is expected to run in this Sunday's Houston Chronicle. The op/ed follows the Sports Authority's successful negotiation and approval of a construction agreement with the Dynamo that includes the participation and sublease by Texas Southern University.

This is a good time to update City Council on where we are with regard to this project and detail the actions you will be asked to approve in the coming weeks. Those actions will complete the City's partnership with Harris County and set into place the funding mechanisms that will produce another great amenity to improve our quality of life, create new jobs and spur economic opportunity within our great city.

### Background

- On April 7, 2010, City Council approved an Interlocal Agreement between the City of Houston, Harris County and the Harris County-Houston Sports Authority. That agreement contemplates changes in the TIRZ #15 (East Downtown) project plan to effectuate a framework for agreements between the City, Harris County, the TIRZ, the Harris County-Houston Sports Authority and the Houston Dynamo.
- City Council has set a Public Hearing for December 15<sup>th</sup> on proposed TIRZ #15 project plan amendments that will extend its duration, increase its authorization and prepare for the County to become a participant.

We anticipate several additional key actions in the next few weeks, all of which will be consistent with the Interlocal Agreement. City Council will be asked to consider the following critical actions:

- **December 15:** Council will be asked to approve a ground lease of the City-owned land to become part of the leasehold agreement the Sports Authority signs with the Dynamo. We will also ask for agreement to convey one-half of the property to Harris County in exchange for a commitment by Harris County to participate in TIRZ #15 by contributing a portion of their TIRZ #15 tax increment. In addition an amendment will be added to the Toyota Arena lease

which reflects agreements between the Rockets and the Dynamo. Actions on these agreements by Harris County are expected on December 21<sup>st</sup>.

- **Mid-January:** Amendment of the TIRZ #15 Project Plan and Reinvestment Zone Financing Plan and approval of the TIRZ #15 FY 11 budget.
- **First quarter of 2011:** Authorization to create two new TIRZs (#23, #24). As indicated in the Interlocal Agreement, the City's participation is not expected to exceed our normal TIRZ administrative participation.
- In the same time period Council also will be asked to approve an agreement with the Dynamo to reimburse the team for a portion of sales and liquor taxes collected by the operations of the stadium. This was an essential ingredient of the prolonged negotiations between the City and the Dynamo under the previous administration and is also consistent with similar arrangements with the Astros, Rockets and Texans.

The Dynamo have already hired an architect (Populous) and a General Contractor (Manhattan). If all the items defined above are satisfactorily completed, ground breaking is expected in January with completion of the stadium in the second quarter of 2012.

The Dynamo, in their construction and leasehold agreement, will be responsible for the construction of the stadium. Although this construction will be privately managed, the Dynamo have agreed to follow the city's MWBE program. That plan will be presented to the City Council MWBE and Small Business Development Committee at a meeting to be scheduled by the chair. After completion of construction, the stadium, as defined in the Interlocal Agreement, will be public property.

Please contact me with any questions or concerns.

### Closer to the Goal: A Dynamo Deal for Tax-Payers

The Harris County-Houston Sports Authority has recently recommended that Houston City Council and Harris County Commissioners Court approve the lease agreement we have negotiated with the Houston Dynamo. We have held lengthy negotiations with the Dynamo over the last several months, as well as talks with numerous other parties, in order to develop an agreement that is a win-win for all involved parties, especially the taxpayers.

We have accomplished what the City and County asked us to do - represent the public in negotiations to enable the construction of a new soccer and football stadium on the east side of downtown. This action by the Sports Authority has been greeted with cheers by many and questions from some. But all Harris County residents should feel confident that this is - if you will pardon the pun - a Dynamo deal.

Unlike almost all other sports arenas in the country, the Dynamo stadium will be financed without ANY bond debt. The City and County have contributed the land, and TIRZ 15 - the Tax Increment Reinvestment Zone around the stadium - will assign a portion of its revenue to the project. The stadium itself will be built and maintained by the Dynamo

This community has a long and sometimes painful history of dealing with stadiums. We have all heard arguments for and against; we've had referendums and endless debates. Sometimes that makes it hard to tell when something is a genuinely good deal. It may sound too good to be true. However, the fact remains that the City and County are donating the land and that the Dynamo are building and maintaining this stadium with *their* money, not *ours*. It is a fair and mutually beneficial arrangement.

The Harris County-Houston Sports Authority is a public entity created by the State of Texas to build, finance and oversee stadiums and other community venues. We are a voluntary board whose members are appointed by the City and the County, with a small full time staff, making us one very lean organization.

Seeking new ways to promote Houston as a destination for sporting competitions is also part of what we do. Everyone knows that Houston has hosted the Super Bowl and the All Star Games, and we are excited about the arrival of the NCAA Men's Basketball Final Four in March.

What a lot of people don't realize is that the Sports Authority also assists with many other sporting events that bring visitors to Houston and Harris County each year. Over the next few years, Houston will have the honor of hosting the 2011 USA Weightlifting National Junior Championships, 2011 National Senior Games, 2012 Olympic Marathon Trials, 2012 AAU Junior Olympic Games, and 2015 USA Track and Field National Convention, among others. In three weeks, Houston will welcome the 2010 Texas Bowl, which alone will bring

27,000 out-of-town attendees who will stay in local hotels and dine at local restaurants. The Sports Authority will continue to assist in promoting Houston as a premiere destination for sporting events, thus continuing to infuse out-of-town dollars into the local economy.

We have some of the finest venues in the world for our Texans, Rockets, and Astros, and with City Council and Commissioners Court approval, we will move forward with an equally impressive facility for our Dynamo. This complex will also be the home field for Texas Southern University's football team and will provide many more options for concerts and festivals here in the Bayou City. In addition, we expect this new facility to provide an economic boost to the east side of downtown, significantly expanding the tax base.

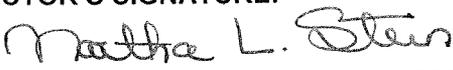
The Sports Authority is going to be involved with the new Dynamo stadium by doing what we do best - administering a sports arena. Our role will be to act as the landlord of the stadium and to insure that the public interest is always protected.

The Sports Authority has been involved with the construction and oversight of Minute Maid Park, Toyota Center, and to a lesser extent, Reliant Stadium. These entities were built with bonds backed by hotel and car rental taxes to insure that no local property taxes would (or could) be used to pay any of this debt. This new stadium will be built without any bond offerings.. We at the Sports Authority are proud of this deal and hope that all of Houston and Harris County join us in welcoming the newest addition to our world class sports facilities.

*Mr. J. Kent Friedman is Chairman of the Harris County Houston Sports Authority*

R

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance rescheduling City Council Meetings for the period January 3, 2011 through January 4, 2012		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 10																		
<b>FROM (Department or other point of origin):</b> Mayor's Office		<b>Origination Date</b> December 7, 2010	<b>Agenda Date</b> DEC 15 2010																			
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> All																				
<b>For additional information contact:</b> Marty Stein, Agenda Director 832-393-1095		<b>Date and identification of prior authorizing Council action:</b> Ord No. 2010-1250 Dec. 9, 2010																				
<b>RECOMMENDATION: (Summary)</b> Adopt ordinance establishing exceptions to City Council's regular meeting schedule for the period January 3, 2011 through January 4, 2012																						
<b>Amount and Source of Funding:</b> N/A			<b>Finance Budget:</b>																			
<b>SPECIFIC EXPLANATION:</b>  City Council regularly meets weekly in two sessions, one on Tuesday afternoon and one on Wednesday morning, unless Council adopts specific exceptions to the schedule. Proposed exceptions include consolidated (one-day) meetings during weeks with City holidays or special events, and six break weeks during which Council will not meet. Unless otherwise noted, all meetings begin at 9:00 a.m.																						
<table border="0"> <thead> <tr> <th><u>Consolidated/Special Meetings:</u></th> <th><u>Reason</u></th> </tr> </thead> <tbody> <tr> <td>Wednesday, January 5, 2011</td> <td>New Year's Day holiday</td> </tr> <tr> <td>Wednesday, January 19, 2011</td> <td>Martin Luther King, Jr. holiday</td> </tr> <tr> <td>Wednesday, June 1, 2011</td> <td>Memorial Day holiday</td> </tr> <tr> <td>Wednesday, July 6, 2011</td> <td>Independence Day holiday</td> </tr> <tr> <td>Wednesday, September 7, 2011</td> <td>Labor Day holiday</td> </tr> <tr> <td>Wednesday, November 9, 2011</td> <td>Veterans Day holiday and Election Day</td> </tr> <tr> <td>Tuesday, January 3, 2012, 11:00 a.m.</td> <td>Post Inauguration meeting required by Charter</td> </tr> <tr> <td>Wednesday, January 4, 2012</td> <td>Expected 2012 New Year's Day holiday</td> </tr> </tbody> </table>					<u>Consolidated/Special Meetings:</u>	<u>Reason</u>	Wednesday, January 5, 2011	New Year's Day holiday	Wednesday, January 19, 2011	Martin Luther King, Jr. holiday	Wednesday, June 1, 2011	Memorial Day holiday	Wednesday, July 6, 2011	Independence Day holiday	Wednesday, September 7, 2011	Labor Day holiday	Wednesday, November 9, 2011	Veterans Day holiday and Election Day	Tuesday, January 3, 2012, 11:00 a.m.	Post Inauguration meeting required by Charter	Wednesday, January 4, 2012	Expected 2012 New Year's Day holiday
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<b><u>No Council Meetings (postponed to following week):</u></b>																						
<table border="0"> <tbody> <tr> <td>Week of March 14-18, 2011</td> <td>Spring Office Work Week</td> </tr> <tr> <td>Week of May 23-27, 2011</td> <td>Budget Review Week</td> </tr> <tr> <td>Week of July 25-29, 2011</td> <td>Summer Office Work Week</td> </tr> <tr> <td>Week of October 31-November 4, 2011</td> <td>Fall Office Work Week</td> </tr> <tr> <td>Week of November 21-25, 2011</td> <td>Thanksgiving Holiday</td> </tr> <tr> <td>Week of December 26-30, 2011</td> <td>Winter Holiday</td> </tr> </tbody> </table>					Week of March 14-18, 2011	Spring Office Work Week	Week of May 23-27, 2011	Budget Review Week	Week of July 25-29, 2011	Summer Office Work Week	Week of October 31-November 4, 2011	Fall Office Work Week	Week of November 21-25, 2011	Thanksgiving Holiday	Week of December 26-30, 2011	Winter Holiday						
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<b>REQUIRED AUTHORIZATION</b>																						
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>																				

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance approving the acceptance of grant funds from the Center of Disease Control and Prevention for Enhanced Comprehensive HIV Prevention Planning and Implementation for Metropolitan Statistical Areas most affected by HIV/AIDS	<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 11
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<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services	<b>Origination Date</b> 10/25/10	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> <i>Stephen Z. Williams</i>	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Kathy Barton Telephone: 832-393-5045 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
An ordinance approving the acceptance of grant funds from the Center of Disease Control and Prevention for Enhanced Comprehensive HIV Prevention Planning and Implementation for Metropolitan Statistical Areas most affected by HIV/AIDS

<b>Amount of Funding: Total Amount: \$891,108.00</b> Federal Fund 5000	<b>Finance Department:</b>
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<b>Amount of Funding: Total Amount: \$891,108.00</b> Federal Fund 5000	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [ X ] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify )

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance to accept grant funds from the Center of Disease Control and Prevention (CDC) for Enhanced Comprehensive HIV Prevention Planning and Implementation for Metropolitan Statistical Areas most affected by HIV/AIDS. The total project period is from September 30, 2010 through September 29, 2011 in the amount of \$891,108.00.

HDHHS is requesting City Council to authorize the Director to accept and expend approved funding as soon as awarded and accept supplemental awards offered by the CDC during the entire project period.

HDHHS proposes to develop and implement an Enhanced Comprehensive HIV Prevention Plan (ECHPP) for the Houston-Baytown-Sugarland, Texas Metropolitan Statistical Area (MSA). This extended plan will be guided by the best available evidence and tailored to identify the optimal combination of coordinated HIV prevention, care, and treatment services to reduce new HIV infections.

The ECHPP will serve as a focused supplement to both the Houston Area HIV/STD Prevention Comprehensive Plan developed by the Houston Area Community Planning Group and the Houston Area Ryan White Comprehensive Plan. This supplemental Plan's focus and strategy is not currently developed in either existing jurisdictional plan.

The enhanced plan will:

1. Review the current distribution of HIV prevention, care and treatment resources, and evaluate the extent to which current resources are distributed to reduce HIV incidence. This will include an examination of:

**REQUIRED AUTHORIZATION**

<b>Finance Department</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b>  10/25/10	Subject: An ordinance approving the acceptance of grant funds from the Center of Disease Control and Prevention for Enhanced Comprehensive HIV Prevention Planning and Implementation for Metropolitan Statistical Areas Most Affected by HIV/AIDS	<b>Originator's Initials</b>	Page 2 of 2
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- a. current services (the extent to which people at greatest risk for acquisition or transmission are appropriately targeted with services that are appropriate for that community);
  - b. intervention effectiveness (extent to which interventions are evidence-based and effective in reducing HIV at the population-level) and
  - c. resource distribution (extent to which resource-intensive interventions are targeted for people and communities at highest risk of HIV acquisition or transmission).
2. Address gaps in coverage and/or realign resources to reduce HIV incidence in the jurisdiction. This will include a plan to coordinate services at different points along the continuum of HIV prevention, care and treatment.

Meeting the goals and objectives outlined in the plan will entail leveraging existing strengths within the Houston area MSA, including well established, productive relationships between the preventive and care planning councils, the administrative agencies of both prevention and care funding, as well as with the State of Texas HIV administration branch and statewide planning groups.

cc: Finance Department  
Legal Department  
Agenda Director

<b>SUBJECT:</b> An ordinance approving and authorizing a grant application to the United States Department of Health and Human Services (USDHHS), Center for Disease Control (CDC) for the 2011-2015 National HIV Behavioral Surveillance System (NHBS)		<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 12
<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services		<b>Origination Date</b> 12/1/10	<b>Agenda Date</b> DEC 15 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> ALL		
<b>For additional information contact: Kathy Barton</b> Telephone: 832-393-5045; 713-826-5801		<b>Date and identification of prior authorizing Council action:</b> 11-07-07; 2007-1107		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance authorizing a grant application to the United States Department of Health and Human Services (USDHHS), Center for Disease Control (CDC) for the 2011-2015 National HIV Behavioral Surveillance System (NHBS).				
<b>Amount of Funding: Total Project Cost: \$2,567,069.00</b> Fund: 5000 - Federal Government Grant funds		<b>Finance Department:</b>		
<b>SOURCE OF FUNDING:</b> [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> The Houston Department of Health and Human Services (HDHHS) requests City Council approval authorizing a grant application to the United States Department of Health and Human Services (USDHHS) Centers for Disease Control and Prevention (CDC) for the 2011-2015 National HIV Behavioral Surveillance System (NHBS). The project period is from January 1, 2011 through December 31, 2015 for a total project funding of \$2,567,069.00. HDHHS requests City Council to authorize the Director of HDHHS to accept and expend approved funding as soon as awarded and accept supplemental awards offered by USDHHS, CDC during the project period.  The grant continues an ongoing HIV behavioral surveillance program to ascertain the HIV risk behaviors and trends among men having sex with men (MSM), injection drug users (IDU) and heterosexuals at risk for HIV infection. The project will evaluate the access to and utilization of HIV prevention services and testing services among high risk populations.  The City of Houston is the 4 <sup>th</sup> largest city in the nation with the 8 <sup>th</sup> largest number of HIV infections. In the last six years, the City of Houston has been part of the National HIV Behavioral Surveillance (NBHS) project. This is an important project to ensure that HIV prevention services address the behaviors among the populations of high risk.				
cc: Finance Department Legal Department Agenda Director				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance approving and authorizing the submission of an application for a grant, to the Department of State Health Services for the City's HIV/STD Prevention and Control Program	<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 13
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<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services	<b>Origination Date</b> 10/24/10	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> <i>Celine Ganga Hodge for SW</i>	<b>Council District affected:</b> ALL
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<b>For additional information contact:</b> Kathy Barton Telephone: 713-794-9998 ; 713-826-5801	<b>Date and identification of prior authorizing Council action:</b> 11-25-03; 03-1147; 03-02-05; 05-188; 12-26-05; 05-1393; 01-03-08; 2008-4
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance authorizing the submission of an application for a grant to the Department of State Health Services for the City's HIV/STD Prevention and Control Program

<b>Amount of Funding:</b> Total Project Cost: \$1,644,701.00 Federal State Local-Pass Through Fund 5030	<b>Finance Department:</b>
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**SOURCE OF FUNDING:** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify)

**SPECIFIC EXPLANATION:**  
The Houston Department of Health and Human Services (HDHHS) requests City Council approval of a grant application to the Department of State Health Services (DSHS) for the City's HIV/STD Prevention Program. The total project period is from January 1, 2011 through December 31, 2011 in the amount of \$1,644,701.00.

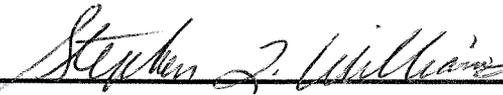
HDHHS is requesting City Council to authorize the Director to accept and expend approved funding as soon as awarded, accept supplemental awards offered by the DSHS during the entire project period.

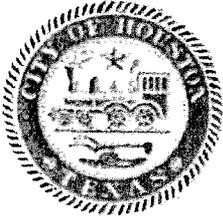
The HDHHS Bureau of HIV/STD and Viral Hepatitis Prevention conducts disease surveillance, reporting, counseling, education and follow-up of clients who have sexually transmitted diseases or may have been exposed to sexually transmitted diseases. From January through June 2010, 733 syphilis cases were reported to HDHHS. STD Program Public Health Investigators (PHI) and Sr. Public Health Investigators (Sr. PHI) interviewed 238 of the early syphilis cases and identified 719 new contacts and associates to early syphilis cases. From January through June 2010, 562 new HIV cases were reported to HDHHS of which 468 were interviewed by the PHI staff and Sr. PHI staff. The HIV cases interviewed resulted in the identification of 1,218 new partners and associates. From January through June 2010, STD Program PHI staff and Sr. PHI staff successfully closed 795 gonorrhea and Chlamydia reactors. The STD Surveillance Program staff along with PHI staff and Sr. PHI staff conducted follow-up activities on 9,582 positive laboratory reports during the first half 2010, ensuring that clients were aware of their status and providing referrals for treatment and other appropriate services.

HDHHS also coordinates with other health and human services providers such as community based organizations, managed care organizations, jails, family planning clinics, emergency rooms, and hospitals in an effort to diagnose and treat STDs in the Houston area.

cc: Finance Department  
Legal Department  
Agenda Director

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

<b>SUBJECT:</b> An ordinance approving a contract with Orion Health, Inc. for Rhapsody Connect software and maintenance		<b>Category #</b> 9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 14
<b>FROM (Department or other point of origin):</b> Houston Department of Health and Human Services		<b>Origination Date</b> 12/6/10	<b>Agenda Date</b> DEC 15 2010	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> ALL		
<b>For additional information contact: Kathy Barton</b> Telephone: 832-393-5045; 713-826-5801		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b> An ordinance approving a contract with Orion Health, Inc. for Rhapsody Connect software and maintenance				
<b>Amount of Funding:</b> Maximum Contract Amount: \$125,000.00 Fund: 5000 - Federal Government			<b>Finance Department:</b>	
<b>SOURCE OF FUNDING:</b> [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)				
<b>SPECIFIC EXPLANATION:</b> <p>HDHHS requests City Council approval of an ordinance approving a contract with Orion Health, Inc. for the purchase of Rhapsody Connect software and maintenance. The total contract amount is \$125,000.00. The contract term is from the date of countersignature by the City Controller and continues for one year afterward with a one year renewal, pending funding. The contract will allow HDHHS to receive technical service and support required, ensuring HDHHS's ability to:</p> <ul style="list-style-type: none"> <li>▪ Expand Maven, HDHHS's public health surveillance program, disease outbreak management/reporting and laboratory information system (Cyberlab) infrastructures.</li> <li>▪ Support efforts to coordinate state and local public health jurisdictions' preparedness and response to bioterrorism, outbreaks of infectious disease, and other public health threats.</li> <li>▪ Pilot Rhapsody Connect for laboratory reporting in 10 Houston area hospitals.</li> <li>▪ Enable HDHHS to serve as an electronic hub to accept, route, and process electronic laboratory and clinical data for the region, and interchange with the Department of State Health Services.</li> <li>▪ Enhance laboratory reporting to meet increased volume without sacrificing quality.</li> <li>▪ Perform early event detection and outbreak management tasks.</li> </ul> <p>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.</p> <p>The City of Houston Affirmative Action Division approved a waiver of the MWBE requirements for this contract.</p> <p>cc: Finance Department Legal Department Agenda Director</p>				
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">NDT</span>				
<b>Finance Department</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>



# CITY OF HOUSTON

Houston Department of Health and Human Services

## Interoffice

Correspondence

To: Robert Gallegos  
Assistant Director  
Affirmative Action

From: Michele Austin   
Division Manager

Date: 12/1/10

cc: Aaron Sayegh, Epidemiologist Manager      Subject: MWDBE – Waiver Request

The purpose of this correspondence is to request a waiver of the MWDBE goal requirement in the impending agreement between the Houston Department of Health and Human Services (HDHHS) and Orion Health, Inc., a sole source vendor of Rhapsody Connect Software. The contract is for a total amount of \$125,000 for software licenses, implementation services and software services for the HDHHS public health surveillance program. We believe that Section 15.83 (c)(1) b of the Houston Code provides an exception from the MWDBE requirements for Orion Health, Inc. Section 15.83 (c)(1) b provides, in part, that such an exception applies when:

“The Service or goods requested are of such specialized, technical or unique nature as to require the city department to be able to select its contractor without application of MBE/SBE/WBE provisions...”

Orion Health, Inc. is a sole source vendor of the Rhapsody Connect Software and the sole owner of all intellectual property rights in the software and the sole source for fulfilling the technical requirements for the obligations set for in the agreement.

Rhapsody site license is recommended by the Center for Disease Control as a tool to meet various deliverables concerning surveillance and investigation of disease outbreak. Rhapsody connect is specifically built for Maven, HDHHS's existing foundation surveillance structure, and enables hospital labs to submit their reports electronically to the HDHHS surveillance program.

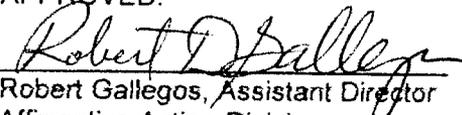
All products and services used for the surveillance program must be compatible with Maven. Any departure from such compatibility would risk a complete and costly change in the entire HDHHS surveillance system.

Therefore, we respectfully request that Orion Health, Inc. be waived from the MWDBE requirements due to the technical and specialized nature of the agreement.

Please contact me at (832) 393-5006 if any additional information is required.

Thank you for your consideration in this matter.

APPROVED:

  
Robert Gallegos, Assistant Director  
Affirmative Action Division



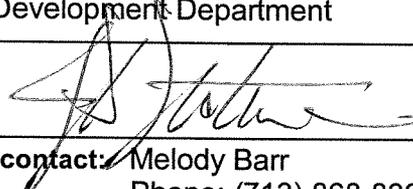
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

10- HHH

<b>SUBJECT:</b> An Ordinance authorizing the execution of a Contract between the City of Houston and Healthcare for the Homeless-Houston for the administration and operation of Project Access for Homeless Individuals.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 16
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<b>FROM (Department or other point of origin):</b> James D. Noteware, Director Housing and Community Development Department	<b>Origination Date</b> 9/22/10	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> District I
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<b>For additional information contact:</b> Melody Barr Phone: (713) 868-8396	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance authorizing a Contract between the City of Houston (City) and Healthcare for the Homeless-Houston, providing up to \$137,000 for the administration and operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services.

<b>Amount of Funding:</b> \$137,000.00	<b>Finance Budget:</b>
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**SOURCE OF FUNDING** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)  
CDBG Grant Fund (5000)

**SPECIFIC EXPLANATION:**  
The Housing and Community Development Department (HCDD) recommends approval of a Contract between the City of Houston and Healthcare for the Homeless-Houston (HHH) for the administration and operation of Project Access to provide necessary transportation services for homeless individuals and families seeking healthcare and supportive services.

Healthcare for the Homeless-Houston (HHH) is a nonprofit corporation organized by a strategic alliance of local service providers whose mission is to promote health, hope, and dignity for Houston's homeless through accessible and comprehensive care. Since the programs implementation in August 2003, HHH has provided transportation services to thousands of homeless individuals. Project Access is the first of its kind. Project Access has been featured on an ABC affiliate and its story released for national distribution regarding the program's success. Healthcare for the Homeless-Houston desires to continue this project.

This agreement will provide \$137,000 for twelve (12) months of funding beginning December 1, 2010 and ending August 31, 2011, with pre-contract services beginning August 1, 2010 through November 30, 2010 in the amount not to exceed \$25,000.00. HHH is proposing to provide services to a minimum of 4,250 unduplicated individuals/40,000 trips annually.

Number of Persons Served: 4,250  
Category of Persons: Homeless persons and families

CATEGORY	AMOUNT	PERCENTAGE
Program Administration	\$6,600	5%
Support Services	\$130,400	95%
<b>Total CDBG Funds</b>	<b>\$137,000</b>	<b>100%</b>

This project went before the Housing Committee on September 16, 2010 and Housing and Community Development Department wish to ask for your favorable vote.

JDN:BB:mb

City Secretary                      Legal Department  
Mayor's Office                      Finance Department

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

<b>SUBJECT:</b> Ordinance approving and authorizing an agreement between the City of Houston ("City") and the Greater Houston Convention and Visitors Bureau ("GHCVB".)		<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> 17
<b>FROM (Department or other point of origin):</b> Convention & Entertainment Facilities Department		<b>Origination Date</b> December 8, 2010	<b>Agenda Date</b> DEC 15 2010	
<b>DIRECTOR'S SIGNATURE:</b> Dawn Ullrich <i>Dawn Ullrich</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Stephen Lewis (713) 853-8888		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2010-0527		
<b>RECOMMENDATION: (Summary)</b> Approve the FY11 (October 1, 2010 through June 30, 2011) contract between the City of Houston and the Greater Houston Convention and Visitors Bureau.				
<b>Amount of Funding:</b> \$9,228,750 (estimate)		<b>Finance Budget:</b>		
<b>[x] Enterprise Fund</b>  Civic Center Facility Revenue Fund (8601)      \$9,228,750 (estimate)				
<b>SPECIFIC EXPLANATION:</b> The City enters into an annual contract with the GHCVB to solicit convention business and promote tourism. The City makes quarterly payments to the GHCVB in an amount equal to 23% of the City's gross HOT receipts. Based on estimated HOT revenues, it is projected that the GHCVB will receive \$12,305,000 in FY11 (\$9,228,750 for the period October 1, 2010 through June 30, 2011). The projected payment for the first quarter of FY11, in the amount of \$3,076,250, was previously authorized by an amendment to the FY10 contract pursuant to Ordinance No. 2010-0527.  This funding allows the GHCVB to serve meeting planners and Houston's extensive hospitality industry. The contract includes a strong emphasis on convention sales. As a part of the contract, the GHCVB provides funds for promoting the George R. Brown Convention Center, the hotels, and major attractions. The GHCVB also funds the work of the Houston Film Commission. In previous years the Houston Airport System has provided additional funding to the GHCVB annual contract to support aviation related activities. HAS currently has such funding under review and may elect to enter into a separate contract with the GHCVB at a later date.  The Convention & Entertainment Facilities Department recommends Council approval of a contract with the Greater Houston Convention and Visitors Bureau for the period October 1, 2010 through June 30, 2011.  The proposed GHCVB agreement requires compliance with the City's "Pay or Play" ordinance regarding health benefits for employees of City contractors. In this case, the GHCVB provides health benefits to eligible employees in compliance with City policy.  The MWBE goal for this contract is 17% of all funds paid to the GHCVB under the agreement, except funds used for advertising placement and promotions, general operations, marketing activities conducted overseas, City promotional fund expenditures and employee costs.				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> NDT		

**REQUEST FOR COUNCIL ACTION**

**TO: Mayor via City Secretary**

**RCA #**

**SUBJECT:** Ordinance approving an Historic Site Tax Exemption for a Contributing Structure in a Designated Historic District for the property located at 1840 Harvard Street, 77008.

**Category #**

**Page 1 of 1**

**Agenda Item#**

**18**

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

Andrew F. Icken  
Chief Development Officer

Marlene Gafrick, Director  
Planning and Development

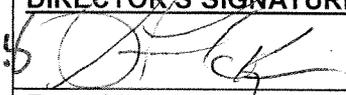
**Origination Date**

12-9-10

**Agenda Date**

DEC 15 2010

**DIRECTOR'S SIGNATURE:**




**Council Districts affected:**

H

**For additional information contact:**

Tim Douglass  
Julia Gee

**Phone:** (713) 837-9857  
**Phone:** (832) 393-5078

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

Ord. 2007-658, 12/6/2007;  
Res. 2008-4, 2/20/08

**RECOMMENDATION: (Summary)**

That City Council adopt an ordinance approving an Historic Site Tax Exemption for a Contributing Structure in a Designated Historic District for the property located at 1840 Harvard Street, 77008, which meets the relevant eligibility requirements of Section 44-5 of the Code of Ordinances.

**Amount of Funding:** No funding required

**Finance Budget:**

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

**SPECIFIC EXPLANATION:**

Section 44-5 of the Code of Ordinances provides an incentive for historic preservation in the form of a tax exemption for historic sites. Prior City Council designation of the property as a contributing structure in an historic district is a prerequisite to granting an historic site tax exemption. The property owner must then demonstrate to the Director of Finance that restoration and preservation expenditures were made in an amount equal to at least 50% of appraised value of the improvements and within the time frames prescribed in the Ordinance. The tax exemption amount is then calculated based on the amount spent on restoration, up to 100% of ad valorem taxes that would be owed the following year on the appraised value of improvements only (not land). **The exemption is for a 15-year period, but is capped each year at the exemption amount calculated for year one.**

The owner of the following contributing structure in an historic district submitted sworn affidavits that meet the criteria set out in the Code of Ordinances. The table below shows the base value of improvement (pre-restoration), the amount of the restoration investment made by the property owner, the approximate dollar amount of the taxes that will be foregone for the first year, based on HCAD's 2010 property valuation and the City's current property tax rate, and the maximum amount that would be exempt over 15 years:

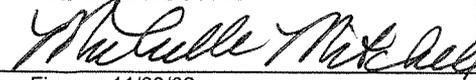
Contributing Structure	Historic District	Base Value of Improvement	Restoration Investment	Estimated Year One Exemption	Maximum Exemption over 15 years
1840 Harvard Street	Houston Heights East	\$ 1,000	\$ 90,313	\$ 637	\$ 9,555

Since the property has been designated as a contributing structure in an historic district, and meets all other criteria, it is recommended that City Council grant the property the exemption from ad valorem taxation provided under Section 44-5 of the Code of Ordinances.

cc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
David Feldman, City Attorney

**REQUIRED AUTHORIZATION**

**Finance Director:**



**Other Authorization:**



**Other Authorization:**

<b>1840 Harvard Street</b>
<b>HISTORIC SITE TAX EXEMPTION 15 YEAR ANALYSIS</b>

Initial Exemption Criteria				
2009 Values (base year)		Preservation Expenditures	2010 Values	
Land	Structure		Land	Structure
\$231,000	\$1,000	\$90,313	\$231,000	\$99,709

Expenditures as % of Base Value

9031%

Maximum Exemption on Structure/Improvement will be equal to TY2011 value (not yet available)\*

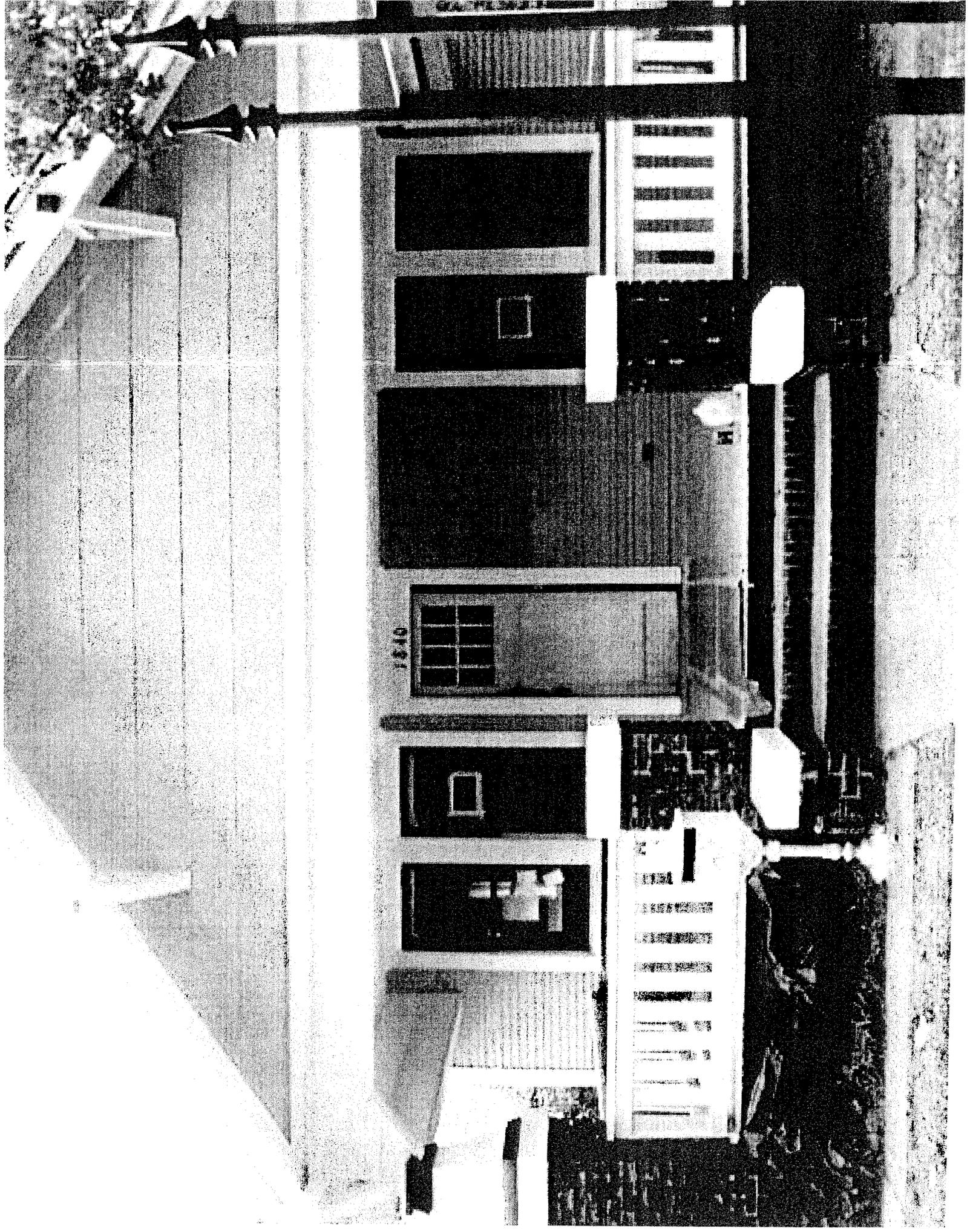
Projected Annual Tax Revenue (Based upon 100% of Improvements)			
Year	Tax Year	Revenue to be received (Land)	Revenue exempt (Structure)
1	2011	\$1,476	\$637
2	2012	\$1,535	\$637
3	2013	\$1,596	\$637
4	2014	\$1,660	\$637
5	2015	\$1,726	\$637
6	2016	\$1,795	\$637
7	2017	\$1,867	\$637
8	2018	\$1,942	\$637
9	2019	\$2,019	\$637
10	2020	\$2,100	\$637
11	2021	\$2,184	\$637
12	2022	\$2,271	\$637
13	2023	\$2,362	\$637
14	2024	\$2,457	\$637
15	2025	\$2,555	\$637
<b>Total</b>		<b>\$29,545</b>	<b>\$9,555</b>

Projection based on latest rate (Tax Year 2010): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

\*The tax exemption for the (Structure) Improvement remains the same.

The tax revenue may change relative to the tax rate.



1840

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Planning Consulting Services Contract with CH2M Hill, Inc. for Professional On-Call Planning Consulting Services for the Houston Airport System (HAS); Project No. 677 (WBS#A -000368-0005-1-01)		<b>Category</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> 19
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> December 6, 2010		<b>Agenda Date</b> DEC 15 2010
<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>		<b>Council District affected:</b> B, E, I		
<b>For additional information contact</b> Eric R. Potts <i>[Signature]</i> Phone: 281-233-1999 Robert Bielek <i>[Signature]</i> 281-233-1941		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0368.14 \$3,000,000.00 Arpt Improvemt Fd (8011) <i>[Signature]</i> <i>[Signature]</i>		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an Ordinance to approve a contract for professional on-call planning consulting services with CH2M Hill, Inc. and appropriate the necessary funds to finance the cost of these services.				
<b>SPECIFIC EXPLANATION:</b> <p>In response to a Request for Qualifications (RFQ), five firms (HNTB, Corp., URS Corporation, ARUP, CH2M Hill, Inc. and Ricondo &amp; Associates, Inc.) submitted Statements of Qualifications to provide professional on-call planning consulting services for the Houston Airport System (HAS). The evaluation committee, consisting of Houston Airport System professional and management staff, evaluated and ranked the proposals based on selection criteria (Planning Experience, Management Project Experience, Firms Approach to Organization and Management of Projects, Firms Management Staff, and Subcontractors), interviewed three short-listed firms, and recommended CH2M Hill, Inc. as the best respondent.</p> <p>A contract (three years with two one-year options) has been prepared with CH2M Hill, Inc. to provide professional on-call planning consulting services for HAS facilities, including George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), Ellington Airport (EFD) and other HAS properties to assess HAS current and future development needs, the options available for meeting those needs, and the actions required to implement development recommendations.</p> <p>On-call planning services will cover a broad spectrum of planning activities normally conducted at a large multi-airport system, including regional transportation planning, master plan implementation support, support to the capital improvement program, environmental activities related to development, demographics, economic impacts, management of planning data, planning support to airport management, support to the Airports Improvement Program (AIP) grants, individual planning program studies, and other activities.</p> <p>Services to be provided under this contract include the following elements:</p> <ul style="list-style-type: none"> <li>• Project Management</li> <li>• Data Collection and Analysis</li> <li>• Airspace Planning Services</li> <li>• Terminal Facility Planning Services</li> </ul>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> December 6, 2010	<b>SUBJECT:</b> Professional Planning Consulting Services Contract with CH2M Hill, Inc. for Professional On-Call Planning Consulting Services for the Houston Airport System (HAS); Project No. 677 (WBS#A -000368-0005-1-01)	<b>Originator's Initials</b> CO	<b>Page</b> 2 of 2
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- Ground Access Planning Services
- General Facility Planning
- Land Use Planning
- Documentation and Presentation
- Environmental Planning Services
- Public Participation
- Capital Improvement Program Support
- Master Plan Implementation Support

It is anticipated that during the contract term HAS will be requesting Council's approval for additional appropriations.

**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.

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

Firms	Type of Work
ESC Polytech Consultants, Inc.	Airport Planning Services
Ferguson Consulting, Inc.	Electrical & Fiber Optic Engineering
Grounds Anderson, LLC	Drainage and Environmental Services
Nathelyne A. Kennedy & Associates, LP	Engineering Services
USA Shelco, Incorporated	MEP Engineering
Jarreau & Associates, Inc.	Land Use Planning
Gunda Corporation, LLC	Traffic Planning and Engineering
Knudson & Associates	Urban and Comprehensive Planning
TransSolutions, LLC	Airfield and Traffic Simulations

In addition to the above listed DBE firms, CH2M Hill has the following M/WBE certified firms amongst its submitted subcontractors. Their participation will not be counted towards the 24% DBE goal for this contract, but will be counted towards the department's overall annual M/WBE goal.

Firms	Type of Work
Kimberley Mickelson, P.C. (WBE)	Legal Services
Ray de la Reza Architects, Inc. (MBE)	Architectural Design

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

**FAA AIP Grant Programs and PFC:** This project may be eligible for federal funding through the Federal Aviation Administration's (FAA) AIP program or through the Passenger Facility Charge (PFC) Program. Appropriate fund source adjustments will be made in the future if additional AIP or PFC funding becomes available.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Agreement with Kellogg Brown & Root Services, Inc. for Job Order Contracting - Capital Improvement for the Houston Airport System (HAS); Project No. 516D (WBS # A-000348-0004-4-01)	<b>Category #1&amp;4</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 20
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> October 18, 2010	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> <i>Maudsley</i>	<b>Council District affected:</b> B,E,I
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<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RIB</i> 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0348.04 \$ 2,000,000.00 Arprt Improvemt Fd (8011) CIP No. A-0422.78 \$ 35,000.00 Arprt Improvemt Fd (8011) Total \$ 2,035,000.00 <i>MS</i>	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance to award an agreement for Job Order Contracting - Capital Improvement to Kellogg Brown & Root Services, Inc. and appropriate the necessary funds to finance the cost of these services.

**PROJECT LOCATION:** George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD)

**SPECIFIC EXPLANATION:** On December 11, 2009 a Request for Proposals (RFP) was advertised for Job Order Contracting (JOC) services for minor construction, repairs, rehabilitation, or alteration of facilities at the three airports (IAH, HOU and EFD). In accordance with the requirements of the State bid laws, proposals were received from nine firms (Centennial Contractors Enterprises, Inc.; Kellogg Brown & Root, Inc.; McBayne's Construction & Renovation, Inc.; P2MG; TLC Engineering, Inc.; Fort Bend Mechanical, LTD; 4 City Construction & Development, LLC; Williams and Thomas LP d/b/a Jamail & Smith Construction; and Horizon International Group, LLC). The evaluation committee, consisting of Houston Airport System (HAS) professionals and management staff, evaluated and ranked the proposals based on selection criteria (Coefficient Factors, Experience, References, Management Plan, Contractor's Representative, Subcontractors/ Suppliers, Safety, and Claims History), interviewed the five short-listed firms, and selected Kellogg Brown & Root Services, Inc. as one of the two companies recommended for the capital improvement JOC contract.

The JOC delivery method provides the best value for certain HAS projects meeting the requirements set forth in Section 271.120(a) of the Local Government Code. Under the JOC contract, work orders up to \$350,000 are priced in accordance with fixed pre-approved unit items.

The JOC agreement will provide work of a recurring nature where the delivery times and quantities are indefinite and work orders are issued on the basis of pre-described and pre-priced tasks. The term of the contract is five years. HAS may terminate this contract at any time upon seven days written notice to the contractor.

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

<b>Date</b> October 18, 2010	<b>Subject:</b> Agreement with Kellogg Brown & Root Services, Inc. for Job Order Contracting - Capital Improvement for the Houston Airport System (HAS); Project No. 516D (WBS # A-000348-0004-4-01)	<b>Originator's Initials</b> VMT	<b>Page</b> 2 of 2
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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.

**PROJECT COSTS:** The total amount to be appropriated for this agreement is as follows:

\$ 2,000,000.00	Construction Services
\$ 35,000.00	Civic Art (1.75%)
\$ 2,035,000.00	TOTAL APPROPRIATION

It is anticipated that HAS will request Council's approval for additional appropriations.

**MBE/SBE PARTICIPATION:** The Minority Business Enterprise (MBE) participation goal for this contract is twenty-one percent (21%) and the Small Business Enterprise (SBE) participation goal is nineteen percent (19%), which comprises a total participation goal of forty percent (40%) to be met by Kellogg Brown & Root Services, Inc. throughout the term of the agreement.

The RFP required respondents to certify they shall make a good faith effort to achieve 21% MBE and 19% SBE participation levels and that they shall coordinate with the HAS Small Business Development & Contract Compliance Office to develop a subcontractor pool of qualified City certified MBE and SBE firms appropriate and available to participate as subcontractors in the Job Order Contracting Program. Kellogg Brown & Root Services, Inc. provided the required certification.

The HAS Small Business Development & Contract Compliance Office will monitor this contract in accordance with its procedures.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Agreement with Williams and Thomas, L.P. d/b/a Jamail & Smith Construction for Job Order Contracting - Capital Improvement for the Houston Airport System (HAS); Project No. 516E (WBS # A-000348-0004-4-01)	<b>Category #1&amp;4</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>21</i>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> October 18, 2010	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> <i>M. Kae</i> <i>Maud Dea</i>	<b>Council District affected:</b> B,E,I
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<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RMB</i> 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0348.04 \$ 2,000,000.00 Arpt Improvemt Fd (8011) CIP No. A-0422.78 \$ 35,000.00 Arpt Improvemt Fd (8011) Total \$ 2,035,000.00 <i>SD</i>	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance to award an agreement for Job Order Contracting - Capital Improvement to Williams and Thomas, L.P. d/b/a Jamail & Smith Construction and appropriate the necessary funds to finance the cost of these services.

**PROJECT LOCATION:** George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD)

**SPECIFIC EXPLANATION:** On December 11, 2009, a Request for Proposals (RFP) was advertised for Job Order Contracting (JOC) services for minor construction, repairs, rehabilitation, or alteration of facilities at the three airports (IAH, HOU and EFD). In accordance with the requirements of the State bid laws, proposals were received from nine firms (Centennial Contractors Enterprises, Inc.; Kellogg Brown & Root, Inc.; McBayne's Construction & Renovation, Inc.; P2MG; TLC Engineering, Inc.; Fort Bend Mechanical, LTD; 4 City Construction & Development, LLC; Williams and Thomas LP d/b/a Jamail & Smith Construction; and Horizon International Group, LLC). The evaluation committee, consisting of Houston Airport System (HAS) professionals and management staff, evaluated and ranked the proposals based on selection criteria (Coefficient Factors, Experience, References, Management Plan, Contractor's Representative, Subcontractors/ Suppliers, Safety, and Claims History), interviewed the five short-listed firms, and selected Williams and Thomas, L.P. d/b/a Jamail & Smith Construction as one of the two companies recommended for the capital improvement JOC contract.

The JOC delivery method provides the best value for certain HAS projects meeting the requirements set forth in Section 271.120(a) of the Local Government Code. Under the JOC contract, work orders up to \$350,000 are priced in accordance with fixed pre-approved unit items.

The JOC agreement will provide work of a recurring nature where the delivery times and quantities are indefinite and work orders are issued on the basis of pre-described and pre-priced tasks. The term of the contract is five years. HAS may terminate this contract at any time upon seven days written notice to the contractor.

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

<b>Date</b> October 18, 2010	<b>Subject:</b> Agreement with Williams and Thomas, L.P. d/b/a Jamail & Smith Construction for Job Order Contracting - Capital Improvement for the Houston Airport System (HAS); Project No. 516E (WBS # A-000348-0004-4-01)	<b>Originator's Initials</b> VMT	<b>Page</b> 2 of 2
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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.

**PROJECT COSTS:** The total amount to be appropriated for this agreement is as follows:

\$ 2,000,000.00	Construction Services
\$ 35,000.00	Civic Art (1.75%)
\$ 2,035,000.00	TOTAL APPROPRIATION

It is anticipated that HAS will request Council's approval for additional appropriations.

**MBE/SBE PARTICIPATION:** The Minority Business Enterprise (MBE) participation goal for this contract is twenty-one percent (21%) and the Small Business Enterprise (SBE) participation goal is nineteen percent (19%), which comprises a total participation goal of forty percent (40%) to be met by Williams and Thomas, L.P. d/b/a Jamail & Smith Construction throughout the term of the agreement.

The RFP required respondents to certify they shall make a good faith effort to achieve 21% MBE and 19% SBE participation levels and that they shall coordinate with the HAS Small Business Development & Contract Compliance Office to develop a subcontractor pool of qualified City certified MBE and SBE firms appropriate and available to participate as subcontractors in the Job Order Contracting Program. Williams and Thomas, L.P. d/b/a Jamail & Smith Construction provided the required certification.

The HAS Small Business Development & Contract Compliance Office will monitor this contract in accordance with its procedures.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Agreement with Centennial Contractors Enterprises, Inc. for Job Order Contracting – Operations and Maintenance for the Houston Airport System (HAS); Project No. 516F	<b>Category #1&amp;4</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 22
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> October 18, 2010	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> <i>M. J. Kae</i> <i>M. J. Kae</i>	<b>Council District affected:</b> B,E,I
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<b>For additional information contact:</b> Eric R. Potts Phone: 281-233-1999 Robert Bielek Phone: 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> \$ 500,000.00 FY 2011 \$2,000,000.00 Out Years \$2,500,000.00 Total.....HAS Revenue Fund (8001)	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance to award an agreement for Job Order Contracting - Operations and Maintenance to Centennial Contractors Enterprises, Inc.

**PROJECT LOCATION:** George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD)

**SPECIFIC EXPLANATION:** On December 11, 2009, a Request for Proposals (RFP) was advertised for Job Order Contracting (JOC) services for minor construction, repairs, rehabilitation, or alteration of facilities at the three airports (IAH, HOU and EFD). In accordance with the requirements of the State bid laws, proposals were received from nine firms (Centennial Contractors Enterprises, Inc.; Kellogg Brown & Root, Inc.; McBayne's Construction & Renovation, Inc.; P2MG; TLC Engineering, Inc.; Fort Bend Mechanical, LTD; 4 City Construction & Development, LLC; Williams and Thomas LP d/b/a Jamail & Smith Construction; and Horizon International Group, LLC). The evaluation committee, consisting of Houston Airport System (HAS) professionals and management staff, evaluated and ranked the proposals based on selection criteria (Coefficient Factors, Experience, References, Management Plan, Contractor's Representative, Subcontractors/ Suppliers, Safety, and Claims History), interviewed the five short-listed firms, and selected Centennial Contractors Enterprises, Inc. as one of the two companies recommended for the operations and maintenance JOC contract.

The JOC delivery method provides the best value for certain HAS projects meeting the requirements set forth in Section 271.120(a) of the Local Government Code. Under the JOC contract, work orders up to \$350,000 are priced in accordance with fixed pre-approved unit items.

The JOC agreement will provide work of a recurring nature where the delivery times and quantities are indefinite and work orders are issued on the basis of pre-described and pre-priced tasks. The term of the contract is five years. HAS may terminate this contract at any time upon seven days written notice to the contractor.

**REQUIRED AUTHORIZATION**

<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	NDT
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<b>Date</b> October 18, 2010	<b>Subject:</b> Agreement with Centennial Contractors Enterprises, Inc. for Job Order Contracting – Operations and Maintenance for the Houston Airport System (HAS); Project No. 516F	<b>Originator's Initials</b> VMT	<b>Page</b> 2 of 2
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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.

**PROJECT COSTS:** The total contract amount is as follows:

\$ 500,000.00	FY 2011
<u>\$2,000,000.00</u>	Out Years
\$2,500,000.00	Total

**MBE/SBE PARTICIPATION:** The Minority Business Enterprise (MBE) participation goal for this agreement is twenty-one percent (21%) and the Small Business Enterprise (SBE) participation goal is nineteen percent (19%) comprised for a total participation goal of forty percent (40%) to be met by Centennial Contractors Enterprises, Inc. throughout the term of this agreement.

The RFP required respondents to certify they shall make a good faith effort to achieve 21% MBE and 19% SBE participation levels and that they shall coordinate with the HAS Small Business Development & Contract Compliance Office to develop a subcontractor pool of qualified City certified MBE and SBE firms appropriate and available to participate as subcontractors in the Job Order Contract Program. Centennial Contractors Enterprises, Inc. provided the required certification.

The HAS Small Business Development & Contract Compliance Office will monitor this agreement in accordance with its procedures.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Agreement with Horizon International Group, LLC for Job Order Contracting – Operations and Maintenance for the Houston Airport System (HAS); Project No. 516G	<b>Category #1&amp;4</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 23
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> October 18, 2010	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b> <i>M. Rice</i> <i>Maud Bear</i>	<b>Council District affected:</b> B,E,I
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<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 Robert Bielek <i>RB</i> Phone: 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> N/A
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> \$ 500,000.00 FY 2011 <del>\$2,000,000.00</del> Out Years <i>IND</i> \$2,500,000.00 Total.....HAS Revenue Fund (8001)	<b>Prior appropriations:</b> N/A
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance to award an agreement for Job Order Contracting - Operations and Maintenance to Horizon International Group, LLC.

**PROJECT LOCATION:** George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Airport (EFD)

**SPECIFIC EXPLANATION:** On December 11, 2009, a Request for Proposals (RFP) was advertised for Job Order Contracting (JOC) services for minor construction, repairs, rehabilitation, or alteration of facilities at the three airports (IAH, HOU and EFD). In accordance with the requirements of the State bid laws, proposals were received from nine firms (Centennial Contractors Enterprises, Inc.; Kellogg Brown & Root, Inc.; McBayne's Construction & Renovation, Inc.; P2MG; TLC Engineering, Inc.; Fort Bend Mechanical, LTD; 4 City Construction & Development, LLC; Williams and Thomas LP d/b/a Jamail & Smith Construction; and Horizon International Group, LLC). The evaluation committee, consisting of Houston Airport System (HAS) professionals and management staff, evaluated and ranked the proposals based on selection criteria (Coefficient Factors, Experience, References, Management Plan, Contractor's Representative, Subcontractors/ Suppliers, Safety, and Claims History), interviewed the five short-listed firms, and selected Horizon International Group, LLC as one of the two companies recommended for the operations and maintenance JOC contract.

The JOC delivery method provides the best value for certain HAS projects meeting the requirements set forth in Section 271.120(a) of the Local Government Code. Under the JOC contract, work orders up to \$350,000 are priced in accordance with fixed pre-approved unit items.

The JOC agreement will provide work of a recurring nature where the delivery times and quantities are indefinite and work orders are issued on the basis of pre-described and pre-priced tasks. The term of the contract is five years. HAS may terminate this contract at any time upon seven days written notice to the contractor.

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

<b>Date</b> October 18, 2010	<b>Subject:</b> Agreement with Horizon International Group, LLC for Job Order Contracting – Operations and Maintenance for the Houston Airport System (HAS); Project No. 516G	<b>Originator's Initials</b> VMT	<b>Page</b> 2 of 2
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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 for eligible employees in compliance with City policy.

**PROJECT COSTS:** The total contract amount is as follows:

\$ 500,000.00	FY 2011
<u>\$2,000,000.00</u>	Out Years
\$2,500,000.00	Total

**MBE/SBE PARTICIPATION:** The Minority Business Enterprise (MBE) participation goal for this agreement is twenty-one percent (21%) and the Small Business Enterprise (SBE) participation goal is nineteen percent (19%) comprised for a total participation goal of forty percent (40%) to be met by Horizon International Group, LLC throughout the term of this agreement.

The RFP required respondents to certify they shall make a good faith effort to achieve 21% MBE and 19% SBE participation levels and that they shall coordinate with the HAS Small Business Development & Contract Compliance Office to develop a subcontractor pool of qualified City certified MBE and SBE firms appropriate and available to participate as subcontractors in the Job Order Contract Program. Horizon International Group, LLC provided the required certification.

The HAS Small Business Development & Contract Compliance Office will monitor this agreement in accordance with its procedures.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8839**

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for the Automated People Mover Operations and Maintenance Services at George Bush Intercontinental Airport for the Houston Airport System (HAS) / S10-T23660

Category #  
4

Page 1 of 2

Agenda Item

24

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

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

**Origination Date**

December 09, 2010

**Agenda Date**

DEC 15 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

B

**For additional information contact:**

Dallas Evans Phone: (281) 230-8001  
Douglas Moore Phone: (832) 393-8724

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Bombardier Transportation (Holdings) USA, Inc., in an amount not to exceed \$63,488,026.75 for the automated people mover operations and maintenance services at George Bush Intercontinental Airport for the Houston Airport System (HAS).

Maximum Contract Amount: \$63,488,026.75

**Finance Budget**

\$63,488,026.75 -- HAS-Revenue Fund (8001)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five-year contract, with a three year option and subsequent two year option to Bombardier Transportation (Holdings) USA, Inc., in the amount not to exceed \$63,488,026.75 for the automated people mover operations and maintenance services at George Bush Intercontinental Airport for the Houston Airport System (HAS). The City Purchasing Agent or Director of HAS may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, parts, equipment and specialized tools, training, and transportation necessary to manage, operate, and maintain the automated people mover in the highest standard of service, to ensure the safe transportation of airport customers and employees between the terminals. The contract stipulates that the Contractor shall operate and maintain the automated people mover in accordance with the approved Safety Program Plan, Operation and Maintenance Manuals and the Rule Book.

The existing operations and maintenance service contract expires January 24, 2011. This Request for Proposal (RFP) was advertised in May 2010, in accordance with the requirements of the State of Texas bid laws. Thirty-two prospective bidders downloaded the solicitation document from SPD's e-bidding website, and as a result, proposals were received from Bombardier Transportation (Holdings) USA, Inc., and JBT Aerotech. The evaluation committee comprised of operations experts and aviation designers with ex-officio participation by aviation procurement personnel. The proposals were evaluated based upon the following criteria:

- A. Technical Approach and Management Plan
- B. Price
- C. Experience and Reputation
- D. Ability to Supply OEM Parts / Ability to Implement SIMS
- E. Financial Strength and Stability
- F. M/WBE Subcontracting Goal Participation of 11%
- G. General Conformity with RFP Requirements

Bombardier Transportation (Holdings) USA, Inc., headquartered in Pittsburgh, PA., received the highest overall score of 552 points from a maximum of 600 points.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 12/9/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for the Automated People Mover Operations and Maintenance Services at George Bush Intercontinental Airport for the Houston Airport System (HAS) / S10-T23660	Originator's Initials GB	Page 2 of 2
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**M/WBE Subcontracting:**

This RFP was issued with an 11% goal for M/WBE participation. Bombardier Transportation (Holdings) USA, Inc., has designated the below-named companies as its certified M/WBE subcontractors:

NAME	TYPE OF WORK	DOLLAR AMOUNT	PERCENTAGE
Cire Industrial Supplies, LLC	Office Supplies, Tooling, and Cleaning	\$ 2,920,610.00	4.5%
Abilities Unlimited, Inc.	Staffing Services	\$ 4,063,073.00	6.5%
<b>TOTAL:</b>		<b>\$ 6,983,683.00</b>	<b>11%</b>

The Affirmative Action Division will monitor this award.

**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: Greg Hubbard

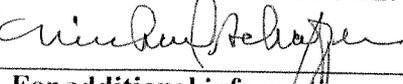
**Estimated Spending Authority:**

DEPARTMENT	FY11	OUT YEARS	TOTAL
HAS	\$ 3,194,100.84	\$60,293,925.91	\$63,488,026.75

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

<b>SUBJECT:</b> : Ordinance consenting to the expansion of land in the Energy Corridor Management District, also known as Harris County Improvement District No. 4	<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 25
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> November 23, 2010	<b>Agenda Date</b> DEC 15 2010
--------------------------------------------------------------------------------	----------------------------------------------	-----------------------------------

<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> A & G
-------------------------------------------------------------------------------------------------------------------	--------------------------------------------

<b>For additional information contact:</b> Nicole Smothers Phone: 713-837-7856	<b>Date and identification of prior authorizing Council action:</b> 2001-39
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**RECOMMENDATION: (Summary)** Approve ordinance consenting to the expansion of land in the Energy Corridor Management District.

<b>Amount and Source of Funding:</b> N/A	<b>Finance Budget:</b>
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**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 an assessment on single-family detached residences. Further, districts may levy a tax only after holding an election within the district.

A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release a municipality from its obligations to provide services to the areas; nor does it require additional services from the municipality. 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.

The City received a petition for annexation signed by property owners that complies with the support criteria set out in Section 49.302, Texas Water Code.

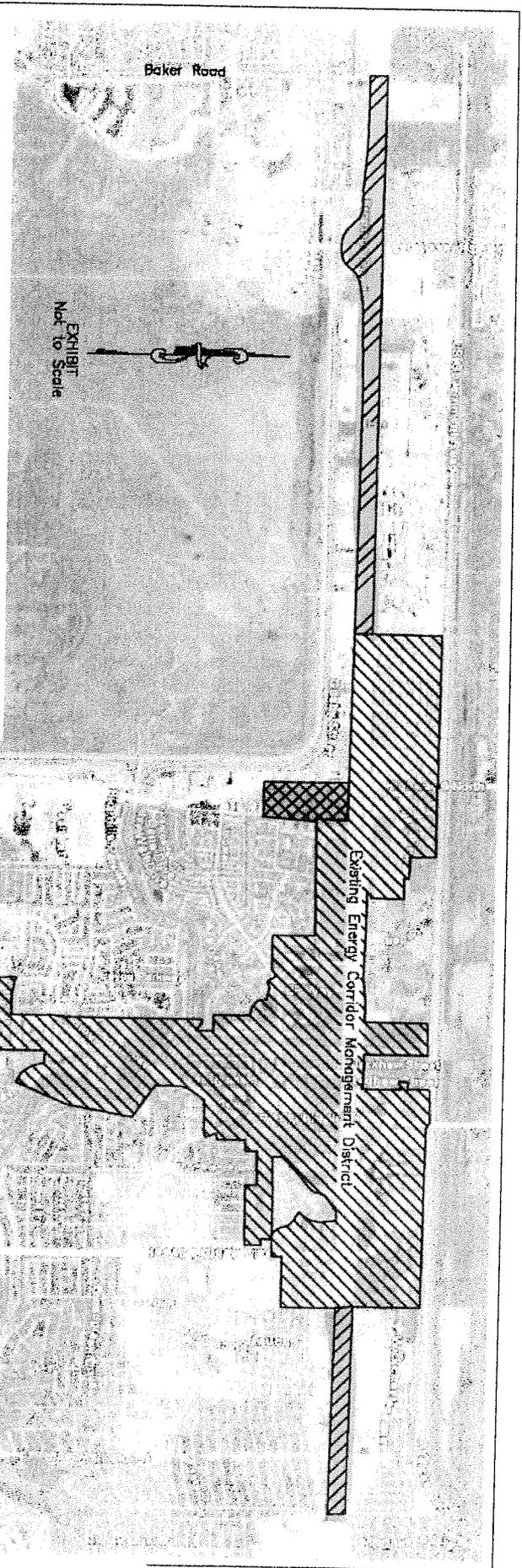
The Planning and Development Department recommends City Council consent to the expansion of the following district:

**Energy Corridor Management District:** Authorized by the 77<sup>th</sup> Legislature in 2001, the majority of this district is located in Council District A, with a significant portion also located in District G. The area to be annexed into the district is located entirely in Council District A and consists of three tracts of land totaling approximately 253.30 acres of land situated wholly within the corporate limits of the City of Houston. There are no residents on the land to be annexed. The property to be annexed includes two tracts that are made up exclusively of land within the I-10 right-of-way line. The third tract consists of developed commercial property which includes a bank, a few small office spaces, a small strip mall and several restaurants. The area sought to be annexed into the district is in a growing commercial area of the city and has a need for services and improvements that encourage economic diversification, stimulate transportation and commerce, and promote the health, safety, and general welfare of its residents and the general public. These services and improvements can most easily be provided to the area through the addition of the land into the existing adjacent management district.

cc: Marty Stein  
David Feldman  
Deborah McAbee  
Anna Russell

**REQUIRED AUTHORIZATION**

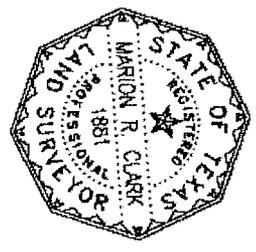
<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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-  Existing Energy Corridor Management District
-  Proposed Annexation Tract 1
-  Proposed Annexation Tract 2
-  Proposed Annexation Tract 3

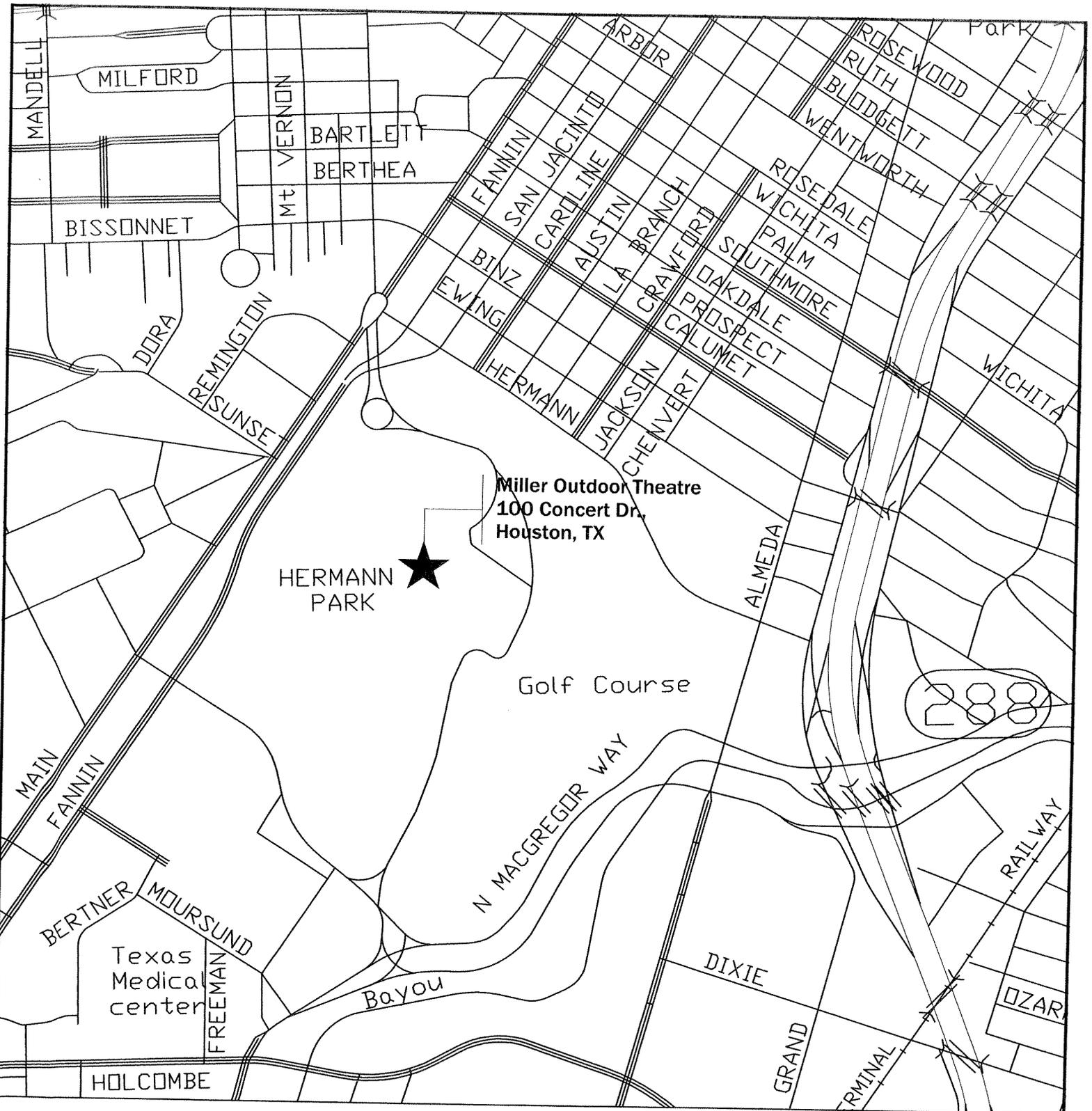
This document was prepared under 22 TAC 683.21, does not reflect the results of an in-ground survey, and is not to be used to convey or establish interest in ground, except those rights and interests implied or established by the character, configuration of the boundary of the political subdivision for which it was prepared.

Map  
3299



	ENERGY CORRIDOR MANAGEMENT DISTRICT HARRIS COUNTY, TEXAS	
	CLARK SURVEYING, INC. 855 Dally Ashford, Ste 207 Houston, Texas 77079 Phone: 281-681-0863 Fax: 281-681-8877 Mobile: clarksurveying@aol.com	
Dwg. date: 05/22/08	Scale: NTS	Job no.: 07-08-028B

<b>SUBJECT:</b> Appropriate Funds for Issuance of a Purchase Order to Firetrol Protection Systems, Inc. for Purchase and Installation of Fire Alarm System Replacement through the State of Texas Building and Procurement Commission's Contract for the Miller Outdoor Theatre WBS No. D-000125-0007-5		<b>Page</b> 1 of 1	<b>Agenda Item</b>  26						
<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 12/8/10	<b>Agenda Date</b> DEC 15 2010							
<b>DIRECTOR'S SIGNATURE :</b> <i>Scott Minnix</i> 12/7/10	<b>Council District(s) affected:</b> D								
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 832.393.8023	<b>Date and identification of prior authorizing Council action:</b>								
<b>RECOMMENDATION:</b> Appropriate funds for purchase and installation of Fire Alarm System Replacement through the State of Texas Building and Procurement Commission's Contract(TXMAS) for the Miller Outdoor Theatre.									
<b>Amount and Source Of Funding:</b> \$48,622.40—General Improvement Consolidated Construction Fund (4509)		<b>Finance Budget:</b>							
<b>SPECIFIC EXPLANATION:</b> The General Services Department recommends that City Council appropriate \$48,622.40 out of the General Improvement Consolidated Construction Fund to fund the issuance of a purchase order to Firetrol Protection Systems, Inc. to purchase and install a fire alarm system replacement through TXMAS for the Miller Outdoor Theatre.									
<b>PROJECT LOCATION:</b> 100 Concert Drive (533A)									
<b>PROJECT DESCRIPTION:</b> The project provides for replacement of a standard fire alarm sprinkler monitoring system with an automatic fire alarm with voices system. This new system will provide selective detection in locations such as electrical/mechanical rooms, sound rooms, and restrooms along with audible and visual notification appliances strategically placed at external seating area, administration and performance areas of the building. The scope of work includes material, labor, system design and permits necessary to install a new fully addressable fire alarm with voices system. All the required devices (i.e. smoke, heat and duct detectors, speaker/strobes, annunciators, amplifiers, transponders, etc.) will be furnished new and installed.									
<b>FUNDING SUMMARY:</b>									
<table> <tr> <td>\$46,307.05</td> <td>Purchase &amp; Installation</td> </tr> <tr> <td>2,315.35</td> <td>5% Contingency</td> </tr> <tr> <td><b>\$48,622.40</b></td> <td><b>Total Appropriation</b></td> </tr> </table>				\$46,307.05	Purchase & Installation	2,315.35	5% Contingency	<b>\$48,622.40</b>	<b>Total Appropriation</b>
\$46,307.05	Purchase & Installation								
2,315.35	5% Contingency								
<b>\$48,622.40</b>	<b>Total Appropriation</b>								
FRC:JLN:RAV:JJR:ps c: Marty Stein, Jacquelyn L. Nisby, Mario Ariza, Deyanira Rodriguez, Christopher Gonzales, Martha Leyva, File									
<b>REQUIRED AUTHORIZATION</b>		CUIC# 25MSCL80							
<b>General Services Department:</b>  <i>Richard A. Vella</i> Richard A. Vella Chief of Design & Construction Division		<b>Convention and Entertainment Facilities Department</b>  <i>Dawn R. Ullrich</i> Dawn R. Ullrich Director							



**Miller Outdoor Theatre**  
**100 Concert Dr.**  
**Houston, TX 77030**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8815**

**Subject:** Ordinance Authorizing a First Amendment to Contract No. C60935/4000003701 for Landscape and Horticultural Services for the Houston Airport System  
LC-N-0734-039-20761-A1

Category #  
4

Page 1 of 1

Agenda Item

27

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

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

**Origination Date**

September 01, 2010

**Agenda Date**

DEC 15 2010

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

B, I

**For additional information contact:**

Dallas Evans Phone: (281) 230-8001  
Douglas Moore Phone: (832) 393-8724

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

Ordinance 2005-1230; Passed 11-09-05

**RECOMMENDATION: (Summary)**

Approve an amending ordinance authorizing a first amendment to contract between the City of Houston and Western Horticultural Services, Inc. to extend the contract term from January 31, 2011 to January 30, 2014; and revise the contract fee schedule for landscape and horticultural services for the Houston Airport System (HAS).

No Additional Funding Required

**Finance Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a first amendment to contract between the City of Houston and Western Horticultural Services, Inc. to extend the contract term from January 31, 2011 to January 30, 2014; and revise the contract fee schedule for landscape and horticultural services for the Houston Airport System (HAS). The City Purchasing Agent or the Director of HAS may terminate this contract at any time upon 30-days written notice to the contractor.

This contract was awarded on November 9, 2005 for a one-year term, with four one-year options in the amount of \$7,000,683.24. Expenditures as of August 17, 2010 totaled \$4,115,172.46. This first amendment will extend the contract term for three additional years. In consideration for the three-year contract extension, the contractor has agreed to freeze year three (interior plant maintenance) and year four (exterior plant maintenance) pricing through January 30, 2014, which represents an estimated 12.2% or \$149,708.22 savings for the balance of the Contract Term.

The scope of work requires the contractor to provide all labor, equipment, tools, plants, materials, supplies, chemicals, supervision and transportation necessary to maintain all interior and exterior landscaping and horticultural areas at George Bush Intercontinental and William P. Hobby Airports. The contractor will also be responsible for seasonal exterior plant change-outs, soil sterilization, weed control, tree removal, herbicide applications upon request and maintenance of the existing irrigation system.

This contract was awarded with a 10% M/WBE participation goal and the contractor is currently achieving 19.52% of its goal.

Buyer: Gloria Jordan-King

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*NOT*

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 8891

**Subject:** Approve and Authorize a First Amendment to Contract No. C56925/4600000222 for Portable Thermal Imaging Cameras and Associated Accessories for Various Departments  
TC-5-6650-019-20426-A2

Category #  
4

Page 1 of 1

Agenda Item

28

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

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

**Origination Date**

December 02, 2010

**Agenda Date**

DEC 15 2010

**DIRECTOR'S SIGNATURE**

*MS Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Neil Depascal Phone: (713) 247-8721  
Douglas Moore Phone: (832) 393-8724

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

Ord. 2005-0569, 05/04/05; Ord. 2009-0019, 01/14/09

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing a first amendment to contract between the City of Houston and Scott Technologies, Inc., d/b/a Scott Health & Safety, to extend the contract term from May 18, 2011 to May 17, 2012 for portable thermal imaging cameras and associated accessories for various departments.

No Additional Spending Authority Required

**Finance Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a first amendment to contract between the City of Houston and Scott Technologies, Inc., d/b/a Scott Health & Safety, to extend the contract term from May 18, 2011 to May 17, 2012. The City Purchasing Agent may terminate this contract at any time upon 30-days' written notice to the contractor.

This contract was awarded on May 18, 2005, by Ordinance No. 2005-0569 for a four-year term, with two one-year options to extend in the amount of \$1,163,755.50. The City Council approved an amending ordinance to the contract on January 14, 2009 by Ordinance No. 2009-0019, increasing the maximum contract amount to \$1,454,694.36. Expenditures as of October 22, 2010 totaled \$1,072,925.53. In consideration for the one-year contract extension, the contractor has agreed to an average price reduction of 7.4%, resulting in a projected one-year cost savings of \$7,992.00

The scope requires the contractor to provide search and rescue support for fire suppression and HAZ-MAT personnel. These hand-held cameras detect minimal changes in temperature between objects, and allow firefighters to see victims through thick smoke and totally dark environments. The cameras are used to locate fires within wall spaces, and are instrumental in containment and reduction of property damage by locating hot spots in structural fires and for pin-pointing victims during search-and-rescue operations.

Buyer: Greg Hubbard

Attachment: M/WBE Zero-Percentage Goal Document Approved by the Affirmative Action Division

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

NDT



**CITY OF HOUSTON**  
Finance & Administration Department

**Interoffice**

Correspondence

To: Calvin D. Wells – City Purchasing Agent

From: Jim Johnson

Date: February 26, 2004

Subject: MWBE 0% Goal Request  
Portable Thermal Imaging Cameras for  
The Houston Fire Department

Is this to establish a goal for advertisement? YES

Bid Number: HC-4-6650-018-20292

Advertisement schedule Date: March 19 and 26, 2004

Bids Due Date: April 15, 2004

Goal on last contract: N/A

Items or Scope of Bid: Provide 160 portable thermal imaging cameras for the Houston Fire Department

The total dollar value is approximately \$ 900,000 - \$1,200,000

I am requesting approval of 0 % goal.

**Justification:** These cameras are highly sophisticated units that can only be repaired by highly trained factory technicians or the warranties are voided. The cameras are available from a limited number of manufacturers. The cameras are shipped directly from the manufacturer/vendor to HFD. In the event of malfunctions the entire camera is returned to the manufacturer/vendor and a replacement unit is provided within 48 hours. It is HFD intentions to purchase a limited number each year dependent upon fund availability to the yearly purchases are unknown at this time. There are no opportunities for MWBE subcontractors to participate in these purchases.

Concur:

Division Manager

Approved:

Contract Compliance Officer

Approved:

Calvin D. Wells  
City Purchasing Agent

Approved:

Valma Lewis  
Director- Affirmative Action

Pursuant to Section 15-124(e) of the Code of Ordinances of the COH, the Office of the City Controller certifies that the tax delinquency status for the current tax year is listed below for the contracting entities contained in this log.

On behalf of Ronald C. Green, City Controller

**Notice**  
**MARCH 2010 -**  
**FEBRUARY 2011**

File	Company Name/Address	Account No.	City Tax	County Tax	Years	Notes
65-8670	COGENT, INC. 6161 BINGLE HOUSTON, TX 77092	no del found				no account found
65-8632	GRAYBAR ELECTRIC COMPANY 6161 BINGLE HOUSTON, TX 77092	no del found				
65-86838	HITECH FIRE DETECTION INCORPORATED 14511 FALLING CREEK HOUSTON, TX 77014	2203892800000 2205580800000	0.00 0.00	1,119.65 740.49	2009	4355 SYLVANFIELD DR (BPP - CMP F&F INV M&E) 4355 SYLVANFIELD DR (BPP - VEHICLES)
65-86839	PEN-LINK LTD. 5936 VANDERVOORT DRIVE LINCOLN, NE 68516	no del found				no account found
65-8438	SCOTT TECHNOLOGIES, INC., DBA SCOTT HEALTH & SAFETY 4320 GOLDMINE ROAD MONROE, NC 28110	no del found				no account found
65-86838	SHOREVIEW CAPITOL PARTNERS, L.P. 222 S. NINTH STREET, STE. 3130 MINNEAPOLIS, MN 55402	no del found				no account found
65-86838	MARC WALRAVEN 2214 LAKE COUNTRY DRIVE WEATHERFORD, TX 76087	no del found				no account found
65-86838	JIM WEBER, JR. 2863 TUPELO DR. PANAMA CITY, FL 32405	no del found				no account found
65-86838	MIKE MURMAN 7262 PARKRIDGE CIRCLE LINCOLN, NE 68516	no del found				no account found
65-86838	WESLEY DANIEL COOLEY PAULA SUE COOLEY 18315 TRACE FOREST DRIVE SPRING, TX 77379	no del found				

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 8912**

**Subject:** Approve an Ordinance Awarding a Contract to the Best Value Respondent for a Strategic Vehicle Parts Partner for the Fleet Management Department  
S05-S23741

Category #  
4

Page 1 of 2

Agenda Item

*29*

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

**Origination Date**  
December 08, 2010

**Agenda Date**  
DEC 15 2010

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

**Council District(s) affected**  
All

**For additional information contact:**  
Thomas Dowdy Phone: (832) 393-0860  
Desiree Heath Phone: (832) 393-8742

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

**RECOMMENDATION: (Summary)**  
Approve an ordinance awarding a contract to Genuine Parts Company in an amount not to exceed \$95,068,803.75 for a strategic vehicle parts partner for the Fleet Management Department.

Estimated Spending Authority: \$95,068,803.75

**Finance Budget**

\$51,318,464.28 General Fund (1000)  
\$43,750,339.47 Fleet Management Fund (1005)  
\$95,068,803.75 Total

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a five year contract to Genuine Parts Company on its best value bid in an amount not to exceed \$95,068,803.75 for a strategic vehicle parts partner for the Fleet Management Department (FMD).

The City of Houston (COH) operates, repairs, and maintains approximately 13,000 mobile and trailed or attached assets which are both licensed for road and off road vehicles. Additionally, the COH operates 29 vehicle maintenance facilities.

The Contractor shall be responsible for providing "Just in Time" inventory on demand for vehicle repairs for the COH. The scope of work requires the Contractor to provide all supervision, labor, and transportation necessary to issue vehicle parts, materials, fluids (except fuel) and supplies at the various vehicle maintenance facilities (VMF) located throughout the COH.

Subsequent to taking over the designated parts storerooms, the Contractor shall own and manage all parts storeroom activities in strict accordance with the requirements set forth herein. The parts to be managed and stocked by the Contractor are inclusive of all vehicle repair/replacement parts (preventative repairs, both routine and emergency repairs). The Contractor shall purchase the COH owned parts, as agreed to by both parties in the contract. Those parts not purchased from the COH will be managed by the Contractor and issued to the COH at \$0.00 cost. The inventory level as of 11/15/2010 is valued at \$ 3,646,522.86 and the COH FMD conservatively projects that the Contractor will purchase \$2,024,575.13 of total inventory from the COH.

This contract will produce both significant direct savings (parts prices, cost of inventory, personnel, and operations), as well as, increased efficiencies in the parts storerooms and VMF. Since the COH will no longer be responsible for managing, issuing, or safeguarding over \$3.6M in parts storeroom inventory, it is projected that savings from personnel and operations will be between \$800,000.00 and \$1,000,000.00 annually. The Contractor will also be required to provide 85% of repair parts, tires, and fluids required to maintain the fleet "on demand" and 95% within 24 hours. Reduced time spent "waiting for parts" can significantly reduce vehicle downtime and operational crew wait times, while increasing mechanic productivity. This requirement will also eliminate the need for as many reserve and/or spare vehicles.

The contract will also assist the COH with its Fleet Management consolidation effort allowing the COH to reduce its number of VMF from 29 to approximately 15 within FY12.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

*NDT*

Date: 12/8/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for a Strategic Vehicle Parts Partner for the Fleet Management Department S05-S23741	Originator's Initials DH	Page 2 of 2
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This Best Value Bid was advertised in accordance with the requirements of State bid laws. Eleven prospective bidders downloaded the bid solicitation document from SPD's website. Bids were received from UniSelect U.S.A. and Genuine Parts Company. The evaluation committee consisted of five (5) evaluators. The proposals were evaluated based on the following criteria:

- Bid Responsiveness
- Qualifications and Experience of Personnel Assigned to the Project
- Resources
- Vendor's Pricing
- Similar Prior Experience and Performance
- Small, Minority and Woman Business Program Compliance

Genuine Parts Company received the highest overall score.

**M/WBE Subcontractor:**

This Best Value Bid was issued as a goal-oriented contract with an 11% M/WBE participation level. Genuine Parts Company has designated the below-named companies as its certified M/WBE subcontractors:

Subcontract Name	Type of Services	Total # Amount	Pct
B-W Industrial Supply Corporation	Supply lubricants, solvents, fuels, degreasers, and janitorial supplies	\$ 1,235,894.45	1.30%
General Truck Manufacturing Company, Inc., d/b/a/ General Truck Body	Supply truck bodies and equipment	\$ 855,619.23	.90%
Jee Wholesale Tires, LLC, dba Jee Tires	Supply tires	\$ 1,901,376.08	2.00%
Jones Delivery Service, Inc.	Pickup and delivery services	\$ 5,704,128.23	6.00%
Lab's Industrial Hose Supply Company, Inc.	Hoses supplier and fabrication	\$ 950,688.04	1%
Globe Electric Supply Company, Inc.	Supply electrical material	\$475,344.02	.50%
Channel Safety & Marine Supply, Inc.	Supply Industrial Safety Devices	\$380,275.22	.40%
Total		\$11,503,325.27	12.10%

This award will be monitored 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 has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

Buyer: Desiree Heath

**Estimated Spending Authority**

Department	FY11	Out Years	Amount
Fleet Management	\$12,889,797.17	\$82,179,006.58	\$95,068,803.75

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8904

Subject: Ordinance Authorizing a First Amendment to Contract No. C57244/4600001080 for Cleaning and Janitorial Services for Various Departments/LC-R-0734-027-20439-A1

Category # 4

Page 1 of 1

Agenda Item

30

FROM (Department or other point of origin):

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

Origination Date

December 03, 2010

Agenda Date

DEC 15 2010

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected

All

For additional information contact:

Jacquelyn L. Nisby Phone: (832) 393-8023  
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

Ord. 2005-1010 on August 1, 2005

RECOMMENDATION: (Summary)

Approve an amending ordinance authorizing a first amendment to contract between the City of Houston and McLemore Building Maintenance, Inc. to increase the maximum contract amount from \$18,836,112.50 to \$23,545,140.63; extend the contract term from December 31, 2010 to December 30, 2011; and modify the scope of work for cleaning and janitorial services for various departments.

Maximum Contract Amount Increased by: \$4,709,028.13

Finance Budget

- \$4,398,232.27 - General Fund (1000)
- \$ 23,074.24 - Park Special Revenue Fund (2100)
- \$ 56,508.34 - Houston Transtar Fund (2402)
- \$ 9,888.96 - Water & Sewer System Operating Fund (8300)
- \$ 221,324.32 - HAS Revenue Fund (8001)

\$4,709,028.13 - Total Amount

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance authorizing a first amendment to contract between the City of Houston and McLemore Building Maintenance, Inc to increase the maximum contract amount from \$18,836,112.50 to \$23,545,140.63; extend the contract term from December 31, 2010 to December 30, 2011; and modify the scope of work for cleaning and janitorial services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This contract was awarded on August 1, 2005 by Ordinance No. 2005-1010 for a three-year term, with two one-year options, in the amount of \$18,836,112.50. Expenditures as of December 1, 2010 totaled \$18,712,992.34. This first amendment will extend the contract term for one year and the additional funds will sustain the user department janitorial services requirements through the end of the contract term; December 30, 2011.

As part of this proposed extension, the scope of work was reviewed and updated to reflect the current needs of the City. The scope of work requires the contractor to provide all equipment, labor, materials, supplies, supervision, and transportation necessary to provide janitorial, porter, power and window-washing, recycling and other work services at 160 City facilities. These services include, but are not limited to, sweeping, mopping, waxing, vacuuming, carpet cleaning, window and power-washing and trash recycling and removal.

This contract was awarded with an 11% M/WBE participation goal and the contractor is currently exceeding its M/WBE goal by achieving 47.71%.

Buyer: Eric Alexander

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:



**CITY OF HOUSTON**  
**Affirmative Action and Contract Compliance**  
**Request for Verification of MWDBE Participation**

**Date:** 12/06/2010      **Requestor:** Eric Alexander

**Prime Contractor:** McLemore Building maintenance

**Contract/BPO:** #4600001080 / #C57244

**Contract Description:** Cleaning and Janitorial Services for Various Depts. LC-R-0734-027-20439. #C57244

**Prime Contract Person:** Curtis McLemore      **Phone:** (713) 528-7775 Ext #6032

**Award Date:** 10/01/2005      **End Date:** 12/30/2010      **MWBE Goal:** 11%

**Amount Paid by City (to date):** \$17,940,252

**Scheduled MWDBE Participation:** \$1,973,427

**MWBE:** Cervantes building Maintenance; Executive Building Systems; Flores Window Cleaning, Inc.; JE & Associates; and National Cleaning Concepts

**Amount of Intent:** \$2,071,972

**FOR AFFIRMATIVE ACTION USE ONLY**

**Actual M/WDBE Dollar Amount Paid:** \$8,558,474

**M/WDBE Participation Achieved:** 47.71%

As of October 2010, McLemore Building Maintenance was achieving the MWDBE goal on this contract.

**Prepared by Daniel Hamilton**  
**Contract Compliance Supervisor**

December 6, 2010  
**Date:**

**Approved by Morris Scott**  
**Division Manager**

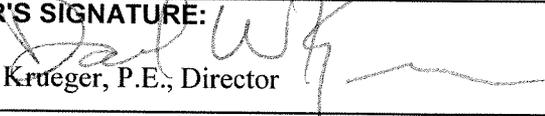
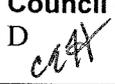
**Date:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance to adopt a Municipal Setting Designation prohibiting the use of designated groundwater for the Board of Regents of the University of Texas System for the site located at 7405 Almeda Road, Houston, TX 77054. (MSD # 2010-028-ACD)	Page 1 of 1	Agenda Item # 31
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 12-1-10	<b>Agenda Date</b> DEC 15 2010
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<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> D 
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<b>For additional information contact:</b> Carol Ellinger Haddock, P.E. Senior Assistant Director (832) 395-2686 Richard J. Chapin Senior Project Manager (832) 395-2689	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Board of Regents of the University of Texas System's site located at 7405 Almeda Road, Houston, TX 77054, and support issuance of an MSD by the Texas Commission on Environmental Quality (TCEQ). (MSD # 2010-028-ACD)

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

**BACKGROUND:** In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designates 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 local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII relating to groundwater, which provides a process to support or not support an MSD application to the State (ordinance amended 7/14/2010). This ordinance requires a written public notice to be mailed to property owners within one-half mile of a proposed MSD site and owners/operators of potable water wells within 5-miles of a proposed MSD site. In addition, a public meeting and a public hearing are required to be held prior to City Council's consideration of an ordinance of support.

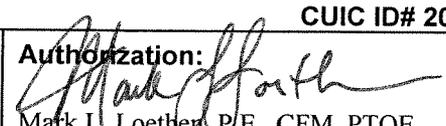
**BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM APPLICATION:** The Board of Regents of the University of Texas System is seeking a Municipal Setting Designation (MSD) for approximately 5.5-acres of land located at 7405 Almeda Road, Houston, TX 77054. The contamination consists of tetrachloroethene (PCE), trichloroethene (TCE), cis-1,2-dichloroethene (cis-1,2 DCE), trans-1,2-dichloroethene (trans-1,2-DCE), vinyl chloride (VC), 1,1-dichloroethene (1-1 DCE), benzene, ethylbenzene, toluene, and m,p-xylenes, o-xylenes (BTEX). The site was initially developed as residential in the 1950s through the 1960s, and light industrial and commercial development from the 60s forward. The historical source of contamination is believed to have resulted from industrial and commercial operations at the site. Those potential sources have been removed and the site is currently vacant. Investigation activities were conducted from 2007 through 2009, and the site is enrolled in the State of Texas's Voluntary Clean Up Program. The groundwater contamination plume is stable and in most cases diminishing.

The Board of Regents of the University of Texas System is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property. In addition, a public meeting was held on 8/24/2010 in the community, and a public hearing was held on 9/16/2010 in the Council Committee on Development and Regulatory Affairs. These are necessary steps prior to City Council's consideration of support.

**RECOMMENDATIONS:** It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Board of Regents of the University of Texas System site located at 7405 Almeda Road, Houston, TX 77054, and support issuance of an MSD by the Texas Commission on Environmental Quality.

DWK:MLL:CEH  
P:\PLANNING BRANCH\MSD\DATABASE\GENERIC RCA - ORDINANCE SUPPORT.DOC  
C: Marty Stein, Ceil Price

**REQUIRED AUTHORIZATION** CUIC ID# 20CAE106

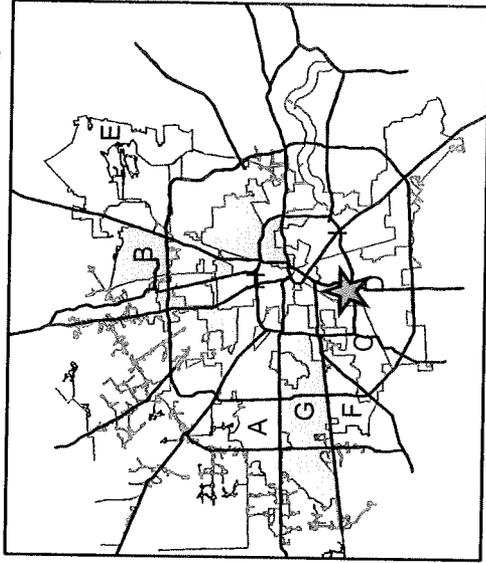
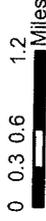
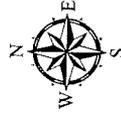
<b>Other Authorization:</b>	<b>Authorization:</b>  Mark L. Loether, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Division	<b>Other Authorization:</b>
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# Municipal Settings Designation Application

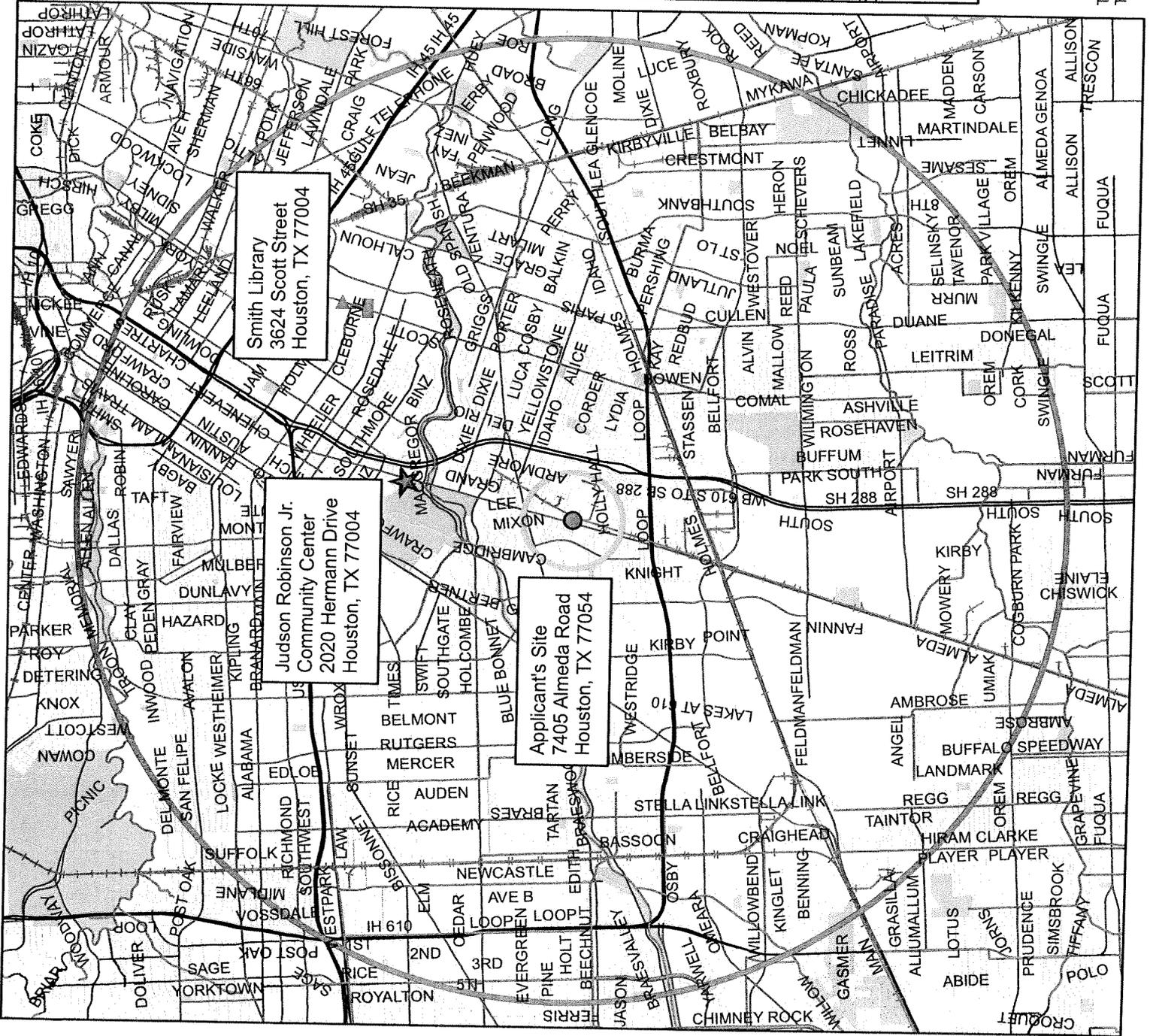
## 2010-028-ACD Vicinity Map

### Legend

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



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.



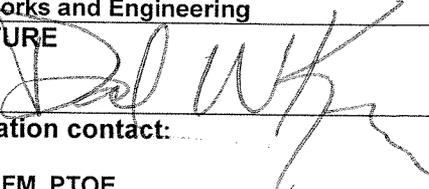


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TO: Mayor via City Secretary      **REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> Petition for the City's consent to the addition of 2.6677 acres of land to Harris County Municipal Utility District No. 55 (Key Map No. 617-T)	Page 1 of 1	Agenda Item #  <b>33</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	Origination Date 12/2/10	Agenda Date DEC 15 2010
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<b>DIRECTOR'S SIGNATURE</b> Daniel W. Krueger, P. E. 	Council District affected: "ETJ"	
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<b>For additional information contact:</b> Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director (713) 837-0724	Date and identification of prior authorizing Council action:
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**RECOMMENDATION: (Summary)**  
The petition for the addition of 2.6677 acres of land to Harris County Municipal Utility District No. 55 be approved.

**Amount and Source of Funding:**  
NONE REQUIRED

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 55 has petitioned the City of Houston for consent to add 2.6677 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Hope Village Road, FM 2351, Rex Road, and Beamer Road. The district desires to add 2.6677 acres, thus yielding a total of 1,335.4021 acres. The district is served by a regional plant, the Blackhawk Wastewater Treatment Plant. The other district and municipalities served by this plant are the City of Friendswood, the City of Houston, and CDC-Houston/Baybrook Municipal Utility District No. 1. The nearest major drainage facility for Harris County Municipal Utility District No. 55 is Clear Creek which flows into Galveston Bay.

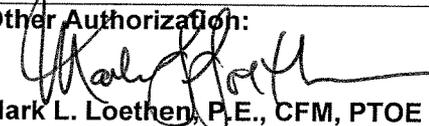
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their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

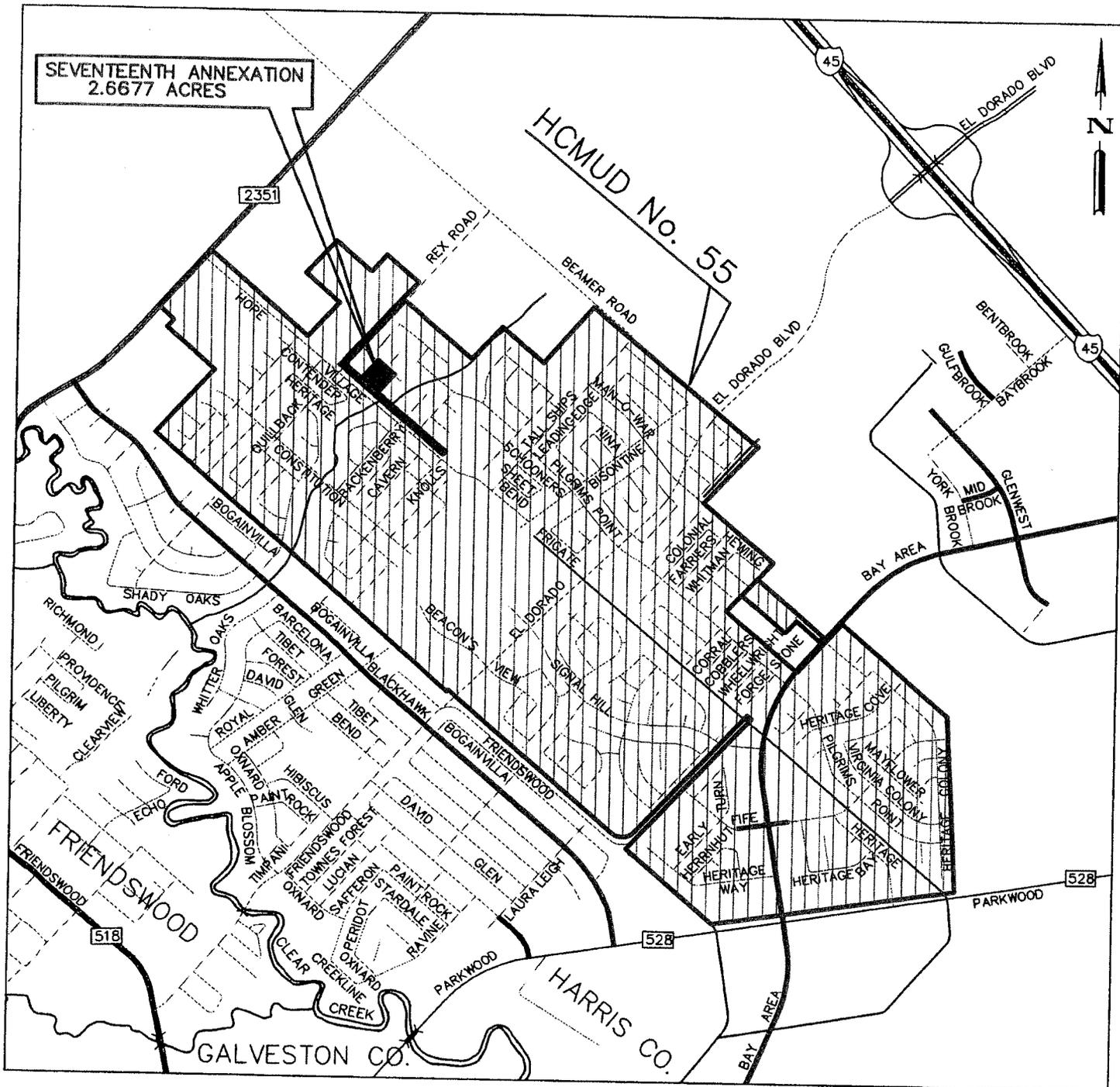
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein    Marlene Gafrick    Jun Chang  
Bill Zrioka    Deborah McAbee

**REQUIRED AUTHORIZATION**      20UPA53A

Finance Department	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.	Other Authorization:
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# VICINITY MAP (2 OF 2)

HARRIS COUNTY KEY MAP #617-T

N.T.S.



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**received**  
5/12/10 *me*

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 2.6677 acres to Harris County M.U.D. No. 55 under the provisions of Section 49.301(a) Texas Water Code.

*Neil Thomas*  
Attorney for the District

**Attorney: Fulbright & Jaworski, LLP Attn: Neil Thomas**

Address: 1301 McKinney Avenue, Suite 5100 Zip: 77010 Phone: 713-651-3613

**Engineer: Brown & Gay Engineers, Inc. Attn: Ms. Amy Zapletal**

Address: 10777 Westheimer, Suite 400 Zip: 77042 Phone: 281-558-8700

**Owners: Ton Thanh Duong & Diep Ngoc Nguyen**

Address: 15811 Hope Village Road, Friendswood, TX Zip: 77546-2478 Phone: 832-867-6205

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

### LOCATION

INSIDE CITY

OUTSIDE CITY

Survey Thomas Choate

NAME OF COUNTY (S) Harris  
Abstract A-12

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

North of: Hope Village Road

East of: F.M. 2351

South of: Rex Road

West of: Beamer Road

### WATER DISTRICT DATA

Total Acreage of District: 1,332.7344 AC

Existing Plus Proposed Land 1,335.4021AC ✓

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

Single Family Residential 0

Multi-Family Residential 0

Commercial 100%

Industrial 0

Institutional 0

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

Regional Plant

Sewage Treatment Plant Name: Blackhawk Wastewater Treatment Plant

NPDES/TPDES Permit No: WQ0011571001

TCEQ Permit No: EPA I.D. No. TX0069728



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 9.25

Ultimate Capacity (MGD): 9.25

Size of treatment plant site: 15 acres square feet/acres.

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

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

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

Total permitted capacity: 9.25

MGD of (Regional Plant).

Name of District: \*See Attached Sheet 4

MGD Capacity Allocation \_\_\_\_\_

or property owner(s)

Name of District: \_\_\_\_\_

MGD Capacity Allocation \_\_\_\_\_

Water Treatment Plant Name: HCMUD 55 Water Plants No. 1 and 2

Water Treatment Plant Address: 1)17431 Fife Ln 2) 2406 Planter's Way Webster77598

Well Permit No: 143502 and 143503

**Existing Capacity:**

Well(s): 2,890 GPM

Booster Pump(s): 6,000 GPM

Tank(s): GST=1.05/Elevate=0.5 MG

**Ultimate Capacity:**

Well(s): \* same as above GPM

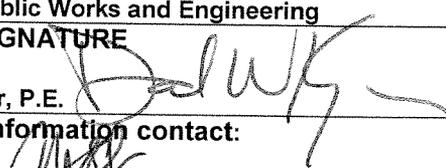
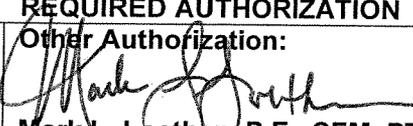
Booster Pump(s): \* same as above GPM

Tank(s): \* same as above MG

Size of Treatment Plant Site: 1) 0.9AC and 2) 0.5 acres square feet/acres.

Comments or Additional Information: Harris County MUD 55 also owns 3.46 MGD capacity in the City of Houston's Southeast Water Purification Plant. See attached sheet 4 for capacity allocations.

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 15.978 acres to Spring Creek Utility District (Key Map No. 292-D; 293-A,B)		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  <b>34</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>	<b>Agenda Date</b>  DEC 15 2010
<b>DIRECTOR'S SIGNATURE</b>  Daniel W. Krueger, P.E. 		<b>Council District affected:</b> "ETJ"	
<b>For additional information contact:</b>  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director (713) 837-0724		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of 15.978 acres of land to Spring Creek Utility District be approved.			
<b>Amount and Source of Funding:</b>  NONE REQUIRED			
<b>SPECIFIC EXPLANATION:</b>  Spring Creek Utility District has petitioned the City of Houston for consent to add 15.978 acres of land, located in the city's extraterritorial jurisdiction, to the district.  The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.  The district is located in the vicinity of Spring Creek, Rayford Road, and Riley Fuzzel Road. The district desires to add 15.978 acres, thus yielding a total of 983.188 acres. The district is served by the Spring Creek Utility District Wastewater Treatment Plant. The nearest major drainage facility for Spring Creek Utility District is Spring Creek which flows to the San Jacinto River and finally into Lake Houston.  Potable water is provided by Spring Creek Utility District Water Treatment Plant and Legends Ranch Water Plant No. 1. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.  The Utility District Review Committee recommends that the subject petition be approved.			
<b>Attachments</b>  cc: Marty Stein    Marlene Gafrick    Jun Chang Bill Zrioka    Deborah McAbee    Carl Smitha			
<b>REQUIRED AUTHORIZATION</b>		20UPA72	
Finance Department	<b>Other Authorization:</b>  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>	

N.T.S.

MONTGOMERY COUNTY

SPRING CREEK UTILITY DISTRICT

MONTGOMERY COUNTY  
MUD NO. 119

ANNEXATION TRACTS 1 & 2  
TRACT 2 0.968 ACRE  
TRACT 1 15.01 ACRES

HARRIS COUNTY

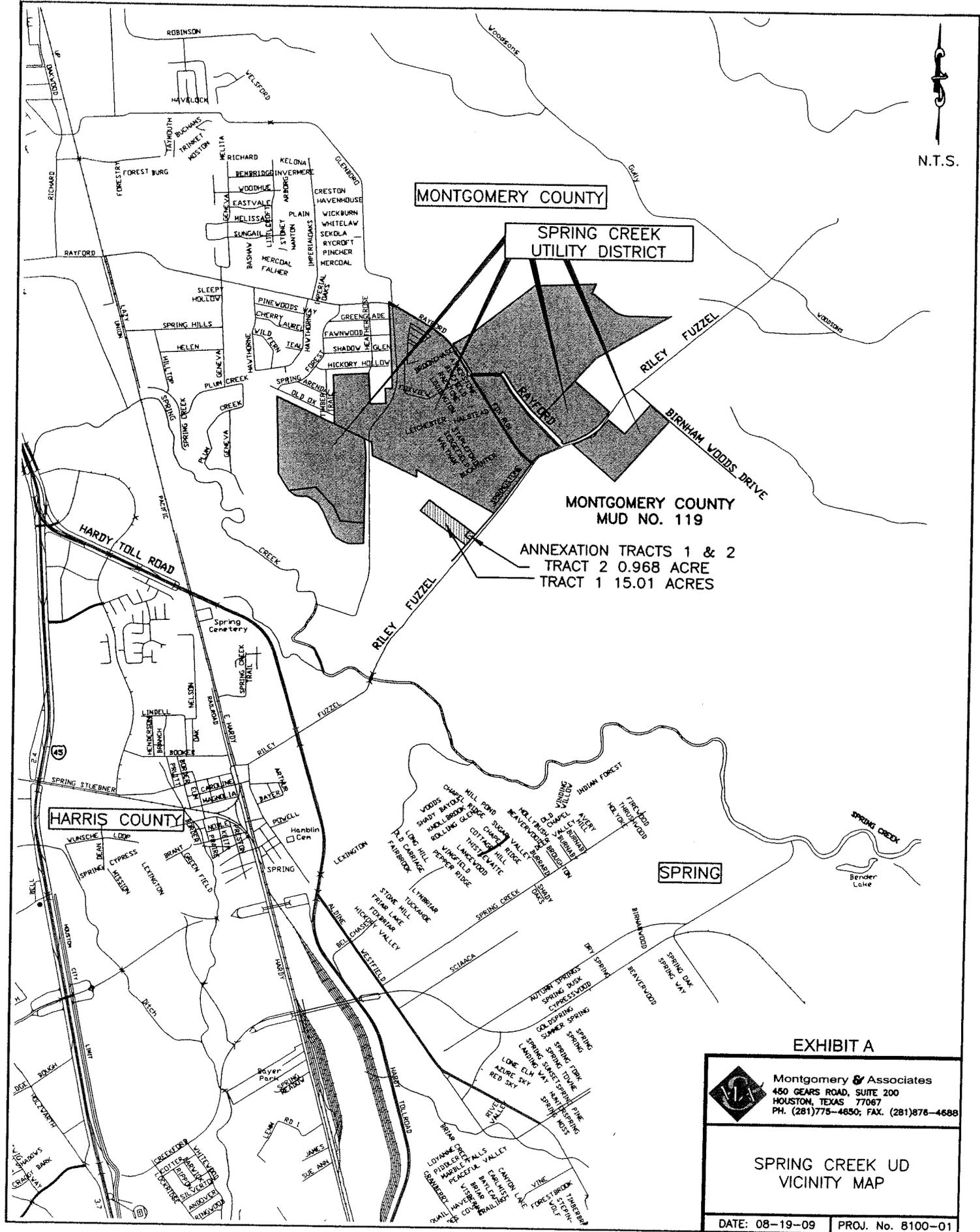
SPRING

EXHIBIT A

 **Montgomery & Associates**  
 450 GEARS ROAD, SUITE 200  
 HOUSTON, TEXAS 77067  
 PH. (281)775-4650; FAX. (281)876-4688

SPRING CREEK UD  
VICINITY MAP

DATE: 08-19-09 PROJ. No. 8100-01





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

received  
9/14/10  
MTC

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 15.978 acres to Spring Creek Utility District under the provisions of 49 and 54 Texas Water Code.

*Sara J. Anderson*

Attorney for the District

**Attorney: Sara J. Anderson**

Address: 1100 Louisiana St, Ste 400

Zip: 77002

Phone: 713/652-6500

**Engineer: Martin Murdock, P.E.**

Address: 450 Gears Road, Suite 200

Zip: 77067

Phone: 281-775-4650

**Owners: Thomas W. Peckinpaugh**

Address: 2111 Riley Fuzzell Rd, Spring

Zip: 77386

Phone: 281/353-0670

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

### LOCATION

INSIDE CITY

OUTSIDE CITY

Survey R.O.W. McManus

NAME OF COUNTY (S) Montgomery  
Abstract 346

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

North of: Spring Creek

East of: Spring Creek

South of: Rayford Road

West of: Riley Fuzzel Road

### WATER DISTRICT DATA

Total Acreage of District: 967.21

Existing Plus Proposed Land 983.188

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

Single Family Residential \_\_\_\_\_

Multi-Family Residential \_\_\_\_\_

Commercial 100

Industrial \_\_\_\_\_

Institutional \_\_\_\_\_

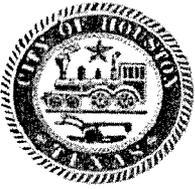
Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: Spring Creek Utility District Wastewater Plant

NPDES/TPDES Permit No: 11574-001

TCEQ Permit No: 11574-001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.675

Ultimate Capacity (MGD): 0.930

Size of treatment plant site: 1.26 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.930 MGD.

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

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

Total permitted capacity: N/A

MGD of (Regional Plant).

Name of District: N/A

MGD Capacity Allocation N/A

or property owner(s)

Name of District: N/A

MGD Capacity Allocation N/A

Water Treatment Plant Name: Spring Creek UD Water Plant

Water Treatment Plant Address: 2509 Leichester Spring, Texas 77386

Well Permit No: OP03-0075A

**Existing Capacity:**

Well(s): 1,148

GPM

Booster Pump(s): 2,700

GPM

Tank(s): 0.430

MG

**Ultimate Capacity:**

Well(s): 1,148

GPM

Booster Pump(s): 2,700

GPM

Tank(s): 0.430

MG

Size of Treatment Plant Site: 1.0

square feet/acres.

Comments or Additional Information: See Attached Sheet for Additional Water Plant Information

\_\_\_\_\_  
\_\_\_\_\_

Additional Owner: CKNM Business, Inc.

Address: 1814 Rustic Hills Ct, Sugar Land Zip: 77479 Phone: 281-630-1351

Water Treatment Plant Name: Legends Ranch Water Plant No. 1

Water Treatment Plant Address: 297221/2 Legends Ridge Dr. No. 1 Spring TX 77386

Well Permit No: OP03-0043

**Existing Capacity:**

Well(s): 1,050 GPM

Booster Pump(s): 3,500 GPM

Tank(s): .424 MG

**Ultimate Capacity:**

Well(s): 1,050 GPM

Booster Pump(s): 3,500 GPM

Tank(s): .424 MG

Size of Treatment Plant Site: 1.0 Acres

Comments or Additional Information: Spring Creek UD owns 56% of the capacity in this plant.



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

## CHECKLIST

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

## Attachments

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

### **Please submit a complete original with all attachments to:**

City of Houston, Planning & Development Services Division, Attention: Veronica Osegueda, 611 Walker St., 21<sup>st</sup> Floor; Houston, TX 77002.

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

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

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

Please direct any questions regarding consent applications to [mudreview@cityofhouston.net](mailto:mudreview@cityofhouston.net).

SUBJECT: Water Service Multi-Family Conservation Program Rebate.

Category #

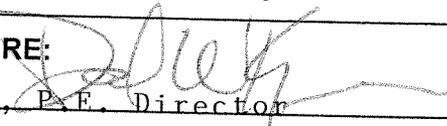
Page 1 of 1

Agenda Item# 35

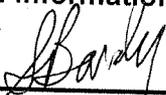
FROM (Department or other point of origin):  
Department of Public Works and Engineering

Origination Date:  
12/9/10

Agenda Date  
DEC 15 2010

DIRECTOR'S SIGNATURE:   
Daniel W. Krueger, P.E., Director

Council District Affected:  
All

For additional information contact:  
Susan Bandy  Phone: 832-395-2468

Date and identification of prior authorizing Council action:  
Ordinance: 2010-305 & 2010-552

**RECOMMENDATION: (Summary)**

Approve the Combined Utility System water and wastewater service proposed Multi-family conservation rebate program.

Amount of Funding: \$18,000,000- 2 years

Finance Budget:

(\$4,500,000 from CUS Fund 8305 for FY11, \$9,000,000 for FY12, and \$4,500,000 for FY13)

Source of Funding: [ ] General Fund [ ] Grant Fund [ ] Other (Specify)  
[ X ] Enterprise Fund CUS General Purpose Fund

PLR

**SPECIFIC EXPLANATION:**

With the passage of Ordinance 2010-305, the Department of Public Works and Engineering was directed to create two Multi-Family water conservation incentive programs. This is the second Multi-Family conservation rebate program.

**Background:** The rates for Multi-Family customers increased to match the customer class water and wastewater cost of service. A rent restricted apartment rebate program has been implemented. The objective of this second program is to encourage all Multi-Family customers to reduce water consumption through conservation efforts of management and tenants. This will be accomplished by encouraging owners to install water saving devices and provide educational materials on water conservation to their tenants. The owner receives the rebate, which helps offset the cost of improvements, and the tenants benefit from lower water bills. This program will be effective in Calendar Year 2011 and Calendar Year 2012.

**Conservation Incentive Rebate: Estimated at \$4.5 million for each of four semi-annual periods**

Any Multi-Family customer with 16 or more units may receive an incentive rebate after providing an application and documents required by the Director. The rebate will be based on achievement of meeting conservation goals measured against the account's 2010 water consumption as described below:

- i) 5% conservation goal = \$10 per occupied unit for each six month period based upon achieved water conservation
- ii) 10% conservation goal = \$13 per occupied unit for each six month period based upon achieved water conservation
- iii) 15% conservation goal = \$15 per occupied unit for each six month period based upon achieved water conservation
- iv) 25% conservation goal = \$25 per occupied unit for each six month period based upon achieved water conservation

Note: The test for water conservation savings will be based on each Multi-Family account's water consumption compared to the base line consumption from calendar year 2010. The calculation will take into account the number of occupied units within the comparison periods.

Approval is recommended.

**REQUIRED AUTHORIZATION CUIC:SB030**

Finance Director:

Other Authorization:

Other Authorization:

**SUBJECT:** Contract Award for Sabo Road Paving from Kingspoint Road to Fuqua Street and Kingspoint Road from Sabo Road to Kleckley Drive  
WBS Nos. N-000688-0001-4, S-000500-0094-4 and R-000500-0094-4

Page 1 of 2

Agenda Item # **36**

**FROM (Department or other point of origin):**  
Department of Public Works and Engineering

**Origination Date**  
12/9/10

**Agenda Date**  
DEC 15 2010

**DIRECTOR'S SIGNATURE:**  
  
Daniel W. Krueger, P.E.

**Council District affected:**  
E  
JK

**For additional information contact:**  
  
Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326  
Senior Assistant Director

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

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

**Amount and Source of Funding:**  
Total of \$4,060,000.00 to be appropriated as follows:  
\$3,447,690.00 from the Metro Projects Construction Fund No. 4040  
\$612,310.00 from the Water and Sewer System Consolidated Construction Fund No. 8500 *M.P. 8/24/2010*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the Street & Traffic Capital Improvement project (CIP) and is necessary to meet City of Houston standards and improve traffic.

**DESCRIPTION/SCOPE:** This project consists of the reconstruction of Sabo Road Paving from Kingspoint Road to Fuqua Street and Kingspoint Road from Sabo Road to Kleckley Drive. The new roadways will consist of a four (4) - lane divided concrete boulevard section with curb and gutter, sidewalks and other underground utilities.

The contract duration for this project is 365 calendar days. This project was designed by Jones and Carter, Inc.

**LOCATION:** The project area is along Sabo Road from Kingspoint Road to Fuqua Street and on Kingspoint Road from Sabo Road to Kleckley Drive. The project is located in Key Map Grids 576-T& P.

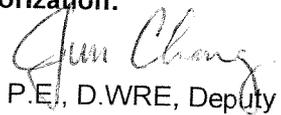
**BIDS:** Bids were received on June 10, 2010. The nine (9) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. SER Construction Partners, LTD.	\$3,316,908.45
2. Reytec Construction Resources, Inc.	\$3,488,427.60
3. Conrad Construction Co., LTD.	\$3,489,647.80
4. Triple B Services, L.L.P.	\$3,507,891.05
5. Metro City Construction, L.P.	\$3,499,250.80
6. Total Contracting Limited	\$3,562,570.95
7. Mar-Con Services, LLC	\$3,664,465.61
8. Resicom, Inc.	\$4,084,921.99
9. Texas Sterling Construction, Co.	\$4,177,337.00

REQUIRED AUTHORIZATION

CUIC ID#20MAC60 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

**AWARD:** It is recommended that this construction Contract be awarded to SER Construction Partners, LTD. with a low bid of \$3,316,908.45 and that Addendum numbers 1 and 2 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$4,060,000.00 to be appropriated as follows:

•	Bid Amount	\$3,316,908.45
•	Contingencies	\$ 165,900.00
•	Engineering and Testing Services	\$ 130,000.00
•	CIP Cost Recovery	\$ 447,191.55

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

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

**M/W/SBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 7% MBE goal and 10% SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. F.S. Garza Trucking	Trucking	\$100,000.00	3.01%
2. PRV Services, Inc.	Utility Installation	\$150,000.00	4.52%
<b>TOTAL</b>		<b>\$250,000.00</b>	<b>7.53%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Technical Assurance, L.L.C.	Bonding	\$24,316.00	0.73%
2. Reliable Signal & Lighting Solutions, LLC	Traffic Signals	\$46,000.00	1.39%
3. Deanie Hayes, Inc.	Backfill Material	\$150,000.00	4.52%
4. El Dorado Paving Company, Inc.	Asphalt	\$106,000.00	3.20%
<b>TOTAL</b>		<b>\$326,316.00</b>	<b>9.84%</b>

This project has been reviewed by TDLR for accessibility requirements and is registered with the State as: EABPRJB0808039 (043-10).

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

*JK 4/18*  
DWK:DRM:RK:JHK:SAB:MC

Z:\design\A-NP-DIV\MEC-1\Project Files\Sabo Road\Contract Award RCA for Sabo Road (N-0688-01-4).doc

cc: Marty Stein  
Velma Laws  
Susan Bandy  
Mike Pezeshki, P.E.  
Craig Foster  
WBS No. N-000688-0001-4\_(3.7 CONST\_RCA)



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

RCA #

**SUBJECT:**

Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

*3rd Reading*

*37 3436*

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

Alfred J. Moran, Director  
Administration & Regulatory Affairs

*Final*

Origination Date  
11/15/10

Agenda Date

~~DEC 01 2010~~

**DIRECTOR'S SIGNATURE:**

*[Signature]*

Council Districts affected:

ALL

~~DEC 08 2010~~  
DEC 15 2010

**For additional information contact:**

Juan Olguin 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:**

**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:

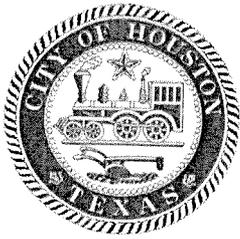
1. Antonio Valverde, Jr. DBA Southern Discount Vacuum Service

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:



# CITY OF HOUSTON

Office of the Mayor

## Interoffice

Correspondence

38

DEC 15 2010

To: Anna Russell  
City Secretary

From: Jenn Chat *Jc*  
Boards and Commissions

Date: December 7, 2010

Subject: **Houston Archaeological and  
Historical Commission  
Council Nominations**

### NON-CONSENT AGENDA

### MISCELLANEOUS

Motion to set a date not less than seven (7) days from December 15, 2010, to receive nominations for Positions 10 of the Houston Archaeological and Historical Commission Board of Directors, for a two-year term that will end March 1, of the designated year:

Position 10    Sharron B. Beale    March 1, 2010    Nominated by CM Garcia

/jsk

cc: Ms. Marty Stein

RECEIVED  
CITY OF HOUSTON  
OFFICE OF THE MAYOR



**CITY OF HOUSTON**  
Legal Department

**Interoffice**  
Correspondence

39

DEC 15 2010

To: Anna Russell  
City Secretary

From: Mary Frances Clark *MFC*  
Assistant City Attorney

Date: November 24, 2010

Subject: Mr. Larry Vick's Request to Appeal to City Council from the decision of the Electrical Board revoking the contractor's registration of Heights Electric Services and revoking the master electrician registration of Mr. Patrick Hebert

You have requested advice as to whether Mr. Larry Vick, the attorney for Heights Electric Services, Inc., has timely filed and therefore may be granted an appeal to the City Council of the Electrical Board's ("Board") decision regarding the revocation of Heights Electric Services' contractor's registration and the revocation of Mr. Patrick Hebert's master electrician's registration.

Mr. Charles Hebert and Mr. Patrick Hebert appeared before the Board on November 2, 2010, to respond to an alleged violation of Section 204 of the City of Houston Electrical Code, "Failure to Correct Work." The Board revoked the contractor's and master electrician's licenses and provided Mr. Charles Hebert and Mr. Patrick Hebert with revocation letters on November 4, 2010.

Section 203.7 of the City of Houston Electrical Code provides, "Any interested person aggrieved and affected by a decision of the Board may appeal to the City Council by delivering a written notice of appeal to the City Secretary within 10 calendar days from the date of deposit of the decision of the Board in the mail." Mr. Vick's notice of appeal was received by the City on November 12, 2010, which is within 10 calendar days from the date of the revocation of Heights Electric Services' contractor's registration and the revocation of Mr. Patrick Hebert's master electrician's registration. Accordingly, Mr. Vick's appeal to City Council is timely and may be granted.

If you have any questions concerning this memorandum, please let me know.

**KERR & HENDERSHOT, P.C.**

ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

1800 BERING DRIVE, SUITE 600

HOUSTON, TEXAS 77057

TELEPHONE (713) 783-3110

FAX (713) 783-2809

SIMON W. HENDERSHOT III

November 30, 2010

RECEIVED  
NOV 30 2010  
CITY SECRETARY

***Via Hand Delivery and  
Certified Mail, RRR  
No. 7003 1680 0005 3610 6774***

Anna Russell, City Secretary  
City Council for the City of Houston  
900 Bagby, Public Level  
Houston, Texas 77002

RE: **Appeal of Revocation of Master Electrician Registration**  
Appellant: Patrick Hebert  
Alleged Violation: Sections 204 (Failure to Correct Work) &  
402.5 (Revocation Reasons) of the City of Houston  
Electrical Code  
Project: 10052755  
Premises: 815 Thornbranch Dr., Houston, Texas

Dear City Secretary:

Please be advised that I represent the interests of Mr. Patrick Hebert in connection with the above referenced matter. All further communications regarding this matter are to be directed to my attention. This correspondence is to serve as a Supplement to the Appeal to City Council filed by Mr. Patrick Hebert on November 8, 2010 and is submitted pursuant to Sections 203.7 and 414 of the City of Houston Electrical Code and Section 2-2, Rule 12 of the Houston Code of Ordinances. Additionally, Mr. Patrick Hebert delivered a certified copy of the November 2, 2010 Electrical Review Board Hearing transcript to the City Secretary's desk on November 16, 2010.

On November 4, 2010, Mr. N.A. Weiman, the Division Manager for Electrical Inspections and Secretary of the Electrical Board, sent correspondence to Mr. Patrick Hebert notifying him that the City of Houston Electrical Board had revoked Mr. Hebert's State of Texas master electrician registration that was registered with the City of Houston. The registration at issue had identified Mr. Patrick Hebert as the master of record for Heights Electric Services, Inc. under the State of Texas contractor's license # 23286 registered with the City of Houston. The City of Houston Electrical Board had previously held a hearing on November 2, 2010 to determine whether Mr. Hebert's registration should be revoked or suspended or whether a warning should be issued for the incident

at issue.

The revocation of Mr. Patrick Hebert's registration of his master electrician's license with the City of Houston is unwarranted and must be reversed. Specifically, Patrick Hebert was not provided with any notice whatsoever regarding the November 2, 2010 Electrical Board Hearing. Due to the Electrical Board's failure to provide the required notice to Mr. Patrick Hebert, he was completely unprepared for the hearing, caught off guard and did not have an opportunity to secure legal counsel to represent his interests. This is a violation of Mr. Patrick Hebert's fundamental constitutional right to due process and also a violation of City of Houston Electrical Code Section 402.5. Accordingly, the revocation of Mr. Patrick Hebert's master electrician registration with the City of Houston should be reversed by City Council.

Mr. Patrick Hebert appeared at the November 2, 2010 Electrical Board Hearing along with his brother, Charles Hebert, and also Joey Hebert. See the November 2, 2010 Electrical Review Board Hearing transcript (Tr. p. 8, lines 20-25). Joey Hebert is the President of Heights Electric Services and Charles Hebert is the owner and Vice President. (Tr. p. 96, lines 20-22 and p. 98, lines 19-25). Mr. Patrick Hebert never received any written notice from Mr. Weiman or the Electrical Board advising him that a hearing would be held on November 2, 2010 regarding suspension or revocation of his registration. (Tr. p. 15, lines 7-8). During the hearing, Mr. Weiman reviewed the certified records that he had pulled from the post office on-line to determine whether the letter he allegedly sent to Patrick Hebert had been delivered. (Tr. p. 15, line 9 - p. 16 line 5). Based upon his review of the certified tracking records from the post office, Mr. Weiman could not confirm that Patrick Hebert had actually received the letter providing notice of the November 2, 2010 hearing. (Tr. p. 15, line 9 - p. 16 line 5). See also Exhibit 3 attached to the November 2, 2010 Electrical Review Board Hearing transcript. Mr. Weiman could only confirm that Charlie Hebert (a/k/a Charles Hebert, the brother of Patrick Hebert) had received the letter on October 29, 2010, only three (3) days before the hearing. (Tr. p. 16, lines 2-6). See also Exhibit 3. In fact, Mr. Patrick Hebert contacted Mr. Weiman on the day of the November 2, 2010 hearing and advised him that he had never received Mr. Weiman's letter regarding the hearing. (Tr. p. 15, lines 7-8). No one from Heights Electric Services, Inc. was represented by legal counsel at the hearing. (Tr. p. 13, line 13 - p. 14, line 4 and pp. 102-103).

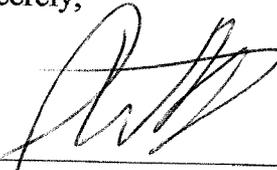
Section 108.1 of the City of Houston Electrical Code requires all hearing notices advising a person of his or her right to a hearing to be given by personal delivery or by certified mail, return receipt requested. The Electrical Board failed to provide written notice to Mr. Patrick Hebert as required by Sections 108.1 and 204 of the City of Houston Electrical Code. The transcript and record of the November 2, 2010 Electrical Review Board Hearing does not contain any evidence showing that the Electrical Board provided Mr. Patrick Hebert with the required ten (10) calendar days written notice advising him of any defect, error or deficiency in his work. This notice was required to be sent prior to the Electrical Board serving Mr. Hebert with a notice of hearing, which it also failed to do. The Electrical Board failed to serve Mr. Hebert with the notice of hearing that was required pursuant to Section 204 to specify the grounds upon which the Electrical Board would rely upon in seeking suspension or revocation of Mr. Hebert's registration. Additionally, the Electrical Board violated Section 402.5 of the City of Houston Electrical Code by failing to send Mr. Patrick Hebert written notice of the November 2, 2010 hearing within ten (10) calendar days prior

to such hearing via personal delivery or certified mail, return receipt requested. Pursuant to Section 402.5 of the City of Houston Electrical Code, Mr. Hebert was entitled to be accompanied to the hearing by an attorney of his choice; however, due to the Electrical Board's failure to send written notice of the hearing to Mr. Hebert within the required time period, Mr. Hebert was unjustly deprived of this most fundamental right.

For the reasons stated above, Mr. Patrick Hebert holds the position that no appropriate cause has occurred to authorize the revocation of his master electrician registration with the City of Houston and as such hereby continues to formally appeal same in that the action of the Electrical Board is unwarranted, invalid and unreasonable based upon its failure to provide the required notices as stated above. Mr. Hebert respectfully requests that City Council reverse the decision of the Electrical Board revoking Mr. Hebert's master electrician registration. Further, Mr. Hebert requests notice and coordination of the date and time of the City Council meeting in which his appeal will be heard so that he may be able to be present with counsel.

This notification and Supplement to the Appeal is not to be in any way construed as waiver of any other rights or remedies which Patrick Hebert may hold. All such rights and remedies are expressly reserved.

Sincerely,



Simon W. ("Trey") Hendershot, III



Patrick Hebert

SWH/mje

cc: N.A. Weiman  
Secretary of the Electrical Board  
P.O. Box 61167  
Houston, Texas 77208

***Via Certified Mail, RRR***  
***No. 7003 1680 0005 3610 6781***



# CITY OF HOUSTON

Office of the City Secretary

**Annise D. Parker**

Mayor

Anna Russell  
City Secretary  
P.O. Box 1562  
Houston, Texas 77251-1562

T. 832.393.1100  
F. 832.393.1109  
[www.houstontx.gov](http://www.houstontx.gov)

November 19, 2010

Mr. Larry A. Vick  
Attorney at Law  
908 Town & Country Boulevard  
Suite 120  
Houston, Texas 77024

Dear Mr. Vick,

Your letters addressed to the City of Houston, Secretary of the Electrical Board, enclosing an appeal to City Council for Charles Herbert, concerning alleged violation of Sec. 204 Failure to Correct Work at 815 Thornbranch Drive and copy of transcript, have been received in the office of the City Secretary and referred to the Legal Department to advise if the appeal is timely and whether an appeal may be granted.

Yours truly

A handwritten signature in cursive script, appearing to read "Anna Russell".

Anna Russell  
City Secretary

AR/bg

cc: Mr. David Feldman, City Attorney, with copies  
Mr. Daniel Krueger, Director, Public Works  
Council Member Ed Gonzalez, District H  
Ms. Martha Stein, Agenda Director

**LARRY A. VICK  
ATTORNEY AT LAW  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

*Nov 16, 2010*

City of Houston  
City Council

Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

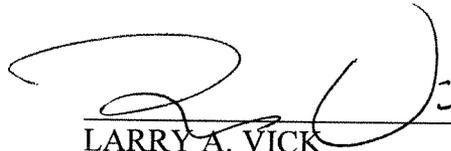
Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Patrick Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



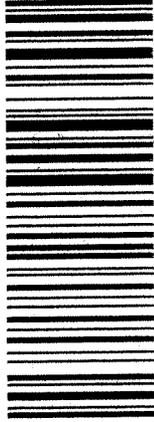
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LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT

Larry A. Vick  
Attorney At Law  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024

**CERTIFIED MAIL™**

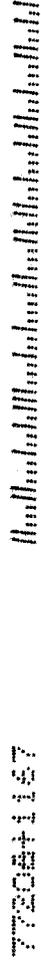
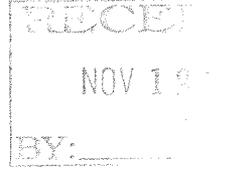


7008 1140 0004 8428 9767



**Return Receipt  
Requested**

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167



**LARRY A. VICK**  
**ATTORNEY AT LAW**  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

*NW 16 2010*

**LARRY A. VICK  
ATTORNEY AT LAW  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

City of Houston  
City Council

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

### **APPEAL TO CITY COUNCIL**

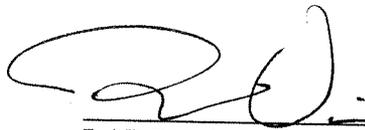
Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Charles Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



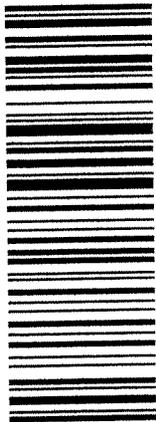
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LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT

Larry A. Vick  
Attorney At Law  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024

**CERTIFIED MAIL™**



7008 1140 0004 8428 9774

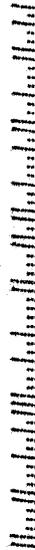


**Return Receipt  
Requested**

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167



77208-1167





## Transmittal Sheet

Date : November 16<sup>th</sup>, 2010

### Documents:

- \* 1 Signed Copy of Appeal to City Council for Patrick Hebert Dated November 8<sup>th</sup> 2010 from Larry A. Vick, Attorney for Appealant.
- \* 1 Signed Copy of Appeal to City Council for Charles Hebert Dated November 8<sup>th</sup> 2010 from Larry A. Vick, Attorney for Appealant.
- \* 1 Certified Copy of Court Reporter's Record Transcript From the Electrical Review Board Dated November 2<sup>nd</sup> 2010
- \* 1 Copy of Letter to Patrick Hebert From The City Of Houston Electrical Board Revoking Mater License Dated November 4<sup>th</sup> 2010
- \* 1 Copy of Letter to Charles Hebert From The City Of Houston Electrical Board Revoking of Contractors License Dated November 4<sup>th</sup> 2010
- \* 1 Copy of Signed Return receipt From The City Of Houston Electrical Board signed November 12<sup>th</sup> 2010.

Received By:  Date: 11-12-10

City Of Houston Secretary

Time: 2:50 pm

**LARRY A. VICK  
ATTORNEY AT LAW  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

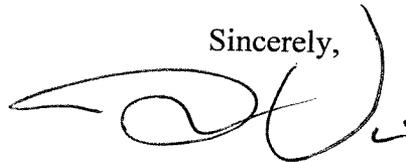
Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

NOV 10 10 10 AM '10  
CITY OF HOUSTON  
SECRETARY OF THE ELECTRICAL BOARD

City of Houston  
City Council

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Charles Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



---

LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT



**CITY OF HOUSTON**  
Public Works and Engineering Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 61167  
Houston, Texas 77208-1167  
3300 Main  
Houston, Texas 77002

T. 713-535-7510  
F. 713-535-7946

[www.houstontx.gov](http://www.houstontx.gov)

November 4, 2010

Mr. Patrick Hebert  
1603 W T C Jester  
Houston, Tx 77008

Premise: 815 Thornbranch Dr. Project # 10052755

On November 2, 2010 you appeared before the City of Houston Electrical Board in order to respond to the alleged violation of the City of Houston Electrical Code.

Per the City of Houston Electrical Code Section 203.7. You are hereby notified that the City of Houston Electrical Board has revoked your State of Texas master electrician registration and registered as such with the City of Houston. This registration identified you as the master of record for Heights Electrical Services, Inc. under the State of Texas contractor's license #23286 registered with the City of Houston.

Sincerely

N. A. Weiman  
Secretary of the Electrical Board  
Electrical Division Manager



**CITY OF HOUSTON**  
Public Works and Engineering Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 61167  
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November 4, 2010

Mr. Charles Hebert  
3535 White Oak Dr  
Houston, Tx 77007

Premise: 815 Thornbranch Dr. Project # 10052755

On November 2, 2010 you appeared before the City of Houston Electrical Board in order to respond to the alleged violation of the City of Houston Electrical Code.

Per the City of Houston Electrical Code Section 203.7- You are hereby notified that the City of Houston Electrical Board has revoked your State of Texas contractor's registration with the State of Texas as Heights Electrical Services, Inc. and registered as such with the City of Houston. This registration identified the master of record as Patrick Hebert -State of Texas licensed master #14185 registered with the City of Houston.

Sincerely

N. A. Weiman  
Secretary of the Electrical Board  
Electrical Division Manager

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Tommy T. Tarver</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Tommy T. Tarver</i> C. Date of Delivery <i>11/12/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>City of Houston          Secretary of the Electrical Board          Post Office Box 61167          Houston, Texas 77208-1167</p>	<p>3. Service Type:  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <b>7008 1140 0004 8428 9774</b></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Tommy T. Tarver</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Tommy T. Tarver</i> C. Date of Delivery <i>11/12/10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
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<p>2. Article Number (Transfer from service label) <b>7008 1140 0004 8428 9767</b></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

**LARRY A. VICK**  
**ATTORNEY AT LAW**  
**908 Town & Country Blvd., Suite 120**  
**Houston, Texas 77024**  
**lv@larryvick.com**  
**(713) 333-6440**  
**(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

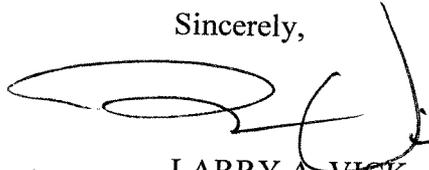
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Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for <sup>PATRICK</sup>~~Charles~~ Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

RECEIVED  
NOV 11 2010  
CITY SECRETARY

City of Houston  
City Council

Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

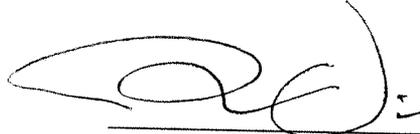
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1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
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WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



---

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Texas Bar No. 20563500  
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Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

REPORTER'S CERTIFICATE

CITY OF HOUSTON

TAKEN ON NOVEMBER 2, 2010

I, TIFFANY PINO CRUSE, the undersigned Certified  
Shorthand Reporter in and for the State of Texas,  
certify that the facts stated in the foregoing pages are  
a true and correct excerpted transcription of all the  
proceedings in the above styled and numbered Hearing  
that were reported by me.

I further certify that I am neither attorney or  
counsel for, related to, nor employed by any parties to  
the action in which this testimony is taken and,  
further, that I am not a relative or employee of any  
counsel employed by the parties hereto or financially  
interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of  
office on this the 12th day of November  
2010.



Tiffany Pino Cruse, CSR RPR  
Texas CSR 7766  
Expiration: 12/31/2010  
**ADVANCED COURT REPORTING SERVICES**  
6725 South Fry Road #700-345  
Katy, Texas 77494  
Telephone: (281) 831-4765

ADVANCED COURT REPORTING SERVICES

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CITY OF HOUSTON

3300 Main, Room #2054  
Houston, Texas 77002

ELECTRICAL REVIEW BOARD HEARING FOR THE  
HEARING OF PATRICK HEBERT AND HEIGHTS ELECTRIC SERVICES

HEARING DATE:  
November 2, 2010

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

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**A P P E A R A N C E S**

CHAIRMAN:

Mr. E.T. Dickerson

BOARD MEMBERS:

Mr. Chris J. Fahrenthold

Mr. Eliot Doucet

Mr. Harry Hughes

Mr. Antonio A. Orta

Mr. Larry Neal

Mr. Santosh Mukerji

Mr. Charles S. Prichard

Mr. Javier M. Ramos

ALSO PRESENT:

Mr. N.A. Weiman  
City of Houston

Ms. Haregeweyn Demoz  
Texas Department of Licensing and  
Regulations

Mr. Michael P. Barone  
Homeowner of 815 Thornbranch

Mr. Charles Hebert  
Heights Electric Services

Mr. Joey Hebert  
Heights Electric Services

Mr. Patrick Hebert  
Heights Electric Services

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

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**A P P E A R A N C E S** (Continued)

Ms. Yushan Chang  
City of Houston

Ms. Tiffany Pino Cruse  
Court Reporter

Various of other observers attended without providing their names and/or their names were removed to reflect only excerpt participants.

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

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**EXHIBITS**

EXHIBIT	DESCRIPTION	PAGE
9	Outlining Document Entitled: Heights Electric Services, Inc., Electrical Board Hearing 11-02-2010	11
1	Eight Colored Photos of Various Angles and Comparisons of Crimpings	31
2	Two Certificates of Attendance Awarded to John Akin and Mark Sonier, Dated June 21st, 1989	32
3	Two Track & Confirm Pages from the United States Postal Service	33
4	E-mail from Jennifer Prisco to N.A. Weiman and Jeffrey W. Cook, Dated September 23, 2010, Regarding: Barone	34
5	Colored Picture Entitled: Attic Crimp	63

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
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NOVEMBER 2, 2010

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**EXHIBITS** (Continued)

EXHIBIT	DESCRIPTION	PAGE
6	Tyco Electronics Cordless Electric Power Tool Kit, Customer Manual	72
7	Two Colored Photos Entitled: "Intentional and Unconscionable Omission" and "Attic Crimp 2"	88
8	Various E-mail Correspondence From/To Michael P. Barone	89

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

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**P R O C E E D I N G S**

MR. FAHRENTHOLD: I made a Motion to approve the minutes, editing that January date in the first sentence. And then Tony seconded it.

*(Discussion off the record.)*

CHAIRMAN DICKERSON: Chris made a Motion to approve the minutes and Tony seconded. And now I need to have a motion. All in favor?

*(All Board Members raised their hands.)*

CHAIRMAN DICKERSON: That being taken care of.

Those who were having a hearing tonight where there's a court reporter, so I must give you some instructions. Only speak when recognized by the Chair. And try to speak where the court reporter can clearly understand what you're saying and make the -- the record more accurate.

Let's see. I guess, we'll start and go around the table and introduce everybody so that -- I'm E.T. Dickerson, Chair, Houston Electrical Board.

MS. CHANG: Yushan Chang, that's Y-U-S-H-A-N, C-H-A-N-G and with the Legal Department.

MR. FAHRENTHOLD: Chris Fahrenthold, Board Member.

MR. WEIMAN: N.A. Weiman,

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

1 Division Manager for Electrical Inspections.

2 MR. MUKERJI: Santosh Mukerji,  
3 Electrical Engineer, Board --

4 MR. RAMOS: Javier --

5 MR. MUKERJI: -- Member.

6 MR. RAMOS: Javier Ramos, Electrical  
7 Board Member.

8 MR. DOUCET: Eliot Doucet, Electrical  
9 Board Member.

10 MR. HUGHES: Harry Hughes, Electrical  
11 Board Member.

12 MR. ORTA: Antonio Orta, Board Member.

13 MR. PRICHARD: Chuck Prichard,  
14 Board Member.

15 MR. NEAL: Larry Neal, Board Member.

16 CHAIRMAN DICKERSON: We'll go around this  
17 way, on the outside (indicating).

18

19 MR. BARONE: Mike Barone, homeowner.

20 MR. JOEY HEBERT: Joey Hebert with  
21 Heights Electric.

22 MR. PATRICK HEBERT: Patrick Hebert,  
23 Heights Electric.

24 MR. CHARLES HEBERT: Charlie Hebert,  
25 Heights Electric.

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

1 MS. DEMOZ: Haregeweyn Demoz, TDLR.

2 MR. WHITE: Duane White, City of Houston  
3 Senior Inspector.

4 MR. FOWLER: Robert Fowler, Investigator  
5 in Electrical Inspections Department.

6 CHAIRMAN DICKERSON: Okay.

7 I -- I -- I guess the next thing is to  
8 have the -- all those that are going to testify, be  
9 sworn in.

10 So would you swear?

11 THE REPORTER: Any -- anyone who's going  
12 to testify, if you'll raise your right hand for me.

13 (The witnesses complied and were sworn  
14 in.)

15 CHAIRMAN DICKERSON: Okay.

16 Who's going to present the City's case?

17 MR. WEIMAN: Mainly, it's going to be  
18 Robert Fowler.

19 CHAIRMAN DICKERSON: Okay.

20 MR. WEIMAN: Robert, do you want to come  
21 up to the table (indicating)?

22 CHAIRMAN DICKERSON: Sit right here  
23 (indicating).

24 (Discussion off the record.)

25 CHAIRMAN DICKERSON: Is it Hebert or

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

1 Hebert?

2 MR. CHARLES HEBERT: Hebert.

3 CHAIRMAN DICKERSON: Okay.

4 (Phone begins ringing.)

5 MR. MUKERJI: Oh, shoot. Oh, my God.

6 Turn it off, I'll turn it off.

7 CHAIRMAN DICKERSON: N.A., how would you  
8 like to proceed at this point?

9 MR. WEIMAN: Let's turn off the cell  
10 phones.

11 CHAIRMAN DICKERSON: Oh, yes. Either put  
12 your cell phones --

13 MR. MUKERJI: Yeah, turn off --

14 CHAIRMAN DICKERSON: -- on vibrate or  
15 turn them off.

16 MR. MUKERJI: Turn off, yeah, turn off,  
17 yeah. Sorry.

18 MR. WEIMAN: N.A. Weiman, City of Houston  
19 Electrical Inspections Department.

20 I guess, right -- I can start off and  
21 then I'll turn it over to Robert. Robert's my  
22 Investigator in the case and pretty much took the case.

23 CHAIRMAN DICKERSON: Okay.

24 MR. WEIMAN: We received a -- an e-mail  
25 from an individual -- it's, actually, was forwarded from

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

1 the homeowner, Michael Barone, regarding his residence  
2 on some unsafe electrical work -- or he felt it was  
3 unsafe and the fact that it was unpermitted.

4 He sent us an e-mail. I forwarded the  
5 e-mail to Duane. Duane's my Senior Investigate --  
6 Senior Inspector over Investigations and he set it up  
7 with Robert to go out and follow up on the  
8 investigation. And he went out and met with the  
9 homeowner.

10 The e-mail -- I guess the correspondence  
11 started back on May the 10th of 2010. And I passed out  
12 a sheet that -- that Robert set up. It's kind of a  
13 guideline that you can go by and just kind of follow  
14 Robert along with.

15 And I guess, really, I'll turn it over to  
16 Robert so Robert can kind of explain every step to you  
17 as he went out there and what he found. And he has some  
18 documentation that -- that he has that he'd like to  
19 present to the Board as exhibits.

20 And, actually, I -- I guess I'd like to  
21 present one of these to the court reporter as an exhibit  
22 as well.

23 (Exhibit 9 was marked.)

24 MR. WEIMAN: The homeowner also has A --  
25 a sample that was removed from his home and sent to

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

1 Tyco Industries for a test. We have pictures of that --

2 I didn't -- did you bring it with you  
3 today?

4 MR. BARONE: I -- I've got the actual  
5 one, yes, sir.

6 MR. WEIMAN: Okay.

7 But I know Yushan and you might be able  
8 to help me. If he shows that to the Board, does that  
9 become part of the Board's case? Or can he keep that  
10 for his personal records?

11 MS. CHANG: It's physical evidence?

12 MR. WEIMAN: Yes, ma'am. It's a -- it's  
13 a fitting.

14 MS. CHANG: It's up to the Board whether  
15 or not they need to keep it. I mean --

16 MR. WEIMAN: Okay.

17 MS. CHANG: -- they're going to decide  
18 today. Probably not.

19 MR. WEIMAN: Okay.

20 CHAIRMAN DICKERSON: Do you have a  
21 picture of it? We can --

22 MR. WEIMAN: We definitely have --

23 CHAIRMAN DICKERSON: -- use a --

24 MR. WEIMAN: -- pictures -- we definitely  
25 have pictures of it.

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
HEIGHTS ELECTRIC SERVICES  
NOVEMBER 2, 2010

1                   CHAIRMAN DICKERSON: We can enter that  
2 into the record as an exhibit.

3                   MR. WEIMAN: Okay. All right.

4                   What this is based on, is -- it's -- it's  
5 a -- a Copalum system that Mr. Barone, the homeowner at  
6 815 Thornbranch, had performed by Heights Electric at  
7 his residence. And we found that -- many defects in the  
8 process.

9                   And I'll turn it over to Robert and let  
10 Robert go through the steps that he's found and some of  
11 the documentation that we have and we'll present to the  
12 Board.

13                   CHAIRMAN DICKERSON: Does  
14 Heights Electric have counsel?

15                   MR. WEIMAN: I don't know.

16                   MR. CHARLES HEBERT: Yeah. Can we speak  
17 about this?

18                   CHAIRMAN DICKERSON: Pardon me?

19                   MR. FAHRENTHOLD: Do you have counsel?

20                   MR. JOEY HEBERT: No, we don't.

21                   MR. CHARLES HEBERT: Excuse me?

22                   CHAIRMAN DICKERSON: Did you hire or  
23 bring an attorney?

24                   MR. JOEY HEBERT: No.

25                   MR. CHARLES HEBERT: No. I mean, we -- I

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1 just got notice of this meeting Friday afternoon at 5:00  
2 p.m. I didn't know it was going to be a hearing or  
3 nothing like that. I just thought it was meeting with  
4 the Electrical Board is what I thought.

5 That's all -- I mean, I just got a  
6 certificated -- certified letter received at -- at my  
7 office at 5:00 p.m. on Friday. And that's the first I  
8 knew of this. And I called N.A. and he says: Hey, we'd  
9 like --

10 Well, okay. If it's not a critical time,  
11 you got it.

12 But we sent it to you, we'd like you to  
13 be there.

14 I thought it was just an informal -- I  
15 didn't know it was the --

16 MR. WEIMAN: I sent -- N.A. Weiman,  
17 City of Houston.

18 I sent a letter out the end of September  
19 -- or in September for a hearing, I believe it was at  
20 the end of September, we was first going to have the  
21 first -- the hearing on this.

22 And, at that time, Mr. Hebert contacted  
23 me and asked if we could postpone it, the hearing at  
24 that time. And Mr. Barone called me as well and asked  
25 if we could postpone the hearing for a couple of weeks.

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1 That was going to be, I believe the -- the end of  
2 Sept -- the end of September we was going to have that  
3 hearing. And so we postponed it. And we're just now  
4 getting back to it today.

5 Mr. Hebert did call me yesterday to  
6 inform me that he did not receive his letter until  
7 Friday, the 29th. Mr. Patrick Hebert contacted me today  
8 and stated that he had not received his letter at all.

9 So before the meeting started, I got with  
10 Ms. Chang. We talked about it. We went and pulled the  
11 -- the certified records from the post office, pulled it  
12 up online and these are the documents that -- that we  
13 were able to pull down (indicating).

14 The -- the tracking record shows that  
15 Mr. Patrick Hebert -- it says the status was delivered.  
16 And it says it was -- I'm sorry, let me back up.

17 Mr. Charlie Heberts [sic] it says it was  
18 delivered -- your item was delivered at 8 -- 11:28 a.m.  
19 on October the 29th of 2010.

20 And then, Mr. Patrick's -- Hebert says:  
21 Arrival at Unit, which I -- I do not understand exactly  
22 what that means. But it says: Your item arrived at  
23 5:23 a.m. on October the 20th, 2010, in Houston, Texas,  
24 77008. Information, if available, is updated  
25 periodically throughout the day. Please check again

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1 later.

2 So I don't know. I know the post office  
3 had it. I have records that they had it on the 20th.  
4 But when they actually received it, I -- I cannot  
5 confirm that, other than Charlie Hebert's does show that  
6 he received it. Delivery date was October the 29th.

7 These were the second letters I sent out.  
8 We did send letters out in September for the September  
9 -- the end of September hearing, which we postponed.

10 (Mr. Weiman handed paperwork to E.T.)

11 CHAIRMAN DICKERSON: Should we continue?

12 MS. CHANG: It's up to the Board.

13 MR. CHARLES HEBERT: I -- excuse me, but  
14 I -- you know, to me, I -- I had no idea that this was  
15 a -- a hearing of this nature. You know, I would have  
16 -- I mean, I -- to me, we had tried to settle with  
17 Mr. Barone. I can tell you exactly -- but he wouldn't  
18 let us in his house to finish the work.

19 So it's kind of hard -- and I think y'all  
20 will attest that he wouldn't let our guy -- our people  
21 enter the house, so -- to finish the work.

22 MR. BARONE: I'd -- I'd like to --

23 MR. CHARLES HEBERT: We've been trying it  
24 all along to get this thing settled. He had it.

25 At another time, we had a contract with

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1 our -- was going to -- have to do the work, but he  
2 elected not to proceed. That's why I -- it ain't  
3 settled or -- or --

4 MS. CHANG: Well, let's --

5 MR. CHARLES HEBERT: -- asked for --

6 MS. CHANG: -- let's do one issue at a  
7 time. Let's just show whether or not --

8 CHAIRMAN DICKERSON: Okay.

9 MS. CHANG: -- the Board --

10 CHAIRMAN DICKERSON: Thank you.

11 MS. CHANG: -- wants to continue this  
12 hearing or...

13 CHAIRMAN DICKERSON: Let me just say that  
14 in our -- in -- in the past that we call the meeting to  
15 discuss something, we have to make those aware of  
16 Rule 12 of the -- of the Houston Ordinance that requires  
17 if they want to carry the decision of the Board to  
18 City Council for appeal. Then, they have to have, at  
19 least, a court reporter here to take the record.

20 Now, in this case, the notification was  
21 made earlier. There -- there is a court reporter here  
22 so that if -- if you don't like what the Board rules,  
23 then you can make an appeal to Council through the  
24 record.

25 I would -- I would think we should just

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1 continue the -- the hearing. Do I -- do I have a Motion  
2 to that effect?

3 MR. FAHRENTHOLD: I make a Motion that we  
4 continue the hearing.

5 CHAIRMAN DICKERSON: Do I have a --

6 MR. NEAL: Second.

7 CHAIRMAN DICKERSON: -- second?

8 Okay. All in --

9 MR. CHARLES HEBERT: Wait, can I --

10 CHAIRMAN DICKERSON: -- favor?

11 MR. CHARLES HEBERT: -- can I -- can I  
12 speak to that?

13 CHAIRMAN DICKERSON: Not if --

14 MR. CHARLES HEBERT: I mean, I -- this is  
15 my --

16 CHAIRMAN DICKERSON: Well, I --

17 MR. DOUCET: We can open it for  
18 discussion now.

19 CHAIRMAN DICKERSON: Okay.

20 You can do discussion now. We've had a  
21 first -- a -- okay. Go ahead. Only about the --  
22 whether we continue the meeting or not, nothing else.

23 MR. CHARLES HEBERT: Well, I mean, I had  
24 no idea that there was going to be -- when I talked to  
25 N.A., he just said: Well, just join us, come and talk

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1 to us.

2 I mean, that's what -- what he said  
3 yesterday. And I'm -- to me, that's not that we're --  
4 come and talk to the Board doesn't mean having a -- a  
5 case, I mean, you know, a -- a trial. It's really very  
6 unfair. I mean --

7 CHAIRMAN DICKERSON: Mr. Fahrenthold?

8 MR. FAHRENTHOLD: Mr. Weiman, you've --  
9 you've had a couple of different letters and you've had  
10 a -- personal conversations with Mr. -- Patrick and  
11 Mr. Charles Hebert. In any of these conversations, or  
12 in the letter, did it indicate that -- that there was  
13 going to be a hearing because of violations of the  
14 City Ordinance and a -- and that's what -- what the  
15 meeting was going to be about?

16 MR. WEIMAN: The first part of  
17 September -- N.A. Weiman, City of Houston Electrical  
18 Inspections.

19 The first part of September, we weren't  
20 getting anywhere with -- or my Investigator wasn't  
21 making any really good progress in this case. And I  
22 knew the concerns that the homeowner had and the  
23 concerns that I had with -- with the system that was  
24 installed.

25 And I had not talked with any one of

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1 the -- the masters or the contractors. So I put a call  
2 into to Mr. Pat Hebert, and that was the first part of  
3 September and I -- I spoke with him and I told him my  
4 concerns and asked him to get back with his company and  
5 to check into what was taking place and look into it,  
6 investigate it and get back with me.

7 A week had passed, at least, and I had  
8 not heard back with him. And I called him back the  
9 second time, and that's when I told him that -- that he  
10 needed to address the issue, it's very critical. And  
11 that he was in violation of the City of Houston  
12 Electrical Code and that his license was apt to be in  
13 trouble, as far as the Ordinance.

14 And that was, I would say probably the  
15 first or second week of September. And then it was  
16 shortly after that we sent the Notice out for the  
17 hearing for the end of September or first of October --  
18 end --

19 MR. FAHRENTHOLD: In --

20 MR. WEIMAN: -- of September.

21 MR. FAHRENTHOLD: -- in the Notice, the  
22 letter, it says that there's going to be a hearing in  
23 the body of the -- of the letter?

24 MR. WEIMAN: If you'd like, I can get a  
25 copy of --

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1 CHAIRMAN DICKERSON: Please --

2 MR. WEIMAN: -- it.

3 CHAIRMAN DICKERSON: -- get us a copy.

4 MR. BARONE: I've got a copy right here,  
5 if you'd like it, sir (indicating).

6 MR. WEIMAN: Oh.

7 This is a -- a copy of the letter sent to  
8 Mr. Patrick -- Patrick Hebert, September the 8th of  
9 2010. The premise is 815 Thornbranch. The project  
10 number is 100527255. You're requested -- you are  
11 requested on September the 21st, 2010, at 5:00 p.m. at  
12 3300 Main, Houston, Texas, second floor, as to appear  
13 before the City of Houston Electrical Board in order to  
14 respond to the alleged violations of the following  
15 sections of the City of Houston Electrical Code.

16 Section 204: If any electrical master  
17 fails to correct any defect, error or deficiency in any  
18 of her work installed under the authority of the  
19 electrical permit within 10 calendar days after written  
20 notification thereof, the building official may serve  
21 the master with notice that a hearing be held -- held by  
22 the Electrical Board, at which time the  
23 building official will seek either the suspension or  
24 revocation of the master's registration.

25 Three separate inspections were made at

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1 the address of 815 Thornbranch, after which the defects  
2 had not been corrected on the following dates. June the  
3 2nd, 2010; June the 6th, 2010; and July the 22nd of  
4 2010.

5                   Section 402.5, parenthesis, 3:  
6 Defrauding of any person for whom a service has been  
7 rendered or contracted to be rendered on or about the  
8 address of 815 Thornbranch.

9                   Section 402.5, parenthesis, 6:  
10 Performing any electrical work as defined hereon [sic]  
11 which no electrical permit has been obtained on or about  
12 the address of 815 Thornbranch.

13                   This hearing is to determine whether your  
14 City of Houston master's registration should be revoked  
15 or suspended or whether a warning should be issued in  
16 this instance.

17                   You have the right to be represented by  
18 an attorney. You may -- may present evidence and will  
19 have the right to cross-examine witnesses presented  
20 against you.

21                   In close, this is a letter explaining  
22 Rule 12, the City of Houston Council's rules of the  
23 proceedings.

24                   Sincere -- Sincerely N.A. Weiman, Jr.,  
25 Secretary of the Electrical, Electrical Division

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1 Manager.

2 CHAIRMAN DICKERSON: Okay.

3 It sounds pretty clear to me.

4 All right. Any additional discussion?

5 Identify yourself before you speak.

6 MR. CHARLES HEBERT: Charles Hebert.

7 And, you know, we've been -- after we  
8 postponed the hearing, it -- it was the original  
9 hearing, is because we had an agreement with Mr. Barone.  
10 He was going to bring in another contractor, Brandt, who  
11 had given him a proposal to come in and recertify  
12 everything.

13 And that was -- we were coming to some  
14 terms about them doing it because he wouldn't let us  
15 come into the -- into his house again, which I -- I --  
16 you know, I didn't think it was fair because we were  
17 willing to come back and do it. I think the Inspector  
18 that was there will attest that he wouldn't let our guys  
19 in.

20 CHAIRMAN DICKERSON: Well, that's --  
21 that's not an issue at this point. The issue is, is do  
22 you have any reason to believe, after hearing that  
23 letter, that -- that this is not going to be a hearing?

24 MR. CHARLES HEBERT: We postponed it  
25 and --

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1 CHAIRMAN DICKERSON: Well --  
2 MR. CHARLES HEBERT: -- this is the first  
3 time that the -- we're telling you --  
4 CHAIRMAN DICKERSON: We postponed --  
5 MR. CHARLES HEBERT: -- we postpone --  
6 CHAIRMAN DICKERSON: -- so we can --  
7 MR. CHARLES HEBERT: -- because we were  
8 making --  
9 CHAIRMAN DICKERSON: -- redo it --  
10 MR. CHARLES HEBERT: -- arrangements with  
11 the --  
12 CHAIRMAN DICKERSON: -- and then --  
13 MR. CHARLES HEBERT: -- owner.  
14 CHAIRMAN DICKERSON: -- so all the  
15 revisions --  
16 THE REPORTER: I'm sorry --  
17 CHAIRMAN DICKERSON: -- will apply.  
18 THE REPORTER: -- one at a time. Hold on  
19 one second.  
20 CHAIRMAN DICKERSON: I'm sorry.  
21 THE REPORTER: No, that's okay. Go  
22 ahead.  
23 CHAIRMAN DICKERSON: I call to question  
24 all in favor of the Motion?  
25 (All Board Members with the exception of

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1 Santosh Mukerji raised their hands.)

2 CHAIRMAN DICKERSON: Okay. We'll  
3 continue.

4 I can't even follow my own rule.

5 MR. PATRICK HEBERT: Can I -- can I say  
6 something?

7 CHAIRMAN DICKERSON: Not at this point.  
8 You can later.

9 Okay. N.A.?

10 MR. WEIMAN: I'll turn it over to  
11 Robert Fowler.

12 MR. FOWLER: Okay.

13 My name's Robert Fowler, Investigator,  
14 Electrical Inspections Department, City of Houston.

15 As N.A. said, May 10th, the homeowner  
16 sent an e-mail to the City.

17 On June 2nd, I was dispatched out by  
18 Mr. Duane White, Senior Inspector, to meet with the  
19 homeowner at 815 Thornbranch to check for unplanned --  
20 unpermitted electrical work. As it turns out, the work  
21 had been performed and checking the -- on our computers,  
22 there was no permit for work inside of the house.

23 So on June 3rd, Senior Inspector  
24 Duane White informed Mr. Charles Hebert of  
25 Heights Electric that a permit was required for the work

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1 that had been done. Mr. Hebert told Senior Inspector  
2 White that a permit was not required. Inspector White  
3 read 301.1 of the City of Houston Electrical Code to  
4 Mr. Hebert which states when a permit is required. And  
5 Mr. Hebert was adamant about not obtaining a permit  
6 until he spoke with Mr. N.A. Weiman, Electrical Division  
7 Manager.

8                   Then, on June 4th, 2010, Heights Electric  
9 did obtain a permit for the work performed at  
10 815 Thornbranch.

11                   On June 8th, 2010, number 123, which is  
12 me, Robert Fowler, was called out to an address for an  
13 inspection and met a technician with Heights Electric.  
14 The inspection -- I was going through the inspection,  
15 taking out receptacles that revealed the Code  
16 requirements were not met, including the fact that the  
17 switches weren't grounded, tamper-resistant receptacles  
18 were not installed and the Copalum connection had not  
19 been made on any -- on any of the grounding conductors  
20 in each receptacle and switch.

21                   I left a red -- or 123, I left a red tag  
22 with all the defects on the job, informed the technician  
23 to make corrections and recall for inspection.

24                   On June 16th, the homeowner received an  
25 e-mail with Tyco Electronics, the company that sells the

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1 Copalum system, that they had found that only one person  
2 with Heights Electric was certified to use that system.  
3 And that was Charles Hebert, who did not perform any of  
4 the work at his home. So the technicians that were out  
5 there were not certified through Tyco.

6 And on July 22nd, 2010, number 123 was  
7 recalled to 815 Thornbranch for a reinspection of the  
8 work and found that some of the corrections had been  
9 made, but the majority of the defects were not  
10 corrected.

11 That included several of the grounding  
12 connectors had not been spliced with the Copalum  
13 connection, the switches were still not grounded. Three  
14 of the recept -- I pulled out six or seven, only three  
15 of them, the grounds weren't even on -- on the ground  
16 screwed correctly. They were just -- I -- I don't -- I  
17 don't know how to describe it, but haphazardly put on  
18 there. They were just -- they were loose. You could  
19 shake them off there.

20 And I issued another -- well, number 123  
21 issued another red tag. And, once again, informed the  
22 technician that corrections needed to be made and recall  
23 for inspection.

24 And that was the last inspection that I  
25 had made out there.

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1                   On July 29th, 2010, Tyco Electronics  
2 confirmed to the homeowner that Mr. Charlie Hebert --  
3 Charles Hebert was the only person with Heights Electric  
4 who had attended training for the Copalum system.

5                   Included in the e-mail was special  
6 responsibilities of the installer. Tyco Electronics  
7 also informed the homeowner that Heights Electric was  
8 being removed from the Copalum program. Tyco  
9 Electronics verified that they could not find any  
10 records of training by employees of Height Electric for  
11 the Copalum system.

12                   Normally, each trained person would be  
13 listed with their certification number. Therefore, the  
14 certifications that were presented to the homeowner were  
15 falsified.

16                   On August, 11th, 2010, after receiving a  
17 sample of the crimp connections made at 815 Thornbranch,  
18 Tyco Electronics informed homeowner that an engineer had  
19 reviewed the crimp and said the termination was not  
20 passable according to Tyco Electronics specifications.

21                   Tyco also stated that a visual inspection  
22 of the termination showed that the crimping dies nor the  
23 crimping tool used were correct.

24                   And as of today's date of the Board  
25 meeting, 11 -- November 2nd, 2010, the corrections of

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1 all the defects have not been made.

2 CHAIRMAN DICKERSON: Wait until the City  
3 gets through and then you'll have a chance, too.

4 Any -- any of the Board Members have any  
5 questions of Mr. Fowler or --

6 (Mr. Fahrenthold raised his hand.)

7 CHAIRMAN DICKERSON: Yes, sir.

8 MR. FAHRENTHOLD: Chris Fahrenthold.

9 You found out all this Tyco information  
10 from the homeowner --

11 MR. FOWLER: Through an --

12 MR. FAHRENTHOLD: -- is that --

13 MR. FOWLER: -- e-mail.

14 MR. FAHRENTHOLD: -- correct?

15 Through e-mail?

16 MR. FOWLER: An e-mail sent to the  
17 homeowner through Tyco. And I've got copies of all of  
18 the e-mails.

19 MR. FAHRENTHOLD: Okay.

20 So he forwarded them all on to you?

21 MR. FOWLER: Yes, sir.

22 MR. FAHRENTHOLD: Okay.

23 MR. FOWLER: And I do have pictures of  
24 the crimps where it shows the -- the -- they were right  
25 on top --

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1 MR. WEIMAN: Yeah.

2 MR. FOWLER: -- of the ones that were  
3 made by -- made by Heights versus what's the correct  
4 crimp through Tyco.

5 (Discussion off the record.)

6 MR. CHARLES HEBERT: And we've never seen  
7 that, so I don't understand why they didn't send  
8 something to us.

9 CHAIRMAN DICKERSON: You haven't been  
10 recognized, sir.

11 MR. CHARLES HEBERT: Sorry.

12 (Discussion off the record.)

13 MR. FOWLER: Robert Fowler.

14 There's also a -- what they call a  
15 Go/No-Go gage, and you'll see it in the pictures, where  
16 once the crimp is made, the gage, the -- the crimp has  
17 to slide into the correct die, which is -- by the dock  
18 that's here on the -- on the -- you'll see it on the  
19 crimp -- and the ones that -- you'll see in the  
20 pictures -- the ones that are correct, from Tyco, slide  
21 easily into the -- into the Go/No-Go gage. And the ones  
22 that were used at Mr. Barone's house at 814 [sic]  
23 Thornbranch will not fit into the Go/No-Go gage.

24 (Discussion off the record.)

25 CHAIRMAN DICKERSON: Okay.

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1 Is that it?

2 MR. FOWLER: Yes, sir.

3 CHAIRMAN DICKERSON: Would you like to  
4 make this Exhibit 1 from the City?

5 MR. WEIMAN: Yes, sir. Yeah, once, I  
6 guess, everybody looks at it.

7 (Exhibit 1 was marked.)

8 CHAIRMAN DICKERSON: Okay.

9 MR. BARONE: Mr. Weiman, would you like  
10 to pass those down (indicating).

11 MR. WEIMAN: Okay.

12 N.A. Weiman, City of Houston Electrical  
13 Inspections.

14 What I have a -- a couple of -- the two  
15 individuals that were out at Mr. Barone's performing the  
16 Copalum system with the AMP tool, from my understanding,  
17 in order to -- to perform this type of installation, you  
18 have to be certified through Tyco Industries to -- to  
19 use this tool and their equipment. And -- so Mr. Barone  
20 had found that out.

21 So when the two individuals came out from  
22 Heights Electric to perform this work, he asked for  
23 their certificates. And they provided him a -- a copy  
24 of the certificate. And -- and it says: Certificate of  
25 Attendance awarded to Jim Akin on the 21st day of June,

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1 1989, for participating in a Copalum Termination [sic]  
2 Program Training.

3 And it's -- lists the tool and the  
4 product and the Instructor's a Lloyd Trump. I'd like to  
5 pass that around, also, and be an exhibit.

6 I have another one, a Certificate of  
7 Attendance Awarded to a Mark Sonier, on this 21st day of  
8 June, 1989, for -- participating in the Copalum  
9 Retermination Program Training.

10 And it lists the tool and the product and  
11 the Inspector's a Lloyd Trump.

12 Mr. Barone contacted Tyco on this,  
13 regarding this, and Tyco denied either one of those  
14 certificates being true certificates.

15 CHAIRMAN DICKERSON: These (indicating)?

16 MR. WEIMAN: Yes, sir. They were  
17 falsified.

18 (Discussion off the record.)

19 CHAIRMAN DICKERSON: Could you mark these  
20 Certificates as Exhibit 2 for the City?

21 (Discussion off the record.)

22 (Exhibit 2 was marked.)

23 (Charles Hebert raised his hand.)

24 CHAIRMAN DICKERSON: You'll get a chance  
25 in a minute.

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1 (Discussion off the record.)

2 MR. WEIMAN: I was thinking I had an  
3 e-mail -- and Mr. Barone may be able to help me on this,  
4 as far as the certification, on -- on -- on the --

5 MR. BARONE: What exactly --

6 MR. WEIMAN: -- certificates --

7 MR. BARONE: -- there's a -- in -- in the  
8 copy of the Training Manual that's in with the --

9 MR. WEIMAN: I'm talking --

10 MR. BARONE: -- picture.

11 MR. WEIMAN: -- about the one that Tyco  
12 stated that the certificates were false.

13 MR. BARONE: Oh. Yes, there is one from  
14 -- actually, the -- correction to the points that have  
15 been made. What Tyco came back with and Jeff from Tyco  
16 came back with that it was 80 folks, I believe, from  
17 Height Electric did receive training for the Copalum  
18 back in 1978, '79, '88, '89, whenever. But -- but none  
19 of the folks that were working on my project were on  
20 that list.

21 And then -- so yeah. And now I...

22 CHAIRMAN DICKERSON: This is Exhibit 3,  
23 that's the Post Office.

24 (Exhibit 3 was marked.)

25 (Charles Hebert raised his hand.)

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1                   CHAIRMAN DICKERSON: When the City gets  
2 ready -- through, then we'll turn to you.

3                   MR. WEIMAN: E.T. -- N.A. Weiman, City of  
4 Houston.

5                   I had contacted Mr. Cook, he's  
6 representative for Tyco Industries. I asked him for an  
7 e-mail, a written response regarding Tyco's -- what  
8 their thoughts were with Heights Electric regarding what  
9 was taking place.

10                   He had his counsel send me an e-mail on  
11 September the 23rd of 2010. It says: Hi N.A.,  
12 Tyco Electronics has -- has -- has terminated  
13 Heights Electric as an authorized Copalum product  
14 installer. They have been notified that they may no  
15 longer purchase Copalum products, nor are they permitted  
16 to hold themselves out as authorized installers. Please  
17 let me know if you -- if I can be of further assistance.  
18 Regards, Jennifer Prisco, Counsel for Tyco Electronics.

19                   *(Discussion off the record.)*

20                   CHAIRMAN DICKERSON: Here's Exhibit -- is  
21 it 3 or 4.

22                   THE REPORTER: 4.

23                   CHAIRMAN DICKERSON: Okay.

24                   *(Exhibit 4 was marked.)*

25                   CHAIRMAN DICKERSON: Does the City have

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1 any further?

2 MR. WEIMAN: (Indicating).

3 CHAIRMAN DICKERSON: I mean, you'll get a  
4 chance --

5 MR. WEIMAN: Yeah. I don't --

6 MR. FOWLER: I don't --

7 MR. WEIMAN: -- believe so, at this time.

8 CHAIRMAN DICKERSON: Okay.

9 Mr. Hebert, we'll turn this over to you  
10 now to address all of these -- the issues.

11 MR. CHARLES HEBERT: Well, first off, let  
12 me say that we went -- we originally contracted with  
13 Mr. Barone to do was he had a list of inspection  
14 reports, which included service to a panel. A panel  
15 needed to be changed, we took out a permit for that and  
16 did that part of the work first.

17 In the past, when we did a Copalum  
18 system, if it was -- it was put the connectors on --  
19 putting in the connectors. I mean, that's -- it's like  
20 putting on the wing nut on -- on -- on the -- the -- the  
21 bases.

22 But let me point to one thing. The  
23 certification for the tool that we were talking about is  
24 for a different tool than was used. This -- this is the  
25 manual tool that certification was done (indicating).

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1 This is the tool that we've used since  
2 1979, which is in a pneumatic tool, which is a heck of a  
3 lot better of crimp than the electric tool does  
4 (indicating). There is -- never been any certification  
5 required for this pneumatic tool (indicating).

6 Back in 19- -- I was -- I used to be an  
7 engineer at NASA and we used aluminum the connectors --  
8 the AMP connectors on our aluminum connections there.  
9 That's how come I knew about it when I ran into this  
10 program.

11 In '78, I contacted the AMP Industries  
12 and we started using the AMP tools and bought this  
13 pneumatic tool, which is a lot more better than this  
14 electrical tool (indicating), which was built later on.

15 In fact, we were -- we helped AMP develop  
16 this tool by testing it further in the '80s. It wasn't  
17 until '80 -- '89, I believe, is when the tool came out.  
18 They brought us the tool and had us use it in the field.

19 So I mean, it's -- this required no  
20 certification (indicating) for the people working on it.  
21 And we've worked -- and we did Copalums from 1978  
22 through -- well, even today. We don't even use this  
23 tool (indicating). We use this here tool for, maybe,  
24 six months (indicating).

25 But I guess they -- this tool

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1 (indicating) doesn't require -- and it's -- actually,  
2 does a better job, in my mind. A pneumatic crimp is ten  
3 times better.

4 If you can go ahead and take a look at  
5 that, you're going to see it's...

6 This -- this here (indicating) did not do  
7 as good a job as that (indicating). It binds all the  
8 time. So that's the reason we have stopped using -- we  
9 kept on using our pneumatic tool.

10 We were never told by AMP Industries that  
11 this tool was not certified. It's UL approved. It's a  
12 much better crimping device. Anybody that's done AMP,  
13 they know that's -- that doesn't require any -- never  
14 has required any certification.

15 Our men -- one -- one of our guys, I  
16 guess what he was constantly asking for something -- of  
17 course, I -- I -- I want -- "Grady Simmons" called up,  
18 trying to get some copies of the -- of the  
19 certifications from -- from AMP. And I mean, this is my  
20 original certification from AMP (indicating). And --  
21 and "Grady Simmons," I guess, erroneously made some  
22 copies and -- and sent them out to Mr. Barone, which is  
23 not right. It was not authorized by us.

24 And -- but, you know, it was -- but,  
25 again, that certification was certifying for this

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1 pneumatic -- this electrical -- portable electric tool  
2 (indicating), which that's what they asked for.

3           The pneumatic tool that never had any  
4 type of certification requirement and that's the one  
5 we've used since 1978, with the exception of field  
6 testing, as you (indicating).

7           The -- we had a permit on the job when we  
8 did the servicing. In the past, we -- when I called and  
9 we had a -- we did a Copalum job, Bobby Love used to  
10 tell us -- well, the -- of course, at that time, they  
11 didn't even really know what Copalums were. I mean,  
12 there's a special connector. And we've put in the  
13 connectors -- I'm sorry -- these connections were made  
14 and -- and they were just like a -- you know, a -- a  
15 butt connector. And we put them in.

16           You know, and -- and -- and, you know,  
17 Bobby Love used to tell us: Well, take out a  
18 miscellaneous permit because the only reason -- and  
19 that's what we were really doing in this here case was  
20 operating under the service change and -- and a  
21 miscellaneous permit.

22           When he asked us about a permit, I said:  
23 Well, we did. I guess the final -- the service  
24 didn't -- you know, the electrical service for the  
25 panel, we took out a permit -- a miscellaneous permit.

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1                   And then he says: Well -- originally, we  
2 weren't even supposed to change out the plugs. But the  
3 homeowner and his -- went unbeknownst to me -- went and  
4 bought new plugs. And -- and they were not the  
5 pamper-approved type. But, you know, our guys went  
6 ahead and put them in to be helpful to him.

7                   It was not, you know, that was not -- and  
8 when the inspector says: Well, you didn't -- you  
9 changed the plugs, therefore, you have to permit them.  
10 We went ahead and took out a permit for all the plugs.

11                   I mean, you -- if -- in -- in the past,  
12 if you had a Copalum project, you were just, basically,  
13 putting in the butt splice. And if you -- if you just  
14 put in a butt splice, you -- they told us to take out a  
15 miscellaneous permit.

16                   But the inspector said: Well, if we can  
17 change the plugs, you have to permit all the plugs.

18                   We did. You know, and -- and -- you  
19 know, I mean, our electricians were trying to be helpful  
20 by going ahead and -- and installing new ones versus the  
21 other. And then, we went back and the homeowner went  
22 ahead and got the pamper-proof type and we replaced  
23 those because I guess he had gotten the wrong type of  
24 receptacles, according to the new requirements.

25                   And we've -- we've been trying to give

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1 Mr. Barone -- he wouldn't let us come out and complete  
2 the -- the items that we -- were on the punch list about  
3 the box fill and the additional grounding.

4           And then, we -- we made a -- let him --  
5 he wanted to get someone else with the AMP certification  
6 to come in and do that. He talked to different people  
7 and had an agreement to have them, you know, an estimate  
8 from them to do it.

9           But then I think he and them decided  
10 against it. I think they just probably just didn't want  
11 to get involved in the situation.

12           Then, he was trying to get us to go to  
13 talk to people in Austin and whatnot to come and do  
14 that. We were trying to help him, but we didn't want to  
15 get involved. And, you know, directly, he's -- that's  
16 something a homeowner should do.

17           I mean, the -- I asked him to give us the  
18 opportunity to come back out and make those corrections,  
19 but he has not allowed us into the house. It's kind of  
20 hard for us to do that when he won't let us in the  
21 house.

22           One of the inspectors was there when he  
23 ordered us off the property. So I don't know which one  
24 that was. We still would like to entertain -- you know,  
25 go out and take care of it. I told him -- Pat was one

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1 of the original certified -- Pat and I were both there.  
2 We -- we had six people back -- when was the certified  
3 date -- '87, I believe it was. And that -- that we're  
4 -- it was Richard Simmons, you know, my -- Harry Murray,  
5 Don Murray -- well, we had six guys. And they, you  
6 know, they charge people to -- to do that, because we  
7 were the prototype group working with them, they didn't  
8 charge us anything. And they let us use the tool for  
9 free, you know, to -- to test field [sic] it.

10 But we found that the pneumatic tool was,  
11 you know, much much better than the electric tool. And,  
12 again, there was no certification ever required for the  
13 pneumatic tool.

14 Mr. Barone and -- and even the engineers  
15 up at Tyco, I'm afraid they don't -- they're not that  
16 old -- they haven't been around that long. So they  
17 don't know. They just -- new engineers and they don't  
18 know all new -- all they know is this new electric tool.  
19 But there is many people who are still using the  
20 pneumatic tool. And it does a much better job in the  
21 field.

22 CHAIRMAN DICKERSON: E.T. Dickerson.

23 How do you explain the pneumatic tool  
24 making these crimps that are almost -- that are not to  
25 specifications at Tyco?

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1 MR. CHARLES HEBERT: Well, it was my  
2 understanding that this one crimp that was done was --  
3 was when our guy went out there and, you know, it -- the  
4 air compressor that they brought it out there and he was  
5 having trouble with his air -- air compressor that he  
6 took out there.

7 And so, he made one and he gave him that  
8 one. And then, because he was having trouble with it,  
9 he even started using it -- it -- Mr. Barone's air  
10 compressor that he had -- had there until we got a --  
11 one out there.

12 So I think that's why it didn't do a good  
13 crimp, because he had that problem with the air  
14 compressor on a first connection.

15 *(Mr. Fahrenthold was raising his hand.)*

16 CHAIRMAN DICKERSON: Mr. Fahrenthold?

17 MR. FAHRENTHOLD: Chris Fahrenthold,  
18 Board Member.

19 Mr. Fowler?

20 MR. FOWLER: Yes, sir.

21 MR. FAHRENTHOLD: Was there a service  
22 take out permit pulled for the residency.

23 MR. FOWLER: Yes, sir, there was.

24 MR. FAHRENTHOLD: There was.

25 But it was just a meter had been

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1 serviced --

2 MR. FOWLER: Yes, sir.

3 MR. FAHRENTHOLD: -- MTSCI?

4 MR. FOWLER: Just to change out the  
5 service.

6 MR. FAHRENTHOLD: Okay.

7 MR. FOWLER: And, in fact, that was  
8 defected as well by the zone inspector for using red  
9 wire nuts for the connection on some of the -- in the  
10 panel. And they -- they came out and corrected that.  
11 And then, it was -- it was passed and finalized. And  
12 then --

13 MR. FAHRENTHOLD: But that was all that  
14 was on there was the --

15 MR. FOWLER: Yes, sir.

16 MR. FAHRENTHOLD: -- the meter had been  
17 serviced?

18 Mr. Hebert?

19 I didn't understand your explanation for  
20 these certificates with names on them that Tyco didn't  
21 recognize. You said something about somebody must  
22 have -- can you explain that --

23 MR. CHARLES HEBERT: All right --

24 MR. FAHRENTHOLD: -- again?

25 MR. CHARLES HEBERT: -- "Axena Zeus," our

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1 general superintendent at that time, who is no longer  
2 with us, he -- he, without authority, made these copies  
3 to -- to try to appease the -- Mr. Barone.

4 I mean, it -- like I said, this tool did  
5 not require -- this tool does not require any type of  
6 certification and we have -- nobody (indicating). But  
7 the only certification that they've ever given to us has  
8 been this item, this -- this -- and so that's the only  
9 thing that I guess we have from them. And that's why we  
10 even tried to contact them to get some copies of the --  
11 of the certification.

12 MR. FAHRENTHOLD: How big a shop do you  
13 have? How many people do you run?

14 MR. CHARLES HEBERT: It's gotten a lot  
15 smaller now, but -- but we've had up to --

16 MR. FAHRENTHOLD: Well, this happened --  
17 last summer, when you were doing this work.

18 MR. CHARLES HEBERT: About -- we had  
19 about 50, 60.

20 MR. FAHRENTHOLD: So there would be a  
21 chance that this general superintendent would just make  
22 these copies without letting you, the owner of the  
23 company, or the master know?

24 MR. CHARLES HEBERT: No, we would not  
25 have authorized that -- for him to do that. You know, I

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1 guess -- you know, he tried to tie -- you know -- you  
2 know, there were -- like I said, there were six people  
3 who had certification. And -- and -- and Pat and I  
4 were, you know --

5 MR. FAHRENTHOLD: How did --

6 MR. CHARLES HEBERT: -- but we had -- we  
7 had -- at the time that this certification came down, we  
8 had about -- we had about 60 guys working for us at the  
9 time. And -- and even John Akin was working for us at  
10 that time and he -- you know, everybody was around  
11 when -- when this guy was doing this training program.  
12 But he only gave six certificates.

13 But, you know, it's -- but I mean, it's  
14 -- it's -- and it was not good but "Grady Simmons" you  
15 know, did that. And we -- you know, he's.

16 MR. FAHRENTHOLD: But you're responsible  
17 for your people, right, and their actions? You and your  
18 master?

19 MR. CHARLES HEBERT: I don't agree with  
20 it. I -- you know, it's -- it's not a very good  
21 situation, that's for sure.

22 But, again, the tool we were using did  
23 not require any certification whatsoever. I mean, our  
24 -- I guess, a -- a -- you know, in -- in -- that's  
25 definitely the case. We've been coming to -- I mean,

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1 how many times? I mean, you -- you know, we -- we  
2 operate at Sears Electric for years doing these Copalum,  
3 y'all probably saw the ads in -- on TV about Sears  
4 coming out and repairing these things.

5 And there was never any certifications  
6 required at that time. Everybody was using this  
7 pneumatic --

8 CHAIRMAN DICKERSON: That was --

9 MR. CHARLES HEBERT: -- tool.

10 CHAIRMAN DICKERSON: -- 30 years ago.

11 MR. CHARLES HEBERT: Excuse me?

12 CHAIRMAN DICKERSON: Pardon me,

13 E.T. Dickerson.

14 That was 30 years ago.

15 MR. CHARLES HEBERT: Correct.

16 MR. PRICHARD: Chuck Prichard.

17 Mr. Hebert, what's your registration  
18 number with the State of Texas for an engineering  
19 license?

20 MR. CHARLES HEBERT: My?

21 MR. PRICHARD: Your engineering license.

22 MR. CHARLES HEBERT: I do not have an  
23 engineering license.

24 MR. PRICHARD: You said you were an  
25 engineer.

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1 MR. CHARLES HEBERT: Well, I worked as a  
2 junior engineer.

3 MR. PRICHARD: What university did you  
4 get your engineering degree from?

5 MR. CHARLES HEBERT: I did not get a  
6 degree. I was a --

7 MR. PRICHARD: Thank you.

8 (Mr. Weiman raised his hand.)

9 CHAIRMAN DICKERSON: Mr. Weiman?

10 MR. WEIMAN: N.A. Weiman, City of  
11 Houston.

12 Mr. Hebert, you stated that -- that y'all  
13 all had -- you and Mr. Hebert -- Patrick Hebert and  
14 yourself were probably one of the first to get y'all's  
15 certification with this tool; is that correct?

16 MR. CHARLES HEBERT: Yes, I know that.

17 MR. WEIMAN: Okay.

18 What tool was that?

19 MR. CHARLES HEBERT: Well --

20 MS. DELUCA: That's with the --

21 MR. CHARLES HEBERT: This --

22 MR. WEIMAN: -- the pneumatic --

23 MR. CHARLES HEBERT: -- it was an  
24 electric tool (indicating).

25 MR. WEIMAN: The electric tool?

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1 MR. CHARLES HEBERT: The only one that  
2 they ever had a certificate -- a -- a training. This --  
3 this -- this is a (indicating), or -- what -- you know,  
4 a -- a -- well, it's a portable unit.

5 MR. WEIMAN: Okay.

6 MR. CHARLES HEBERT: And it's an electric  
7 portable unit.

8 MR. WEIMAN: So that was for the electric  
9 tool that you had certification --

10 MR. CHARLES HEBERT: That's the only --

11 MR. WEIMAN: -- for?

12 MR. CHARLES HEBERT: -- certification.

13 MR. WEIMAN: And when was that? That was  
14 back in -- what -- the --

15 MR. CHARLES HEBERT: I gave you a copy  
16 there.

17 MR. WEIMAN: '80 -- '89?

18 MR. CHARLES HEBERT: Correct.

19 MR. WEIMAN: So --

20 MR. CHARLES HEBERT: And we were doing  
21 these (indicating) -- we were doing these in '78 --

22 (Discussion off the record.)

23 MR. CHARLES HEBERT: -- and using this,  
24 the pneumatic tool.

25 MR. WEIMAN: Say that again now.

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1 MR. CHARLES HEBERT: We've been using the  
2 pneumatic tool since 1978.

3 MR. WEIMAN: Since 1978?

4 MR. CHARLES HEBERT: And I've used it  
5 continuously, with the exception of our field test for  
6 this (indicating).

7 MR. WEIMAN: Okay.

8 MR. CHARLES HEBERT: And this is not the  
9 tool that we used (indicating).

10 CHAIRMAN DICKERSON: In 19 -- this is  
11 E.T. Dickerson.

12 In --

13 MR. CHARLES HEBERT: Here (indicating).

14 CHAIRMAN DICKERSON: -- 1978 was the type  
15 crimp shown in these -- the Exhibit Number 1, was that  
16 used or was it a barrel butt --

17 MR. CHARLES HEBERT: This is --

18 CHAIRMAN DICKERSON: -- or a --

19 MR. CHARLES HEBERT: -- the --

20 CHAIRMAN DICKERSON: -- splice --

21 MR. CHARLES HEBERT: -- this is the tool  
22 (indicating) that was --

23 CHAIRMAN DICKERSON: I'm not talking --

24 MR. CHARLES HEBERT: -- used.

25 CHAIRMAN DICKERSON: -- about the tool,

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1 I'm talking about the crimp.

2 MR. JOEY HEBERT: That's the exact same  
3 crimp.

4 MR. CHARLES HEBERT: Yes, the same --  
5 same -- same connector.

6 CHAIRMAN DICKERSON: Okay.

7 MR. WEIMAN: N.A. Weiman, City of  
8 Houston.

9 You've been using the same tool since  
10 1978?

11 MR. CHARLES HEBERT: We had two or three  
12 of them.

13 MR. WEIMAN: You've never felt that that  
14 tool might be getting worn out? Worn from using it  
15 since 1978?

16 MR. CHARLES HEBERT: We -- we had even  
17 bought some new teeth. You can buy new teeth for that  
18 unit there (indicating).

19 MR. WEIMAN: Okay.

20 MR. CHARLES HEBERT: And we used to do a  
21 bunch of apartments --

22 MR. FAHRENTHOLD: I see.

23 MR. CHARLES HEBERT: -- townhomes and  
24 numerous projects, porcelain and aluminum has been a  
25 dying art, thank goodness.

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1 CHAIRMAN DICKERSON: Anybody else have  
2 any questions of Mr. Hebert?

3 (No response.)

4 MR. RAMOS: You said that the  
5 connections -- the wires were loose inside those  
6 connections?

7 MR. FOWLER: Not inside the connections.  
8 The --

9 MR. RAMOS: All right.

10 MR. FOWLER: -- the (indicating) -- the  
11 ground wire that was attached to the ground screw of the  
12 receptacles. I pulled six receptacles out, and on three  
13 of them, the grounds were -- the screw wasn't even  
14 tightened down. I knew they were very loose.

15 MR. RAMOS: Okay.

16 But the crimp itself was --

17 MR. FOWLER: Well, the crimp, I mean I  
18 didn't --

19 MR. RAMOS: Okay.

20 MR. FOWLER: -- pull on --

21 MR. RAMOS: Okay.

22 MR. FOWLER: -- it.

23 MR. RAMOS: Okay.

24 MR. CHARLES HEBERT: About -- about the  
25 ground wire, I guess we had always felt -- and I guess

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1 it was my fault, if there was fault to be had, it was my  
2 fault, because I felt like that any non-current carrying  
3 conductor, like a ground wire, did not have to be  
4 crimped. So originally that was -- we were not crimping  
5 and we were just -- you know, like you do with the  
6 ground wire, you wrap it together.

7 And so we went -- did go back after they  
8 insisted on the ground wires being down, go back and do  
9 it. Just to -- to -- but as a rule, we were not doing  
10 it, because it was not a current-carrying conductor.

11 CHAIRMAN DICKERSON PINKETT: And where  
12 did you find that rule?

13 MR. CHARLES HEBERT: I think the idea  
14 about using the Copalum connector was to inhibit the  
15 problems of aluminum corrosion and -- and other  
16 associated problems of -- that aluminum had, which...

17 And I, you know, we -- we had discussed  
18 that with previous electrical people that -- and the  
19 inspectors when they come out and we talked to them  
20 about that. There was nothing we -- and they concurred  
21 with us that it was not a current-carrying conductor.

22 CHAIRMAN DICKERSON: It still has to be  
23 tight.

24 MR. CHARLES HEBERT: (Moving head up and  
25 down.)

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1 MR. FOWLER: Robert Fowler.

2 According to the Training Manual that we  
3 were -- got from Tyco, it -- it says that -- it -- it  
4 says that every conductor, whether -- regardless of it  
5 being, you know, hot or ground, all of them had to be --  
6 the connections had to be made on all of them. That's  
7 in their training manual, so.

8 CHAIRMAN DICKERSON: Well, they -- do you  
9 want to (indicating).

10 MR. FOWLER: No, I -- that's all I had to  
11 say. I was just --

12 MR. CHARLES HEBERT: Well, that was  
13 not -- when -- I mean, when -- back in '87, that was not  
14 part of the -- that was never --

15 CHAIRMAN DICKERSON: This is --

16 MR. CHARLES HEBERT: -- the point --

17 CHAIRMAN DICKERSON: -- 2010.

18 MR. CHARLES HEBERT: -- of this.

19 Well, I'm talking about -- but that was  
20 the date that you have about the certification -- that  
21 was the certification time. They did not -- at that  
22 time, they did not -- and -- tell us that we had to do  
23 it to the ground.

24 CHAIRMAN DICKERSON: E.T. Dickerson.

25 I -- I beg to differ that. When I

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1 installed them back in 1981, we crimped them all.

2 (Mr. Weiman raised his hand)

3 CHAIRMAN DICKERSON: N.A.?

4 MR. WEIMAN: N.A. Weiman, City of  
5 Houston, Electrical Inspections.

6 There's been multiple chains of e-mails  
7 that's been correspondent between Mr. Barone and Tyco,  
8 which is Jeffrey Cook. I've been CCed on several of  
9 them. I've sent a couple requesting the allegations  
10 against Heights and how Tyco was going to look at it,  
11 which I read one that Ms. Prisco had sent me from Tyco's  
12 counsel.

13 But one of them that Mr. Cook --  
14 Jeffrey Cook, who is with Tyco, had sent Mr. Barone and  
15 CCed to me -- actually, he sent it to me, Mr. Barone and  
16 Mr. Charles Hebert. It says: Mike, as the  
17 manufacturer, we need to remain neutral. However, I can  
18 tell you that it is very obvious that the crimp terminal  
19 that -- now this terminal we're talking about is one  
20 that Mr. Barone sent to Tyco because Mr. Barone was  
21 concerned about it.

22 And it says: It's very obviously the  
23 crimped terminal sent for the evaluation is not crimped  
24 according to the crimp's inspect -- inspection criteria  
25 provided in the training information and the correct die

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1 was not used to crimp the product. Engineering took a  
2 look at the crimp and said no. And the comment made was  
3 simple, the terminal does not gage. So the termination  
4 is not passable. According to Tyco Electronics'  
5 specifications, engineering's feeling is product failing  
6 to gage is really all you need to prove the termination  
7 is faulty.

8                   Secondly, the visual inspection of the  
9 terminal shows, distinctively, the crimping dies used  
10 were not the correct dies. Attached find document  
11 408-9425, under section 10, visually in -- inspect the  
12 splice for the following:

13                   1. Crimp centered in splice. Crimp  
14 sample provide is not centered.

15                   2. Splice size stamped on splice agrees  
16 with -- agrees with wire combination shown in Figure 1.  
17 Terminal wire combination, not compatible.

18                   3. Die Proof Mark preset on underside of  
19 splice; one, dash, for number 8 dies; two, dash, equals  
20 number 6 dies. Crimp sample provided shows no proof of  
21 marks.

22                   4. Wire ends extend past splice end.  
23 Okay. Trimmed after termination.

24                   5. No open crack at splice seam. Okay.

25                   This is the information I plan on passing

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1 to N.A. Weiman, per his request. Prior to this  
2 inspection of the terminations, he will also have a gage  
3 and the instructions on how to gage and visually inspect  
4 the product correct. Regards, Jeff Cook.

5 And -- and if Mr. Barone would like to  
6 add anything to that?

7 MR. BARONE: To -- to just that one  
8 letter?

9 MR. WEIMAN: Or, I guess -- Mr. Barone's  
10 the homeowner. He's the one that's -- that has -- has  
11 brought it to our attention. One, what he was concerned  
12 was some of the issues he had in his home, plus there  
13 was a fact at the time there was no permit. So can  
14 Mr. Barone speak?

15 CHAIRMAN DICKERSON: Sure.

16 MR. BARONE: Is Mr. Hebert done with his  
17 time allotment?

18 CHAIRMAN DICKERSON: Well, he'll have a  
19 chance to --

20 MR. BARONE: Address issues?

21 CHAIRMAN DICKERSON: Address you.

22 MR. BARONE: Okay.

23 Thank y'all, first of all, for coming  
24 tonight. I'm sorry it's under such situations.

25 And I'm going to take two steps back and

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1 then I'm going to jump in, because -- because we've got  
2 a lot of backup evidence.

3           Firstly, real quick, what is Copalum? On  
4 a house with aluminum wiring, over time, people have  
5 changed out fittings to new copper fittings. Wherever  
6 copper and aluminum come together, you've got a problem,  
7 because both of those metal is expanding and contracting  
8 at different rates. And, so over time, as the current  
9 goes through that circuit, they work themselves loose.  
10 We were all looking at -- so that's Copalum.

11           Tyco did develop this -- or AMP developed  
12 this system, it's now marketed by Tyco. They've got  
13 some very explicit rules on it. And there's several  
14 copies of the -- the manual on -- I bet I could pass  
15 them around while I'm talking.

16           But and -- and they've got a very precise  
17 process about two things that were worth noting. First,  
18 they say that only a master electrician or a -- a  
19 journeyman who's been certified by Tyco can even touch  
20 the equipment.

21           And then secondly, they say, also, that  
22 every man that touches the equipment has to go through  
23 the -- the Tyco training. And I'll just pass those  
24 manuals around. I believe there's a copy of those in  
25 here.

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1 But they're very precise about it and it  
2 talks about you have to choose the right size crimp for  
3 the wire combinations. You've got to use -- you know,  
4 and then you crimp it.

5 Interesting points, Tyco actually has two  
6 lines of the product. They've got a pneumatic, which  
7 Mr. -- Mr. Hebert's spoken about. And then they've got  
8 the electric tool, the more modern tool.

9 I believe there's some confusion. The  
10 confusion's erased, if you read the -- the training  
11 manuals. But for the residential Copalum program, the  
12 pneumatic tool is not approved. So there's possibly  
13 some confusion there. But for the residential program,  
14 you can only use the -- the electric. That's what  
15 the -- they specify. I've got -- I think there's two or  
16 three different training manual copies that will have  
17 it. I'll show both of those. So that's what Copalum  
18 is.

19 Backfill on the -- on the situation, too.  
20 We were looking at this house. It wasn't our house yet.  
21 We were selling a house. We were having a new baby.  
22 We're getting ready to move to a new house for our third  
23 child and we needed a bigger house.

24 We found this house, immediately fell in  
25 love with it. Found out it had aluminum wiring. So

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1 before I even bought the house, I -- aluminum wiring, I  
2 know is a problem. I did some research. I found out  
3 about Tyco's Copalum solution. I was sold on it. I  
4 contacted Heights Electric before I even bought the  
5 house.

6 In retrospect, I wouldn't have bought  
7 that house because every time I walk in the door, all I  
8 think about is -- is there's a problem with it. But  
9 neither here nor there.

10 So the way this thing has evolved, yes,  
11 they -- they came out. We've got a -- a -- we did a  
12 contract with Heights Electric. They were going to do  
13 several jobs. The first one -- the first thing they  
14 were going to do is going to expand the -- the  
15 electrical service, it's this one right there  
16 (indicating).

17 And so here's a copy of our contract with  
18 them. It has the of scope of work, but it started with  
19 replacing the panel, the drop and then doing the Copalum  
20 system, the entire Tyco Copalum system. And then there  
21 was some specified things in the contract, too, that we  
22 had pointed out, bringing the -- the house up to code  
23 with GFCI outlets, which, by the way, took three  
24 inspections for them to get it right.

25 Their -- their installers are still

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1 operating under rules that are ten years old. They  
2 still believe that in the bathroom, you've got to be  
3 within ten feet to have a GFCI outlet, which, as  
4 everybody knows, that rule has changed rather a long  
5 time ago.

6                   And there were some other things I  
7 pointed out, garbage, gate, some light fixtures. All of  
8 those things, actually, they had to come back two or  
9 three times, even though it was written in the contract,  
10 I had to catch it two or three times to do that. So  
11 here's a copy of the contract if anyone would like to  
12 look at it (indicating).

13                   So they did come out. They replaced the  
14 box and it was red-tagged, indeed, because they used  
15 purple -- or red wiring that's in there. It's aluminum  
16 wiring -- I've learned a lot about this stuff that I  
17 didn't ever know. And so I fell for that. That sounds  
18 like a pretty basic thing to me.

19                   And then -- and then, after that,  
20 these -- the Copalum job was started. I was actually  
21 told by the Heights' man installing it not to tell the  
22 City Inspectors that they were doing that because  
23 they're going find other things that are wrong. They're  
24 going to make you bring your house up to code -- up to  
25 code. I was actually told by a Heights' guy to -- to --

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1 to not -- not get a permit.

2 Well, you don't want permits, they're  
3 just going to make it more expensive.

4 So we had the work done. And I'm -- I'm  
5 in the middle, at this point, selling the house, buying  
6 a house. I have a -- at that point, I have a  
7 three-week-old baby, who is now sick going into the  
8 hospital. So I'm not having a whole lot of time to pay  
9 attention to the house.

10 They've come in, they've finished the  
11 house. Took much longer than it should have. Paid the  
12 bill. Start moving into the house. And then, I start  
13 noticing little things. And first, it was just -- it's  
14 the obvious things, I'm an untrained eye, it's a -- a  
15 missing screw on a plate (indicating); or that they  
16 didn't put a wire in there, that they were supposed to;  
17 or -- a -- you know, just kind of cosmetic things.

18 Well, that's not right.

19 So I was -- you know, so I start seeing  
20 those. We've got -- and then I start looking deeper.  
21 And -- and then I start finding outlets that were  
22 supposed to be Copalum that were skipped entirely. I've  
23 got some pictures here that I'll pass around.

24 Example, here's a -- a -- here's one I  
25 found in the garage. The ground wires are broken on it.

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1 It was stuffed into the ground, wire was just broken  
2 (indicating).

3 This is probably one of the most -- this  
4 -- this was next to the most egregious ones, I believe  
5 (indicating). So this was -- this is a picture of an  
6 outside light fixture (indicating). And, actually,  
7 Pat Hebert did finally come and fix this one on the --  
8 on the third or fourth visit to my house.

9 So this one was a light fixture that,  
10 obviously, was original to the house, it had 20 coats of  
11 paint on it. You could walk up to it. You could see  
12 there were flat-laid screws. Somebody put a screwdriver  
13 in and turned them. And the screw-head was stripped,  
14 but the fixture hadn't been taken off. So, obviously,  
15 somebody got up, went to go put a screwdriver in there:  
16 This is too much work, and walked away.

17 Well, when I had opened it up, I found  
18 aluminum wire, I found no Copalum, you know, part of the  
19 contract. Too much work? Let's just skip it.

20 Another one of the things that I found  
21 out early on -- and this is probably the most egregious  
22 one of -- of all, this was up in attic. It actually was  
23 noted in the -- in the contract. In the contract, I  
24 said: Make sure all the crimps are in electrical boxes.

25 Well, you'll see -- look in this picture

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1 (indicating), you're going to see an electrical junction  
2 box in the attic. You're going to see a Copalum crimp  
3 just floating in the insulation.

4 Excuse me, I'm a little nervous.

5 You're going to see a Copalum crimp and  
6 the insulation floating right next to it. Not the  
7 fireproof, shockproof boxes. And, I believe, that's a  
8 basic code.

9 And I'd like to submit that as evidence  
10 also --

11 CHAIRMAN DICKERSON: Yes.

12 MR. BARONE: -- I'll set it on the table.

13 CHAIRMAN DICKERSON: Yes.

14 (Exhibit 5 was marked.)

15 MR. BARONE: And then, here's another one  
16 up in the attic. Here's a box (indicating), it only has  
17 one screw on it, the cap is ajar and it's right next to  
18 a gas valve. I -- I don't know if that's code or not,  
19 but that just doesn't seem real smart or safe to me.

20 So I started noticing things like this  
21 (indicating) and I'm calling Heights and I'm sending  
22 them e-mails about when it's -- you know, I -- I need  
23 things -- you know, I'm finding these problems.

24 And their whole attitude all along was:  
25 You find it, we'll fix it. You find it, we'll fix it.

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1                   And my position was: It's not my job to  
2 find these problems. I am not the expert. I'm looking  
3 to you for that.

4                   So I'll pass this around (indicating) and  
5 it's a -- it's an aggregation of e-mails that were  
6 sent to Heights Electric. They've gotten all copies of  
7 them. It lists either repairs or work that were done on  
8 different trips.

9                   So the City Inspectors didn't actually  
10 come out to -- to red tag number two on two days. So  
11 on -- you know, in May, they came out two or three times  
12 and they fixed some stuff. And you'll go through here,  
13 and they're huge.

14                   It's, you know, at first, I'm starting  
15 out with cosmetic stuff, grease on the carpet, torn  
16 this, broken that. But then, we started to get into  
17 missed this, missed that. I guess it's just a, you  
18 know, a continuation of that.

19                   So finally, an inspector did come out  
20 several times. And it was on the third time --  
21 actually, it was the fourth time I had an inspector out,  
22 that's when they did present the fraudulent  
23 certificates.

24                   They're really to -- I knew, at that  
25 point, actually, that -- that the men that were coming

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1 out weren't certified because I had gotten names from  
2 Tyco.

3                   And if you look at that fraudulent  
4 certificate, you'll notice it's -- it's all covered with  
5 spots, except for the very middle, where the name is.  
6 Where it's -- it's snow white and clear, that's because  
7 that's where they just whited it out and put the new  
8 name in. But they did put down the -- the fraudulent  
9 certificate to -- to the inspector and me.

10                   And so it wasn't just Grady he was  
11 talking about, because then it was also the two  
12 electricians who presented it. So now, we have 3 out of  
13 15 or 20 percent of his total staff now is, you know,  
14 it -- it -- working in the -- working in fraud.

15                   And -- and -- and, yes, that's correct,  
16 I -- I -- that was the last time they were in my house.  
17 Charlie did contact me yesterday about fixing some of  
18 the red-tag items, and -- three months later -- and --  
19 and I wouldn't let him in, for good reason. There  
20 again, the last time they were in my house, they, you  
21 know, tried to bamboozle me.

22                   *(Discussion off the record.)*

23                   MR. BARONE: But you'll -- you'll see  
24 from the list there, it's a long list of things  
25 (indicating). And then I -- I could speak more to the

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1 crimp information, if you'd like to see that or  
2 whatever.

3 (Mr. Fahrenthold raised his hand.)

4 CHAIRMAN DICKERSON: Mr. Fahrenthold?

5 MR. FAHRENTHOLD: I'd like to ask  
6 Mr. Hebert: I'm looking at this contract and this  
7 contract has a panel change out, but it has all of the  
8 Copalum job and changing out devices and other  
9 additional electrical work. And I -- I want to know why  
10 you only pulled a permit to change out the service and  
11 not to do this other work, when it was clearly shown  
12 that that was part of your scope of work to do -- or to  
13 change out the receptacles and do the Copalum?

14 MR. CHARLES HEBERT: Well, I thought --  
15 and I -- I really thought that it was taken out.  
16 Because I mean, I thought when we used -- we took out  
17 one permit and it includes everything. But I think we  
18 did the service change early. And then, they -- we were  
19 waiting for the connectors to come into town.

20 MR. FAHRENTHOLD: You --

21 MR. CHARLES HEBERT: And --

22 MR. FAHRENTHOLD: -- you were supposed to  
23 do all of the work. I mean, when I pull a permit for my  
24 job, and I don't always have all the fixtures and all  
25 the gear to come in but --

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1 MR. CHARLES HEBERT: Well, the --

2 MR. FAHRENTHOLD: -- you know, I --

3 MR. CHARLES HEBERT: -- I don't know --

4 MR. FAHRENTHOLD: -- pull a permit --

5 MR. CHARLES HEBERT: -- why it was --

6 MR. FAHRENTHOLD: -- for the total amount

7 of work. And it -- it only appears to me like you were

8 just going to permit what you had to permit because you

9 had to get it inspected, get a cut in --

10 MR. CHARLES HEBERT: No, that's --

11 MR. FAHRENTHOLD: -- and --

12 MR. CHARLES HEBERT: -- not the way we do

13 things.

14 MR. FAHRENTHOLD: And -- well --

15 MR. CHARLES HEBERT: I mean, I was --

16 MR. FAHRENTHOLD: -- it doesn't appear

17 that way.

18 MR. CHARLES HEBERT: I mean, I wasn't  
19 directly involved in this job, during the progress of  
20 the job. I mean, I would talk to Mr. Barone, because I  
21 knew more about the Copalum system than -- than other  
22 people.

23 *(Discussion off the record.)*

24 MR. CHARLES HEBERT: But, you know, I

25 guarantee we -- we've taken out the -- we're taking out

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1 permits all the time. This is not normal and it's not  
2 a -- we don't try not to take out a permit, I can assure  
3 you.

4 *(Discussion off the record.)*

5 MR. CHARLES HEBERT: But the -- you know,  
6 as far as the -- not being approved for that or this --  
7 and that's -- that, to me, a residential home that it is  
8 talking about is definitely approved and UL approved for  
9 use in the home.

10 *(Mr. Weiman and Mr. Dickerson stepped out*  
11 *of the hearing room.)*

12 MR. CHARLES HEBERT: He says is -- is not  
13 used for home. It's always been approved.

14 MR. PRICHARD: Can you show us where  
15 that's approved?

16 MR. CHARLES HEBERT: It says UL approved  
17 right there with the --

18 MR. PRICHARD: No, does it say that it's  
19 approved for the use that you used it for? Not -- not a  
20 UL, that's not what I'm asking you about the UL.

21 MR. CHARLES HEBERT: Look at that  
22 picture, that doesn't tell you anything? That's --  
23 that's -- that a hallway, that's the tool (indicating)  
24 that we --

25 MR. PRICHARD: You're asking me --

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1 MR. CHARLES HEBERT: -- use.

2 MR. PRICHARD: -- to interpret the  
3 picture --

4 MR. CHARLES HEBERT: That's the --

5 MR. PRICHARD: -- as instruction on how  
6 to use the tool?

7 MR. CHARLES HEBERT: It's UL approved for  
8 resident -- for homes.

9 MR. PRICHARD: Thank you.

10 MR. CHARLES HEBERT: Is it not?

11 MR. PRICHARD: It is not to me.

12 MR. CHARLES HEBERT: Well, that -- this  
13 here is the same thing (indicating). I don't know what  
14 the difference is between this and that (indicating).  
15 This is the same thing (indicating). This is just a  
16 different tool. The -- I mean, these are the only --

17 MR. PRICHARD: The fact --

18 MR. CHARLES HEBERT: -- things --

19 MR. PRICHARD: -- that the pictures are  
20 the same in both tools doesn't mean anything to me.

21 (Mr. Weiman and Mr. Dickerson returned to  
22 the hearing room.)

23 MR. CHARLES HEBERT: Well, I'm sorry.

24 MR. BARONE: Some -- I -- I've got here,  
25 I can pass them around or let you use these. Here's the

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1 Tyco -- if you can follow the stickies, here's the page  
2 in the Tyco Manual that says: The ground receives a  
3 Copalum crimp. Here's a picture here that talks about  
4 the -- the inspection, the way you -- you inspect the  
5 ground. After it goes through the tool, you'll see that  
6 the correct tool is represented for household  
7 residential application.

8                   On the next page here, it talks about the  
9 go/no-go gage. Down at the bottom, I think it  
10 effectively says: If the splice still does not meet the  
11 gage test, the tool must be returned to  
12 Tyco Electronics for service.

13                   Tyco, actually, doesn't sell these  
14 tools -- these -- the crimping tools. They rent them  
15 out. So when a -- a company that's doing it the way  
16 they're supposed to do it, they buy the amount of  
17 product. They also rent the tool from -- from Tyco.  
18 And then, when they're done with it, they sent it back.  
19 The reason being, Tyco wants to calibrate the tool  
20 between each use. This is what it says in the manuals.  
21 This is what -- what Jeff at -- at Tyco says is done in  
22 a perfect world.

23                   In a later conversation with Charlie,  
24 I -- you know, the -- the best quote I got from him, I  
25 think in this whole train wreck was it was all about the

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1 money. That was the whole reason Tyco wanted to get --  
2 rent that tool is because they wanted to charge the  
3 money.

4 It -- it never even dawned upon him  
5 that -- that they wanted to actually calibrate between  
6 usage.

7 I -- I think from the crimp that you'll  
8 see -- the -- the crimp sample you saw -- and,  
9 obviously, from what Jeff Cook said, simply the -- the  
10 dies were wrong. They were incorrect. They mashed  
11 the -- the crimp in an incorrect manner.

12 Basically, it says here (indicating), and  
13 then just like the Tyco engineers, if it doesn't crimp,  
14 it doesn't matter, it doesn't pass. And it -- it was --  
15 and -- and that's the point I've been making all along  
16 with -- with Heights Electric. And it continues being:  
17 This is the way we've done it for 30 years. Things  
18 don't change. Code doesn't change. It's static.

19 But we know that code does change and  
20 requirements change. And when you read the manuals,  
21 you'll find out what those changes are. So here is the  
22 manuals --

23 CHAIRMAN DICKERSON: Let's put --

24 MR. BARONE: -- you can follow --

25 CHAIRMAN DICKERSON: -- the manual --

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1 MR. BARONE: -- the yellow stickies.

2 CHAIRMAN DICKERSON: -- in as an exhibit.

3 (Exhibit 6 was marked.)

4 MR. BARONE: And -- and then, one other  
5 point, if you'll let me. In the City of Houston Code,  
6 they -- they do have a list of things that you don't  
7 need to pull permits for. There's nothing about a  
8 cop -- crimps, similar to a Copalum crimping here that  
9 it says that's an exempt item from -- from --

10 MR. CHARLES HEBERT: We always --

11 MR. BARONE: -- pulling --

12 MR. CHARLES HEBERT: -- pull --

13 MR. BARONE: -- a permit.

14 MR. CHARLES HEBERT: -- permits for  
15 these -- I'm sorry. I -- we would not, knowingly, not  
16 pull a permit for this. We -- we pulled one for the  
17 meter and we assumed that -- that, you know, that that  
18 included it. I apologize if it didn't get on the  
19 original permit. But we -- as soon as it was, you know,  
20 we -- we made sure that we have the permit.

21 And then we -- the devices, we usually  
22 use the existing devices. And so that's not usually  
23 permitting every item.

24 CHAIRMAN DICKERSON: E.T. Dickerson.

25 I -- I'm having a hard time connecting

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1 what you're saying now and what the City said earlier  
2 about this permit. I would -- the City, when they  
3 presented their case, said that you told them that  
4 they -- a permit was not required and that you had no  
5 intention of getting one.

6 MR. CHARLES HEBERT: I said --

7 CHAIRMAN DICKERSON: You can't have --

8 MR. CHARLES HEBERT: -- when he asked me  
9 about a permit (indicating), I said: Yes, we're taking  
10 out a miscellaneous permit. I think that's usually what  
11 the -- we've been told do. We don't take out a permit  
12 for every device until they changed everything out.

13 Originally, you just take out a  
14 miscellaneous permit. And that's what we were told to  
15 do from --

16 MR. DOUCET: Eliot Doucet, Electrical  
17 Board.

18 Well, I happen to be a -- an electrical  
19 contractor also. Now, what I want to understand, could  
20 you explain to me, you took out the permit for the  
21 service, correct?

22 MR. CHARLES HEBERT: Correct.

23 MR. DOUCET: When were you intending to  
24 take out this miscellaneous permit?

25 MR. CHARLES HEBERT: On both.

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1 MR. DOUCET: With that permit or when --

2 MR. CHARLES HEBERT: Well, we -- we audit  
3 the -- the -- the materials that was -- that was -- it  
4 took about a month for the items to come in. We only  
5 had a few very tickets started. We, actually, had to  
6 start and then stop --

7 MR. DOUCET: Right.

8 MR. CHARLES HEBERT: -- waiting for the  
9 rest of the -- the devices to come in.

10 MR. DOUCET: Okay.

11 So your intention --

12 MR. CHARLES HEBERT: Yes.

13 MR. DOUCET: -- was to take the permit  
14 out, prior to --

15 MR. CHARLES HEBERT: Well, I -- I thought  
16 it was out -- already taken care of, but I -- you know,  
17 I guess I'm -- I'm usually bidding the big jobs and --

18 MR. DOUCET: Okay.

19 MR. CHARLES HEBERT: -- stuff like that.  
20 I'm not constantly involved in the --

21 MR. DOUCET: Okay.

22 MR. CHARLES HEBERT: -- in the -- in the  
23 process for the Service Department, which usually does  
24 the Copalum jobs.

25 MR. DOUCET: Okay.

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1                   Could -- can I ask another question?

2                   CHAIRMAN DICKERSON: Sure.

3                   MR. DOUCET: After -- I'm looking here,  
4 after you were notified that the work was done  
5 incorrectly, according -- this goes back to June 8th; am  
6 I correct?

7                   MR. FOWLER: Yes, sir.

8                   MR. DOUCET: You were allowed to put it  
9 back and fix the defects, correct?

10                  MR. CHARLES HEBERT: (Moving head up and  
11 down.)

12                  MR. DOUCET: Why wasn't it fixed that  
13 time --

14                  MR. PRICHARD: Good question.

15                  MR. DOUCET: -- then?

16                  MR. CHARLES HEBERT: Well, I -- we went  
17 out there and he ordered us off the job site.

18                  MR. DOUCET: I don't see that.

19                  MR. CHARLES HEBERT: Is that right?

20                  MR. FOWLER: No, the -- Robert Fowler.

21                  MR. DOUCET: Okay.

22                  MR. FOWLER: The first time that I spoke  
23 with the technician was June 8th.

24                  MR. DOUCET: Uh-huh.

25                  MR. FOWLER: Gave him the red tag. He

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1 walked the job with me.

2 MR. DOUCET: Okay.

3 MR. FOWLER: So everything that I was  
4 writing on the red tag was being explained at the same  
5 time.

6 MR. DOUCET: Okay.

7 MR. FOWLER: So he was clear --

8 MR. DOUCET: Who -- or -- who? Can you  
9 say who it was --

10 MR. FOWLER: The -- the technician.

11 MR. DOUCET: Okay.

12 MR. FOWLER: I -- I don't have his name,  
13 sir.

14 MR. DOUCET: Okay.

15 MR. FOWLER: So, you know, like we always  
16 do, I red tagged it. And we -- you know --

17 MR. DOUCET: Yes, sir.

18 MR. FOWLER: -- corrections need to be  
19 made, we wait for the next inspection. I was not called  
20 back out again until July 22nd of 2010. Same technician  
21 came. We went over it again, spot checking, taking --  
22 six of the receptacles I took out had problems with it.  
23 Switches still weren't grounded, as I had asked for on  
24 June the 8th. Some of the -- still some of the  
25 grounding --

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1 MR. DOUCET: Uh-huh.

2 MR. FOWLER: -- were not Copalum  
3 connected.

4 So, once again, I red tagged it. He was  
5 walking around with me. And, again, I was explaining  
6 this to him, as we were making the inspection. So there  
7 was no confusion about what needed to be done.

8 I said: Now, you're going to have to get  
9 these defects corrected and recall.

10 And I was never called back -- well, they  
11 did call back. And another inspector, Mr. "Joe  
12 Costintini" went out there, and that's when they had  
13 presented the false documents about the certification.  
14 And I believe -- I wasn't there so I can't really speak  
15 to it, but I believe that's at the time when Mr. Barone  
16 ordered him off his property.

17 MR. DOUCET: Okay.

18 (Mr. Fahrenthold raised his hand.)

19 CHAIRMAN DICKERSON: Mr. Fahrenthold?

20 MR. FAHRENTHOLD: Did you -- when you  
21 were walking the house with these electricians from  
22 Heights Electric, did you check their license? Did they  
23 have journeymans or were they apprentices or --

24 MR. FOWLER: We checked the -- the  
25 license of the guy. He had a journeyman license. And

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1 he was the one that was -- he had a -- he had the tools  
2 to remove the -- I was having him remove them out for  
3 me, taking the plates off, taking the devices out. So  
4 he was right there with -- it wasn't -- we weren't  
5 walking away from him.

6 So he was the -- right there with me, as  
7 I was making my inspection, because I wanted to be --  
8 everybody to be clear. Mr. Barone as well was walking  
9 with us to be clear about what was going on and what  
10 needed to be fixed.

11 MR. CHARLES HEBERT: Charles Hebert.

12 I -- I just wanted to say that a lot of  
13 times, when we tried to get -- to schedule to go back  
14 there, Mr. Barone said: No, I can't do it.

15 You know, because he wanted to be there  
16 when we did this. So he would -- he would postpone it.  
17 And then we would -- of course, we'd have our other  
18 projects, which we were working on. So the -- the  
19 delays were not -- you know, there were different  
20 reasons why there were delays, you know, than just go  
21 right back, I guess, and complete the work.

22 So there were -- that's why it was  
23 such -- as long as it was, getting back to taking some  
24 of these problems. But Mr. Barone, I guess he's -- he's  
25 a banker and he -- you know, he wanted to -- to be there

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1 and we had to schedule with him. And a lot of times, we  
2 were just delayed.

3 CHAIRMAN DICKERSON: E.T. Dickerson.

4 I was not under the impression that the  
5 delay was the big question. The question is getting the  
6 work -- work right, which what -- what was the issue out  
7 there.

8 Okay.

9 (Mr. Fahrenthold was raising his hand.)

10 CHAIRMAN DICKERSON: Mr. Fahrenthold?

11 MR. FAHRENTHOLD: I want to make a  
12 motion.

13 CHAIRMAN DICKERSON: Okay.

14 MR. FAHRENTHOLD: By the authority given  
15 the Electrical Board, by article 402.4 of the City of  
16 Houston Electrical Code, I make a motion that we revoke  
17 the license, the master electrician registration of  
18 Patrick Hebert with the City of Houston.

19 And also, make a recommendation that we  
20 revoke the contractor's license of Heights Electric  
21 red -- registration of the -- of the contractor license  
22 for Heights Electric for the City of Houston.

23 CHAIRMAN DICKERSON: Do I have a second?

24 (Mr. Doucet raised his hand.)

25 MR. PRICHARD: Yeah, I --

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1 MR. PATRICK HEBERT: May I --

2 MR. PRICHARD: -- second.

3 MR. PATRICK HEBERT: -- say something  
4 first?

5 CHAIRMAN DICKERSON: That's Eliot --

6 MR. DOUCET: A discussion.

7 CHAIRMAN DICKERSON: -- second. Okay.  
8 Discussion?

9 MR. PATRICK HEBERT: I was -- I was not  
10 directly involved with this service department all the  
11 time. I was -- I was out in the field working different  
12 large projects. And when I found out about this in  
13 September, I started looking into it. You can see what  
14 -- you can see, actually, what went on.

15 And I was -- I had not really been  
16 informed about the problems that was going on. And I --  
17 I questioned some of the people that were involved in  
18 the -- they said the -- I got the affidavits saying that  
19 I was not there with the -- the -- I was not aware of  
20 the -- the thing going on with the certificates. That  
21 was the -- of the -- the certificates being falsified.

22 But I -- I have a -- our engine --  
23 engineer that worked for us, he -- he wrote a  
24 certificate -- I mean an affidavit stating -- let me go  
25 ahead and present those -- excuse me -- go ahead and

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1 present those.

2 CHAIRMAN DICKERSON: While you're  
3 looking, find the name of the engineer, because we might  
4 want to notify the Board of Engineer Registration.

5 MR. PATRICK HEBERT: Okay.

6 This is it (indicating). This is the  
7 engineer that was -- that was...

8 He also -- he also said if you had any  
9 questions he would -- these are the two individuals that  
10 were at those -- had the certificates in hand  
11 (indicating). And this is the engineer in the office  
12 (indicating).

13 CHAIRMAN DICKERSON: Is he a registered  
14 engineer?

15 MR. PATRICK HEBERT: Yes, sir.

16 MR. JOEY HEBERT: No, he's an ENT.

17 MR. PATRICK HEBERT: ENT?

18 MR. JOEY HEBERT: Yes.

19 CHAIRMAN DICKERSON: Engineer in  
20 Training?

21 MR. JOEY HEBERT: Yes, sir.

22 MR. PATRICK HEBERT: He had --

23 CHAIRMAN DICKERSON: Yeah.

24 MR. PATRICK HEBERT: -- oh, okay. They  
25 told me -- I thought he had gotten his engineering

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1 degree. No?

2 MR. JOEY HEBERT: He has a degree from  
3 the City -- or the University of Houston, but he has not  
4 taken his engineering test yet.

5 MR. MUKERJI: Yeah, and they -- they kind  
6 of conflict.

7 MR. PATRICK HEBERT: He said he would  
8 attest to anything, as far as any questions that might  
9 come up.

10 CHAIRMAN DICKERSON: Further discussion?

11 MR. PATRICK HEBERT: The other -- the  
12 only other thing is that once -- once he -- once we  
13 started looking into it, then we started -- Joey and I  
14 started communication with Mr. Barone. And we -- that's  
15 when we started making -- we thought we were making  
16 progress.

17 And that's when we -- at that point, we  
18 got the -- the previous hearing reset. And then --  
19 then, after that, we -- we had a -- there was a lapse in  
20 communication in October. He had -- he had given us a  
21 -- a -- a -- a demand order. I believe it was in --

22 MR. JOEY HEBERT: October the 4th.

23 MR. PATRICK HEBERT: October the 4th,  
24 saying -- requesting 60 days to actually take care of  
25 the situation.

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1           And so, other than that, I wasn't really  
2 informed about all the problems. The first time I went  
3 to Mr. Barone's house, I -- I really wasn't aware of all  
4 the problems that were going on. I -- I was just told  
5 to come by there and -- and check and see what was going  
6 on.

7           And, at that time, that -- that's when  
8 they were -- they were working and doing some -- some  
9 things out in the garage area. And a -- from that  
10 point, I was just communicating with Mr. Barone by  
11 e-mail or -- or through Joey.

12           But as far as taking -- trying to take  
13 care of the repairs -- and Joey and I were look --  
14 looking into -- actually looking into a contractor in  
15 Austin, but since the company that he -- he tried to --  
16 he went and tried to -- trying to get a local company to  
17 do the repairs. And then, we would reimburse -- or  
18 actually pay for the repairs from a company that was  
19 trying to get certified, but he never got certified.

20           *(Discussion off the record.)*

21           MR. PATRICK HEBERT: So, at that point,  
22 when the -- when they decided not to get it -- their  
23 certification, the company was trying to -- that was in  
24 Katy, Texas.

25           At that point, we, that -- that's when

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1 we -- at that point, we was trying to communicate with  
2 Charlie to see what we could do to make this -- to make  
3 Mr. Barone to where he -- his house is fixed correctly.  
4 And I -- I guess we were -- we were trying to do --  
5 actually, trying to see where we were -- we were talking  
6 about trying to making it a -- a financial -- financial  
7 decision to try to see what we could do to -- to help  
8 Mr. Barone in any -- any way we could.

9           But we did have a lapse in October when  
10 we didn't communicate. But other than that, I wish -- I  
11 wasn't really informed as far as the -- a -- as far as  
12 the way the job was going. I was told just before  
13 September and that's when Mr. Weiman contacted me and  
14 let me know there was a problem and I started looking  
15 into it.

16           And so I don't -- other than that, I  
17 don't know what a -- I just a -- never -- never have a  
18 problem as far as I know with the -- any other problem  
19 like this. It sounds -- sound like there was -- there  
20 was some delays in the repairs and I wasn't aware of  
21 that either.

22           So, unfortunately, there wasn't any  
23 communication between me and the office as far as this  
24 problem.

25                           *(Discussion off the record.)*

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1                   MR. PATRICK HEBERT: And, other than  
2 that, I'm just a -- I guess, fighting for my license.

3                   CHAIRMAN DICKERSON: E.T. Dickerson.  
4                   How long have you been a master  
5 electrician?

6                   MR. PATRICK HEBERT: I -- I was a master  
7 in '93, under the SPCCI -- CI. And then, when the --  
8 when the State changed over, then I changed over to  
9 the -- as a license -- being licensed for a -- the City  
10 of Houston.

11                   And I've taken several of Houston -- City  
12 of Houston tests and got real close to passing the  
13 masters license. And I took it about six times. And  
14 I've got, like, 68 on one of the tests. And I -- other  
15 than that, that's -- that's pretty much it.

16                   MR. CHARLES HEBERT: I just want to  
17 say --

18                   CHAIRMAN DICKERSON: Mr. Barone had the  
19 floor first.

20                   Do you still want to --

21                   MR. BARONE: Okay. Yes, sir. Yes, sir.  
22                   And -- and Pat did start out by saying  
23 that he wasn't directly involved. He did not get  
24 involved in the process until -- until later on.

25                   In fact, it was -- I think it was

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1 Thursday, September 8th, I went to have -- for a meeting  
2 with Heights Electric. I ran in -- from Charlie, I ran  
3 into the same arrogance and lack of concern of code  
4 changes that you heard tonight. I -- it's okay because  
5 I said it was okay. We've been doing it 30 years,  
6 irregardless of what training manuals or whatever say.  
7 Unpleasant meeting.

8                   That following Sunday, I got a phone  
9 message from Pat. And he basically said that Joey and I  
10 are taking over the handling of your problem. We want  
11 to get it resolved. I've got here some samples of some  
12 e -- e-mails from Joey.

13                   After the meeting on Friday, we were  
14 looking for a way to get a certified Copalum firm --  
15 firm to be completed at your home. They're saying, at  
16 this point, we'll pay for somebody to come in and -- and  
17 do it. We want a resolution.

18                   Here's another e-mail from Joey on the  
19 21st: My stance has not changed and Pat and I are  
20 to -- coming to a resolution on this. We're going to  
21 make good on finding out how we can come to an end to  
22 this because you -- it's starting to wear on me also.

23                   MR. JOEY HEBERT: That's October --

24                   MR. BARONE: A -- another --

25                   MR. JOEY HEBERT: -- 21st.

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1 MR. BARONE: October 21st, excuse me.

2 September 17th, another one from Joey:  
3 I'll make this -- this can come as good and final  
4 resolution.

5 So -- and indeed, there was a commitment  
6 to -- to fix my house. The problem is, though, this  
7 commitment's been lagging on since September 8th. There  
8 was -- indeed was a -- a communication gap the entire  
9 last month. Here we are, six weeks after the last  
10 hearing that was supposed to be scheduled, and we're  
11 still screwing around. Nothing's been done at my house.

12 That's not true. The only thing that's  
13 been done at my house is things that I initiated. I  
14 found a firm that was in Katy that was thinking about  
15 getting Copalum. They said they were going to resolve  
16 it, but I'm the one calling the Katy firm.

17 I've got some confirmation e-mails here,  
18 after some phone conversations: You're going to -- to  
19 confirm our conversation, you're going to talk to guy in  
20 Austin about coming and doing the job. That was  
21 September 30th.

22 October 4th: After our call Thursday,  
23 you're going to talk to the guy in Austin about coming  
24 and doing the job.

25 I talked to the guys in Austin on Friday,

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1 they'd never gotten a call from Heights Electric. So  
2 they -- they've taken a month. They -- they keep  
3 telling me -- saying, you know: We want to make this  
4 right, we want to fix it for you.

5 But then -- then there's no action. And,  
6 at some point, I've got to get my house fixed. I'm  
7 living in a dangerous house. I've got Copalum crimps  
8 Tyco says they're prone to corrosion because they're --  
9 they're mangled.

10 I've got one outlet on the wall, it  
11 befuddled the -- the inspectors. I've got my kitchen  
12 island, I've got an outlet off, because when that outlet  
13 is on, the GFCI is on, the floor gets hot. Well, that's  
14 because the box is overstuffed, something is grounded  
15 out and, you know, my floor's hot. If that's not  
16 dangerous wiring, I'm not quite sure what is.

17 Plus, the pictures of what I've showed  
18 you. I have since found two more outlets that haven't  
19 been Copalumed. You know, if -- if -- I'll submit this  
20 as evidence, if you don't have it. This is all times  
21 they've come out and fixing it. They've been to my  
22 house five, six, seven times.

23 *(Exhibit 7 was marked.)*

24 MR. DOUCET: Yeah.

25 MR. BARONE: And I'm still finding

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1 outlets that haven't been Copalumed crimped? Come on.

2 I've got a floor outlet in my den. I  
3 might plug a -- a -- a switch into it, nothing. That  
4 one's just dead.

5 I've got another one -- this is great --  
6 I had the radio on, it's -- when the stereo's on, if I  
7 turn on the light in the living room, I get a buzzing  
8 noise. Those are grounding problems somewhere.

9 I got a -- no, I'm -- I've -- I've given  
10 them -- I've -- I'll submit these as evidence. I've  
11 sent count -- multiple e-mails: Hey, what's going on?  
12 Let me know what's going on. Hey, where are we right  
13 now?

14 (Exhibit 8 was marked.)

15 MR. BARONE: Same thing always back:  
16 We're looking into it. We're going to fix it for you.

17 A month goes by, six weeks goes by and --  
18 and I'm still sitting in --

19 CHAIRMAN DICKERSON: That's fine.

20 MR. BARONE: Sorry to --

21 CHAIRMAN DICKERSON: I believe -- I  
22 believe you had asked to speak and then you.

23 MR. PATRICK HEBERT: At the end -- it's  
24 Patrick Hebert.

25 At the end of September, I believe is

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1 when the company did get in contact with in Katy,  
2 letting him know that he couldn't -- he was not able to  
3 do the work.

4                   So from that point on, that's -- that's  
5 when we told him we still wanted to communicate with him  
6 and let -- and then I started trying to communicate with  
7 Charles about the -- actually producing the funding to  
8 help him out. And we -- we did have a lag on a -- you  
9 know, like I said, at the end of October, not  
10 communicating with Barone. And I -- I -- I regret that.  
11 But I still --

12                   CHAIRMAN DICKERSON: If you have nothing  
13 new to add, well, then let me turn it over to Chris.

14                   MR. PATRICK HEBERT: Okay.

15                   (Discussion off the record.)

16                   MR. FAHRENTHOLD: Mr. Pat Hebert --

17                   MR. PATRICK HEBERT: Yes.

18                   MR. FAHRENTHOLD: -- I just want to let  
19 you know, that as a master electrician, you're  
20 responsible for the actions of all the electricians that  
21 are working under your master.

22                   CHAIRMAN DICKERSON: Uh-huh.

23                   MR. FAHRENTHOLD: And it's your  
24 responsibility, as a master, to make sure that they are  
25 doing the work properly and according to the latest NEC

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1 code body.

2 And that, you know, ignorance is no  
3 excuse. I mean, you should know what's going on. I've  
4 got 165 electricians that work under my master here in  
5 Houston. And I've -- I've got a pretty good knowledge  
6 about what everybody's doing, both in our service  
7 department and in my construction division. So --

8 MR. PATRICK HEBERT: This is --

9 MR. FAHRENTHOLD: -- you know, that --

10 MR. PATRICK HEBERT: -- this is the --

11 MR. FAHRENTHOLD: -- that you don't --

12 MR. PATRICK HEBERT: -- first time --

13 MR. FAHRENTHOLD: -- know about it, that  
14 doesn't mean --

15 MR. PATRICK HEBERT: This is --

16 MR. FAHRENTHOLD: -- make any difference.

17 MR. PATRICK HEBERT: I know. This is the  
18 first this has -- this communication between the office  
19 and myself took place since I've been working there.  
20 And I've never had that problem before. And that's  
21 why -- that's why I -- I felt like I didn't have no  
22 control of it because I was -- you know, I was -- wasn't  
23 being informed what was going on.

24 (Mr. Joey Hebert raised his hand.)

25 MR. MUKERJI: Do you think they have a

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1 problem before? I mean --

2 *CHAIRMAN DICKERSON:* Okay.

3 Let me -- let me let this gentleman over  
4 here --

5 *MR. MUKERJI:* Yeah.

6 *CHAIRMAN DICKERSON:* -- speak  
7 (indicating).

8 *MR. MUKERJI:* Did you -- did you have any  
9 problem before like this?

10 *CHAIRMAN DICKERSON:* No, not you.

11 *MR. MUKERJI:* Oh.

12 *MR. JOEY HEBERT:* My name's Joey Hebert.  
13 I -- I speak with the City quite frequently about code  
14 issues and other things that are out there. And -- and  
15 on this particular thing, Duane White gave me a phone  
16 call -- he didn't call this -- the shop first, because  
17 I've spoken to Duane so many times, he physically called  
18 me on my cell phone and said: Hey, you've got a job  
19 going on. I was out in the field at the time, you don't  
20 have a permit on.

21 I've got that phone call once before. It  
22 was about two years before that on another job that was  
23 across the street from my shop. And, you know, I asked  
24 him: Well, what's -- what do I need to do? What do I  
25 got to do to take care of this?

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1                   In this situation, do the same thing, I  
2 called the shop. I said: Hey, y'all need to pull a  
3 permit. This is what I'm being told.

4                   My -- my knowledge of this -- and like I  
5 explained to him in the time I was phone called, you  
6 know, I'm not sure about the -- the permitting procedure  
7 for -- for Copalum, but I've called the City of Houston  
8 before and I've also called municipalities around the  
9 outside City jurisdictions and asked them about Copalum,  
10 specifically, and said: What kind of permit do I need  
11 to pull?

12                   I've been told different things, but the  
13 most thing that I've been told, and the one thing that I  
14 was told was -- is: What would we inspect when I  
15 certified to do this work? Okay? That's -- that's one  
16 thing.

17                   The -- the second thing that I have is is  
18 that Mr. Barone was saying that this lack of  
19 communication is a failure to want to do anything. On  
20 Wednesday, September the 15th, is the first time that we  
21 physically got into: We're going to try to help you out  
22 with this.

23                   At that time, on the 23rd, I was told  
24 that a -- well, the 23rd is when he got a -- a -- a  
25 proposal from Brandt Electric. And at that time, we --

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1 I was under the impression that: Hey, I've got this  
2 company. I believe they're going to come in here and  
3 take care of this problem for us.

4 I said: Okay. well, let me see the  
5 estimate, you know, we'll -- we'll get together after  
6 they get done doing their thing. They come out there,  
7 they do the work. We'll take care of paying for it.  
8 That was the 23rd.

9 On the 30th, I got an e-mail from him  
10 that said that: I got some bad news, Brandt Electric  
11 says they don't want to take care of it no more because  
12 the larger jobs that they were going to do, we're not  
13 going to do any more.

14 Okay. Well, during that period of time:  
15 No, I didn't contact anybody, because I was told that,  
16 basically, I've got a proposal sitting in front of me  
17 and I've got somebody saying that, you know, I'm -- I'm  
18 going to do this work. Well, why would I contact  
19 anybody else then?

20 I mean, I understand what he's saying  
21 about, you know: You should be doing your due diligence  
22 and going out and taking care of this and looking for  
23 other possibles and stuff.

24 And, yes, I did contact the people in  
25 Austin. I'm not sure who I spoke to, but I did speak to

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
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1 somebody in Austin. And I did talk to the guy at length  
2 about it. And I explained to him, and his response to  
3 me was is he said: I can give you a ballpark figure on  
4 the phone right now. He said: But until we physically  
5 come down there and look at the job, there's not much I  
6 can do for you, as far as giving you a firm price.

7 I said: Well, what are we talking about?

8 He gave me kind of a rough idea. I said:  
9 Well, how much of that was per diem?

10 I mean, we went into length of -- of --  
11 of what was the cost of certain things. Well, I kind of  
12 put all of this on the back burner. When I received a  
13 letter from Mr. Barone specifically calling --

14 CHAIRMAN DICKERSON: You actually  
15 received this letter?

16 MR. JOEY HEBERT: Yes, sir, I --

17 CHAIRMAN DICKERSON: Or was it --

18 MR. JOEY HEBERT: -- did.

19 CHAIRMAN DICKERSON: -- to the  
20 Heights Electric?

21 MR. JOEY HEBERT: I got -- no -- no, sir.  
22 I got this letter, physically for me, it was a certified  
23 letter coming to me. And, basically, what it looks like  
24 is that, instead of going to the company and saying: I  
25 want you to take care of this problem. I'm physically

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
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1 coming after you now. Okay?

2 Now, it also has Pat's name on here that  
3 he's, like, physically going after them. And -- and  
4 I -- I know we've talked. We've -- we're seeking  
5 resolution, but here are my demands. And I want this to  
6 be taken care of within 60 days.

7 Okay. Well, I understand this  
8 (indicating); but, like I said, I've kind of put it on  
9 the back burner.

10 So he tried to call Pat sometime in  
11 October before the 19th, because the last -- the last  
12 e-mail I sent to him was around the -- the 19th. I  
13 think it was the -- but it -- you know and -- and I  
14 explained to him: My stance hadn't changed. I want to  
15 correct these problems and make sure you get taken care  
16 of.

17 But I -- I don't know where we stand  
18 anymore. Are you coming after me personally? Are you  
19 coming after my company? What -- what are you doing?

20 CHAIRMAN DICKERSON: Is it your company?

21 MR. JOEY HEBERT: No, sir, I'm the  
22 president of the company, but it is not my company.

23 CHAIRMAN DICKERSON: Okay.

24 I think we're kind of getting away from  
25 the --

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NOVEMBER 2, 2010

1                   MR. WHITE: E.T., I just want to add  
2 something real quick that -- to clarify something.

3                   Duane White, City of Houston.

4                   When Joey had said something about  
5 talking with other municipalities and him having an  
6 inspector tell him that the permit wasn't necessary,  
7 that was not from this municipality?

8                   MR. JOEY HEBERT: No, there -- there was  
9 somebody, at one point in time, from the City of  
10 Houston. And I don't remember -- it's been a long time.  
11 I -- I got moved in the shop when my mom passed away, it  
12 was -- it's been a long time, because the very first job  
13 that I ever had called on a Copalum before, I  
14 specifically called the City of Houston and said: Hey,  
15 what -- what kind of permit do I need to pull?

16                   And, at that time, I believe Bobby Love  
17 was in here still. I'm -- I'm not a hundred percent  
18 sure, but I -- I believe at that time, and I spoke to a  
19 senior inspector, and their response to me was: What  
20 would I be inspecting? We're not certified to do this  
21 work.

22                   And I ex -- explained that to him  
23 (indicating), he said: Well --

24                   MR. WHITE: I read it --

25                   MR. JOEY HEBERT: -- you need to --

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
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1 MR. WHITE: -- right out of --

2 MR. JOEY HEBERT: -- you need to --

3 MR. WHITE: -- the ordinance.

4 MR. JOEY HEBERT: -- yeah -- you --  
5 you -- you need to -- you need to take a look at this  
6 here.

7 And he told me what to look at. I went  
8 back and I read it: Hey, we need to pull this permit.

9 MR. PRICHARD: Do I understand you right,  
10 the only job you -- or the last job you had before this  
11 one was when Bobby Love was in office?

12 MR. JOEY HEBERT: No, sir.

13 MR. PRICHARD: Okay.

14 So I misunderstood then.

15 (Mr. Fahrenthold raised his hand.)

16 CHAIRMAN DICKERSON: Chris.

17 MR. FAHRENTHOLD: Chris Fahrenthold,  
18 Electrical Board.

19 Joey, you're the President and you don't  
20 own it? Who owns the company?

21 MR. JOEY HEBERT: Charlie Hebert.

22 MR. FAHRENTHOLD: And what is his title  
23 and position?

24 MR. CHARLES HEBERT: Vice President. I  
25 mean, it's a family business.

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
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1                   CHAIRMAN DICKERSON: Any other relative  
2 discussion?

3                   MR. FAHRENTHOLD: Call the question.

4                   CHAIRMAN DICKERSON: He's got one more.

5                   MR. CHARLES HEBERT: Well, I'd -- I'd  
6 just like to say my brother Pat is about the best  
7 electrician that I know. And I think it's really a  
8 shame that he's in -- in this situation.

9                   I -- I would rather me be in this  
10 situation than him. But I -- you know, I -- you know,  
11 you're -- this is going to personally put us out of  
12 business and we don't need that. This is -- we've been  
13 in this business since -- at the same location since  
14 1973.

15                   I always worked very hard to do the very  
16 best. We've made a mistake. It's probably my mistake.  
17 It's not Pat or Joey's mistake. And I would really  
18 request that you not, you know, do anything to -- to  
19 their licensing. If anything, it should be mine.

20                   CHAIRMAN DICKERSON: Okay.

21                   Before we call to question, N.A, explain  
22 about what is the -- the responsibility of the Houston  
23 Electrical Board and what is the responsibility for --  
24 or action by the State of Texas with the State license.

25                   MR. WEIMAN: The license that

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1 Mr. Patrick Hebert and Mr. Charlie Hebert hold right now  
2 belong to the State of Texas, the Texas Department of  
3 Licensing and Regulation, which I have Ms. Demoz here  
4 with us tonight.

5                   They take that license, they bring it to  
6 Houston, and they register that license as a contractor  
7 and master relationship so they can perform business in  
8 the City of Houston.

9                   The City of Houston Electrical Board  
10 cannot revoke their license, because the license belongs  
11 to the State of Texas. The City of Houston  
12 Electrical Board can suspend or revoke their  
13 registration, because they're registered with the  
14 City of Houston.

15                   If the Board takes action against the  
16 contractor and/or the master, then it's the -- the City  
17 of Houston's responsibility to forward that action on to  
18 the State of Texas, the Department of Licensing and  
19 Regulations.

20                   *CHAIRMAN DICKERSON:* Okay.

21                   Chris, would you restate your motion --  
22 or could she --

23                   *MR. FAHRENTHOLD:* I --

24                   *CHAIRMAN DICKERSON:* -- read it back  
25 (indicating)?

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1                   MR. FAHRENTHOLD: I -- my motion was to  
2 revoke the registration --

3                   CHAIRMAN DICKERSON: Okay.

4                   MR. FAHRENTHOLD: -- for the master  
5 electrician's licenses that's held by Patrick Hebert.  
6 And to revoke the registration of the contractor's  
7 license for Heights Electric, just revoking the  
8 registration.

9                   MR. JOEY HEBERT: Can you elaborate on  
10 what that means?

11                   MR. FAHRENTHOLD: That means that you're  
12 not allowed to come back to the City of Houston and --  
13 with another company, and register as their master.

14                   And I think that is -- it says in 402.4:  
15 If a registration is revoked, the Electrical Board shall  
16 not accept an application from that person for a new  
17 registration for one year following the date of re --  
18 revocation. Notice shall be sent to TDLR of any  
19 disciplinary action taken by the Electrical Board  
20 against any master or contractor.

21                   So, basically, it means that you cannot  
22 master for a contractor doing work in the City of  
23 Houston for one year. And then, after that, you may  
24 apply again to be registered.

25                   CHAIRMAN DICKERSON: Okay.

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1 I'll call to question all in favor of  
2 the Motion as stated?

3 (All Board Members, with the exception of  
4 Mr. Mukerji raised their hands.)

5 MR. MUKERJI: I'm -- no. I want to  
6 give it --

7 CHAIRMAN DICKERSON: All --

8 MR. MUKERJI: -- three months.

9 CHAIRMAN DICKERSON: -- opposed?

10 MR. MUKERJI: I'm opposed, yeah.

11 CHAIRMAN DICKERSON: Okay.

12 That -- that ends this hearing. Is there  
13 any further Board business that we need to --

14 MR. PRICHARD: No, sir.

15 MR. CHARLES HEBERT: What -- what --  
16 what avenues do we have to protest? I mean, I -- I --  
17 you know, we protest this.

18 CHAIRMAN DICKERSON: The -- the Ordinance  
19 allows you ten days to make an appeal to the  
20 City Council. And I guess that would be from the time  
21 the record is available, right?

22 MR. CHARLES HEBERT: Excuse me?

23 MR. FAHRENTHOLD: That's in 402.

24 (Discussion off the record.)

25 MR. CHARLES HEBERT: I mean, the first

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1 thing is that, you know, I was never told that -- that  
2 this here that I -- I -- I was not given the right to  
3 have any counsel here. Now, what -- I was just told to  
4 appear. Now, that is what N.A. told me yesterday: Just  
5 come -- just come and sit down and meet with us, is what  
6 he said.

7 We had no I -- no indication that this  
8 was going to happen tonight. So I think that this  
9 here -- proceedings are -- are invalid, because I was  
10 not allowed to --

11 *CHAIRMAN DICKERSON:* Well, you can --

12 *MR. CHARLES HEBERT:* -- the -- the --

13 *CHAIRMAN DICKERSON:* -- certainly go to  
14 the --

15 *MR. CHARLES HEBERT:* -- counsel.

16 *CHAIRMAN DICKERSON:* -- you can go to  
17 City Council and present the record, but they will not  
18 hear you in -- in person.

19 *MR. CHARLES HEBERT:* Excuse me?

20 *CHAIRMAN DICKERSON:* The City Council  
21 will not hear your appeal in person. You have to use  
22 the record that this young lady is making over here  
23 (indicating), as a basis for your appeal. And you can  
24 write what you're saying in the letter that you write to  
25 the Secretary of the Council requesting the appeal.

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
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As far as we're concerned, we're done.

MR. PRICHARD: I move that we adjourn.

CHAIRMAN DICKERSON: Okay.

MR. FAHRENTHOLD: Second.

CHAIRMAN DICKERSON: All in favor?

MR. FAHRENTHOLD: Aye.

*(All Board Members raised their hands.)*

*(Proceedings were adjourned.)*

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
 HEIGHTS ELECTRIC SERVICES  
 NOVEMBER 2, 2010

**REPORTER'S CERTIFICATE**

CITY OF HOUSTON

TAKEN ON NOVEMBER 2, 2010

1  
2  
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5  
6 I, TIFFANY PINO CRUSE, the undersigned Certified  
7 Shorthand Reporter in and for the State of Texas,  
8 certify that the facts stated in the foregoing pages are  
9 a true and correct excerpted transcription of all the  
10 proceedings in the above styled and numbered Hearing  
11 that were reported by me.

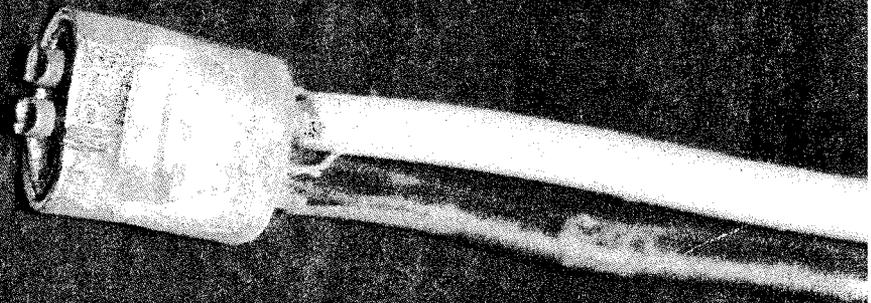
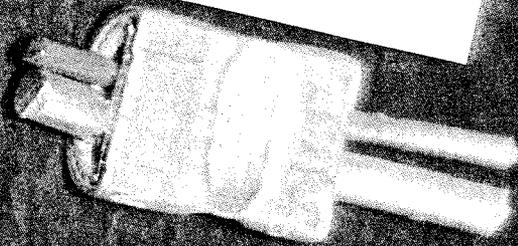
12 I further certify that I am neither attorney or  
13 counsel for, related to, nor employed by any parties to  
14 the action in which this testimony is taken and,  
15 further, that I am not a relative or employee of any  
16 counsel employed by the parties hereto or financially  
17 interested in the action.

18 SUBSCRIBED AND SWORN TO under my hand and seal of  
19 office on this the 12th day of November,  
20 2010.

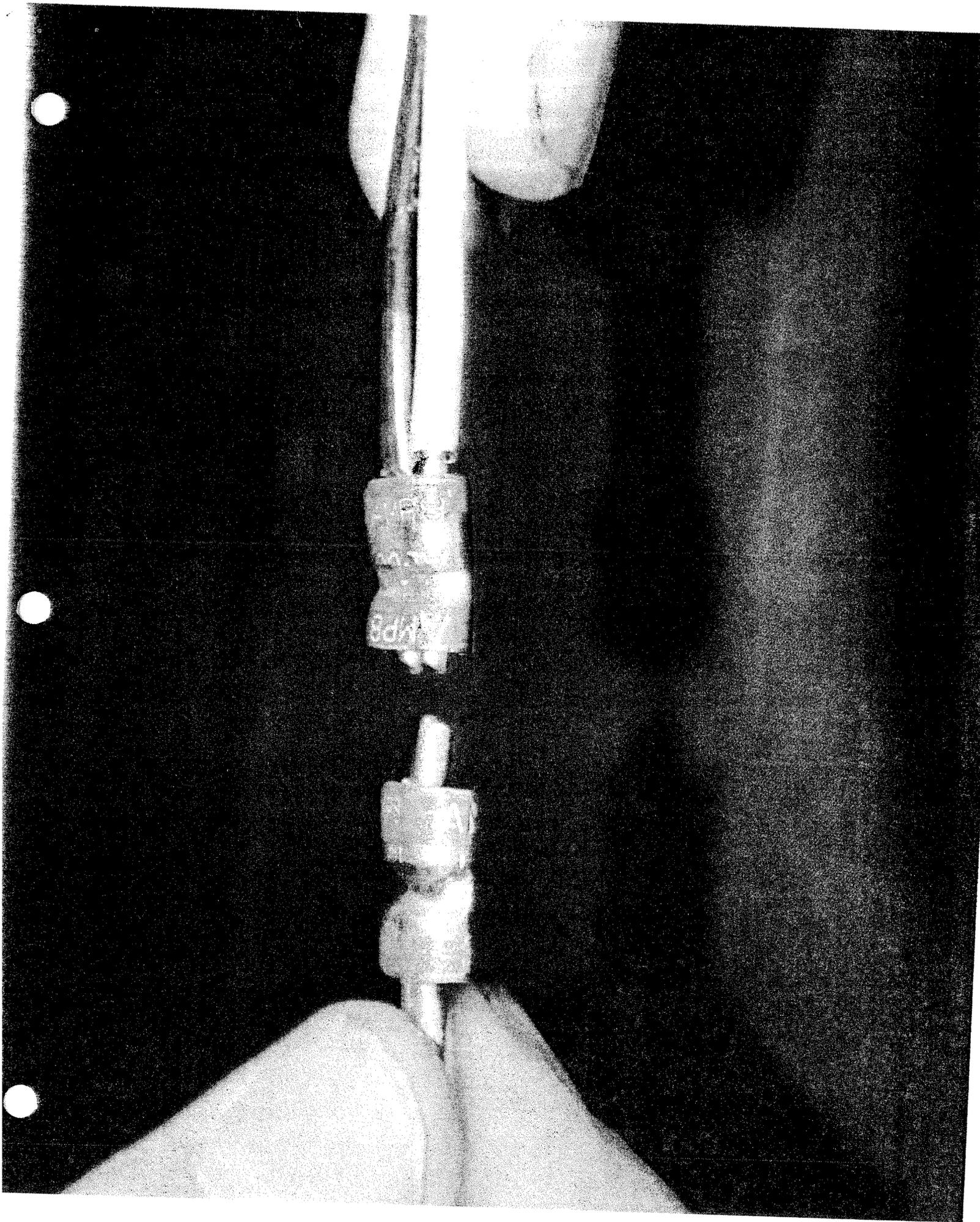
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23 Tiffany Pino Cruse, CSR RPR  
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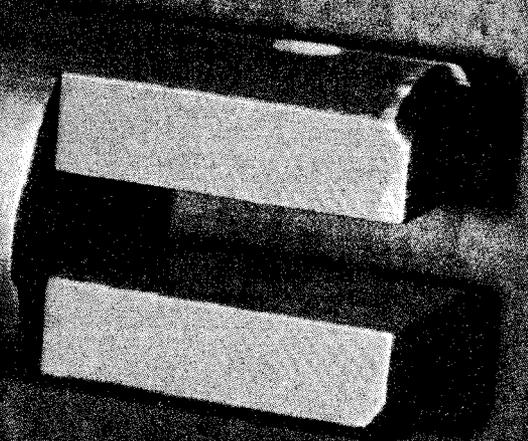
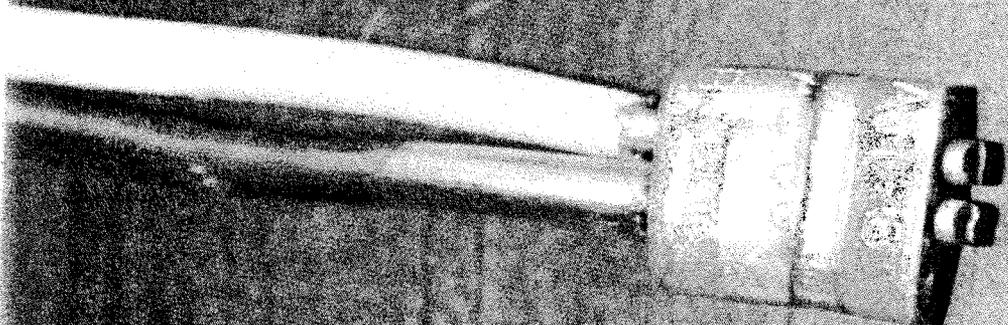
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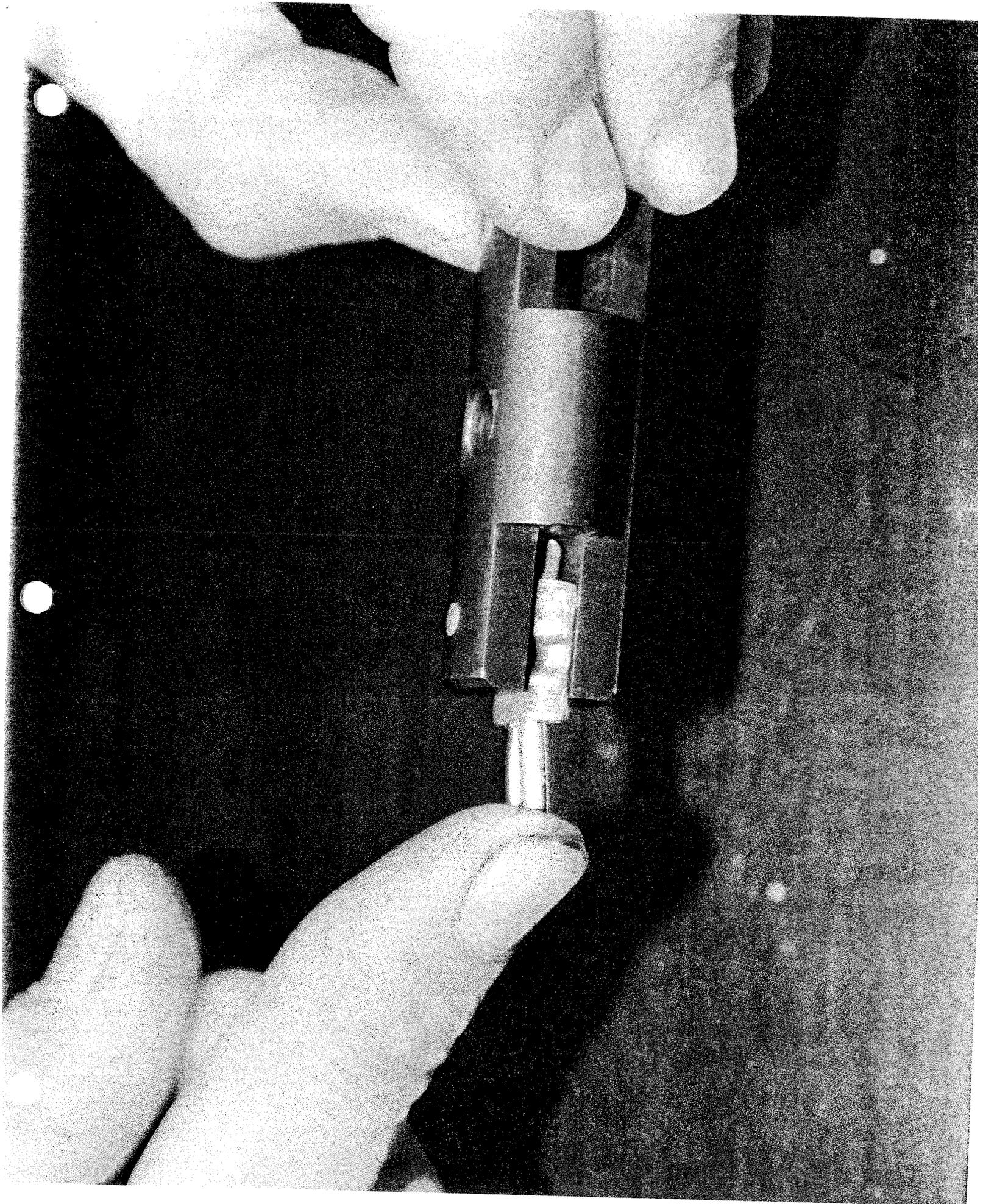


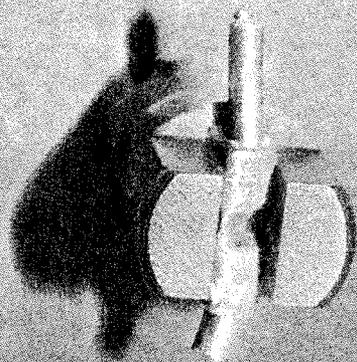
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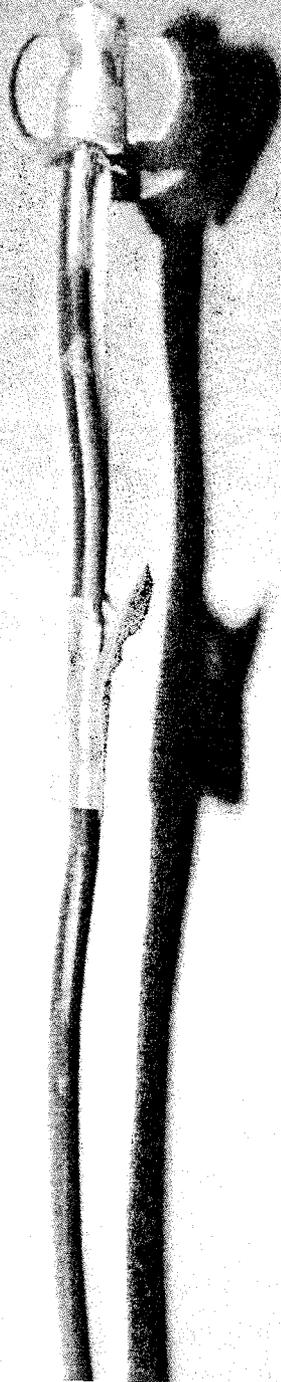


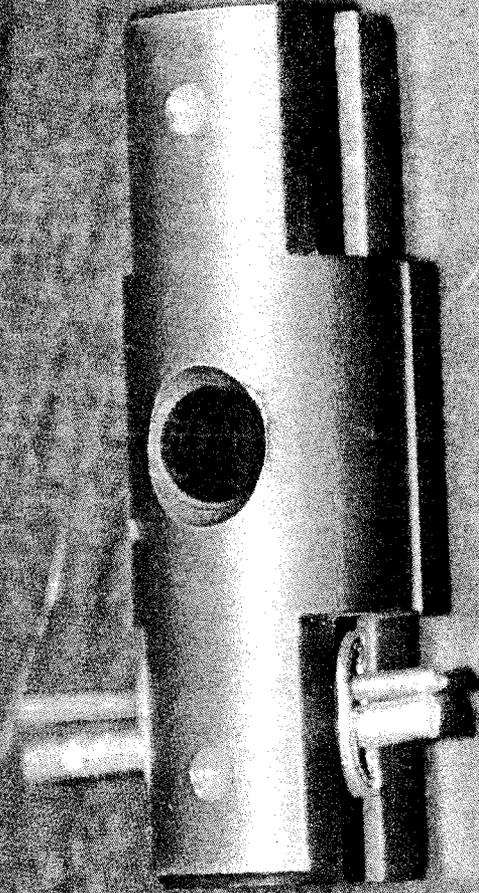


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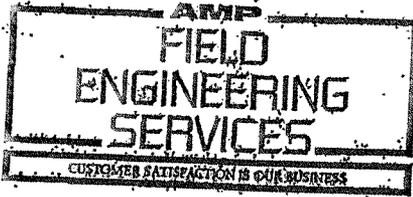
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P/N 608501-1  
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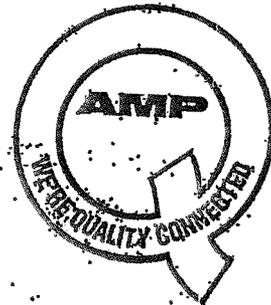
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**Weiman, N.A. - PWE - CE**

---

**From:** Prisco, Jennifer [jennifer.prisco@tycoelectronics.com]  
**Sent:** Thursday, September 23, 2010 4:17 PM  
**To:** Cook, Jeffrey W; Weiman, N.A. - PWE - CE  
**Cc:** 'mbarone@greenbank.com'  
**Subject:** RE: Barone - Review of crimps - sample available

Hi N.A.,

Tyco Electronics has terminated Heights Electric as Authorized COPALUM product Installer. They have been notified that they may no longer purchase Copalum products, nor are they permitted to hold themselves out as authorized installers.

Please let me know if I can be of further assistance.

Regards,

**Jennifer E. Prisco**

**Counsel**

Tyco Electronics Corporation

(717) 986-3934 tel

(717) 592-4022 fax

Email: jennifer.prisco@tycoelectronics.com

---

**From:** Cook, Jeffrey W  
**Sent:** Wednesday, September 22, 2010 9:26 AM  
**To:** 'Weiman, N.A. - PWE - CE'; Prisco, Jennifer  
**Cc:** 'mbarone@greenbank.com'  
**Subject:** RE: Barone - Review of crimps - sample available

N.A.

I will forward your request to Jennifer Prisco... She is aware of this issue...

Jeff

---

**From:** Weiman, N.A. - PWE - CE [mailto:N.A.Weiman@houstontx.gov]  
**Sent:** Wednesday, September 22, 2010 8:31 AM  
**To:** Cook, Jeffrey W  
**Cc:** 'mbarone@greenbank.com'  
**Subject:** RE: Barone - Review of crimps - sample available

Mr. Cook,

Can you please provide me with any action that Tyco Electronics have taken against Heights Electric as of today regarding the Copalum installation at Mr. Barone's residence? If this is not sufficient, please let me know. If I need to have my legal department contact your legal council, please let me know.

Thanks,

N.A. Weiman Jr.

Electrical Division Manager

Secretary of the Electrical Board

Department of Public Works and Engineering

Planning and Development Services

Code Enforcement

713-535-7555

City of Houston website <http://www.houstontx.gov>

Code Enforcement <http://www.publicworks.houstontx.gov/planning/enforcement/index.htm>  
Plan Review/inspection Status <http://pdinet.pd.ci.houston.tx.us/permits/index.asp>

If you would like to receive periodic emails from Mayor Annise D. Parker and the City of Houston on topics of interest to you and your neighborhood, please go to <http://www.houstontx.gov> and register with CitizensNet.

---

**From:** Cook, Jeffrey W [mailto:jeffrey.cook@tycoelectronics.com]  
**Sent:** Wednesday, August 11, 2010 9:18 AM  
**To:** 'Michael P. Barone'; 'Charlie@heightselectric.com'; Weiman, N.A. - PWE - CE  
**Cc:** Klunk, Thomas (Fld. Eng.); Marcucci, Anthony; Hascal, Randy; Diehl, Rodger L; Schaeffer, Richard L; Gavlak, Chris J.; Houser, Matthew  
**Subject:** RE: Barone - Review of crimps - sample available

Mike,

As the manufacturer we need to remain neutral, however I can tell you it is very obvious the crimped terminal, sent for evaluation, is not crimped according to the crimp inspection criteria provided in the training information and the correct die was not used to crimp the product. Engineering took a look at the crimp and said "no" and the comment made was simple, the terminal **does not gage**, so the termination is **not passable** according to Tyco Electronics specifications. Engineering's feeling is product failing to gage is really all you need to prove the termination is faulty.

Secondly, the visual inspection of the terminal shows distinctly, the crimping dies used were not the correct dies. Attached find document 408-9425. Under section 10, visually inspect the splice for the following.

1. Crimp centered in splice - **Crimp sample provided is not centered**
2. Splice size stamped on splice agrees with wire combination shown in figure 1. - **Terminal wire combination not compatible**
3. Die Proof Mark preset on underside of splice, **(one dash )** - for no. 8 dies , **( two dashes )** = for no. 6 dies . -**Crimp sample provided shows no proof marks.**
4. Wire ends extend past splice end - Ok, trimmed after termination
5. No open crack at splice seam - Ok

This is the information I plan on passing to N.A. Weiman, per his request, prior to his inspection of the terminations. He will also have a gage and the instructions on how to gage, and visually inspect the product correctly.

Regards  
Jeff Cook

---

**From:** Michael P. Barone [mailto:mbarone@greenbank.com]  
**Sent:** Tuesday, August 10, 2010 11:00 AM  
**To:** Cook, Jeffrey W; Hascal, Randy; Diehl, Rodger L  
**Subject:** RE: Barone - Review of crimps - sample available

Jeff,

Thank you for looking at this. As I feared.

Can you get a TYCO product engineer to evaluate and send me something formal? TYCO's official judgment on the crimp and how it does not meet your or UL standards?

Thanks,

Mike

**From:** Cook, Jeffrey W [mailto:jeffrey.cook@tycoelectronics.com]  
**Sent:** Tuesday, August 10, 2010 9:56 AM  
**To:** Michael P. Barone; Hascal, Randy; Diehl, Rodger L  
**Subject:** RE: Barone - Review of crimps - sample available

Mike,

Just received the crimp sample from your home in the mail. FYI the sample does not gage correctly, and the tooling which was used is not the correct tooling.

I have contacted, N A Weiman Jr and will forward the gage to his attention along with the instructional material on how the gage is to be used.

Regards  
Jeff Cook

---

**From:** Michael P. Barone [mailto:mbarone@greenbank.com]  
**Sent:** Monday, August 09, 2010 10:36 AM  
**To:** Hascal, Randy; Diehl, Rodger L  
**Cc:** Cook, Jeffrey W  
**Subject:** RE: Barone - Review of crimps - sample available

Randy,

Thanks for the response.

The crimp sample I sent Jeff Cook has the wires side by side.

If you were to guess, when will be your next trip to Houston?

Rodger,

Please contact me to discuss options for Randy to visit Houston. As Heights Electric did not use TYCO-certified installers, did not check crimps with a go/no-go gauge and did not use a TYCO-approved crimping tool, I have serious doubts that their work will meet TYCO's standards and earn UL approval.

I have talked to AC Electric in Austin about coming down to repair or re-do the work. But first, I need to understand the extent of my problems. I am aware of at least two missed Copalum crimps.

This is where I need help from TYCO. I hope Jeff will be able to tell me if the one crimp sample I mailed to him is to TYCO's standards. Randy's review will provide grading on the overall install and if TYCO's guidelines were followed.

I have spent a significant amount of money, investigation time and aggravation. I am sure much more is ahead. Ask Jeff about the fraudulent TYCO training certificates; I am expecting it to get worse.

Any help you can offer would be huge and greatly appreciated.

Jeff,

You will receive the crimp sample tomorrow. It was done under lab-perfect conditions and will represent the best results Heights could get with their crimping tool. Thanks for looking at it and sending it back.

Respectfully,

Mike  
713-203-2483

---

**From:** Hascal, Randy [mailto:rhascal@tycoelectronics.com]  
**Sent:** Monday, August 09, 2010 8:53 AM  
**To:** Michael P. Barone  
**Subject:** RE: Barone - Review of crimps - sample available

Good Morning Mike,

I currently don't have anything in the Houston area that would get me down there. I'm sorry to hear about your experience with Heights Electric. If they twisted the wires as you stated below that's also not the right way to install Copalum, the wires should lay side by side before crimped. You can contact my manager if you would like to get me down there right away and he can schedule that. He would probably require you to pay standard labor rates and t&l expenses or wait until there is something in the area. You can discuss your options with him, his name is Rodger Diehl 636-272-7606 or email [rdiehl@tycoelectronics.com](mailto:rdiehl@tycoelectronics.com)

Thanks and hope to see you soon,

Randy

---

**From:** Michael P. Barone [mailto:mbarone@greenbank.com]  
**Sent:** Thursday, August 05, 2010 10:00 AM  
**To:** Cook, Jeffrey W  
**Cc:** Hascal, Randy  
**Subject:** RE: Barone - Review of crimps - sample available

Jeff,

Crimp sample will mail today. Thanks.

Randy,

I would really appreciate you taking a quick look at my home on your next trip to Houston. We're right on I-10 at Dairy Ashford and 290 via the beltway is 10 minutes away.

My next step is to determine if a the TYCO-approved guy in Austin or San Marcos can re-do Heights' work or if the house will require a re-wire. I believe the issue is whether there is enough wire in the boxes to cut back, re-twist and re-crimp.

Your review will be a huge step forward in me being able to start the repair process.

Respectfully,

Mike

**From:** Cook, Jeffrey W [mailto:jeffrey.cook@tycoelectronics.com]  
**Sent:** Thursday, August 05, 2010 9:05 AM  
**To:** Michael P. Barone  
**Cc:** Hascal, Randy  
**Subject:** RE: Barone - Review of crimps - sample available

Sure,

I'll give him your contact information...

You can mail the crimped sample to me... I'll have a look at it...

Tyco Electronics  
C/O Jeff Cook  
MS 161-09  
100 AMP Drive  
Harrisburg Pa 17111

---

**From:** Michael P. Barone [mailto:mbarone@greenbank.com]  
**Sent:** Thursday, August 05, 2010 10:01 AM  
**To:** Cook, Jeffrey W  
**Cc:** Michael P. Barone  
**Subject:** Barone - Review of crimps - sample available

Jeff,

I have a sample crimp that I had Heights do with one of their three crimping tools before they started the project.

I can mail it to you or Copalum trainer Randy Haskell (sp?) for review and ruling if it passes TYCO's standards, not including lack of go/no go gauge check and all of the other things.

This crimp does have a ridge/groove from the die set, but appears distorted beyond the images I have seen in your manuals. This probably not from the crimping tool I examined last week.

Please let me know where I can mail it. And, as discussed, I would appreciate a review of Height's work by Randy Haskell the next time he is in Houston. Can you arrange?

Respectfully,

Mike



Mike Barone  
Vice President  
Marketing & Branding

Our money market accounts and CDs lead the market--  
[www.greenbank.com/rates-personal](http://www.greenbank.com/rates-personal)

Do you have a favorite environmental non-profit organization?  
Check out our special programs that get them contributions--  
<http://www.greenbank.com/resources/programs-for-non-profits>

## GREEN BANK

4000 Greenbriar, Houston, Texas 77098  
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[mbarone@greenbank.com](mailto:mbarone@greenbank.com)

[www.greenbank.com](http://www.greenbank.com)

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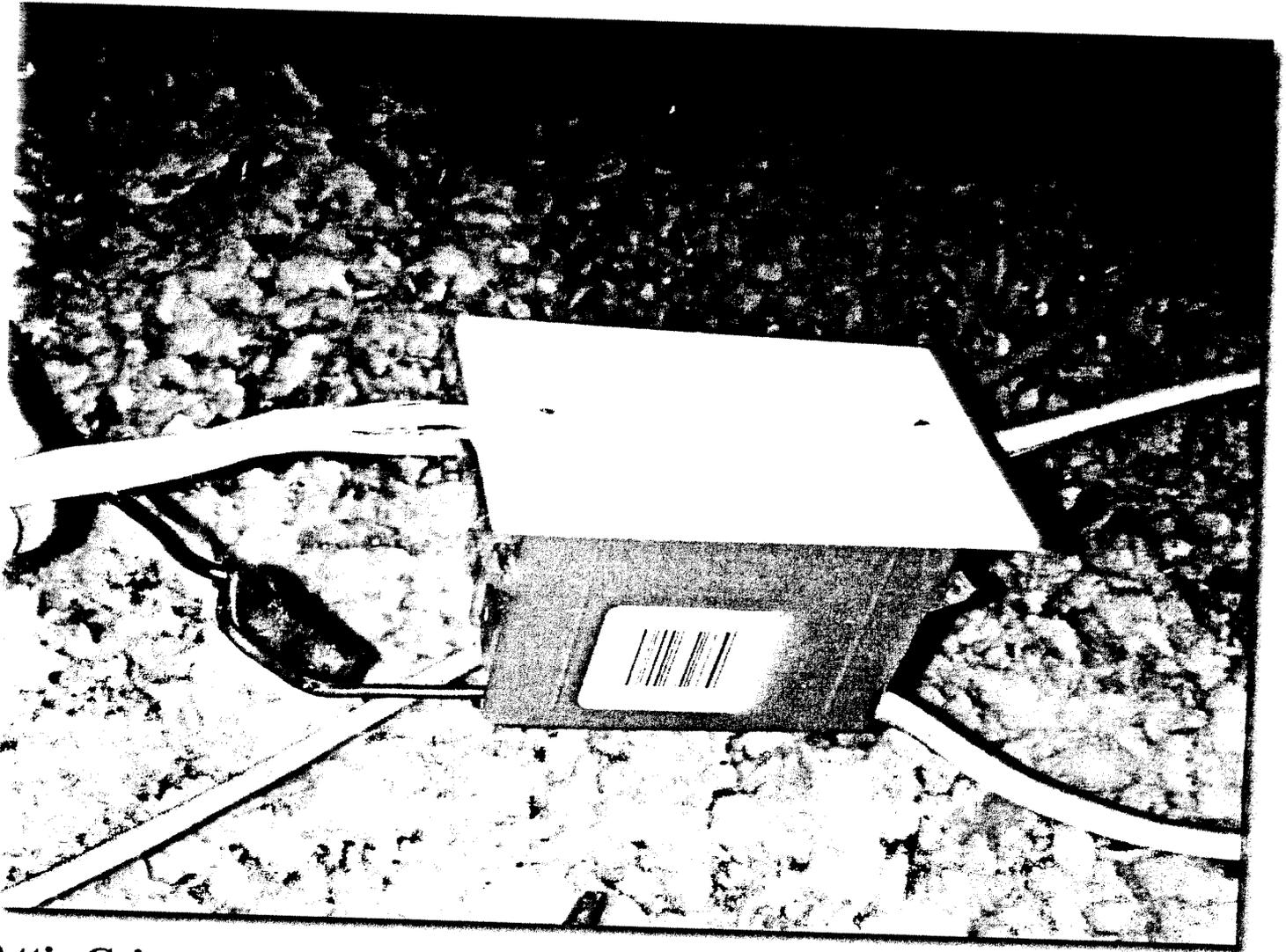
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**Attic Crimp:**

---

- Crimp not in junction box - knowingly violated code standards and unconscionable action
- Junction box not firmly secured
- Junction box missing cover screw
- Outer plastic coating sheath cut

# customer manual

## **SAFETY PRECAUTIONS**

**READ THIS FIRST !**

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## **SAFETY PRECAUTIONS AVOID INJURY**

Safeguards are designed into this application equipment to protect operators and maintenance personnel from most hazards during equipment operation. However, certain safety precautions must be taken by the operator and repair personnel to avoid personal injury, as well as damage to the equipment. For best results, application equipment must be operated in a dry, dust-free environment. Do not operate equipment in a gaseous or hazardous environment.

Carefully observe the following safety precautions before and during operation of the equipment:

- ALWAYS remove the battery pack when performing maintenance on the tool.
- ALWAYS keep fingers clear of the crimping area when operating the tool.
- ALWAYS be sure that the correct splice type and size is used in the tool..
- ALWAYS insert power plug into a properly grounded receptacle to avoid electrical shock.
- NEVER wear loose clothing or jewelry that may catch in moving parts of the application equipment.
- NEVER insert fingers into application equipment.
- NEVER alter, modify, or misuse the application equipment.

## **TOOLING ASSISTANCE CENTER**

**CALL TOLL FREE 1-800-722-1111 (CONTINENTAL UNITED STATES AND PUERTO RICO ONLY)**

The Tooling Assistance Center offers a means of providing technical assistance when required.

In addition, Field Service Engineers are available to provide assistance in the adjustment or repair of the application equipment when problems arise which your maintenance personnel are unable to correct.

### **INFORMATION REQUIRED WHEN CONTACTING THE TOOLING ASSISTANCE CENTER**

When calling the Tooling Assistance Center regarding service to equipment, it is suggested that a person familiar with the device be present with a copy of the manual (and drawings) to receive instructions. Many difficulties can be avoided in this manner.

When calling the Tooling Assistance Center, be ready with the following information:

1. Customer name
2. Customer address
3. Person to contact (name, title, telephone number, and extension)
4. Person calling
5. Equipment number (and serial number if applicable)
6. Product part number (and serial number if applicable)
7. Urgency of request
8. Nature of problem
9. Description of inoperative component(s)
10. Additional information/comments that may be helpful



Figure 1

## 1. INTRODUCTION

This manual covers the operation and maintenance of Cordless Electric Power Tool Kit 1976330-1, which is used to apply COPALUM® Splices to solid-conductor wire. See Figure 1. Read this manual carefully before attempting to operate the tool for the first time. The performance of the tool depends largely on the intelligent use of the information contained in this manual.

The tool is used in the Tyco Electronics Aluminum Wire Re-termination Program, which provides materials and procedures to modify branch circuits in aluminum-wired homes in compliance with the National Electrical Code. The program is intended only for qualified electricians and uses only materials listed by Underwriters Laboratories.

The program consists of permanently joining a short length, or pigtail, of solid-copper wire to existing number 12 and 10 solid aluminum wires in 15 ampere and 20 ampere branch circuits. The wires are spliced using COPALUM splices and Tyco Electronics tooling. The pigtailed copper wire is then connected to the electrical device. Ordinary branch-circuit wiring methods are used. Aluminum-to-aluminum wire splices are modified by permanently joining the wires using COPALUM splices and Tyco Electronics tooling.

This program covers modifications of all 15 ampere and 20 ampere branch circuit connections, such as plug receptacles, switch devices, junction boxes, and all field-wired appliances, such as lighting fixtures, garbage disposals, furnace fans and controls, electrical accessories on gas appliances, exterior lighting fixtures, breaker boxes, and other electrical panels.

When reading this manual, pay particular attention to **DANGER**, **CAUTION**, and **NOTE** statements.



*Denotes an imminent hazard which may result in moderate or severe injury.*



*Denotes a condition which may result in product or equipment damage.*



*Highlights special or important information.*

**NOTE**

All measurements on this document are in metric units [with U.S. customary units in brackets].

Figure 2 lists tool kit specifications.

Tool Number .....	1976330-1
Dimensions (Approximate)	
Height .....	304.8 mm [12 In.]
Width .....	95.25 mm [3.75 In.]
Length .....	292.1 mm [11.5 In.]
Weight .....	4.536 Kilograms [10 lbs]
Battery Pack Life .....	Approximately 120 crimps on a full charge

Figure 2

## 2. DESCRIPTION

Cordless Electric Power Tool Kit 1976330-1 is a portable hand tool kit featuring an integral die set with two crimping chambers. (Refer to Figure 3.) These crimp chambers allow the tool operator to splice a wide variety of wire sizes and combinations without having to repeatedly remove and replace die sets.

The kit contains a battery powered crimp tool, two battery packs, and a battery charger. The kit also contains the carrying case for these components.

### 2.1. Electrical Requirements

The tool is powered by a removable, rechargeable battery pack, which is supplied with a recharging unit. The recharging unit operates on 115 Vac line power, and charges the battery pack from full discharge to full charge in about one hour. A second battery pack is supplied to permit continuous operation of the tool without interruptions for battery charging.

### 2.2. Functional Description (Figure 3)

With a fully-charged battery pack installed in the tool, the operator places a splice onto the wire to be crimped. The splice is then loaded into the appropriate crimp chamber of the tool.

When the control button is pressed, the motor starts, operating a hydraulic cylinder, which pushes up on the die anvil, bottoming the dies. A special feature of the tool ensures that each splice is fully crimped before the dies reopen. This feature provides high-quality, consistent crimps.

**NOTE**

The tool is designed to provide a complete crimp with every cycle. When the control button is pressed and held, the tool will cycle until it has returned to the starting position.

**DANGER**

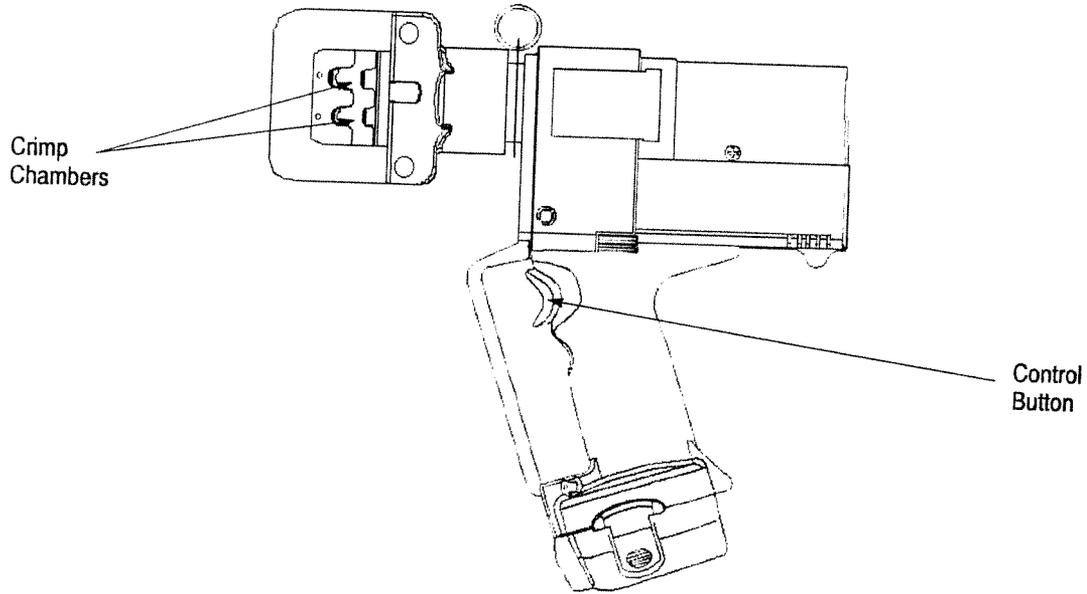
Keep fingers clear of the crimping dies during the crimping operation.

## 3. OPERATION

### 3.1. Crimping Die/Splice Selection

Depending on the size and type of wires encountered, the operator will use one of two splice sizes, along with the corresponding die set in the tool. To determine the correct splice and die set for your application, refer to Figure 3.

Find the correct size, composition, and combination of wires encountered, then determine the correct splice. Also listed is the color code found on the splice and on the proper die set on the tool.



WIRE COMBINATION BY SIZE (AWG) AND COMPOSITION				SPLICE SIZE, COLOR CODE, AND KIT PART NUMBER	COLOR CODE ON DIES
Aluminum (AL)		Copper (CU)			
No. 12	No. 10	No. 14	No. 12		
1	—	—	1	No. 8 (RED) 608501-1	RED DOT
2	—	—	—		
—	1	—	1		
3	—	—	—		
2	—	—	1		
—	1	1	—		
1	1	—	—		
1	—	1	—		
1	—	2	—		
1	—	3	—		
2	—	1	—		
—	2	—	1		
3	—	—	1	No. 6 (BLUE) 608502-1	BLUE DOT
4	—	—	1		
—	2	—	—		
—	3	—	—		
4	—	—	—		
—	1	—	2		
—	2	1	—		
—	3	—	1		
3	—	1	—		
4	—	1	—		
5	—	—	—		
—	4	—	—		

**NOTE:** For proper insulation, all splices are used with the AMP Heat Shrink Tubing supplied in each splice kit.

- Solid wires ONLY. For other combinations, call the Tooling Assistance Center at 1-800-722-1111.

Figure 3

### 3.2. Crimping Procedure



Make sure that you are using the correct COPALUM splice and crimp chamber for the aluminum wire or aluminum and copper wire size combinations that you are going to crimp. The color code stripe on the splice and the color code dot on the crimping dies **MUST** match. Do **NOT** alter COPALUM splices by removing the internal perforated inserts. If you have any questions concerning proper application, contact your local Tyco Electronics representative.

Insert the battery pack in the tool.

Refer to Figure 3, select the proper splice, and proceed as follows:

1. Make sure that each wire extends a **minimum** of 25.4 mm [1 in.] from any electrical box or wall surface.
2. If more wires must be spliced than allowed on the table in Figure 3, use "piggy-back" crimps to splice all wires. See Figure 4.

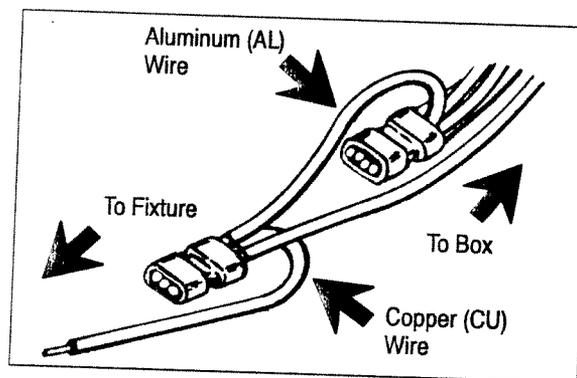


Figure 4

3. Strip each wire to the proper length, as indicated in Figure 5. When stripping the wires, do **NOT** nick or cut the conductors. If a conductor is damaged, cut the wire and strip it again.

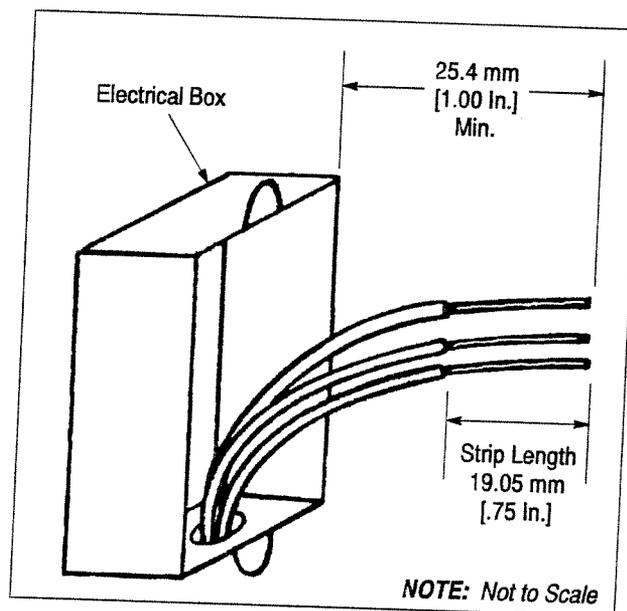


Figure 5

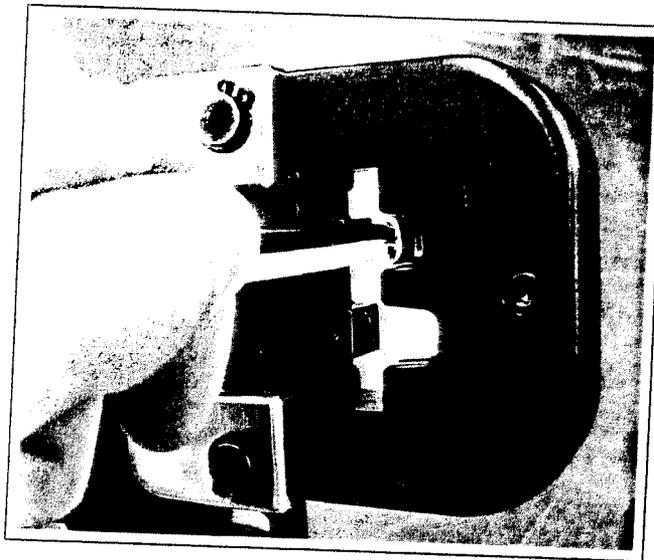
4. Place the correct splice on the stripped wire.

5. Insert the correct splice into the crimping chamber with the color code dot matching the color code stripe on the splice. The back of the splice should bottom against the urethane stop behind the crimping dies.
6. Press the control button of the tool until the moving anvil grips the splice. Check for proper positioning of splice in the crimp chamber.



*Keep fingers away from the crimping area when operating the tool.*

7. Continue to press the control button to crimp the splice. The tool should cycle and stop. If the tool stops mid-cycle, the battery pack must be changed. Refer to Paragraph 3.5, **Battery Charging**, for detailed information on replacing the pack.
8. When the tool stops, remove the crimped splice from the tool. See Figure 6.



*Figure 6*

### 3.3. Crimp Inspection

1. Refer to Figure 7 and check each splice for the following:
  - a. Crimp centered in splice.
  - b. Splice size stamped on splice agrees with wire combination shown in Figure 3.
  - c. Die proof mark present on underside of splice (- for No. 8 dies, = for No. 6 dies).
  - d. Wire ends extend past splice end.
  - e. No wire insulation in crimped splice; no cross-overs
  - f. No open crack at splice seam.

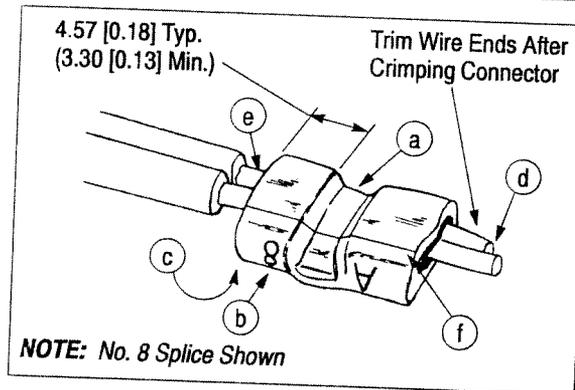


Figure 7

2. Check each crimped splice with the Secondary Crimp Gage to be sure of a proper crimp. Find the gage end with the color code dot matching the color code stripe on the splice. Align the splice as shown in Figure 8 and insert the splice into the gage. The splice should enter the gage easily.

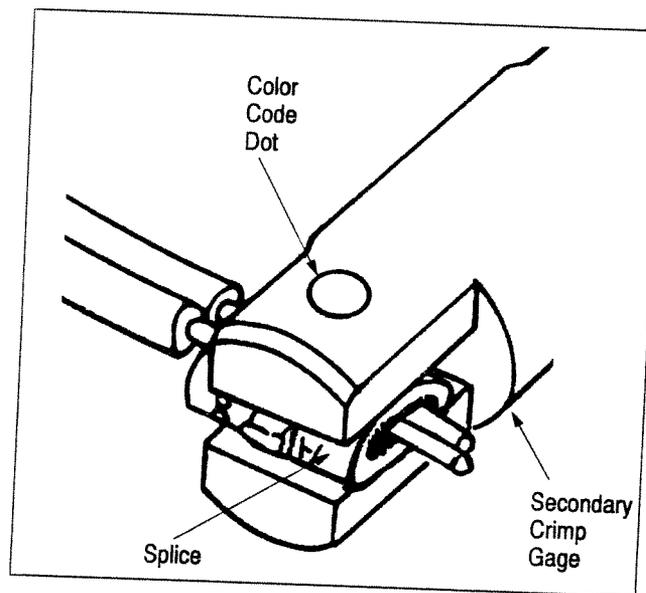


Figure 8

3. If the splice does not meet the gage test, check that the proper wire sizes and combinations listed in Figure 3 were used, cut off the splice, strip the wires, and apply a new splice. If the splice **still** does not meet the gage test, the tool must be returned to Tyco Electronics for service. Refer to Page 2 and Page 11 of this manual for details.

### 3.4. Finishing the Splice

1. Place a 38.1 mm [1.50 in.] section of heat shrink tubing over the crimped splice. The splice should be centered in the tubing, with approximately 12.7 mm [.50 in.] of tubing on either side of splice. See Figure 9.

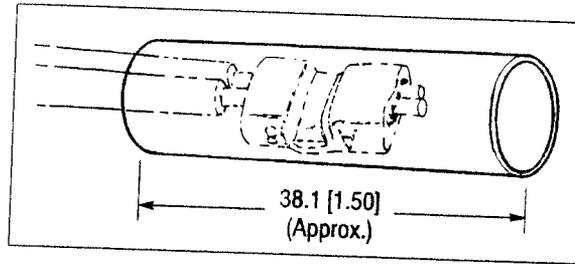


Figure 9



Also apply tubing to bare ground wires.

- Heat the tubing with the heat gun until the tubing shrinks to the shape of splice. Do NOT overheat wires. Refer to Figure 10.

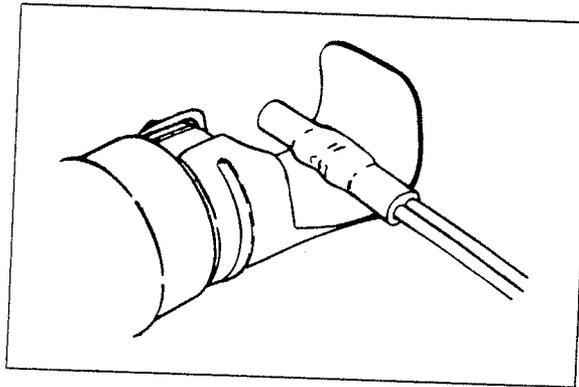


Figure 10

- For stranded copper wire attached directly to a device, use a wire nut to connect the stranded wire to a solid copper pigtail. Refer to Figure 11.

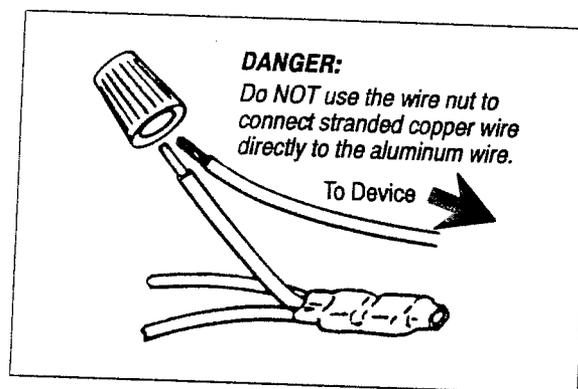


Figure 11

### 3.5. Battery Charging

Because of the nature of the batteries in the rechargeable battery pack, the pack should be fully discharged before recharging.

To remove the battery pack, push the release button on the battery pack. Pull the pack out and replace with a fully-charged pack.



The battery pack cavity in the tool is keyed to prevent damage to the tool that could be caused by installing the battery pack incorrectly. Do not defeat this keying feature.



Keep fingers away from the crimping area when changing the battery pack.

To charge the battery pack, make sure that the charging unit is plugged in, then insert the pack into the charging unit, as shown in Figure 12. The battery pack will be fully charged when the charger indicator becomes green. A full charge takes about one hour.

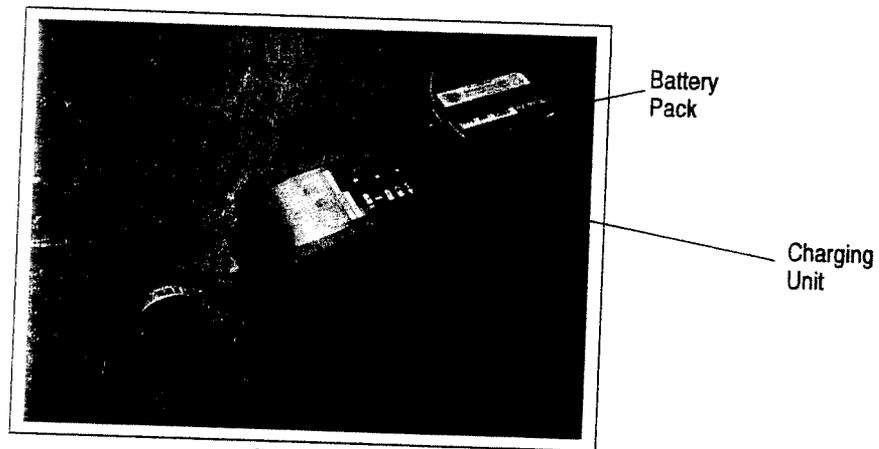


Figure 12

#### 4. MAINTENANCE/INSPECTION

These instructions have been approved by the Tyco Electronics Design, Production, and Quality Control Engineers to provide documented maintenance and inspection procedures in accordance with Corporate Policy No. 3-3. Through Tyco Electronics test laboratories and the inspection of production assembly, the procedures described herein have been established to ensure the quality and reliability of Cordless Electric Power Tool 1976330-1.

##### 4.1. Daily Maintenance

Although the cordless electric power tool was designed for minimum upkeep, it is recommended that each operator of the tool be made aware of — and made responsible for — the following steps of daily maintenance:

1. Remove dust, moisture, and other contaminants with a clean brush or a soft, lint-free cloth. Do NOT use objects that could damage the tool. The tool housing may be wiped clean with a clean cloth.
2. Make sure that all external pins and screws are in place.
3. When the tool is not in use, remove the battery pack and store the tool in the provided tool case. Do NOT store the battery pack in the charger.

##### 4.2. Periodic Visual Inspection

The tool should be carefully examined at regular intervals, according to the amount of use, ambient working conditions, operator training and skill, and established company standards.

Remove all excess lubrication from the crimping area of the tool. Check dies for damage or excessive wear. Inspect the crimping area for metal particles. The presence of metal particles indicates a lack of lubrication or misaligned or worn parts. If damaged or excessively worn parts are found, the tool must be repaired before returning it to service. Refer to Section 5, TOOL REPAIR.

### 4.3. Lubrication

It is important that the tool be lubricated at regular intervals to ensure minimum wear and dependable service. Figure 13 indicates the proper lubrication areas and the type of lubricant to be used.

**NOTE**

*Apply lubricant sparingly to avoid lubricant and dirt build-up.*

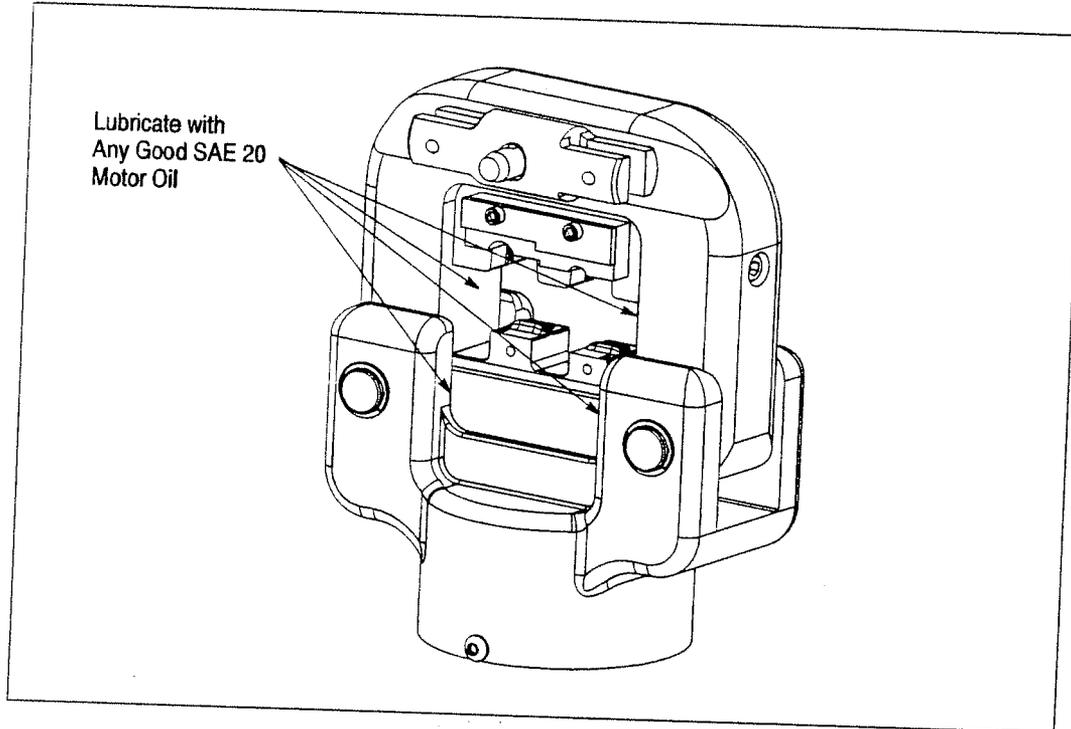


Figure 13

Frequency of lubrication should be as follows:

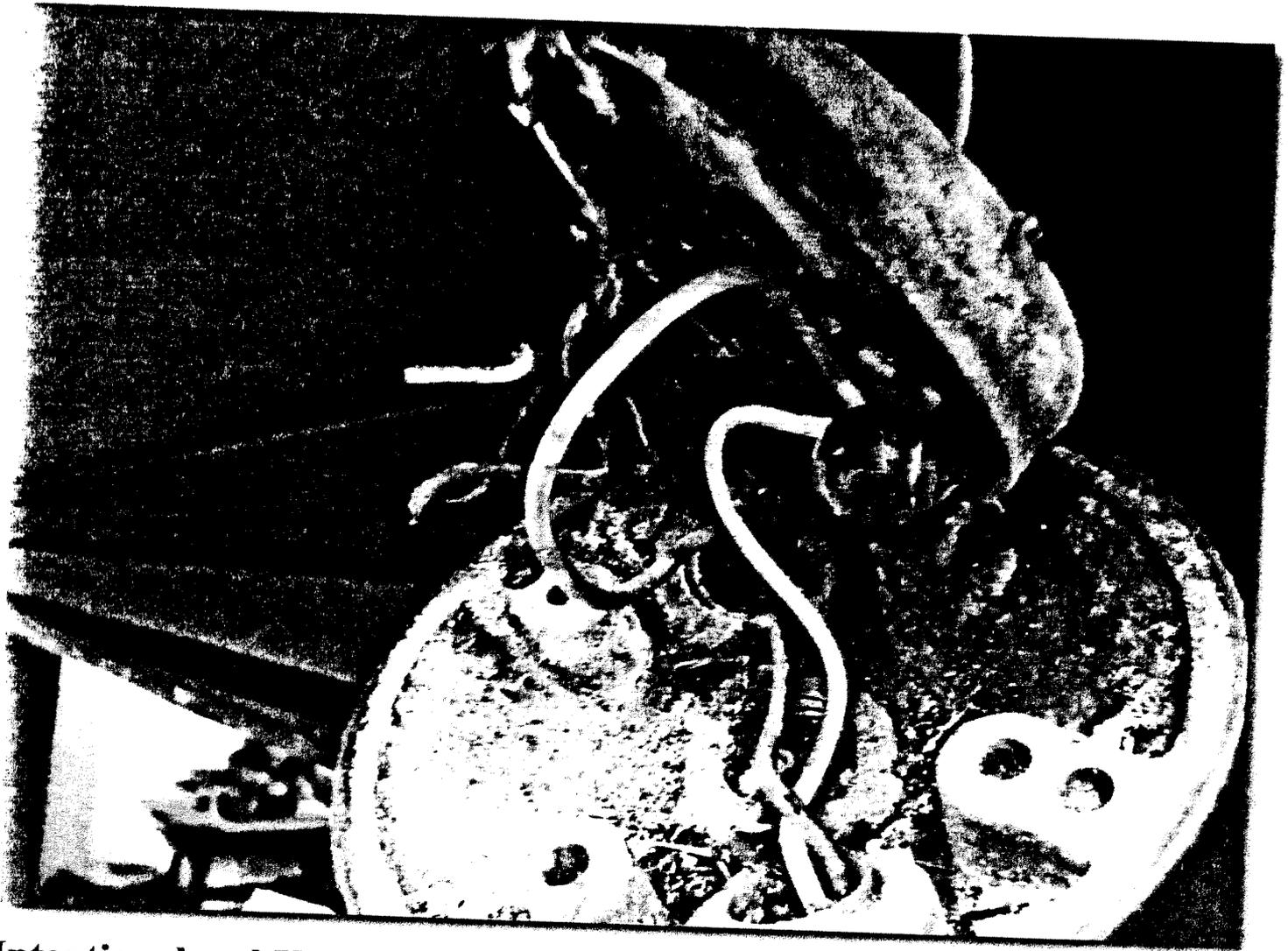
- Tools used in daily production should be lubricated daily.
- Tools used daily (occasionally) should be lubricated monthly.
- Tools used weekly should be lubricated monthly.

### 5. TOOL REPAIR

When repair of the tool is necessary, contact the Tooling Assistance Center at 1-800-722-1111 for detailed information.

### 6. REVISION SUMMARY

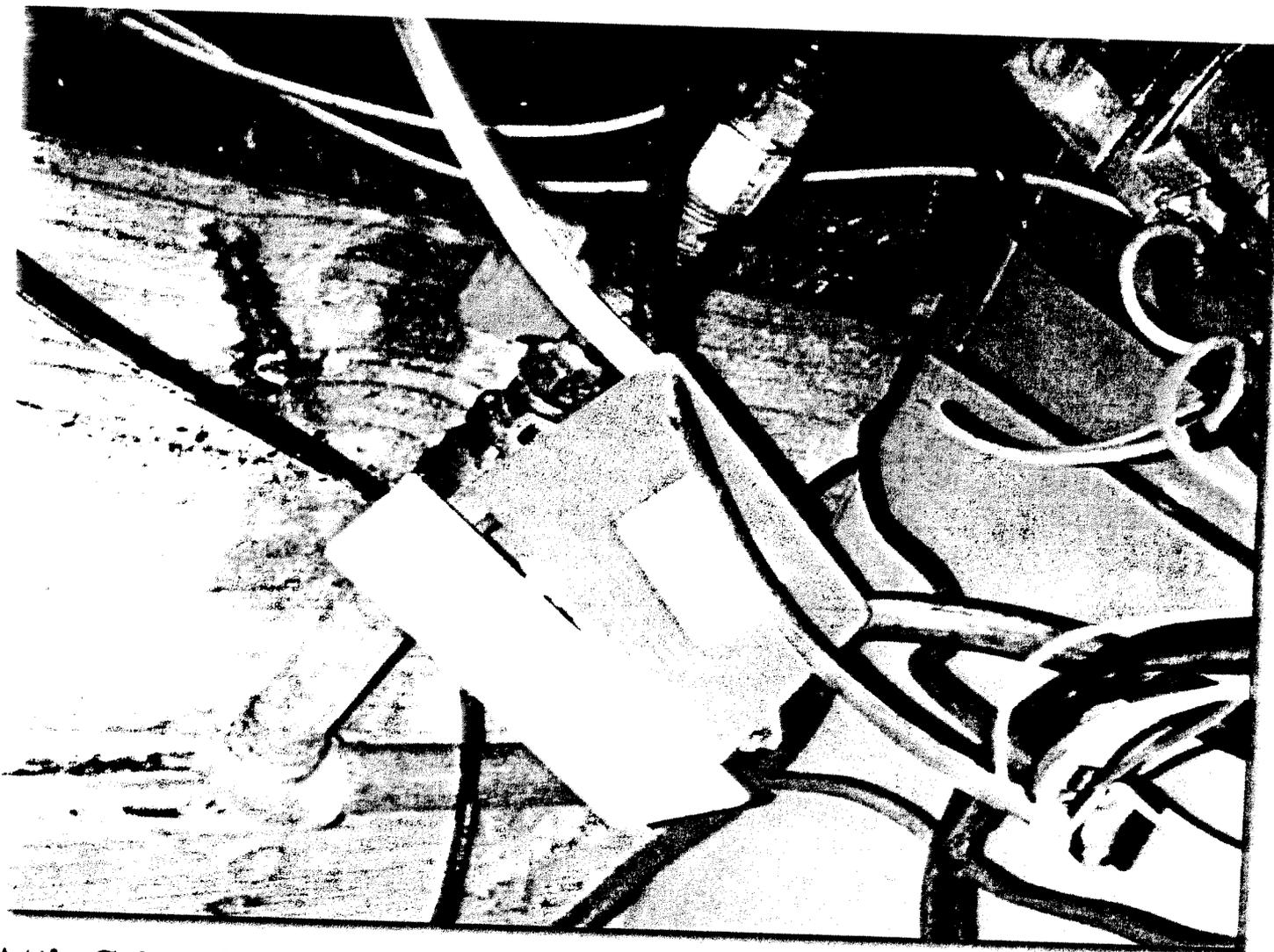
New release of 409-10080



**Intentional and Unconscionable Omission:**

---

- The screws securing this outlet to the metal box were stripped.
- Homeowner drilled out screws after job completion to find no COPALUM crimps.



**Attic Crimp 2:**

---

- Junction box not firmly secured
- Junction box missing cover screw
- Junction box cover ajar near gas line

## Michael P. Barone

---

**From:** Michael P. Barone  
**Sent:** Wednesday, September 22, 2010 4:53 PM  
**To:** 'pat@heightselectric.com'; 'joey@heightselectric.com'  
**Cc:** Michael P. Barone  
**Subject:** FW: Estimate from Brandt Electrical Services, Inc.  
**Attachments:** Est\_6507\_from\_Brandt\_Electr.pdf

**Importance:** High

Pat and Joey,

Attached is the estimate from Brandt Electrical.

I reviewed with Carl Cooper, 281-693-3383. He agreed that the estimate will also include adding an outlet for the vent-a-hood, replacing the grounding island box (red tag) and upgrading two (?) outside outlets to the new style with the plastic cover.

He mentioned pre-wiring all the devices. I questioned him on that.

He estimates a mid to late October start.

I am still waiting for feedback from the inspectors on Brandt Electrical.

Mike  
713-203-2483

---

**From:** Lauren Baxter [mailto:Lauren@brandtelectrical.com]  
**Sent:** Wednesday, September 22, 2010 4:28 PM  
**To:** Michael P. Barone  
**Cc:** Carl Cooper  
**Subject:** FW: Estimate from Brandt Electrical Services, Inc.  
**Importance:** High

## Michael P. Barone

---

**From:** Michael P. Barone  
**Sent:** Thursday, September 30, 2010 3:24 PM  
**To:** Michael P. Barone; 'pat@heightselectric.com'; 'patrick@heightselectric.com'; 'joey@heightselectric.com'  
**Subject:** RE: Barone - Brandt Electric not going to do Copalum training

Pat,

To confirm our conversation:

1. You are going to talk to Fox in Austin about doing the job; uneasy about Brandt as team has never done
2. You are concerned about the wires going in and out of the box for reviews and estimates
3. You will call me tomorrow
4. I am frustrated and just want it done; agree with concerns of handling wire too much
5. I agree with your concerns on Brandt; also too many variables that we are dependent on here
6. I am worn out with all this—time, energy and emotion is adding up

Please let me know next steps tomorrow.

Thanks,

Mike

---

**From:** Michael P. Barone  
**Sent:** Thursday, September 30, 2010 1:03 PM  
**To:** 'pat@heightselectric.com'; 'patrick@heightselectric.com'; 'joey@heightselectric.com'  
**Cc:** Weiman, N.A. - PWE - CE; Fowler, Robert - PWE - CE; carl@brandtelectrical.com  
**Subject:** Barone - Brandt Electric not going to do Copalum training

Pat and Joey,

I just received a call from Carl at Brandt Electrical. They had two large Copalum jobs that have backed-out. With just my job on their list, they have decided not to complete Copalum training at this time.

This is bad news for both of us. I see four courses of action:

1. On several occasions, Charlie mentioned a 1,500-unit apartment complex needing Copalum. Perhaps you could share that lead with Brandt and hope something matriculates quickly.
2. What is the availability of the Austin or San Marcus guys you spoke with to evaluate my home? To do the work?
3. Complete rewire. I chose the shop and you pay the bills.
4. Settlement that will cover unknown costs. This is my last choice for solutions—I just want my house fixed.

In any case, I am not interested in this dragging out any longer—I paid for services in April and my family continues to live in a dangerous house. I was very agreeable to the two week extension for the review board as it appeared progress was being made. But now we're back to square one.

At this point, I need a solution, completion plan and date. I am tired of messing with this.

Please call me to discuss your next steps and solution recommendations.

Mike  
713-203-2483

Mike Barone  
Vice President  
Marketing & Branding

4000 Greenbriar, Houston, Texas 77098  
(713) 275-8243

[mbarone@greenbank.com](mailto:mbarone@greenbank.com)



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Do you have a favorite environmental non-profit organization?  
Check out our special programs that get them contributions--  
<http://www.greenbank.com/resources/programs-for-non-profits>

 Please consider the environment before printing email

**Michael P. Barone**

---

**From:** Michael P. Barone  
**Sent:** Monday, October 04, 2010 11:01 AM  
**To:** 'pat@heightselectric.com'; 'patrick@heightselectric.com'; 'joey@heightselectric.com'  
**Cc:** Michael P. Barone  
**Subject:** Confirmation of 10/3 call

Pat,

To confirm the items of our call:

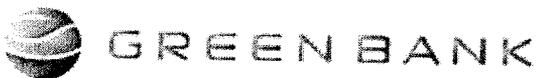
1. I am disappointed that this is still floundering without any movement since you and Joey have stepped in three week ago. I am still not able to use my living room as it has 40 unpacked boxes of records that I can cannot unload as I will have to move bookcase for repairs.
2. I am disappointed that Brandt has decided not to chase certification; but this was a solution I found and tried; Height needs to be actively looking for solutions.
3. After our call on Thursday, it was understood that you were going to call the Austin and San Marcus shops and report progress on Friday; that did not happen.
4. You are going to check with those shops today and report shortly.
5. I understand that my family will have to leave the home for a few days as the repair work is conducted. If the correction is performed an efficient manner and done to specifications, we will do what is necessary to keep the process moving.

I am ready to get this resolved. Every time I look at or think about my home, I am tired/frustrated/angry that the immediate next thought is this situation. I am ready to move on and enjoy the home I bought.

Mike Barone  
Vice President  
Marketing & Branding

4000 Greenbriar, Houston, Texas 77098  
(713) 275-8243

[mbarone@greenbank.com](mailto:mbarone@greenbank.com)



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Please consider the environment before printing email

## Michael P. Barone

---

**From:** Michael P. Barone  
**Sent:** Tuesday, October 19, 2010 12:41 PM  
**To:** 'patrick@heightselectric.com'; 'pat@heightselectric.com'; 'joey@heightselectric.com'  
**Cc:** Michael P. Barone  
**Subject:** Barone - update on progress

Pat and Joey,

I am hopeful you can provide a progress update.

After talking to Pat on Thursday, 9/30, he promised an update the next day. I have heard nothing. My 10/15 voice message has not been returned.

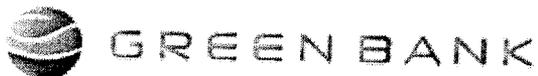
Please let me know what is going on.

Mike

Mike Barone  
Vice President  
Marketing & Branding

4000 Greenbriar, Houston, Texas 77098  
(713) 275-8243

[mbarone@greenbank.com](mailto:mbarone@greenbank.com)



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Please consider the environment before printing email

**Michael P. Barone**

---

**From:** jabear32@gmail.com on behalf of Joey Hebert [joey@heightselectric.com]  
**Sent:** Monday, September 13, 2010 7:21 AM  
**To:** Michael P. Barone  
**Subject:** Copalum Of your Home

Mr Barone.

Could you please give a call to Pat Hebert the master of Heights at 281-960-0032 or Joey Hebert at 713862-1000 after the meeting Friday Heights has been looking for a way to get a certified copalum to be completed at your home. I know that you would like to check references on any company that we would find and we would like to make sure that there are no other problems in getting this process to happen. I believe this is what you are looking for to come to amicable solution, or let me know what I can do to help the situation so we can come up with a solution. I look forward to speaking with you.

Thanks

---  
Joey Hebert  
Heights Electric Services Inc  
TECL 23286

**Michael P. Barone**

---

**From:** Joey Hebert [jabear32@gmail.com]  
**Sent:** Thursday, October 21, 2010 3:40 PM  
**To:** Michael P. Barone  
**Subject:** Re: Barone - update on progress

Mr. Barone

My stance has not changed and Pat has not either on coming to a resolution on this. I am in the process of background checks and getting a final proposal from a company to see if a copalum can be done to your liking. I will be in contact with you soon. Pat told me that he had received a call from you and was not able to call you back he has apologized for that and so am I. Like I said I am going to make good of finding out how we can come to an end to this because as you have stated it is starting to wear on me also.

Regards Joey

On Tue, Oct 19, 2010 at 12:40 PM, Michael P. Barone <[mbarone@greenbank.com](mailto:mbarone@greenbank.com)> wrote:

Pat and Joey,

I am hopeful you can provide a progress update.

After talking to Pat on Thursday, 9/30, he promised an update the next day. I have heard nothing. My 10/15 voice message has not been returned.

Please let me know what is going on.

Mike

Mike Barone

Vice President

Marketing & Branding

1000 Greenbriar, Houston, Texas 77098

(713) 275-8243

[mbarone@greenbank.com](mailto:mbarone@greenbank.com)



[www.greenbank.com](http://www.greenbank.com)

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---

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IRS Circular 230 Disclosure:

Green Bank N.A. and its affiliates do not provide tax advice. Accordingly, any discussion of U.S. federal tax matters contained herein (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or tax-related matter[s].

--  
Joey Hebert  
Heights Electric Services Inc  
TECL 23286

**Michael P. Barone**

---

**From:** Joey Hebert [jabear32@gmail.com]  
**Sent:** Friday, September 17, 2010 3:18 PM  
**To:** Michael P. Barone  
**Subject:** Meeting Update

Pat ask me to send an email to you after the meeting last night. He did not talk in depth with me on the entire meeting but said that I may be able to assist you. What we talked about was knowledge of the electrical work and what I can bring to the table. If there is any thing that you may have a question on please call me I can answer most anything you may need. I will make sure that this is can come a good and final resolution.

Thanks

--

Joey Hebert  
Heights Electric Services Inc  
TECL 23286

**Michael P. Barone**

**From:** Cook, Jeffrey W [mailto:jeffrey.cook@tycoelectronics.com]  
**Sent:** 8/10/10 9:18 AM  
**To:** 'Weiman, N.A. - PWE - CE'  
**Cc:** heightselectric.com'; Marcucci, Anthony; Hascal, Randy; Diehl, Rodger L; Schaeffer, Houser, Matthew  
**Subject:** ps - sample available  
**Attachments:**

NOT  
CRIMPED  
TO SPEC

Mike,

As the manufacturer evaluation, is not crimped according to the crimp inspection criteria provided in the training information and the correct die made was specificatik  
→ I can tell you it is very obvious the crimped terminal, sent for  
→ Engineering took a look at the crimp and said "no" and the comment, so the termination is **not passable** according to Tyco Electronics failing to gage is really all you need to prove the termination is faulty.

TYCO  
PRODUCT ENGINEER  
SAID "NO"

Secondly, Attached f shows distinctly, the crimping dies used were not the correct dies. on 10, visually inspect the splice for the following.

- 1. Crimp c **provided is not centered**
- 2. Splice s **the combination shown in figure 1. - Terminal wire combination not compatible**
- 3. Die PROG mark present on underside of splice, **(one dash) - for no. 8 dies, (two dashes) = for no. 6 dies. -Crimp sample provided shows no proof marks.**
- 4. Wire ends extend past splice end - Ok, trimmed after termination
- 5. No open crack at splice seam - Ok

This is the information I plan on passing to N.A. Weiman, per his request, prior to his inspection of the terminations. He will also have a gage and the instructions on how to gage, and visually inspect the product correctly.

Regards  
Jeff Cook

---

**From:** Michael P. Barone [mailto:mbarone@greenbank.com]  
**Sent:** Tuesday, August 10, 2010 11:00 AM  
**To:** Cook, Jeffrey W; Hascal, Randy; Diehl, Rodger L  
**Subject:** RE: Barone - Review of crimps - sample available

Jeff,

Thank you for looking at this. As I feared.

Can you get a TYCO product engineer to evaluate and send me something formal? TYCO's official judgment on the crimp and how it does not meet your or UL standards?

Thanks,

Mike

**From:** Cook, Jeffrey W [mailto:jeffrey.cook@tycoelectronics.com]  
**Sent:** Tuesday, August 10, 2010 9:56 AM

**KERR & HENDERSHOT, P.C.**

ATTORNEYS AT LAW  
A PROFESSIONAL CORPORATION

1800 BERING DRIVE, SUITE 600  
HOUSTON, TEXAS 77057

TELEPHONE (713) 783-3110

FAX (713) 783-2809

SIMON W. HENDERSHOT III

November 30, 2010

***Via Hand Delivery and  
Certified Mail, RRR  
No. 7003 1680 0005 3610 6774***

RECEIVED  
DEC 2 2010  
CITY SECRETARY

Anna Russell, City Secretary  
City Council for the City of Houston  
900 Bagby, Public Level  
Houston, Texas 77002

RE: **Appeal of Revocation of Master Electrician Registration**  
Appellant: Patrick Hebert  
Alleged Violation: Sections 204 (Failure to Correct Work) &  
402.5 (Revocation Reasons) of the City of Houston  
Electrical Code  
Project: 10052755  
Premises: 815 Thornbranch Dr., Houston, Texas

Dear City Secretary:

Please be advised that I represent the interests of Mr. Patrick Hebert in connection with the above referenced matter. All further communications regarding this matter are to be directed to my attention. This correspondence is to serve as a Supplement to the Appeal to City Council filed by Mr. Patrick Hebert on November 8, 2010 and is submitted pursuant to Sections 203.7 and 414 of the City of Houston Electrical Code and Section 2-2, Rule 12 of the Houston Code of Ordinances. Additionally, Mr. Patrick Hebert delivered a certified copy of the November 2, 2010 Electrical Review Board Hearing transcript to the City Secretary's desk on November 16, 2010.

On November 4, 2010, Mr. N.A. Weiman, the Division Manager for Electrical Inspections and Secretary of the Electrical Board, sent correspondence to Mr. Patrick Hebert notifying him that the City of Houston Electrical Board had revoked Mr. Hebert's State of Texas master electrician registration that was registered with the City of Houston. The registration at issue had identified Mr. Patrick Hebert as the master of record for Heights Electric Services, Inc. under the State of Texas contractor's license # 23286 registered with the City of Houston. The City of Houston Electrical Board had previously held a hearing on November 2, 2010 to determine whether Mr. Hebert's registration should be revoked or suspended or whether a warning should be issued for the incident

at issue.

The revocation of Mr. Patrick Hebert's registration of his master electrician's license with the City of Houston is unwarranted and must be reversed. Specifically, Patrick Hebert was not provided with any notice whatsoever regarding the November 2, 2010 Electrical Board Hearing. Due to the Electrical Board's failure to provide the required notice to Mr. Patrick Hebert, he was completely unprepared for the hearing, caught off guard and did not have an opportunity to secure legal counsel to represent his interests. This is a violation of Mr. Patrick Hebert's fundamental constitutional right to due process and also a violation of City of Houston Electrical Code Section 402.5. Accordingly, the revocation of Mr. Patrick Hebert's master electrician registration with the City of Houston should be reversed by City Council.

Mr. Patrick Hebert appeared at the November 2, 2010 Electrical Board Hearing along with his brother, Charles Hebert, and also Joey Hebert. See the November 2, 2010 Electrical Review Board Hearing transcript (Tr. p. 8, lines 20-25). Joey Hebert is the President of Heights Electric Services and Charles Hebert is the owner and Vice President. (Tr. p. 96, lines 20-22 and p. 98, lines 19-25). Mr. Patrick Hebert never received any written notice from Mr. Weiman or the Electrical Board advising him that a hearing would be held on November 2, 2010 regarding suspension or revocation of his registration. (Tr. p. 15, lines 7-8). During the hearing, Mr. Weiman reviewed the certified records that he had pulled from the post office on-line to determine whether the letter he allegedly sent to Patrick Hebert had been delivered. (Tr. p. 15, line 9 - p. 16 line 5). Based upon his review of the certified tracking records from the post office, Mr. Weiman could not confirm that Patrick Hebert had actually received the letter providing notice of the November 2, 2010 hearing. (Tr. p. 15, line 9 - p. 16 line 5). See also Exhibit 3 attached to the November 2, 2010 Electrical Review Board Hearing transcript. Mr. Weiman could only confirm that Charlie Hebert (a/k/a Charles Hebert, the brother of Patrick Hebert) had received the letter on October 29, 2010, only three (3) days before the hearing. (Tr. p. 16, lines 2-6). See also Exhibit 3. In fact, Mr. Patrick Hebert contacted Mr. Weiman on the day of the November 2, 2010 hearing and advised him that he had never received Mr. Weiman's letter regarding the hearing. (Tr. p. 15, lines 7-8). No one from Heights Electric Services, Inc. was represented by legal counsel at the hearing. (Tr. p. 13, line 13 - p. 14, line 4 and pp. 102-103).

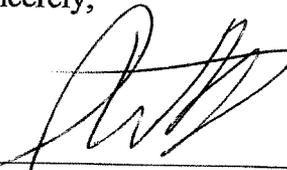
Section 108.1 of the City of Houston Electrical Code requires all hearing notices advising a person of his or her right to a hearing to be given by personal delivery or by certified mail, return receipt requested. The Electrical Board failed to provide written notice to Mr. Patrick Hebert as required by Sections 108.1 and 204 of the City of Houston Electrical Code. The transcript and record of the November 2, 2010 Electrical Review Board Hearing does not contain any evidence showing that the Electrical Board provided Mr. Patrick Hebert with the required ten (10) calendar days written notice advising him of any defect, error or deficiency in his work. This notice was required to be sent prior to the Electrical Board serving Mr. Hebert with a notice of hearing, which it also failed to do. The Electrical Board failed to serve Mr. Hebert with the notice of hearing that was required pursuant to Section 204 to specify the grounds upon which the Electrical Board would rely upon in seeking suspension or revocation of Mr. Hebert's registration. Additionally, the Electrical Board violated Section 402.5 of the City of Houston Electrical Code by failing to send Mr. Patrick Hebert written notice of the November 2, 2010 hearing within ten (10) calendar days prior

to such hearing via personal delivery or certified mail, return receipt requested. Pursuant to Section 402.5 of the City of Houston Electrical Code, Mr. Hebert was entitled to be accompanied to the hearing by an attorney of his choice; however, due to the Electrical Board's failure to send written notice of the hearing to Mr. Hebert within the required time period, Mr. Hebert was unjustly deprived of this most fundamental right.

For the reasons stated above, Mr. Patrick Hebert holds the position that no appropriate cause has occurred to authorize the revocation of his master electrician registration with the City of Houston and as such hereby continues to formally appeal same in that the action of the Electrical Board is unwarranted, invalid and unreasonable based upon its failure to provide the required notices as stated above. Mr. Hebert respectfully requests that City Council reverse the decision of the Electrical Board revoking Mr. Hebert's master electrician registration. Further, Mr. Hebert requests notice and coordination of the date and time of the City Council meeting in which his appeal will be heard so that he may be able to be present with counsel.

This notification and Supplement to the Appeal is not to be in any way construed as waiver of any other rights or remedies which Patrick Hebert may hold. All such rights and remedies are expressly reserved.

Sincerely,



---

Simon W. ("Trey") Hendershot, III



---

Patrick Hebert

SWH/mje

cc: N.A. Weiman  
Secretary of the Electrical Board  
P.O. Box 61167  
Houston, Texas 77208

***Via Certified Mail, RRR***  
***No. 7003 1680 0005 3610 6781***



# CITY OF HOUSTON

Office of the City Secretary

**Annise D. Parker**

Mayor

Anna Russell  
City Secretary  
P.O. Box 1562  
Houston, Texas 77251-1562

T. 832.393.1100  
F. 832.393.1109  
[www.houstontx.gov](http://www.houstontx.gov)

November 19, 2010

Mr. Larry A. Vick  
Attorney at Law  
908 Town & Country Boulevard  
Suite 120  
Houston, Texas 77024

Dear Mr. Vick,

Your letters addressed to the City of Houston, Secretary of the Electrical Board, enclosing an appeal to City Council for Charles Herbert, concerning alleged violation of Sec. 204 Failure to Correct Work at 815 Thornbranch Drive and copy of transcript, have been received in the office of the City Secretary and referred to the Legal Department to advise if the appeal is timely and whether an appeal may be granted.

Yours truly

A handwritten signature in black ink, appearing to read "Anna Russell".

Anna Russell  
City Secretary

AR/bg

cc: ✓ Mr. David Feldman, City Attorney, with copies  
Mr. Daniel Krueger, Director, Public Works  
Council Member Ed Gonzalez, District H  
Ms. Martha Stein, Agenda Director

**LARRY A. VICK  
ATTORNEY AT LAW  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

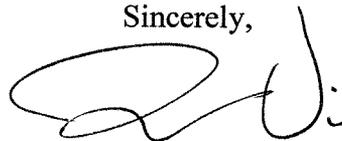
Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

NOV 16, 2010

City of Houston  
City Council

Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

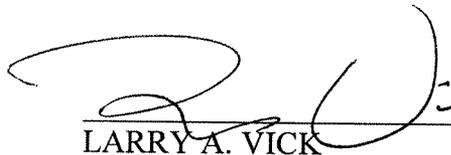
Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Patrick Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



---

LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT

Larry A. Vick  
Attorney At Law  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024

**CERTIFIED MAIL™**

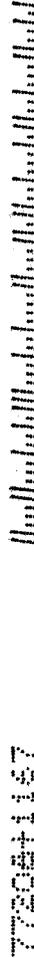


7008 1140 0004 8428 9767



City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

**Return Receipt  
Requested**



**LARRY A. VICK**  
**ATTORNEY AT LAW**  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

NOV 16 2010

City of Houston  
City Council

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Charles Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



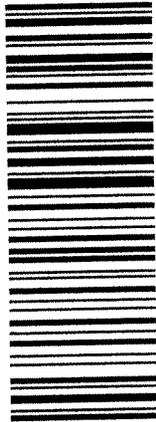
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LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT

Larry A. Vick  
Attorney At Law  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024

**CERTIFIED MAIL™**

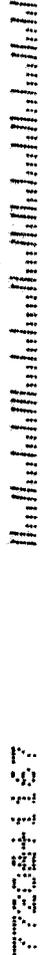


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City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

**Return Receipt  
Requested**





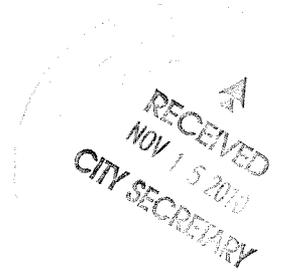
## Transmittal Sheet

Date : November 15th 2010

Documents:

- \*1 Copy of CD Containing Transcripts From the Electrical Review Board Dated November 2<sup>nd</sup> 2010
- \* 1 Copy of Letter to Patrick Hebert From The City Of Houston Revoking Mater License Dated November 4<sup>th</sup> 2010
- \* 1 Copy of Letter to Charles Hebert From The City Of Houston Revoking of Contractors License Dated November 4<sup>th</sup> 2010

Received By: *Pat Jefferson* Date: Nov. 15, 2010  
City Of Houston Secretary Time: 1:50 pm





**CITY OF HOUSTON**  
Public Works and Engineering Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 61167  
Houston, Texas 77208-1167  
3300 Main  
Houston, Texas 77002

T. 713-535-7510  
F. 713-535-7946

[www.houstontx.gov](http://www.houstontx.gov)

November 4, 2010

Mr. Charles Hebert  
3535 White Oak Dr  
Houston, Tx 77007

Premise: 815 Thornbranch Dr. Project # 10052755

On November 2, 2010 you appeared before the City of Houston Electrical Board in order to respond to the alleged violation of the City of Houston Electrical Code.

Per the City of Houston Electrical Code Section 203.7- You are hereby notified that the City of Houston Electrical Board has revoked your State of Texas contractor's registration with the State of Texas as Heights Electrical Services, Inc. and registered as such with the City of Houston. This registration identified the master of record as Patrick Hebert -State of Texas licensed master #14185 registered with the City of Houston.

Sincerely

N. A. Weiman  
Secretary of the Electrical Board  
Electrical Division Manager



# CITY OF HOUSTON

Public Works and Engineering Department

Annise D. Parker

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 61167  
Houston, Texas 77208-1167  
3300 Main  
Houston, Texas 77002

T. 713-535-7510  
F. 713-535-7946

[www.houstontx.gov](http://www.houstontx.gov)

November 4, 2010

Mr. Patrick Hebert  
1603 W T C Jester  
Houston, Tx 77008

Premise: 815 Thornbranch Dr. Project # 10052755

On November 2, 2010 you appeared before the City of Houston Electrical Board in order to respond to the alleged violation of the City of Houston Electrical Code.

Per the City of Houston Electrical Code Section 203.7. You are hereby notified that the City of Houston Electrical Board has revoked your State of Texas master electrician registration and registered as such with the City of Houston. This registration identified you as the master of record for Heights Electrical Services, Inc. under the State of Texas contractor's license #23286 registered with the City of Houston.

Sincerely

N. A. Weiman  
Secretary of the Electrical Board  
Electrical Division Manager

HEIGHTS ELECTRIC  
SERVICES

31 APR 1921 H2395

Electrical Review  
Board Hearing  
110210



## Transmittal Sheet

Date : November 16<sup>th</sup>, 2010

### Documents:

- \* 1 Signed Copy of Appeal to City Council for Patrick Hebert Dated November 8<sup>th</sup> 2010 from Larry A. Vick, Attorney for Appealant.
- \* 1 Signed Copy of Appeal to City Council for Charles Hebert Dated November 8<sup>th</sup> 2010 from Larry A. Vick, Attorney for Appealant.
- \* 1 Certified Copy of Court Reporter's Record Transcript From the Electrical Review Board Dated November 2<sup>nd</sup> 2010
- \* 1 Copy of Letter to Patrick Hebert From The City Of Houston Electrical Board Revoking Mater License Dated November 4<sup>th</sup> 2010
- \* 1 Copy of Letter to Charles Hebert From The City Of Houston Electrical Board Revoking of Contractors License Dated November 4<sup>th</sup> 2010
- \* 1 Copy of Signed Return receipt From The City Of Houston Electrical Board signed November 12<sup>th</sup> 2010.

Received By:  Date: 11-12-10

City Of Houston Secretary

Time: 2:50 pm

**LARRY A. VICK  
ATTORNEY AT LAW  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

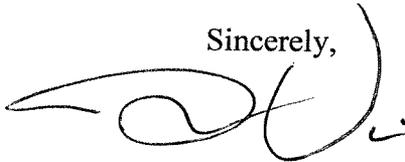
Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for Charles Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

NOV 10 2010  
11:22 AM  
11/10/2010

City of Houston  
City Council

Re: Charles Hebert, 3535 White Oak Dr., Houston, Texas 77007  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Charles Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



---

LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT



**CITY OF HOUSTON**  
Public Works and Engineering Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 61167  
Houston, Texas 77208-1167  
3300 Main  
Houston, Texas 77002

T. 713-535-7510  
F. 713-535-7946

[www.houstontx.gov](http://www.houstontx.gov)

November 4, 2010

Mr. Patrick Hebert  
1603 W T C Jester  
Houston, Tx 77008

Premise: 815 Thornbranch Dr. Project # 10052755

On November 2, 2010 you appeared before the City of Houston Electrical Board in order to respond to the alleged violation of the City of Houston Electrical Code.

Per the City of Houston Electrical Code Section 203.7. You are hereby notified that the City of Houston Electrical Board has revoked your State of Texas master electrician registration and registered as such with the City of Houston. This registration identified you as the master of record for Heights Electrical Services, Inc. under the State of Texas contractor's license #23286 registered with the City of Houston.

Sincerely

N. A. Weiman  
Secretary of the Electrical Board  
Electrical Division Manager



**CITY OF HOUSTON**  
Public Works and Engineering Department

**Annise D. Parker**

Mayor

Daniel W. Krueger, P.E.  
Director  
P.O. Box 61167  
Houston, Texas 77208-1167  
3300 Main  
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November 4, 2010

Mr. Charles Hebert  
3535 White Oak Dr  
Houston, Tx 77007

Premise: 815 Thornbranch Dr. Project # 10052755

On November 2, 2010 you appeared before the City of Houston Electrical Board in order to respond to the alleged violation of the City of Houston Electrical Code.

Per the City of Houston Electrical Code Section 203.7- You are hereby notified that the City of Houston Electrical Board has revoked your State of Texas contractor's registration with the State of Texas as Heights Electrical Services, Inc. and registered as such with the City of Houston. This registration identified the master of record as Patrick Hebert -State of Texas licensed master #14185 registered with the City of Houston.

Sincerely

N. A. Weiman  
Secretary of the Electrical Board  
Electrical Division Manager

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

City of Houston  
 Secretary of the Electrical Board  
 Post Office Box 61167  
 Houston, Texas 77208-1167

2. Article Number

(Transfer from service label)

7008 1140 0004 8428 9774

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Tommy T. Tarver*

- Agent  
 Addressee

B. Received by (Printed Name)

*Tommy T. Tarver*

C. Date of Delivery

*11/12/10*

- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail     Express Mail  
 Registered         Return Receipt for Merchandise  
 Insured Mail         C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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City of Houston  
 Secretary of the Electrical Board  
 Post Office Box 61167  
 Houston, Texas 77208-1167

2. Article Number

(Transfer from service label)

7008 1140 0004 8428 9767

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Tommy T. Tarver*

- Agent  
 Addressee

B. Received by (Printed Name)

*Tommy T. Tarver*

C. Date of Delivery

*11/12/10*

- D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Certified Mail     Express Mail  
 Registered         Return Receipt for Merchandise  
 Insured Mail         C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

**LARRY A. VICK  
ATTORNEY AT LAW  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
lv@larryvick.com  
(713) 333-6440  
(713) 343-4757- fax**

November 8, 2010

City of Houston  
Secretary of the Electrical Board  
Post Office Box 61167  
Houston, Texas 77208-1167

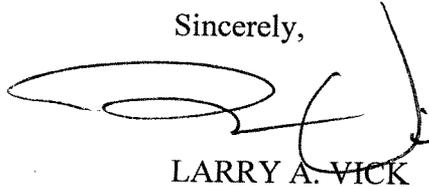
Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

Dear City Secretary:

Enclosed please find the Appeal to City Council for <sup>PATRICK</sup>~~Charles~~ Hebert in the above-referenced matter.

Thank you for your attention to this matter.

Sincerely,



LARRY A. VICK

LAV/lab  
Enclosure

RECEIVED  
NOV 10 2010  
CITY SECRETARY

City of Houston  
City Council

Re: Patrick Hebert, 1603 W. TC Jester, Houston, Texas 77008  
Alleged Violation of Sec 204 Failure to Correct Work  
Sec: 402.5 Revocation Reasons  
Premise: 815 Thornbranch Dr. Project # 10052755

**APPEAL TO CITY COUNCIL**

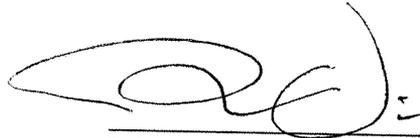
Pursuant to Houston Code of Ordinances Section 2-2, Rule 12, Patrick Hebert, appeals City Council's decision on the following grounds:

1. Appellant takes exception to the facts and administrative rulings and decisions made by the Electrical Board because the record is incomplete and inadequate.
2. The decision of the City of Houston Electrical Board was arbitrary, unreasonable and void because the Appellant was denied due process of law.
3. The City failed to give proper written notice to the Appellant of a defect, error or deficiency in his work installed as required under Section 204, Houston Code of Ordinances.
4. The City failed to give an opportunity to Appellant to comply with Section 204, Houston Code of Ordinances after Appellant received tardy notice of the alleged defect, error or deficiency in his work installed.
5. The City by and through its Electrical Board failed to give proper weight to the evidence that the Complainant refused the Appellant opportunity and access to correct any alleged defect, error or deficiency in his work installed.

6. The Complainant refused to give opportunity to Appellant to comply with Section 204 by refusing to cooperate with the Appellant in his efforts to correct any alleged defects, error or deficiencies.
7. The record is incomplete and inadequate due to the Electrical Board's misrepresentations to the Appellant of the purpose of the hearing of November 2, 2010.
8. Appellant was surprised by testimony of representatives of the Electrical Board which is contrary to the facts and therefore the Appellant was unprepared to defend against the allegations placed against him.

WHEREFORE, PREMISES CONSIDERED, the Appellant requests his request for appeal be granted.

Respectfully submitted,



---

LARRY A. VICK  
Texas Bar No. 20563500  
908 Town & Country Blvd., Suite 120  
Houston, Texas 77024  
(713) 333-6440  
(713) 343-4757 – Fax

ATTORNEY FOR APPEALANT

ELECTRICAL REVIEW BOARD HEARING FOR PATRICK HEBERT AND  
 HEIGHTS ELECTRIC SERVICES  
 NOVEMBER 2, 2010

**REPORTER'S CERTIFICATE**

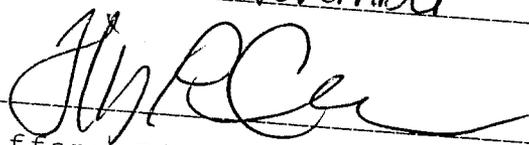
CITY OF HOUSTON

TAKEN ON NOVEMBER 2, 2010

I, TIFFANY PINO CRUSE, the undersigned Certified  
 Shorthand Reporter in and for the State of Texas,  
 certify that the facts stated in the foregoing pages are  
 a true and correct excerpted transcription of all the  
 proceedings in the above styled and numbered Hearing  
 that were reported by me.

I further certify that I am neither attorney or  
 counsel for, related to, nor employed by any parties to  
 the action in which this testimony is taken and,  
 further, that I am not a relative or employee of any  
 counsel employed by the parties hereto or financially  
 interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of  
 office on this the 12th day of November  
2010.

  
 Tiffany Pino Cruse, CSR RPR  
 Texas CSR 7766  
 Expiration: 12/31/2010  
**ADVANCED COURT REPORTING SERVICES**  
 6725 South Fry Road #700-345  
 Katy, Texas 77494  
 Telephone: (281) 831-4765

ADVANCED COURT REPORTING SERVICES

40

DEC 15 2010

MOTION NO. 2010

MOTION by Council Member Lovell 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 Tim Austin of Allen, Boone, Humphries, Robinson, LLP, on behalf of Harris County MUD No. 424, (John Dawson, President), for the sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2, Parcel SY11-012, be adopted as follows:

1. The City sell a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2,
2. The City grant a Right of Entry to Harris County MUD No. 424 for the water meter being constructed and easement being sold;
3. 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;
4. The applicant be required to prepare drawings that show all public utilities (water) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
5. The 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 Gonzalez

On 12/8/10 the above Council Motion was tagged by Council Member Jones.

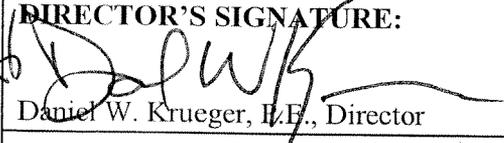
cr

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Request for the sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2. <b>Parcel SY11-012</b>	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b> <div style="border: 1px solid black; padding: 5px; display: inline-block;">             40   8           </div>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 12/2/10	<b>Agenda Date</b> <del>DEC 08 2010</del>
------------------------------------------------------------------------------------------------------	------------------------------------	----------------------------------------------

<b>DIRECTOR'S SIGNATURE:</b>  Daniel W. Krueger, P.E., Director	<b>Council District affected:</b> E DEC 15 2010  Key Map 377X 
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<b>For additional information contact:</b>  Nancy P. Collins  Phone: (713) 837-0881 Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2. **Parcel SY11-012**

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

**SPECIFIC EXPLANATION:**

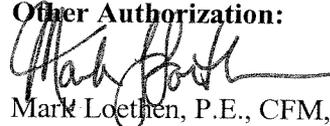
Tim Austin of Allen, Boone, Humphries, Robinson, LLP, on behalf of Harris County MUD No. 424, (John Dawson, President), requested the sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2.

Harris County MUD No. 424 plans to construct a water meter and reduced pressure zone (rpz) backflow prevention device (Interconnection Facilities) on a 24-inch water line within the City of Houston North East Water Treatment Facility. The water meter and the rpz backflow prevention device are required by the Drinking Water Operations Branch, Department of Public Works and Engineering, and will serve future residents within Harris County MUD No. 424. Once the devices are installed, the water meter will become property of the City and the rpz backflow prevention device, which must be serviced yearly, will remain property of the applicant. Harris County MUD No. 424 also requested the City grant a Right of Entry onto the subject property during the sales process to start construction of the water meter and rpz backflow prevention device.

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

1. The City sell a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2;
2. The City grant a Right of Entry to Harris County MUD No. 424 for the water meter being constructed and easement being sold;
3. The applicant be required to furnish the Department of Public Works and Engineering a durable, reproducible (Mylar) survey plat and field notes of the affected property;

agd\ysl1-012.rc1.doc CUIC #20AGD9158

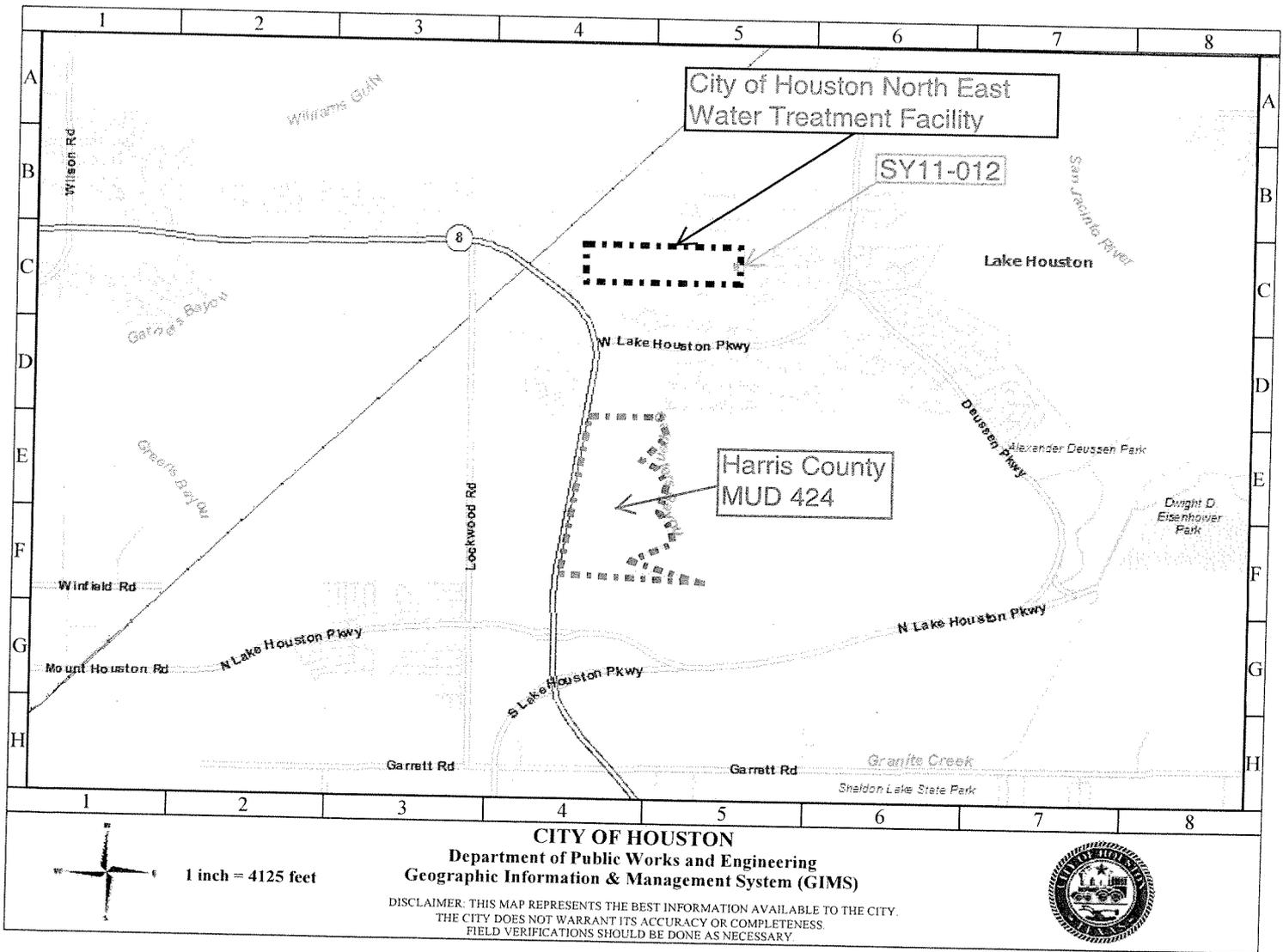
REQUIRED AUTHORIZATION		
<b>Finance Department:</b>	<b>Other Authorization:</b>  Jun Chang, P. E. Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Mark Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Request for the sale of a 375-square-foot interconnection facilities easement, within the Northeast Water Purification Plant, out of the Victor Blanco Five League Grant, A-2. <b>Parcel SY11-012</b>	<b>Originator's Initials</b>	<b>Page <u>2</u> of <u>2</u></b>
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4. The applicant be required to prepare drawings that show all public utilities (water) that are to be abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
5. The 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.

DWK:NPC:agd

- c: Jun Chang, P.E.  
David Feldman  
Marlene Gafrick  
Terry A. Garrison  
Daniel Menendez, P.E.  
Marty Stein



Sale of a 375-square-foot water facility easement, out of the Victor Blanco Five League Grant, A-2. (Harris County MUD No. 424, Tim Austin, Partner, Allen, Boone, Humphries, Robinson, LLP)

HCD 10-154

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

CC-10

**SUBJECT:** An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the program administration, implementation, oversight and delivery of the Child Care Program.

**Category #** 1

**Page** 1 of 2

**Agenda Item #**

41 #4

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

James D. Noteware, Director  
Housing and Community Development

**Origination Date**  
8/25/10

**Agenda Date**

~~DEC 08 2010~~

**DIRECTOR'S SIGNATURE:**

*[Signature]* FOR JAMES NOTEWARE

**Council District affected:** DEC 15 2010

**ALL**

**Date and identification of prior authorizing Council action:** N/A

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

**RECOMMENDATION: (Summary)**

Approval of an Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the program administration, implementation, oversight and delivery of the Community Development Block Grant (CDBG) funded Child Care Program for \$597,694.00 funded under the 36th Year Community Development Block Grant.

**Amount of Funding:** \$597,694.00 – 1 YEAR

**Finance Budget:**

**SOURCE OF FUNDING**

General Fund

Grant Fund

Enterprise Fund

Other (Specify) **COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)**

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department recommends approval of a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. (Child Care Council).

This Contract provides for the implementation, oversight, and delivery of the Community Development Block Grant funded Child Care Program. The Contract will provide funding in the amount of \$597,694.00 for 12 months (August 1, 2010 – July 31, 2011) to nine (9) non-profit agencies.

The City entered into a Contract with Child Care Council beginning March 9, 1994, to provide the above referenced services. These services include the selection of service providers through a Request for Proposal (RFP) process, negotiating contracts with providers, contract development, processing reimbursement requests, monitoring performance, providing technical assistance and training, and management assistance.

The estimated number of persons to be served, the category of persons served, and total funds and sources for the proposed Contract are as follows:

Estimated number of unduplicated youth to be served: 200

Category of persons served: Newborn to 12 years of age from low- and moderate-income families.

CATEGORY	AMOUNT	PERCENTAGE
Program Administration	\$152,500	26%
Program Amount	\$445,194	74%
<b>Total CDBG Funds</b>	<b>\$597,694</b>	<b>100%</b>

**REQUIRED AUTHORIZATION**

**Finance Director:**

**Other Authorization:**

**Other Authorization:**

NDT

<b>Date:</b> 8/25/10	<b>Subject:</b> An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the program administration, implementation, oversight and delivery of the Child Care Program.	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
-------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------	-----------------------

Child Care Council released a RFP for Child Care Program services on March 31, 2010, and closed the RFP April 23, 2010, with the anticipation of having all proposals received, reviewed, awarded funds, and contracts prepared for the effective date August 1, 2010 through July 31, 2011, with a one-year renewal.

The Housing and Community Development Department recommends approval of a Contract to provide funding for the period August 1, 2010 – July 31, 2011 to nine (9) non-profit agencies that provide day care services. This Contract provides up to \$597,694.00 of CDBG funds, which is inclusive of \$261,000 in pre-contract services. The pre-contract costs result from a lapse in funding due to internal procedure modification. However, the agency continues to provide services for the clients.

The project was presented to and approved by the Housing Committee on September 16, 2010.

Approval of this Ordinance is recommended.

JDN:BB:MB:rlj

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

HCD 10-160

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

CCC-JD-10-11

SUBJECT: An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for administration and funding of the Juvenile Delinquency Prevention Program.

Category # 1 Page 1 of 2 Agenda Item # 42-5

FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development

Origination Date 8/25/10 Agenda Date ~~DEC 08 2010~~

DIRECTOR'S SIGNATURE: [Signature] FOR JAMES NOTEWARE

Council District affected: ALL Date and identification of prior authorizing Council action: N/A

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

RECOMMENDATION: (Summary) Approval of an Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the implementation, oversight and delivery of the Community Development Block Grant funded Juvenile Delinquency Prevention Program for \$623,453.00 funded under the 36th Year Community Development Block Grant.

Amount of Funding: \$623,453.00 - 1 YEAR Finance Budget:

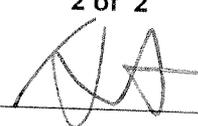
SOURCE OF FUNDING [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify) COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)

SPECIFIC EXPLANATION: The Housing and Community Development Department recommends approval of a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. (Child Care Council). This Contract provides for the implementation, oversight, and delivery of the Community Development Block Grant funded Juvenile Delinquency Prevention Program. The Contract will provide funding in the amount of \$623,453.00 for 12 months (August 1, 2010 - July 31, 2011). The City entered into a Contract with Child Care Council beginning March 9, 1994, to provide the above referenced services. These services include the selection of service providers through a Request for Proposal (RFP) process, negotiating contracts with providers, processing reimbursement requests, monitoring performance, providing technical assistance and training, and management assistance. The total funds and sources and estimated number of persons to be served and the category of persons for the proposed Contract are as follows:

CATEGORY	AMOUNT	PERCENTAGE
Program Amount	\$459,616	74%
Administration	\$163,837	26%
<b>Total CDBG Funds</b>	<b>\$623,453</b>	<b>100%</b>

Estimated number of unduplicated youth to be served: 2000  
Category of persons: Youth ages 6 to 21 of low and moderate income families

REQUIRED AUTHORIZATION NOT  
Finance Director: Other Authorization: Other Authorization:

<b>Date:</b> 8/25/10	<b>Subject:</b> An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for administration and funding of the Juvenile Delinquency Prevention Program.	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2 
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The Housing and Community Development Department recommends approval of a Contract to provide funding for the period August 1, 2010 – July 31, 2011 to eleven (11) non-profit agencies. This Contract provides up to \$623,453.00 (\$163,837.00 for administrative costs associated with the cost of the program and \$459,616.00 for service providers), which is inclusive of \$273,000 in pre-contract services. The pre-contract costs result from a lapse in funding due to internal procedure modification. However, the agency continues to provide services for the clients.

The project was presented to and approved by the Housing Committee on September 16, 2010.

A Request for Proposal was released on March 31, 2010, to allow for agencies to submit their proposal(s) by April 23, 2010, with the anticipation of having all proposals received, reviewed, awarded funds, and contracts prepared for the effective date August 1, 2010 through July 31, 2011, with a one year renewal that will begin August 1, 2011 through July 31, 2012.

Approval of this Ordinance is recommended.

JDN:BB:MB:rlj

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

10-11-CCC-ESG

**SUBJECT:** An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the program administration, implementations, oversight and delivery of the Emergency Shelter Grants Program.

<b>Category #</b> 1	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 43 #6
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**FROM (Department or other point of origin):**  
James D. Noteware, Director  
Housing and Community Development

<b>Origination Date</b> 08/25/10	<b>Agenda Date</b> <del>DEC 08 2010</del>
-------------------------------------	----------------------------------------------

**DIRECTOR'S SIGNATURE:**  
*MS*  FOR JAMES NOTEWARE

**Council District affected:** DEC 15 2010

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

**ALL**

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

**RECOMMENDATION: (Summary)**  
Approval of an Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. in the amount up to \$2,029,099 for the program administration, implementation, oversight and delivery of the Community Development Block Grant (CDBG) funded Emergency Shelter Grants Program funded under the 36<sup>th</sup> year Community Development Block Grant.

**Amount of Funding:** \$2,029,099 – 1 YEAR

**Finance Budget:**

**SOURCE OF FUNDING** [ ] General Fund [X] Grant Fund [ ] Enterprise Fund [ ] Other (Specify)  
\$700,000 CDBG FUND (5000) & \$1,329,099 ESG FUND (5000)

**SPECIFIC EXPLANATION:**  
The Housing and Community Development Department recommends approval of a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. (Child Care Council).

This Contract provides for the program administration, implementation, oversight and delivery of the CDBG funded Emergency Shelter Grants (ESG) Program. The Contract will provide funding in the amount up to \$2,029,099.00 in ESG and CDBG funds for program year 2010-2011 to twenty-one (21) non-profit agencies.

The total funds and sources and estimated number of persons to be served and the category of persons for the proposed Contract are as follows:

**Total Funds and Sources 2010: \$2,029,099.00**

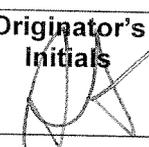
**CDBG**

CATEGORY	AMOUNT	PERCENTAGE
Program Administration	\$65,013	9.3%
Program	\$634,987	90.7%
<b>Total CDBG Match Funds</b>	<b>\$700,000</b>	<b>100%</b>

**ESG**

CATEGORY	AMOUNT	PERCENTAGE
Program Administration	\$66,454	4.9%
Essential Services	\$398,729	29.9%
Operations	\$465,187	35.3%
Homeless Prevention	\$398,729	29.9%
<b>Total ESG Funds</b>	<b>\$1,329,099</b>	<b>100%</b>

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
		<i>NDT</i>

<b>Date:</b> 08/25/10	<b>Subject:</b> An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the program administration, implementations, oversight and delivery of the Emergency Shelter Grants Program.	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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**Estimated number of unduplicated persons to be served: 10,000**

**Category of persons: Homeless or near homeless**

Child Care Council released a RFP for Child Care Program services on March 31, 2010, and closed the RFP April 23, 2010, with the anticipation of having all proposals received, reviewed, awarded funds, and contracts prepared for the effective date August 1, 2010 through July 31, 2011, with a one-year renewal.

The Housing and Community Development Department recommends approval of this Contract to provide funding for the period August 1, 2010 – July 31, 2011 to twenty-one (21) non-profit agencies that provide services to the homeless or near homeless. This Contract provides funding in the amount up to \$2,029,099.00 (\$1,329,099.00 ESG, \$700,000 CDBG), which is inclusive of \$887,000 in pre-contract services. The pre-contract costs result from a lapse in funding due to internal procedure modification. However, the agency continues to provide services for the clients.

The project was presented to and approved by the Housing Committee on September 16, 2010.

Approval of this Ordinance is recommended.

JDN:BB:MB:rlj

- xc: City Secretary
- Legal Department
- Finance Department
- Mayor's Office

**SUBJECT:** Award Five Job Order Contracts for 5 STAR Energy Efficient Homes Program

Page 1 of 2	Agenda Item
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**FROM (Department or other point of origin):**  
General Services Department

**Origination Date**

12/2/10

**Agenda Date**

~~DEC 08 2010~~  
DEC 15 2010

**DIRECTOR'S SIGNATURE**

Scott Minnix

*Scott Minnix* 12/1/10

**Council District(s) affected:**

**For additional information contact:**

Jacquelyn L. Nisby Phone: 832-393-8023

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

**RECOMMENDATION:** Award Five Job Order Contracts for 5 STAR Energy Efficient Homes Program, set a maximum contract amount, and allocate funds for the Program.

**Amount and Source Of Funding:**

Maximum contract amount for each contract: **\$975,000.00 - 2 years**  
**\$2,600,000.00** - American Recovery and Reinvestment Act of 2009 (ARRA) Grant Fund (5300)

**Finance Budget:**

**SPECIFIC EXPLANATION:** The City has embarked on an enhanced energy efficiency program targeted at the residential sector to promote and upgrade approximately 55 super energy efficient homes for purchase by low income families within Houston Hope neighborhoods and possibly expanding to other areas within the city limits. All energy efficiency upgrades will be funded out of the ARRA Energy Efficiency and Conservation Block Grant (EECBG) awarded to the City of Houston by the Department of Energy.

On June 18, 2010 and June 25, 2010, the General Services Department (GSD) advertised a Request for Qualifications to retain highly qualified Builders and Community Development Corporations with experience in residential home construction interested in providing super energy efficient homes for purchase by low income families in the Houston Hope neighborhoods. The Statement of Qualifications were due on July 8, 2010 and seven firms responded. GSD formed a selection committee comprised of representatives from GSD and the Geotechnology Research Institute to evaluate the respondents. All seven firms were selected based on their qualifications; however two firms withdrew from the process. The remaining firms offer the best value for the City based on the advertised criteria. Therefore, GSD recommends that City Council award five Job Order Contracts to Burghli Investments LLC, Lanterra LLC, Galleria Homes, LTD, MasterMark Developers, Inc., and Horizon International Group, LLC, and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$975,000 for each contract. The funds will be allocated to each Job Order Contract as work orders are issued.

**PROJECT LOCATION:** Citywide

**PROJECT DESCRIPTION:** This program will provide builders a financial incentive up to \$50,000 to provide additional energy efficiency measures in new residential construction with a baseline home energy rating (HERS) of 60 or lower. The builder must meet ENERGY STAR guidelines in new construction. The City will verify the HERS Rating and will issue a work order to the qualified builder for installation of additional energy efficiency measures. Work orders will be issued on a first come first served basis.

**REQUIRED AUTHORIZATION**

(5) NDT CUIC ID # 25MSCL75

Date:

**SUBJECT:** Award Five Job Order Contracts for 5 STAR Energy Efficient Homes Program

**Originator's  
Initials**  
CC

**Page**  
2 of 2

In accordance with the work order, the builder must provide the following:

- Enhanced energy efficiency upgrades that include, but are not limited to insulation and poly seal, energy efficient windows, energy efficient HVAC equipment, energy efficient lighting, Energy Star appliances, and renewable energy systems;
- Sell/close on home;
- Provide a Homeowner's warranty on energy efficient upgrades against theft, replacement or repair for three years; and require buyer to maintain insurance against theft of energy efficient upgrades for three years; and
- Require buyer to sign a Consumption Release Form authorizing CenterPoint to release household energy consumption data to the City.

The amount of the incentive will be based on the certified HERS Ratings to which the builder further increases the energy efficiency of the home as outlined below:

Certified HERS Rating (Post construction)		Builder Incentive
60		Qualify for participation
45-36	★	\$25,000
35-31	★★	\$35,000
30-26	★★★	\$40,000
25-21	★★★★	\$45,000
20-0	★★★★★	\$50,000

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

**ARRA REQUIREMENTS:** The contractors 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.

SM: JLN: HB: cc

c: Scott Minix, Marty Stein, Jacquelyn L. Nisby, Martha Leyva, File

**SUBJECT:** Appropriate Additional Funds for the Job Order Contracting Program  
 WBS Nos. D-000108-0002-4; H-000069-0002-4; E-000JOC-0001-4;  
 L-000JOC-0001-4; F-000585-0002-4; G-000JOC-0001-4

Page 1 of 2  
 Agenda Item 45 25  
 Agenda Date ~~DEC 6 2010~~  
 DEC 15 2010

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

**Origination Date**  
 12-2-10

**DIRECTOR'S SIGNATURE:**  
 Scott Minnix *12/1/10 Scott Minnix*

**Council District(s) affected:**  
 All  
 DEC 15 2010

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

**Date and identification of prior authorizing Council action:**  
 Ordinance No. 2007-0167; Dated February 7, 2007  
 Ordinance No. 2009-1316; Dated December 16, 2009  
 Ordinance No. 2010-0523; Dated June 30, 2010

**RECOMMENDATION:** Appropriate funds for the Job Order Contracting Program.

**Amount and Source of Funding:**  
 Maximum contract amount for Williams & Thomas, LP dba Jamail Construction, and RHJ-JOC, Inc. \$12,500,000 – 5 years  
 Maximum contract amount for Hallmark CBIC Joint Venture and P^2MG, LLC \$10,000,000 – 5 years

- \$ 750,000.00 –General Improvement Consolidated Construction Fund (4509)
- \$ 50,000.00 –Public Health Consolidated Construction Fund (4508)
- \$ 410,000.00 –Public Library Consolidated Construction Fund (4507)
- \$ 475,000.00 –Solid Waste Consolidated Construction Fund (4503)
- \$ 200,000.00 –Parks Consolidated Construction Fund (4502)
- \$ 500,000.00 –Police Consolidated Construction Fund (4504)

**\$2,385,000.00 Total Appropriation**

**Finance Budget:**  
 NDT

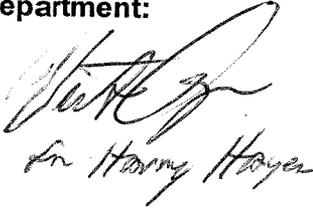
**REQUIRED AUTHORIZATION**

CUIC #25CONS167

**General Services Department:**  
  
 Humberto Bautista, P.E.  
 City Engineer

**Department of Health and Human Services:**  
  
 for:  
 Stephen Williams, M.ED, MPA  
 Director

**Houston Public Library:**  
  
 Rhea Brown Lawson, Ph.D.,  
 Director

**Solid Waste Management Department:**  
  
 Harris J. Hayes  
 Director

**Parks and Recreation Department:**  
  
 Joe Turner  
 Director

**Houston Police Department:**  
  
 Charles A. McClelland, Jr.  
 Director

<b>DATE</b>	<b>SUBJECT:</b> Appropriate Additional Funds for the Job Order Contracting Program WBS Nos. D-000108-0002-4; H-000069-0002-4; E-000JOC-0001-4; L-000JCO-0001-4; F-000585-0002-4; G-000JOC-0001-4	<b>Originator's Initials</b> EA	<b>Page</b> 2 of 2
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**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council appropriate \$2,385,000.00 for the Job Order Contracting Program (JOC Program) for construction services for various City facilities. The funds will be allocated to each Job Order Contract as work orders are issued. Work orders are issued and approved in accordance with pre-described and pre-priced tasks as established by the *R.S. Means* construction unit price book. The prices are multiplied by a coefficient factor. Periodically, as departments identify projects and specific funding for each project, Council may be asked to appropriate additional funds for the JOC Program. To date, \$16,402,400.00 has been appropriated for the JOC Program.

**PROJECT LOCATION:** Citywide

**PROJECT DESCRIPTION:** The scope of work consists of minor construction, repairs, rehabilitations or alterations of various facilities.

**PREVIOUS HISTORY AND PROJECT SCOPE:** On February 7, 2007, City Council awarded a five-year Job Order Contract to Williams & Thomas, LP dba Jamail Construction and RHJ-JOC, Inc. for construction services for various facilities. On December 16, 2009, City Council: (1) awarded two new Job Order Contracts to Hallmark CBIC Joint Venture and P^2MG, LLC, and delegated authority to the director to approve supplemental allocations up to the maximum contract amount for each contract of \$10,000,000; (2) approved Ordinance 2009-1316 amending Ordinance No. 2007-0167 to increase the maximum contract amount from \$10,000,000 to \$12,500,000 for each Job Order Contract with Jamail Construction and RHJ-JOC, Inc., and (3) appropriated an additional \$3,075,000 for the JOC Program for construction services for various facilities. On June 30, 2010, City Council appropriated an additional \$618,000.00 for the JOC Program.

**M/WBE PARTICIPATION:** The original contracts and this appropriation have a 15% M/WBE goal and 5% SBE goal. To date, Jamail Construction has achieved 13.6% M/WBE participation and 2.9% SBE participation, and RHJ-JOC, Inc. has achieved 27.3% M/WBE participation and 24.0% SBE participation. Due to the recent inception of the Hallmark CBIC Joint Venture and P^2MG, LLC contracts, there is no subcontracting utilization to report.

SM:HB:JLN:EA:ea

c: Marty Stein, Jacquelyn L. Nisby, Velma Laws, Chris Gonzalez, Kirk Munden, Wendy Heger, Celina Ridge, Gary Readore, Lisa Johnson, Mark Ross, Calvin Curtis, Morris Scott, Martha Leyva, Project File 813

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** 2010-2011 Mayor's After-School Achievement Program

Category #

Page 1 of 2

Agenda Item

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

Houston Parks and Recreation Department

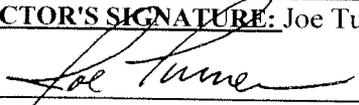
**Origination Date:**

November 5, 2010

**Agenda Date:**

~~DEC 08 2010~~

**DIRECTOR'S SIGNATURE:** Joe Turner, Director



**Council District(s) affected:**

A,B,C,D,E,G,H,I

DEC 15 2010

**For additional information contact:** Doug Earle, 832-395-7290  
Twonda Thompson, 832-395-7259  
Dan Pederson, 832-395-7062

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

September 1, 2010; Ord# 2010-0708

**RECOMMENDATION: (Summary):**

Approval of contracts for the implementation of after-school programming through the Mayor's 2010-2011 After-School Achievement Program with Houston ISD.

**Amount of Funding:** \$205,580.00 General Fund (1000)  
\$429,420.00 CDBG Fund (5000)

**Finance Budget:**

**SPECIFIC EXPLANATION:**

HPARD recommends the approval of a HISD contract for the operation of 20 after-school sites for the 2010-2011 Mayor's After-School Achievement Program (ASAP).

- Schools receiving funding through the U.S. Department of Education's 21<sup>st</sup> Century Community Learning Centers (CLC) Program, which provides schools with more than \$100,000 annually for enrichment programming, are not eligible to apply. Schools with limited carryover funds (less than \$50,000) from a prior year of 21<sup>st</sup> Century CLC funding were eligible to apply for ASAP funds.
- The funding schedule provides sites with sufficient funds to increase the quality of service in order to operate a safe and successful program, while requiring all sites to commit Cash and In-Kind matching funds:

<b>2010-2011 Maximum ASAP Grant Amounts, Cash and In-kind Match Requirements</b>			
	<b>ASAP Grant</b>	<b>Cash Match</b>	<b>In-Kind Match</b>
<b>Minimum Grant Amount</b>	\$20,000	\$10,000	\$10,000
<b>Maximum Grant Amount</b>	\$45,000	\$10,000	\$10,000
Funding is determined based upon a \$1,000 per child rate with a minimum average daily attendance of 25 to 45 youth participants per site.			

A request for proposal was posted on the Parks and Recreation Department's website, and mailed to area schools and non-profit organizations. Seven application workshops were conducted. Applications were due by 5:00 pm on April 12, 2010. A total of 69 applications were received. Staff reviewed proposals for compliance with minimum standards and the qualifying proposals were read and scored by a team of volunteers with professional experience in grant writing, juvenile justice, school administration and financial accounting. Council action to award 3 additional sites will be forthcoming pending the availability and distribution of more funding.

Finance Director:

Other Authorization:

Other Authorization:

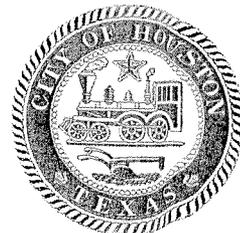
## LIST OF PARTICIPATING AGENCIES:

<u>Houston ISD</u>	<u>Council District</u>	<u>Funding Amount</u>
Administration		\$40,000.00
Benbrook Elementary School	A	\$25,000.00
Crawford Elementary School	B	\$30,000.00
Dogan Elementary School	B	\$30,000.00
Durkee Elementary School	B	\$30,000.00
Ethel Coop Elementary School	B	\$30,000.00
Field Elementary School	H	\$30,000.00
Frost Elementary School	D	\$25,000.00
Isaacs Elementary School	B	\$30,000.00
Lewis Elementary School	I	\$30,000.00
Mading Elementary School	D	\$25,000.00
Pleasantville Elementary School	B	\$30,000.00
R.P. Harris Elementary School	E	\$30,000.00
Reynolds Elementary School	D	\$40,000.00
Rhoads Elementary School	D	\$25,000.00
Rodriguez Elementary School	C	\$30,000.00
Sugar Grove Elementary School	G	\$30,000.00
Wesley Elementary School	B	\$35,000.00
Whittier Elementary School	I	\$40,000.00
William P. Hobby Elementary School	D	\$25,000.00
Windsor Village Elementary School	D	\$25,000.00

# Brenda Stardig

Houston City Council Member District A

47  
DEC 15 2010



## MEMORANDUM

To: Mayor Annise Parker  
and City Council Members

From: Council Member Brenda Stardig

Date: December 8, 2010

Subject: Agenda Item No. 35

I move to amend Item 35 as follows:

1. Amend **Section 3** of the proposed Ordinance to read as follows:

**Section 3.** That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 1-13 that reads as follows:

**Sec. 1-13. Annual fee increase.**

Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.

Wherever a director is authorized by the city council in this Code to set fees within a range established by this Code, each end of the range of fees shall be subject to this provision.

Fees established by this Code for which the fee schedule or fee amount is set by the director under authority granted by the city council in this Code shall be subject to this provision.

Where fees are established by this Code for which the fee schedule or fee amount is set by motion of city council, the next time a motion is presented to city council for approval of the fees, the motion shall include a provision for an annual fee increase similar to this section.

This section shall not apply to fees that are subject to other automatic increase provisions or to other limitations or provisions in this Code or other applicable law."

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2. Amend the proposed Ordinance by adding a new **Sections <sup>4</sup>~~3~~** and **<sup>5</sup>~~4~~** that reads as follows and renumbering the subsequent **Sections** accordingly:

**Section <sup>4</sup>~~A~~**. That Section 7-57 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**Sec. 7-57. License fees; use of license at shows.**

(a) The license fee for a metal recycler/secondhand metal dealer with any permanent place of business within the city shall be \$250.00 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

(b) The license fee for a secondhand reseller with any permanent place of business within the city shall be \$300.00 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

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

(d) Any dealer described herein who desires to sell items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. License fees for shows shall be \$10.00 per day. The said license fee shall be paid prior to the issuance of the license or renewal thereof."

**Section <sup>5</sup>~~A~~**. That Section 43-38 of the Code of Ordinances, Houston, Texas, as adopted by Ordinance No. 2010-908, to be effective January 1, 2010, is hereby amended to read as follows:

**Sec. 43-38. Fees.**

- (a) The fees to be assessed under this chapter are as follows:

Plan review fee (nonrefundable) [43-9(a)]:	
Residential pool or spa .....	\$70.00
Facility .....	\$135.00
Preoperational facility inspection fee [43-9(g)] .....	\$125.00
Aquatic operating permit [43-31(a)] .....	\$135.00
Replacement permit [43-31(a)] .....	\$25.00
Late permit renewal fee [43-31(b)] .....	\$50.00
Reinspection fee [43-32(e)] .....	\$165.00

The health officer may not charge any fee without obtaining the prior approval of the city council.

(b) All fees collected pursuant to this chapter shall be deposited in the swimming pool safety fund account established by the city council. Funds from this account may be expended only for the costs of activities related to the chapter such as permitting, inspection, monitoring, abating, controlling, education and enforcement."

- 
3. Amend the proposed Ordinance by deleting the following three (3) line items from Exhibit A:

Swimming Pools	Plan Review (Private pool) UNTIL 1/1/2011	43-17(b)(1)	\$ 25.00	\$ 70.00
Swimming Pools	Plan Review (Semipublic or public pool) UNTIL 1/1/2011	43-17(b)(2)	\$ 160.00	\$ 105.00
Swimming Pools	Inspection Fee	43-21(a)	\$ 85.00	\$ 230.00

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4. Amend **Section 14** of the proposed Ordinance, as previously renumbered by this motion, to read as follows:

**Section 14.** That the various former ordinance provisions that are amended in Sections 4 through 12 of this Ordinance are saved from repeal for the limited purpose of their continuing application to any fee incurred before the effective date of this Ordinance, as applicable.

---

5. Amend **Section 11** of the proposed Ordinance to read as follows:

**Section 11.** That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 1-14 that reads as follows:

**Sec. 1-14. Administrative fee.**

An administrative fee of \$25.00 shall be collected from the applicant at the time of application for any license, permit or service for which the fee is greater than \$50.00 in addition to the fee set out in this Code. In the case of a renewal for which no

application is filed, the administrative fee shall nevertheless be collected prior to the granting of the renewal. The administrative fee shall be in addition to the fee for the permit, license or other service. The administrative fee shall be subject to the PPI Adjustment set out in section 1-13 of this Code. This section shall not apply to fees that are subject to other administrative fee provisions or to other limitations or provisions in this Code or other applicable law.”

## REDLINES

### **Sec. 1-13. Annual fee increase.**

Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.

Wherever a director is authorized by the city council in this Code to set fees within a range established by this Code, each end of the range of fees shall be subject to this provision.

Fees established by this Code for which the fee schedule or fee amount is set by the director under authority granted by the city council in this Code shall be subject to this provision.

Where fees are established by this Code for which the fee schedule or fee amount is set by motion of city council, the next time a motion is presented to city council for approval of the fees, the motion shall include a provision for an annual fee increase similar to this section.

This section shall not apply to fees that are subject to other automatic increase provisions or to other limitations or provisions in this Code or other applicable law.

---

### **Sec. 7-57. License fees; use of license at shows.**

(a) The license fee for a metal recycler/secondhand metal dealer ~~or a secondhand reseller~~ with any permanent place of business within the city shall be \$250.00 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

(b) The license fee for a metal recycler/secondhand metal dealer or a secondhand reseller with any permanent place of business within the city shall be ~~\$250.00~~ \$300.00 yearly, payable prior to the issuance of the license. Such license, unless revoked as provided herein, shall be valid for one year from the date of issuance and shall be subject to renewal from year to year.

REDLINES

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

(ed) Any dealer described herein who desires to sell items at shows in the city, but who does not maintain a permanent place of business in the city, must apply for and secure a license for each location. License fees for shows shall be \$10.00 per day. The said license fee shall be paid prior to the issuance of the license or renewal thereof.

~~\_\_\_\_\_ (d) Reserved.~~

**Sec. 43-38. Fees.**

(a) ~~The fees to be assessed under this chapter are as follows: The health officer shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid pursuant to this chapter.~~

<u>Plan review fee (nonrefundable) [43-9(a)]:</u>	
<u>Residential pool or spa .....</u>	<u>\$70.00</u>
<u>Facility .....</u>	<u>\$135.00</u>
<u>Preoperational facility inspection fee [43-9(g)] .....</u>	<u>\$125.00</u>
<u>Aquatic operating permit [43-31(a)] .....</u>	<u>\$135.00</u>
<u>Replacement permit [43-31(a)] .....</u>	<u>\$25.00</u>
<u>Late permit renewal fee [43-31(b)] .....</u>	<u>\$50.00</u>
<u>Reinspection fee [43-32(e)] .....</u>	<u>\$165.00</u>

The health officer may not charge any fee without obtaining the prior approval of the city council.

(b) All fees collected pursuant to this chapter shall be deposited in the swimming pool safety fund account established by the city council. Funds from this account may be expended only for the costs of activities related to the chapter such as permitting, inspection, monitoring, abating, controlling, education and enforcement.

**Sec. 1-14. Administrative fee.**

An administrative fee of \$25.00 shall be collected from the applicant at the time of application for any license, permit or service for which the fee is greater than \$50.00

## REDLINES

in addition to the fee set out in this Code. In the case of a renewal for which no application is filed, the administrative fee shall nevertheless be collected prior to the granting of the renewal. The administrative fee shall be in addition to the fee for the permit, license or other service. ~~If multiple applications are filed by the same applicant at the same time, they shall be considered a single transaction, and only one administrative fee shall be charged.~~ The administrative fee shall be subject to the PPI Adjustment set out in section 1-13 of this Code. This section shall not apply to fees that are subject to other administrative fee provisions or to other limitations or provisions in this Code or other applicable law.

47A

DEC 15 2010

MOTION NO. 2010 0869

MOTION by Council Member Sullivan that the following item be postponed for one week:

Item 35 - Ordinance amending various sections of the City of Houston Code of Ordinances, the City of Houston Construction Code and the City of Houston Fire Code relating to service and permit fees; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability

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 8th day of December, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 14, 2010.

City Secretary

**REQUEST FOR COUNCIL ACTION**

Page 1 of 1    Agenda Item  
 4711    3512

**SUBJECT:** Ordinance amending various sections of the Code of Ordinances, Houston, Texas, relating to the adjustment of fees to cover cost of service

**FROM (Department or other point of origin):** Finance Department  
**Origination Date:** November 12, 2010  
**Agenda Date:** ~~DEC 01 2010~~ 2010

**DIRECTOR'S SIGNATURE:** Michelle Mitchell, Director *Michelle Mitchell*  
**Council District affected:** All    DEC 15 2010

**For additional information contact:** Jack Alexander    Phone: (713) 837-9880  
**Date and identification of prior authorizing Council action:**

**RECOMMENDATION:** Adopt Ordinance amending various sections of the Code of Ordinances, Houston, Texas, relating to the adjustment of permit and license fees to cover cost of service.

**Amount and source of funding:** Revenue    **Finance Budget**

**EXPLANATION**

The City of Houston is authorized by State law to regulate and permit a wide variety of activities to protect the health and safety of the public. To that end, the City of Houston issues more than 440,000 permits each year, comprising more than 260 distinct types of permits and related fees. There are currently 10 City departments with permitting responsibilities; however, the majority of transactions are processed through the Administration & Regulatory Affairs (ARA) and Public Works & Engineering (PWE) Departments. Specifically, ARA issues approximately 49 percent of all City permits, and PWE is responsible for an additional 32 percent of permits processed annually. ARA and PWE together account for 81 percent of all City permit processing, while the remaining eight departments combined account for only 19 percent of transactions.

In most cases, there are no specific statutes that govern the fee setting process, but State law does allow cities to recover their actual costs to provide this protection of the public interest. However, because the City has not routinely reviewed its fee structure to recover its costs of providing services, taxpayers are currently subsidizing a greater share of regulatory costs that should be more fairly borne by those who directly derive benefit from the permitted activities. As a result, while Houston's costs to provide regulatory permitting and other services continue to increase over time, the current fee structure has not kept pace with inflation and increasing costs for personnel, technology and operating overhead. For example, the Houston Police Department's Vehicular Crimes Division administers City ordinances that regulate the automotive industry, yet the related license fees have not been adjusted since 1981, almost thirty years ago.

The Administration has undertaken an analysis of the cost of service for all fees charged by General Fund Departments and certain Special Revenue functions. Coordinated by the Finance Department, the review established methodologies to calculate the actual cost of service for each activity and established recommended adjustments to help recover increased costs. Costs reviewed include the direct costs of labor, materials, capital expenditures (such as vehicles) and overhead as well as indirect costs allocated to those services.

The direct cost analysis consisted of determining the overall direct cost of providing each service and comparing that to the current revenues derived from permit fees paid for those services. When the costs exceeded the revenues, cost of service recoveries (fee increases) were recommended to mitigate the shortfall. In instances where the fee increase necessary to fully recover a cost was so dramatic that full recovery might cripple an industry, result in non-compliance, or result in a substantial reduction in service providers (such as private school bus fees), a fee increase providing less than full recovery was recommended, anticipating the City would incorporate the principle of gradualism in its cost of service recovery.

As 81 percent of permitting transactions are processed through ARA and PWE, we have relied on the cost analyses performed by these two departments as a statistically significant sample of the appropriate fee increase that should be applicable to the remaining 19 percent of City permits.

To account for the indirect or "overhead" costs associated with processing transactions and overall administration, a separate administrative fee of \$25 is being recommended for all transactions in excess of \$50. The fee shall not apply to online credit card convenience fees pursuant to contracts previously approved by City Council.

Attached is a list all of the proposed cost of service related fee increases. The adopted FY2011 Budget includes a revenue placeholder of \$15,000,000, which was an estimate of the degree to which our fee schedules lag behind actual costs.

Other ongoing initiatives include: creation of citywide policies for billing and collection of fees, centralized billing and collection activities to achieve best practices and to identify opportunities to take advantage of scale to negotiate more favorable collection fees.

The proposed cost of service fee adjustments were reviewed by the Budget and Fiscal Affairs Committee on November 8, 2010. Responses to Council Members' questions asked during the meeting are attached.

Attachments

**REQUIRED AUTHORIZATION**

Other Authorization:

Other Authorization:

Other Authorization:

City of Houston, Texas, Ordinance No. 2010-\_\_\_\_\_

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CITY OF HOUSTON CODE OF ORDINANCES, THE CITY OF HOUSTON CONSTRUCTION CODE AND THE CITY OF HOUSTON FIRE CODE RELATING TO SERVICE AND PERMIT FEES; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City provides services and issues permits to the public (“Services”) as part of its governmental activities; and

**WHEREAS**, State law permits cities to recover the costs of providing Services to the public as long as such fees are reasonably related to the actual costs of providing such services; and

**WHEREAS**, the City has previously adopted fees for Services under the Code of Ordinances, Houston, Texas, as set out in Column 4 of Exhibit A to this Ordinance, and also has previously adopted fees for Services under the City of Houston Construction Code and the City of Houston Fire Code; and

**WHEREAS**, such fees have not kept up with the actual costs to the City for providing these Services; and

**WHEREAS**, City Council has previously provided for the adjustment of such fees by adopting a budget for FY 2011 that includes an increase of \$15 million to cover actual costs of Service in the General Fund and in certain Special Revenue Funds; and

**WHEREAS**, the fees set out in Column 5 of Exhibit A, in Sections 5 through 9 below, and in Exhibits B and C more accurately reflect the actual cost of Services provided by the City, subject to annual adjustment according to the Producers Price Index; and

**WHEREAS**, “Producers Price Index” as used in this ordinance means the Producers Price Index for all commodities as reported by the Bureau of Labor Statistics; and

**WHEREAS**, the administrative fee described in Section 11 below reflects the City Administrative Costs, which in addition to the costs set out in Exhibit A, comprise the actual administrative and overhead costs to the City for processing of applications for Services and the issuance of licenses and permits under the Code of Ordinances; and

**WHEREAS**, City Council determines these fee changes are necessary to provide the best Services to the public and improve financial efficiency of the process; **NOW, THEREFORE**,

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

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

**Section 2.** That the sections of the City of Houston Code of Ordinances set out in Column 3 of Exhibit A to this Ordinance (“Ordinances”) are hereby amended to replace the fees shown in Column 4 with the fees as set out in Column 5 of Exhibit A.

**Section 3.** That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 1-13 that reads as follows:

**“Sec. 1-13. Annual fee increase.**

Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year (“the PPI Adjustment”). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year. This section shall not apply to fees that are subject to other automatic increase provisions or to other limitations or provisions in this Code or other applicable law.”

**Section 4.** That Section 117 of that volume of the City of Houston Construction Code known as the City of Houston Building Code, as recently adopted by Ordinance No. 2010-847, is hereby amended to read as set forth in Exhibit B, which is attached hereto and incorporated herein.

**Section 5.** That Section 118.5 of that volume of the City of Houston Construction Code known as the City of Houston Building Code, as recently adopted by Ordinance No. 2010-847, is hereby amended to read as follows:

**“118.5. Fees.** To cover administrative costs, including registration of firms and individuals, management of the program, and oversight inspections, the building official shall assess fees equal to 25 percent of the amount otherwise payable under this code for any permit, but not less than the minimum fee as required in Section 117 of the *Building Code*. In addition to the reduced permit fees charged in connection with the program, an additional fee of \$25.00 per payment voucher issued shall be assessed to cover the jurisdiction's costs in connection with any fee required to be paid to and remitted by the jurisdiction. If any contractor or owner requests an inspection by the building official of any structure that is subject to private inspection under this section, then the building official may perform the same for a fee of \$150.00. The administrative fee that is payable under Section 117.1.2 of the *Building Code* shall be collected in addition to the fees otherwise provided under this section.”

**Section 6.** That Subsection (d) of Section 4605 of the City of Houston Sign Code (Chapter 46 of that volume of the City of Houston Construction Code known as the City of Houston Building Code) is hereby amended to read as follows:

**“(d) Operating Permit Effectiveness--Renewal Permit.** Each operating permit issued shall be effective for a period of one year. Not less than 30 days nor more than 60 days prior to the conclusion of each three-year period, applications may be made for a one year extension of the permit. Such application shall be submitted in such form as the Sign Administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in Section 4605(c)(2). If the application for extension of permit fully meets the requirements of applicable law in effect at the time of such application, the Sign Administrator shall issue a renewal permit for an additional one year period or such other time as may be required by law.”

**Section 7.** That Item (2) of Subsection (c) of Section 4608 of the City of Houston Sign Code (Chapter 46 of that volume of the City of Houston Construction Code known as the City of Houston Building Code) is hereby amended to read as follows:

**“(2)** Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized, and removal thereof is hereby authorized. The employees of the Police Department, the Planning and Development Department, the Solid Waste Management Department and the Department of Public Works and Engineering are hereby authorized to impound any signs found on a

public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of a fee to the City through the custodian thereof, consisting of a total of \$70.00 for hauling the same to storage, plus \$10.00 per day storage fee for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be transferred to the Surplus Section of the Property Management Division of the Finance and Administration Department of the City of Houston to be sold at public auction in the same manner as surplus property of the City.

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

**Section 8.** That Section R115.5 of that volume of the City of Houston Construction Code known as the City of Houston Residential Code, as recently adopted by Ordinance No. 2010-847, is hereby amended to read as follows:

**“R115.5. Fees.** To cover administrative costs, including registration of firms and individuals, management of the program, and oversight inspections, the building official shall assess fees equal to 25 percent of the amount otherwise payable under this code for any permit, but not less than the minimum fee as required in Section 117 of the *Building Code*. In addition to the reduced permit fees charged in connection with the program, an additional fee of \$25.00 per payment voucher issued shall be assessed to cover the jurisdiction's costs in connection with any fee required to be paid to and remitted by the jurisdiction. If any contractor or owner requests an inspection by the building official of any structure that is subject to private inspection under this section, then the building official may perform the same for a fee of \$150.00. The administrative fee that is payable under Section 117.1.2 of the *Building Code* shall be collected in addition to the fees otherwise provided under this section.

Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year ("the PPI Adjustment"). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year."

**Section 9.** That the volume of the City of Houston Construction Code known as the City of Houston Mechanical Code, as recently adopted by Ordinance No. 2010-847, is hereby amended as follows:

A. Section 114.3 is hereby amended to read as follows:

**"114.3 Validity.** The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications, computations, and other data shall not prevent the Authority Having Jurisdiction from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

A permit shall be valid only for the work performed by the licensed contractor to which the permit was issued. A new permit shall be obtained if the licensed contractor to which the permit was issued ceases to perform the work. The cost of the new permit shall be 50 percent of the original permit fee. In the case of the death of the original licensed contractor, the permit will be transferred to the new licensed contractor at a fee of 50 percent of the original permit fees, up to a maximum fee of \$70.00 per permit."

B. A new Section 115.7 is added to read as follows:

**"115.7 Annual Fee Increase.** Notwithstanding any maximum fee established by this Code, the fees set out herein, as adjusted according to this section, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the

previous year (“the PPI Adjustment”). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.”

C. Section 117.2.1 is hereby amended to read as follows:

**“117.2.1 Temporary Operation Inspection.** For inspection of a boiler or heating, ventilation, refrigeration or air-conditioning system to be used on a temporary basis, a fee of \$70.00 shall be paid to the jurisdiction by a licensed air-conditioning contractor requesting such inspection. If the system is not approved for temporary operation on the first inspection, the usual reinspection fee will be charged for each subsequent inspection for such purpose.

No permit for temporary use shall be valid for a period longer than 30 calendar days. The building official is authorized to reissue such permit upon payment of the full fee of \$70.00 for periods not more than 30 days each.”

D. Section 121.6 is hereby amended to read as follows:

**“121.6 State License Notification Requirement.** Each person licensed under the Texas Air Conditioning and Refrigeration Contractor License Law shall notify and register his or her notification with the Authority Having Jurisdiction in a form and manner prescribed by the Authority Having Jurisdiction prior to performing any work pertaining to that license within the jurisdiction. The notification shall be duly registered and maintained on file within the jurisdiction offices of the Mechanical Inspections Section, Code Enforcement Branch, Department of Public Works and Engineering. The fee for initial notification registration shall be \$70.00. A notification registration maintenance fee of \$70.00 shall be paid annually thereafter as long as the notification registration is renewed. Each notification registration shall expire on December 31 of each year. Additionally, a notification registration shall expire upon the registrant’s failure to provide proof of current insurance coverage or proof of license renewal.”

E. Sections 123.2, 123.3 and 123.4 are hereby amended to read as follows:

**“123.2 Stationary Engineer Examination Application.** An applicant for a first-grade stationary engineer's license shall present to the board service letters showing that he or she has either the following specified experience or combination of experience and education: (i) at least five years of hands-on boiler operating experience on boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct

application of heat; (ii) a graduation certificate from an accredited engineering school and at least two years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat; or (iii) a United States Department of Labor diploma showing the applicant finished a full three-year course as an apprentice stationary engineer and two years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat.

An applicant for a second-grade stationary engineer's license shall present to the board service letters showing that he or she has: (i) at least three years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat; or (ii) a graduation certificate from an accredited engineering school and at least one year of hands on boiler operating experience on boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat.

An applicant for a third-grade stationary engineer's license shall present to the board service letters showing that he or she has: (i) at least two years of hands on boiler operating experience with boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat; or (ii) a graduation certificate from an accredited engineering school and at least six months of hands on boiler operating experience on boilers used to heat water or liquid for environmental heating or commercial processing purposes or for generating steam or vapor by direct application of heat.

No person may take an examination for a stationary engineer's license unless he or she has submitted the service letters, certificates, and/or diplomas to the board as required by this section and the submitted documents have been accepted by the board.

Applicants will be required to correctly answer at least 70 percent of the questions comprising the examination in order to qualify for a stationary engineer's license of any grade. All questions and answers will be written in the English language.

An applicant for a stationary engineer's license who fails to satisfactorily pass an examination shall not be entitled to a refund of the examination fee paid to the jurisdiction and shall not be reexamined for the grade in which the applicant failed, or examined

for a higher grade, within a period of less than 90 days.

Each applicant shall pay a \$100 examination fee for each examination the applicant applies for.

The fee is to be paid to the Authority Having Jurisdiction at the time the application is filed. Service letters shall be filed with the application. An applicant shall be eligible for examination on the date of the next regularly scheduled examination that is held at least seven days after the date of application.

Applicants who have successfully passed the examination shall pay a \$70.00 license fee to the jurisdiction prior to the issuance of the license. The license shall expire on December 31 of the year of issuance, unless suspended or revoked. Thereafter, the license may be renewed annually pursuant to the provisions set forth below. The receipt for payment of a license renewal fee shall be displayed with the license. Failure to do so shall constitute grounds for the suspension or revocation of the license.

**123.3 License Renewals.** License renewals shall be granted without reexamination upon payment of a \$70.00 fee, provided such fee is paid within 30 days after the expiration date of the license and not thereafter. When a renewal application is filed more than 30 days after the expiration of the license, the fee for renewal shall be \$75.00 for the first year after the expiration date, plus \$70.00 for each additional year or part of a year thereafter. When the annual license renewal fee has not been paid for a period of five consecutive years, the license shall not be renewed until the applicant has successfully passed a reexamination.

Each certificate or license issued under the terms and provisions of this section shall be signed by the person to whom it was issued as required by the board.

**123.4 Validity, Replacement of License.** When the holder of a license is examined by the board and granted a license in a higher grade, the higher grade license shall not be issued until the license of the lower grade is surrendered and all required fees are paid to the Authority Having Jurisdiction.

When a license becomes lost or destroyed, the board shall grant a new license in the same grade, provided proof of such loss or destruction is presented to the satisfaction of the board. The fee for replacement license shall be \$70.00. If the proof of such loss or destruction is not satisfactory to the board, reexamination in the same grade shall be required, and the fee for the reexamination shall be as provided in Section 123.2.”

F. Section 124.0 is hereby amended to read as follows:

**“124.0 Boiler Operator’s Permit**

An owner or user of any hot-water-heating boiler, low-pressure hot-water-heating boiler, or steam heating boiler at pressure of 15 pounds per square inch or less used to heat water or liquid for environmental heating or commercial processing purposes or a power boiler having an aggregate heat output that does not exceed 1,676,000 Btu per hour, may apply to the board for a permit to allow the boiler to be operated by the owner or user or by a person knowledgeable in the operation of the boiler, instead of by a licensed stationary engineer. The person who is to operate the boiler or boilers shall be the owner of the boiler or his or her bona fide employee and shall demonstrate competency to do so in a manner determined by the board. The board shall establish the method of testing and the minimum knowledge, ability, and qualifications such person must demonstrate to show competency to operate the distinctive types of boilers. If a person demonstrates competency in the operation of the type of boiler for which the permit is sought, the permit shall be granted upon the payment of a permit fee of \$70.00. The permit shall expire on December 31st of each year, unless suspended or revoked before the expiration date.

Renewal of such permits shall be granted upon the payment of \$70.00 if the renewal is applied for within 30 days after the expiration of such permit. If the renewal is not applied for within 30 days, the applicant may renew the permit upon payment of a fee of \$75.00.

A permit shall be valid only for the specific location and for the boiler(s) at the location named on the permit. Separate permits may be issued for a person to operate boilers at two or more locations owned by the employer of the boiler operator listed on the permit.

When a permit is issued for boiler operation at two or more locations, the applicant must file for a separate boiler operator permit for each location and pay the fee for each boiler operator permit received.

When an operator’s permit becomes lost or destroyed, the board may grant a replacement permit in the same manner as set forth for a stationary engineer’s license in Section 123.4 of this Code.

All permits issued for the operation of boilers that were in effect immediately preceding the adoption of this code by City Council shall expire on the 31st day of December of the year in which this code is adopted. Any such permit may be renewed as though it had been originally issued pursuant to this code.”

**Section 10.** That Sections 105.8 through 105.9.4, including Table 105.8, of the City of Houston Fire Code, as recently adopted by Ordinance 2010-871 (the "Fire Code"), are hereby amended to read as set forth in Exhibit C, which is attached hereto and incorporated herein.

**Section 11.** That Chapter 1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 1-14 that reads as follows:

**"Sec. 1-14. Administrative fee.**

An administrative fee of \$25.00 shall be collected from the applicant at the time of application for any license, permit or service for which the fee is greater than \$50.00 in addition to the fee set out in this Code. The administrative fee shall be in addition to the fee for the permit, license or other service. If multiple applications are filed by the same applicant at the same time, they shall be considered a single transaction, and only one administrative fee shall be charged. The administrative fee shall be subject to the PPI Adjustment set out in section 1-13 of this Code. This section shall not apply to fees that are subject to other administrative fee provisions or to other limitations or provisions in this Code or other applicable law."

**Section 12.** That the various former ordinance provisions that are amended in **Section 3** through **10** of this Ordinance are saved from repeal for the limited purpose of their continuing application to any fee incurred before the effective date of this Ordinance, as applicable.

**Section 13.** That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance (in this section, "Provision"), or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or superseded or prohibited by state or federal law, such Provision shall be deemed to be deleted from this Ordinance and the validity of the remaining portions of this Ordinance or

their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 14.** All provisions of this Ordinance except those provisions that amend the City of Houston Construction Code and the City of Houston Fire Code, which shall take effect on December 31, 2010, shall take effect immediately upon the date of its passage and approval by the Mayor.

**Section 15.** There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect as provided in **Section 14**, above.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Mayor of the City of Houston

Prepared by Legal Dept. \_\_\_\_\_  
JSW:asw 11-29-2010 Senior Assistant City Attorney  
Requested by Director, Finance Department  
L.D. File No.

# **EXHIBIT A**

# City Code Fee Increase Table

	Permit/Fee/Fine Name and Description	Statutory Authority	Rate (Current)	Proposed New Fee Amount
Police Services	Clearance Letters	2-97	\$ 9.00	\$ 20.00
Release of Liens	Release of Order - Initial	2-125	\$ 36.70	\$ 80.00
Release of Liens	Release of Order each additional	2-125	\$ 73.40	\$ 80.00
Ambulance Permits	Ambulance Driver Permit Fee	4-3(e)	\$ 40.00	\$ 100.00
Ambulance Permits	Ambulance Operator Permit	4-16	\$ 500.00	\$ 1,000.00
Ambulance Permits	Ambulance Permit Fee Renewal	4-16	\$ 200.00	\$ 800.00
Ambulance Permits	Ambulance Inspection Fee-Private (per pair of decals)	4-16	\$ 160.00	\$ 275.00
Other License & Permit	Carnival Amusement	5-29	\$ 5.00	\$ 100.00
Dance Licenses	Dance Halls Class A (dance clubs or cabaret)	5-77(a)(1)	\$ 550.00	\$ 750.00
Dance Licenses	Dance Halls Class A (<2days/wk)	5-77(a)(2)	\$ 275.00	\$ 275.00
Dance Licenses	Dance Halls Class B (dance classes and rental hall)	5-77(a)(3)	\$ 30.00	\$ 100.00
Other License & Permit	Game Room	5-172	\$ 60.00	\$ 100.00
Rabies Control License	Neutered - Annual Fee	6-88(a)(1)	\$ 10.00	\$ 20.00

# City Code Fee Increase Table

Rabies Control License	Unneutered	6-88(a)(2)	\$	50.00	\$	60.00
Rabies Control License	Breeders Permit	6-114	\$	100.00	\$	120.00
Rabies Control License	Breeders Permit - Late Fee	6-114	\$	25.00	\$	30.00
Rabies Control License	Kennel License	6-121(a)	\$	50.00	\$	200.00
Animal Control Fees	Impoundment Fee - Animals Other than Dogs and Cats and Neutered Dogs and Cats (1st Offense)	6-137(a)(1)a1	\$	25.00	\$	30.00
Animal Control Fees	Impoundment Fee - Animals Other than Dogs and Cats and Neutered Dogs and Cats (2nd Offense)	6-137(a)(1)a2	\$	50.00	\$	55.00
Animal Control Fees	Impoundment Fee - Animals Other than Dogs and Cats and Neutered Dogs and Cats (3rd Offense)	6-137(a)(1)a3	\$	75.00	\$	80.00
Animal Control Fees	Impoundment Fee - Unneutered (1st Offense)	6-137(a)(1)b1	\$	50.00	\$	60.00
Animal Control Fees	Impoundment Fee - Unneutered (2nd Offense)	6-137(a)(1)b2	\$	75.00	\$	85.00
Animal Control Fees	Impoundment Fee - Unneutered (3rd Offense)	6-137(a)(1)b3	\$	100.00	\$	110.00
Animal Control Fees	Boarding Fee	6-137(a)(3)	\$	9.25 - 12.00	\$	12.00
Animal Control Fees	Rabies Vaccination Fee	6-137(a)(4)	\$	12.00	\$	20.00
Animal Adoption	All animal Adoptions	6-138(1)	\$45.00 - \$55.00	\$45.00 - \$75.00		
Occupation Licenses	Antique Dealers, Precious Metals Dealers, Resale Media & Clothing Dealers - License Fee	7-19(a)	\$	50.00	\$	100.00
Occupation Licenses	Antique Dealers, Precious Metals Dealers, Resale Media & Clothing Dealers - Show Fee	7-19(b)	\$	2.00	\$	10.00

# City Code Fee Increase Table

Occupation Licenses	Secondhand Reseller	7-57(a)	\$	250.00	\$	300.00
Occupation Licenses	Common Market - 10 vendors or less	7-108(a)	\$	60.00	\$	75.00
Occupation Licenses	Common Market - 11 to 20 vendors	7-108(a)	\$	120.00	\$	150.00
Occupation Licenses	Common Market - 21 or more vendors	7-108(a)	\$	180.00	\$	200.00
Auto Dealers License	Dealer In New Motor Vehicles Initial	8-58(a)(1)	\$	120.00	\$	330.00
Auto Dealers License	Dealer In New Motor Vehicles Renewal	8-58(a)(1)	\$	100.00	\$	310.00
Auto Dealers License	Wholesale Auto Jobber & Supply Dealer Initial	8-58(a)(3)	\$	80.00	\$	220.00
Auto Dealers License	Wholesale Auto Jobber & Supply Dealer Renewal	8-58(a)(3)	\$	60.00	\$	200.00
Auto Dealers License	Retail Supply Dealer Initial	8-58(a)(4)	\$	60.00	\$	170.00
Auto Dealers License	Retail Supply Dealer Renewal	8-58(a)(4)	\$	40.00	\$	150.00
Auto Dealers License	Automotive Rebuilder and Dismantler Initial	8-58(a)(5)	\$	220.00	\$	610.00
Auto Dealers License	Automotive Rebuilder and Dismantler Renewal	8-58(a)(5)	\$	200.00	\$	590.00
Auto Dealers License	Automotive Parts Rebuilder Initial	8-58(a)(6)	\$	80.00	\$	220.00
Auto Dealers License	Automotive Parts Rebuilder Renewal	8-58(a)(6)	\$	60.00	\$	200.00
Auto Dealers License	Automotive Storage Lot Operator Initial	8-58(a)(7)	\$	120.00	\$	330.00

# City Code Fee Increase Table

Auto Dealers License	Automotive Storage Lot Operator Renewal	8-58(a)(7)	\$	100.00	\$	310.00
Auto Dealers License	Automotive Repair Facility Initial	8-58(a)(8)	\$	220.00	\$	490.00
Auto Dealers License	Automotive Repair Facility Renewal	8-58(a)(8)	\$	200.00	\$	470.00
Auto Dealers License	Used Parts & Used Accessory Dealer Initial	8-58(a)(9)	\$	220.00	\$	380.00
Auto Dealers License	Used Parts & Used Accessory Dealer Renewal	8-58(a)(9)	\$	200.00	\$	360.00
Auto Dealers License	Body Shop Facility With Storage Privileges Initial	8-58(a)(10)	\$	340.00	\$	510.00
Auto Dealers License	Body Shop Facility With Storage Privileges Renewal	8-58(a)(10)	\$	300.00	\$	470.00
Auto Dealers License	Dealer - New Vehicles, Used Parts, Accessories Initial	8-58(c)(1)	\$	180.00	\$	500.00
Auto Dealers License	Dealer - New Vehicles, Parts, Accessories Renewal	8-58(c)(1)	\$	140.00	\$	460.00
Auto Dealers License	Dealer - Used Vehicles, Used Parts, Accessories Initial	8-58(c)(2)	\$	180.00	\$	500.00
Auto Dealers License	Dealer - Used Vehicles, Parts, Accessories Renewal	8-58(c)(2)	\$	140.00	\$	460.00
Auto Dealers License	Wholesale Jobber & Retail Supply Dealer Initial	8-58(c)(3)	\$	140.00	\$	390.00
Auto Dealers License	Wholesale Jobber & Retail Supply Dealer Renewal	8-58(c)(3)	\$	100.00	\$	350.00
Auto Dealers License	Duplicate Refund Handling Fee	8-58(d)	\$	5.00	\$	40.00
Auto Dealers License	Disapproved License Refund Handling Fee	8-58(e)	\$	5.00	\$	40.00

# City Code Fee Increase Table

Auto Dealers License	Dealer Transfer Fee	8-62	\$	10.00	\$	30.00
Auto Dealers License	Salesman Initial	8-83	\$	25.00	\$	70.00
Auto Dealers License	Salesman Renewal	8-87(c)	\$	15.00	\$	60.00
Auto Dealers License	Salesman Transfer Fee	8-88	\$	5.00	\$	20.00
Auto Dealers License	City Administrative Fee	8-123(e)	\$	10.00	\$	20.00
Wrecker License & Pr	Police-authorized tow service agreement (PATSA) Truck Fee	8-126(c)	\$	500.00	\$	660.00
Wrecker License & Pr	PATSA Wrecker Driver Fee	8-126(c)	\$	35.00	\$	75.00
Auto Dealers License	Police private storage lot agreement.	8-143(d)	\$	1,000.00	\$	1,410.00
Auto Dealers License	Storage Lot Authorization Initial	8-158	\$	100.00	\$	150.00
Auto Dealers License	Storage Lot Authorization Renewal	8-159(a)	\$	50.00	\$	100.00
Charter Bus Permits	Scheduled Ground Transp. Fee 10-12 Pass.	9-58(c)	\$	50.00	\$	200.00
Charter Bus Permits	Scheduled Ground Transp. Fee 13-30	9-58(c)	\$	75.00	\$	200.00
Charter Bus Permits	Scheduled Ground Transp. Fee 31 or more	9-58(c)	\$	100.00	\$	200.00
Other Building Permits	Securing Dangerous Building Permit	10-414(a)	\$	125.00	\$	190.00
Fire Alarm Permit	Fire Alarm Permit (New)	11-15	\$	50.00	\$	75.00

# City Code Fee Increase Table

Fire Alarm Permit	Fire Alarm Permit (Renewal)	11-15		\$25.00	\$50.00
False Fire Alarm Fee	False alarm fees are assessed based on classification of alarm system A, B, C. False alarms in excess of the following are Residential Burglar	11-19(a)		\$ 300.00	\$ 360.00
Burglar Alarm Permit	Residential Burglar	11-62(a)		\$ 30.00	\$ 35.00
Burglar Alarm Permit	Non Residential Burglar	11-62(b)		\$ 70.00	\$ 100.00
Burglar Alarm Permit	Non Residential Burglar w/Panic Alarm	11-62(b)		\$ 70.00	\$ 100.00
False Alarm Penalty	Residential Panic After 1 False Alarm	11-68(b)		\$ 100.00	\$ 120.00
False Alarm Penalty	Residential Panic After 2 Alarms	11-68(b)		\$ 200.00	\$ 240.00
False Alarm Penalty	Residential Panic After 3 Alarms	11-68(b)		\$ 300.00	\$ 360.00
False Alarm Penalty	Residential panic After 4 Alarms	11-68(b)		\$ 400.00	\$ 480.00
False Alarm Penalty	Non-Residential Panic (After 1 Free)	11-68(c)		\$ 200.00	\$ 240.00
False Alarm Penalty	Non-Residential Panic (After 2 False Alarms)	11-68(c)		\$ 400.00	\$ 480.00
False Alarm Penalty	Non-Residential Panic (After 3 False Alarms)	11-68(c)		\$ 500.00	\$ 600.00
False Alarm Penalty	Residential Non-Permitted Panic	11-68(d)(3)		\$ 220.00	\$ 264.00
False Alarm Penalty	Non-Permitted Alarm System Non-Residential Panic or Burglar	11-68(d)(4)		\$ 350.00	\$ 420.00
Other	Lobbyist Fee	18-74(b)		\$ 20.00	\$ 50.00

# City Code Fee Increase Table

Special Food Permits	Required Reinspection	20-20(g)	\$	50.00	\$	85.00
Special Food Permits	Pre-Operational Inspection (Unoccupied)	20-25(f)	\$	50.00	\$	85.00
Special Food Permits	Pre-Operational Inspection (Occupied)	20-25(f)	\$	100.00	\$	170.00
Food Dealers Permits	Food Dealer (non-profit)	20-38(b)	\$	20.00	\$	150.00
Food Dealers Permits	Food Dealer (1-9 Employees)	20-38(b)(1)a	\$	200.00	\$	220.00
Food Dealers Permits	Food Dealer (10-25 Employees)	20-38(b)(1)b	\$	330.00	\$	350.00
Food Dealers Permits	Food Dealer (26-50 Employees)	20-38(b)(1)c	\$	480.00	\$	500.00
Food Dealers Permits	Food Dealer (51-100 Employees)	20-38(b)(1)d	\$	630.00	\$	650.00
Food Dealers Permits	Food Dealer (101+ Employees)	20-38(b)(1)e	\$	780.00	\$	800.00
Mobile Food Vendor License	Mobile Food Unit Medallion	20-38(b)(2)	\$	300.00	\$	535.00
Special Food Permits	Frozen Dessert Non-Profit Organization	20-39(c)	\$	45.00	\$	110.00
Other License & Permit	Street Vendor	22-17	\$	50.00	\$	135.00
Metered Parking Rev	Meter Revenue - Short term parking	26-160(1)	\$	.10-1.50	\$	.30-1.80
Metered Parking Rev	Meter Revenue - Long term parking	26-160(2)	\$	.10-1.50	\$	.30-1.80
Contract Parking Rev.	Bagged Meters and Contracts	26-182(b)(1)	\$	10.00	\$	15.00

# City Code Fee Increase Table

Boot Fees	Administrative Fee	26-265(1)	\$	100.00	\$	150.00
Boot Fees	Boot Fee	26-265(2)	\$	100.00	\$	150.00
Resident Parking Permit	Annual Resident and Visitor permit - First two	26-345(a)	\$	20.00	\$	25.00
Resident Parking Permit	Service Provider	26-345(b)	\$	10.00	\$	25.00
Resident Parking Permit	One Day Visitor Permit - pack of 20	26-345(c)	\$	15.00	\$	20.00
Valet Parking Operator's Permit	Valet Operator's Permit	26-392(c)	\$	1,000.00	\$	1,500.00
Valet Parking Operator's Permit	Valet Zone Permit	26-443(a)	\$	300.00	\$	400.00
Valet Parking Operator's Permit	Valet Zone Temp	26-449(a)	\$	100.00	\$	200.00
Auto Dealers License	Parking Lot Registration Certificate	26-606(b)	\$	50.00	\$	60.00
Auto Dealers License	Vehicle Immobilization Service Initial	26-652(c)	\$	300.00	\$	350.00
Auto Dealers License	Vehicle Immobilization Service Renewal	26-652(c)	\$	200.00	\$	250.00
Other License & Permit	Mini Warehouse	27-4	\$	50.00	\$	100.00
Sexually Oriented Businesses	Non refundable arcade	28-92(e)	\$	275.00	\$	2,000.00
Sexually Oriented Businesses	Reinspection Fee adult arcade	28-93(c)	\$	60.00	\$	100.00
Sexually Oriented Businesses	Renewal Fee Arcade	28-94	\$	100.00	\$	1,000.00

# City Code Fee Increase Table

Sexually Oriented Businesses	Transfer amendment application fee	28-95(b)	\$	100.00	\$	500.00
Sexually Oriented Businesses	SOB New	28-123(b)(1)a	\$	475.00	\$	2,000.00
Sexually Oriented Businesses	SOB Renewals	28-123(b)(1)b	\$	225.00	\$	1,000.00
Sexually Oriented Businesses	Permit transfer (nonrefundable)	28-126(b)	\$	100.00	\$	500.00
Sexually Oriented Businesses	Entertainer & Managers - New	28-254(b)	\$	60.00	\$	250.00
Other License & Permit	Outdoor Sound Amplification Permit	30-8(a)(2)	\$	10.00	\$	30.00
Other License & Permit	Charitable Solicitation Registration Fee	36-77	\$	12.00	\$	20.00
Swimming Pools	Plan Review (Private pool) UNTIL 1/1/2011	43-17(b)(1)	\$	25.00	\$	70.00
Swimming Pools	Plan Review (Semipublic or public pool) UNTIL 1/1/2011	43-17(b)(2)	\$	160.00	\$	105.00
Swimming Pools	Inspection Fee	43-21(a)	\$	85.00	\$	230.00
Taxi License & Permit	Annual Permit	46-68(a)	\$	400.00	\$	500.00
Taxi License & Permit	Decal Replacement Fee	46-68(a)	\$	15.00		\$0.00
Taxi License & Permit	Annual Permit-First Installment	46-68(a)	\$	150.00	\$	200.00
Taxi License & Permit	Annual Permit-Second Installment	46-68(a)	\$	125.00	\$	150.00
Taxi License & Permit	Annual Permit-Third Installment	46-68(a)	\$	125.00	\$	150.00

# City Code Fee Increase Table

Pedicab	Pedicab Vehicle Inspection Fee	46-161(a)	\$	25.00	\$	50.00
Charter Bus Permits	Annual Permit (per vehicle)	46-211(a)	\$	400.00	\$	500.00
Charter Bus Permits	Annual Permit - Installments	46-211(a)	\$	200.00	\$	250.00
Charter Bus Permits	Replacement Fee	46-211(a)	\$	15.00		\$0.00
Charter Bus Permits	Temporary Permit (30 day max per vehicle)	46-218	\$	50.00	\$	100.00
Limousine Permits	Limousine Permit	46-232(a)	\$	400.00	\$	500.00
Limousine Permits	Limousine Permits (Installments)	46-232(a)	\$	200.00	\$	250.00
Limousine Permits	Replacement Fee	46-232(a)	\$	15.00		\$0.00
Limousine Permits	Temporary Permit (30 day max per vehicle)	46-235(b)	\$	50.00	\$	100.00
Limo Inspection Fees	Limousine Inspection	46-236(a)	\$	25.00	\$	50.00
Limo Inspection Fees	Limousine Inspection (prorated)	46-236(a)	\$	12.50	\$	25.00
School Bus License & Permit (Private School & Daycare)	School Vehicles (<16 passengers) (Annual Permit Fee)	46-289(b)	\$	70.00	\$	200.00
Jitney Permit	Jitney Permit	46-336(a)	\$	400.00	\$	500.00
Jitney Permit	Jitney Inspections	46-337(a)	\$	25.00	\$	50.00

## City Code Fee Increase Table

Low Speed Shuttle	Low Speed Shuttle Vehicle Permit Fee	46-394(a)	\$	400.00	\$	500.00
Low Speed Shuttle	Low Speed Shuttle Vehicle Inspection Fee	46-397(a)	\$	25.00	\$	50.00

# **EXHIBIT B**

**BUILDING CODE**

**SECTION 117**

**PERMIT AND INSPECTION FEES**

**117.1.1 Permit or license.** An administrative fee of \$25.00 shall be charged upon the preparation of each permit or license issued by the building official. This fee shall apply regardless of whether the permit or license is issued pursuant to this code or the *City Code*, and it shall be payable in addition to all other applicable fees for the permit or license. The foregoing administrative fee shall not be applicable if no other fee is provided by law for the permit or license.

**117.1.2 Receipt.** An administrative fee of \$25.00 shall be charged upon the preparation of each fee or deposit receipt issued by the building official. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the *City Code*. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit.

**117.1.3 Minimum permit fee.** If the fee or fees imposed for any single permit that is issued by the building official, whether issued under this code or the *City Code*, do not total more than \$70.00, then a minimum permit fee of \$70.00 shall be charged for the permit. The foregoing minimum permit fee shall not be applicable if no other fee is provided by law for the permit. The administrative fee assessed pursuant to Section 117.1.1 above shall not be included in the foregoing minimum permit fee calculation, and it shall be payable in addition to the minimum permit fee.

**117.1.4 Certificate of occupancy or compliance.** A fee of \$70.00 shall be charged for each certificate of occupancy or compliance issued for a building or structure or portion thereof such as an individual business lease space. A fee of \$70.00 shall be charged for each temporary certificate of occupancy issued.

**117.1.5 Reinspection fee.** In case it becomes necessary to make a reinspection of any work because of faulty materials or workmanship or incomplete work, the permittee shall pay a fee of \$70.00 for each reinspection, except where a greater fee is specifically required under this code.

**117.1.6 Specially requested inspections during working hours.** Whenever a person requests that an inspector be present at a site at a specific time, the jurisdiction shall provide such inspector upon payment of all applicable fees if doing so would not interfere with the regular duties of the inspector and would not cause a delay in the inspection of other work.

Fee for specially requested inspections in addition to all other fees required by this code:

Per day, regular working hours ..... \$240.00

A full day's fee must be paid unless the building official finds that the request was made as a result of an unforeseeable emergency.

**117.1.7 Emergency inspections.** Emergency inspections shall be defined as those requested inspections occasioned by virtue of an unforeseeable incident or occurrence that necessitates an immediate inspection. In situations where there is a dispute as to whether an actual emergency occurred, the decision of the building official shall be final.

Fees:

Minimum four hours ..... \$150.00  
Each hour or portion thereof exceeding four hours ..... \$35.00

Total not to exceed \$240.00 if inspection is made during regular working hours. This fee shall be in addition to all other fees required by this code.

**117.1.8 Inspections and plan reviews outside regular working hours.** Whenever a person requests that an inspector make an inspection or a plan analyst review plans at times other than during regular working hours, or on jurisdiction-observed holidays or weekends, the building official shall provide such plan analyst or inspector upon payment of all applicable fees if such would not interfere with the regular duties of the plan analyst or inspector or create an undue burden on such plan analyst or inspector.

Fees:

Minimum four hours ..... \$240.00  
Each hour or portion thereof exceeding four hours ..... \$62.50

This fee shall be in addition to all other fees required by this code.

**117.1.9 Inspections outside of jurisdiction.** The fee for an inspection outside the jurisdiction shall be a minimum of \$240.00 per person plus the current standard mileage rate as published by the Internal Revenue Service per vehicle mile. This fee shall not apply to inspections performed under Section 117.1.11.

**117.1.10 Exemption from permits and fees.** To the extent that the state and the federal governments are exempt as a matter of law from compliance with the Construction Code, neither the state nor the federal government shall be required to obtain a building permit for work undertaken for, by or on the premises of either of them. However, the fees set forth in this code shall be applicable to the extent that the state or the federal government elects to obtain any permit for exempt work.

Except for exempt work undertaken for, by or on the premises of the state or the federal government, building permits shall be required for work undertaken for, by or on the premises of any political subdivision or unit of government (including, but not limited to, the jurisdiction) in the same manner and to the same extent as for work performed by or for other persons. The fees prescribed in this code shall be applicable to all permits issued to or for governmental agencies.

Counties are required to comply with the provisions of the Construction Code. Except as provided by Section 212.903 of the Texas Local Government Code, a county shall notify the building official of each work project that is undertaken. The building official shall, upon request and demonstration of capacity, allow a county to self-permit and self-inspect work

that is performed by or for the county on county-owned buildings and facilities for which a permit is required. No fee shall be imposed hereunder for work that a county is authorized to self-permit and self-inspect.

**117.1.11 Approved fabricators/certifying agent or agency.** The following permit fees shall apply to an approved fabricator/certifying agent or agency:

1. Approved certifying agent or agency, as described in Chapter 17: A fee of \$450.00 if an inspection is made for the purpose of approving the agent or agency. The agent or agency shall reimburse the jurisdiction for travel expenses incurred in performing inspections outside Harris or a contiguous county.
2. Approved fabricator as defined in Chapter 2: A fee of \$500.00 for each inspection made for the purpose of verifying and approving the fabricator's quality control program. The fabricator shall reimburse the jurisdiction for travel expenses incurred in performing inspections outside Harris or a contiguous county.

**117.1.12 Commercial plan review fee.** Plans submitted for a commercial building permit shall be charged a plan review fee. The fee shall be charged at a rate of 25 percent of the estimated building permit fee calculated as provided in section 117.2. This portion of the fee shall be paid upon submittal for the initial review of plans. The balance of the permit fee shall be collected when the permit is issued.

**117.1.13 Quick start plan review service.** Plan review meetings for certain types of construction projects shall be available when approved by the building official. The building official shall develop guidelines for proper use of this service, determination of qualified projects, and assessment of service fees not specifically noted in this code.

The fee for quick start plan review meetings shall be 65 percent of the building permit fee calculated as provided in Section 117.2. This fee shall be separate from, and in addition to, the structural permit fee.

Payment of the quick start plan review fee allows review of the plans in the form presented at the time the fee is paid and one additional review in the event the drawings must be corrected to comply with this code or other applicable laws. The payment shall not entitle the applicant to expedited review of any further revisions to the plans.

**117.1.14 Name or address changes.**

Name change, each .....	\$70.00
Address change, each .....	\$70.00

**117.1.15 Request for special approval, alternate method, interpretation or modification due to practical difficulty.** Requests submitted for review by the building official will be classified in one of the following categories for processing, and fees will be assessed according to the schedule below. Payment will be required prior to processing.

**Standard request.** Requests that require minimal amount of research or consultation to grant or deny the request. Typically, standard requests are submitted on a form promulgated by the building official ..... \$40.00

**Moderate request.** Requests that require a moderate amount of research or consultation to grant or deny the request, typically between 2 – 4 hours of time... \$100.00

**Extensive request.** Requests that require extensive research, documentation, and data collection and review to grant or deny the request.....

..... \$500.00, plus \$125.00 an hour or fraction thereof over 4 hours.

**117.1.16 Investigation fee.** An investigation fee shall be charged when work has commenced prior to the issuance of the proper permits. This fee shall include one follow-up trip; each additional follow-up trip thereafter shall be charged a separate investigation fee. All investigation fees shall be paid prior to the issuance of the required permits and in addition to any required permit fees.

Investigation fee..... \$240.00

## **117.2 Structural.**

**117.2.1 Buildings.** The following building permit fees shall be required by this code. All fees are subject to the minimum fees in Section 117.1.

New buildings, additions, alterations, remodels, conversions, and repairs:

Where the valuation (rounded to the nearest dollar) is from:

\$0.01 to \$7,000 .....	\$35.00
\$7,001 to \$150,000 .....	\$35.00 for the first \$7000
..... plus \$4.00 for every additional \$1,000 valuation, or fraction thereof	
\$150,001 to \$200,000 .....	\$607.00 for the first \$150,000
..... plus \$3.75 for every additional \$1,000 valuation, or fraction thereof	
\$200,001 to \$300,000 .....	\$794.50 for the first \$200,000
..... plus \$3.50 for every additional \$1,000 valuation, or fraction thereof	
\$300,001 to \$500,000 .....	\$1,144.50 for the first \$300,000
..... plus \$3.25 for every additional \$1,000 valuation, or fraction thereof	
\$500,001 to \$1,000,000 .....	\$1,794.50 for the first \$500,000
..... plus \$3.00 for every additional \$1,000 valuation, or fraction thereof	
\$1,000,001 to \$5,000,000 .....	\$3,294.50 for the first \$1,000,000
..... plus \$2.75 for every additional \$1,000 valuation, or fraction thereof	
\$5,000,001 to \$50,000,000 .....	\$14,294.50 for the first \$5,000,000
..... plus \$1.50 for every additional \$1,000 valuation, or fraction thereof	
\$50,000,001 and up .....	\$81,794.50 for the first \$50,000,000

..... plus \$1.00 for every additional \$1,000 valuation, or fraction thereof

**Notes:**

1. New single family homes with a valuation of \$115,000 or less shall receive a 50 percent discount on permit fees.
2. A historic building that has been designated by the jurisdiction as a landmark or that is located within a historic district designated by the jurisdiction, or for which designation as a landmark or part of a historic district is pending, shall receive a 50 percent discount on permit fees provided that a certificate of appropriateness approved by the Houston Archaeological and Historical Commission pursuant to Chapter 33 of the *City Code* is submitted with the construction documents.
3. Towers other than sign structures shall be charged in the same manner as new buildings, as set forth in Section 117.2.1.

Demolition of any building:

For the first story .....	\$70.00
For each additional story .....	\$35.00

Stationary and floating piers:

First 100 square feet of deck area .....	\$25.00
Each additional square foot .....	\$0.20

Incinerators (other than domestic outdoor type), each ..... \$75.00

Bulkheads:

For first 100 lineal feet or part thereof .....	\$50.00
Each additional 100 lineal feet or part thereof .....	\$15.00

Dredging ..... \$100.00

Prefabricated fireplaces ..... \$15.00

Sand blasting or water blasting ..... \$35.00

Grading permit ..... \$35.00

Loading docks (uncovered):

First 100 lineal feet or part thereof .....	\$35.00
Each additional lineal foot .....	\$0.08

Barricades:

First 100 lineal feet .....	\$55.00
Each additional 100 lineal feet or part thereof .....	\$15.00

Paint spray booth ..... \$35.00

Heliports and helistops (interdepartmental inspections--health, structure, fire and aviation safety) .....	\$700.00
Duplicate job card .....	\$70.00

**117.2.2 Chemical plants.** Permit fees for petroleum processing installations; nuclear reactor complexes and processing facilities; facilities manufacturing, processing, distributing or storing energy; other facilities processing, storing or manufacturing materials or energy, not otherwise covered by a construction permit shall be charged in the same manner as new buildings as set forth in Section 117.2.1.

**117.2.3 Occupancy and inspection.** The following permit fees apply to occupancy and inspection of existing buildings:

1. A certificate of occupancy or a life safety compliance inspection and certificate(s) (for compliance with Appendix L; includes initial compliance inspection, final inspection and issuance of certificate; does not include fees for permits where work is required):

First story .....	\$400.00
Each additional story .....	\$100.00
Each additional square foot above 10,000 square feet, with a maximum of 200,000 square feet .....	\$0.01

For residential multifamily buildings, per contiguous project:

For one to thirty units .....	\$400.00
Each additional unit .....	\$10.00

2. Duplicate life safety compliance certificate .....
3. Certificate name change only .....
4. Duplicate certificate of occupancy .....
5. Incinerator inspection .....
6. Revalidation inspection .....
7. Change of address request .....
8. Certificate for individual retail or office spaces of less than 3,000 square feet in multi-tenant buildings:

If the certificate is requested in connection with and the inspection is performed at the same time as the inspection of the building core .....

Otherwise .....

**117.2.4 Fences.** Permit fees for fences shall be as follows:

For the first 100 lineal feet or part thereof .....	\$55.00
For each additional 100 lineal feet or part thereof .....	\$8.50

**117.2.5 Fire escapes.** Permit fees for fire escapes shall be as follows:

For each fire escape four stories or less in height .....	\$30.00
For each additional story in height .....	\$15.00

**117.2.6 Public sidewalks, driveway approaches, culverts, curbs and gutters located in the right-of-way.** Permit fees for sidewalks, driveways, culverts, curbs and gutters covered by this code shall be as follows:

Sidewalks:

For the first 100 lineal feet or part thereof .....	\$35.00
For each additional 100 lineal feet or part thereof .....	\$8.50

Driveways .....	\$35.00
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Culvert pipes (not used for driveways):

For the first 100 lineal feet or part thereof .....	\$35.00
For each additional 100 lineal feet or part thereof .....	\$8.50

Curb and Gutter:

For the first 100 lineal feet or part thereof .....	\$35.00
For each additional 100 lineal feet or part thereof .....	\$8.50

**117.2.7 Parking lots and paved areas, not associated with a one- or-two family dwelling.** Permit fees for parking lots (uncovered) and paved areas shall be as follows:

For the first 1,000 square feet or part thereof .....	\$70.00
For each additional 1,000 square feet or part thereof .....	\$2.50

**117.2.8 Plan review fees.** Plan review fees shall be as follows:

Manufactured home parks:

15 spaces or less .....	\$70.00
Each additional space .....	\$2.00

Residential Master Plans .....	\$70.00
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Reexamination of plans or deferred submittal of plans:

Where deferred plans are submitted or previously approved plans are reexamined or revised, the plan review fee shall be \$70.00, or 15 percent of the permit fee, whichever is greater. The fee for reexamination of partial plans shall be determined by the building official based on the review time involved.

Outside jurisdiction plan review fee:

Plan review for buildings located outside the jurisdiction shall be 65 percent of the building permit fee as calculated in Section 117.2. This service shall only be

provided at the building owner's request and subject to the availability of personnel to render the service.

#### Paving plan review.

For paving other than that which is covered under Section 117.2.6 or 117.2.7 shall be required a plan review, and shall pay a plan review fee of \$70.00. Paving under this section shall not require a permit or inspection.

**Exception:** A separate plan review and fee shall not be required when the paving is associated with a driveway approach or building permit.

### **117.3 HVAC Equipment.**

**117.3.1 General.** Fees for permits and inspections for the installation, alteration and inspection of heating, ventilating, air-conditioning and refrigeration systems shall be as follows:

1. Ventilating systems or heating-only systems (other than boilers): 2.0 percent of valuation, plus \$35.00. Toilet exhaust, outside air makeup, elevator ventilation, stair pressurization, smoke exhaust or residential ventilation fees shall be included in the air-conditioning tonnage fee. The minimum permit fee shall be \$70.00. (See Section 117.3.3 for local vent fees.)
2. Repairs or alterations (including cooling tower replacement) to an existing heating, ventilating, air-conditioning or refrigeration system: 2.0 percent of the valuation, plus \$35.00.

**Exception:** Ducts and grilles in a lease space, where total valuation is less than \$500.00: \$35.00 for each lease space.

3. Air-handling and duct systems for air-conditioning in buildings that have heating and/or cooling fluid from an external source: \$4.50 per ton [based on 400 cubic feet per minute (cfm) capacity per ton], plus \$35.00.
4. Air-conditioning cooling equipment (chillers, compressors and/or absorption units with their auxiliaries) located in a building other than the one being cooled (for instance, a central plant to supply one or more buildings): \$4.50 per ton (either new tonnage, added tonnage or standby tonnage), plus \$35.00.
5. A complete air-conditioning system where the cooling equipment, the air-handling equipment and duct system are in the same building: \$8.50 per ton of refrigeration or horsepower, whichever is greater, plus \$35.00. For air-conditioning systems that include heating (except boilers), the fee shall be included in the tonnage or horsepower fee at no extra cost, provided such heating is included on the original permit application.
6. Commercial, manufacturing and industrial process refrigeration systems: \$8.50 per ton of refrigeration or horsepower, whichever is greater, plus \$35.00.

**117.3.2 Temporary operation inspection.** For inspection of a heating, ventilation, refrigeration or air-conditioning system to be used on a temporary basis, a fee of \$35.00

shall be paid to the jurisdiction by a licensed air-conditioning contractor requesting such inspection. If the system is not approved for temporary operation on the first inspection, the usual reinspection fee will be charged for each subsequent inspection for such purpose.

**117.3.3 Local vent permit.** A fee of \$70.00 will be charged for local vent permits, central vacuum system permits and permits for ventilation fans up to 2,000 cfm. When a licensed air-conditioning contractor includes local vents in a permit, no additional fee will be required.

**117.3.4 Self-contained air-conditioning units.** Except for Group R, Division 3 occupancies, buildings using self-contained air-conditioning units: \$8.50 per ton or horsepower of all units combined, plus \$35.00.

**117.3.5 Manufactured home inspections.** For a manufactured home inspection of heating and ductwork where no state inspection has been made: \$70.00.

**117.3.6 Certificate of approval.** A fee of \$20.00 in addition to the regular permit fee shall be charged for a certificate of approval of air-conditioning for each permit taken out to add heating and/or air-conditioning to an existing residence. This \$20.00 fee shall be paid for at the time the regular permit fee is paid.

**117.4 Boilers.** Every person desiring to install, maintain or repair boilers shall file an application for a permit with the building official, stating the location and nature of work to be performed, and pay the following fees:

1. For boiler installation based on Btu input and/or HP: \$35.00 plus \$4.00 for each BHP or part thereof. The permit for installation of a single boiler in excess of 1,200 BHP shall not exceed \$3,000.00.

**Note:** For the purpose of this code, 1 BHP equals 33,000 Btu.

2. Annual fee: \$50.00 for each boiler.
3. Repair permit: 2.0 percent of valuation of repairs to be made, plus \$35.00

#### **117.5 Plumbing.**

**117.5.1 General.** Following is a schedule of fees required for permits, with a minimum fee of \$75.00, where not otherwise specified:

Opening in street (street cut, for purpose of connection with utilities) ..... \$85.00

(See Chapter 40, *City Code*, for additional regulations and deposits required.)

Temporary gas inspection ..... \$70.00

Gas permit and inspection (up to 4 openings) ..... \$35.00

Additional gas openings, each ..... \$6.00

Manufactured home inspection fee (where no state inspection has been made) ... \$70.00

Fire-protection fee (fire sprinkler system, separate permit required):

For a fire sprinkler system (any head or group of heads up to 25 that is regulated with a valve for any portion of a building), minimum fee ..... \$75.00

For each additional head .....	\$3.50
Standpipe system (1 to 25 hose connections) .....	\$55.00
Each additional hose connection .....	\$3.50
Irrigation System (1 to 200 heads) per head .....	\$1.50
Each additional head .....	\$1.00

**117.5.2 Heating gas appliances.**

Furnace (nonduct type) .....	\$25.50
Each additional furnace to be installed in same building under same permit .....	\$8.50
Floor furnace (nonduct type) .....	\$35.00
Incinerators (gas fired) (complete with two burners or more) .....	\$60.00
Infrared heaters (one or two) .....	\$25.50
Each additional infrared heater installed under the same permit .....	\$8.50

**117.5.3 Yard lights or barbecue grills.**

First opening .....	\$25.50
Each additional opening installed under same permit .....	\$8.50

**117.5.4 Permanent appliances.**

Wall heater (bath heaters exempt) .....	\$25.50
Each additional heater installed under same permit .....	\$8.50
Gas steam radiator .....	\$35.00
Each additional radiator installed under same permit .....	\$8.50
Commercial oven .....	\$40.00
Commercial dryer .....	\$35.00
Plumbing fixtures (one to three) .....	\$25.50
Each additional fixture installed under same permit .....	\$8.50
Warm-air circulators (nonduct), first three .....	\$35.00
Each additional to be installed under same permit .....	\$8.50
Tie to curb inlet-storm sewer .....	\$65.00
Manholes, each .....	\$65.00
Roof drain or outside downspout connection to drainage system, one or two .....	\$25.50
Each additional roof drain or downspout to be installed under the same permit .....	\$8.50
Catch basin or outside area drain, one or two .....	\$25.50

Each additional catch basin or outside area drain to be installed under same permit .....	\$8.50
Sewer connections, each .....	\$40.00
Ground in plumbing for shell building, 3,000 square feet or less floor area .....	\$35.00
For each additional 1,000 square feet or part thereof .....	\$16.00
Septic tanks or individual sewage treatment plants, each .....	\$40.00
Disconnect and plug main sewer connection .....	\$70.00
Tanks (not septic tanks). A permit separate from other permits required:	
Tanks through 1,000 gallons capacity (including mechanical interceptors) .....	\$70.00
1,001 through 6,000 gallons .....	\$85.00
6,001 through 15,000 gallons .....	\$105.00
15,001 through 30,000 gallons .....	\$150.00
Over 30,000 gallons .....	\$170.00

**117.6 Electrical.** The following is a schedule of the permit and inspection fees as required by the *Electrical Code*, with a minimum fee of \$70.00, where not otherwise specified:

**117.6.1 Services.**

Meter loop and service	
Up to and including 50 kW .....	\$70.00
51 kW through 250 kW .....	\$75.00
Over 250 kW .....	\$80.00
Panels with eight or more circuits, each .....	\$7.00
Outlets, each .....	\$1.00

**Note:** All light switches and receptacle openings and bell-ringing transformers are classified as outlets.

Electrical vehicle charging outlets	
Level 1.....	\$70.00
Level 2.....	\$75.00
Level 3.....	\$80.00

**117.6.2 Fixtures and Appliances.**

Fixtures, each .....	\$1.00
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**Note:** Any current-consuming device permanently attached to an outlet for illumination purposes shall be classified as a fixture.

Electrical appliances-domestic

Range receptacle, each .....	\$3.50
Clothes dryer, each .....	\$3.50
Stove top, each .....	\$3.50
Oven, each .....	\$3.50
Garbage disposal, each .....	\$3.50
Dishwasher, each .....	\$3.50
Window air-conditioner receptacle, each .....	\$3.50

**117.6.3 Motors.**

Motors, permanently installed, each

Up to and including 1 horsepower .....	\$3.00
Over 1 horsepower through 10 horsepower .....	\$8.50
Over 10 horsepower, .....	\$6.00
..... plus \$1.35 per each additional horsepower	

Motor control equipment is included in the motor fees. Outlets for future motor installation shall be charged for at one-half of the regular motor rates applying. The other one-half shall be paid at the time the motors are installed.

Permanent connections of electrical appliances, equipment and transformers of any nature:

Unless another fee is specified in this section for the apparatus to be installed, the fee shall be based on the kW rating of the apparatus. Each kW shall be considered to be one horsepower, and the fees shall be the same as indicated for "motors, permanently installed", above.

**117.6.4 Signs.** .....

Shop inspection of incandescent electrical signs and gas or vacuum tube signs, each:

0 to 5 kVA.....	\$35.00
Additional for each kVA or fraction thereof exceeding 5 kVA .....	\$8.00

Installation inspection of incandescent electrical signs and gas or vacuum tube signs, each:

0 to 5 kVA .....	\$35.00
Additional for each kVA or fraction thereof exceeding 5 kVA .....	\$8.00

**117.6.5 Outdoor and Temporary.**

Streamers and festoon lighting per circuit, each .....	\$8.50
Ball park and parking lot light poles (no outlet or fixture charge), 1 <sup>st</sup> pole each .....	\$70.00

Each additional pole over 1 .....	\$35.00
Temporary installations, such as wood saws, floor surfacing machines, painting/spraying apparatus and the like, per installation .....	\$25.50
Temporary installation of commercial sound equipment .....	\$30.00
Temporary lighting installations .....	\$25.50
Temporary installations such as carnivals or similar installations for amusement show display or similar uses shall be charged for on a kVA basis. For the purpose of this classification 1 horsepower of motor load shall be considered as one kVA.	
0 through 10 kVA .....	\$25.00
Additional for each kVA or fraction exceeding 10 kVA .....	\$2.00
Temporary saw poles (per installation) .....	\$70.00
Temporary cut-in made permanent .....	\$70.00
Additions to existing work shall be charged for at the same rate as new work.	
Reconnection fee .....	\$70.00

**117.7 Elevators.**

**117.7.1 General.** Every person proposing to install an elevator, dumbwaiter, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift shall file a written request for a construction permit with the building official and pay the following installation fees for each unit:

New installations and alterations:

Passenger or freight elevator, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift, where the equipment is to be installed in other than a private residence, each:

Up to and including \$40,000 of valuation .....	\$70.00
For each additional \$1,000.00 of valuation or fraction thereof .....	\$2.00

Personnel hoist-manufacturing design permit .....

\$500.00

(required in addition to above fee if the hoist is not already permitted)

Same equipment if installed in a private residence, each:

Up to and including \$10,000.00 of valuation .....	\$25.50
For each additional \$1,000.00 of valuation or fraction thereof .....	\$2.00

Installation fees for equipment other than personnel hoists include an operating permit for the first year of operation, where applicable.

Installation fees for personnel hoists include a limited permit for the first 90 days of operation.

**117.7.2 Inspections.** The building official shall not be obliged to perform the test or inspection if the building official does not then have qualified personnel to perform it. If the jurisdiction provides the inspections, fees shall be payable to the building official as follows:

1. Each personnel hoist:
  - Acceptance load test<sup>#</sup> (includes two monthly inspections) ..... \$150.00
  - Periodic test, three months (includes two monthly inspections) ..... \$75.00
  - Addition to tower plus any test fee, single-cage hoist ..... \$50.00
  - Addition to tower plus any test fee, twin-cage hoist ..... \$75.00
2. Acceptance inspection for each elevator (new installation and alteration) ..... \$300.00
3. Acceptance inspection for each escalator, dumbwaiter, wheelchair lift, manlift or moving walk (new installation or alteration) ..... \$150.00
4. Annual inspection for each elevator except where lesser fee is provided below \$125.00
  - Reinspection fee ..... \$75.00
5. Escalator annual inspection, each ..... \$125.00
6. Moving walk annual inspection, each ..... \$125.00
7. Wheelchair lift annual inspection, each ..... \$125.00
8. Dumbwaiter annual inspection, each dumbwaiter:
  - For 2 through 10 landings ..... \$100.00
  - For each additional landing ..... \$6.00
9. Manlift or inclined stairway chairlift annual inspection, each ..... \$125.00
10. Traction elevator maintenance load test<sup>#</sup>
  - Five-year maintenance load test ..... \$250.00
  - Counter-weight safeties, add ..... \$75.00
  - With reduced stroke buffer, add ..... \$20.00
  - With spring buffer, add ..... \$125.00
11. Hydraulic elevator three-year load test<sup>#</sup> ..... \$125.00
12. Reschedule of test:

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<sup>#</sup> Load test shall be performed by an elevator maintenance/installation company, and the test shall be witnessed by the building official or an approved agency.

<sup>#</sup> Load test shall be performed by an elevator maintenance/installation company and the test shall be witnessed by the building official or an approved agency.

Additional fee if owner or elevator company cancels, unless notice is given to the building official by at least 1:00 p.m. on the preceding working day ..... \$100.00

13. If an elevator test cannot be completed within eight hours because the elevator did not comply with the requirements of this code when the test was begun, there shall be an additional fee of \$50.00 for each additional hour or portion thereof.

**117.7.3 Reinspection fee.** In the event it becomes necessary to make a reinspection of any work or equipment due to deficiencies in order to issue an approved inspection report, the applicant shall pay to the building official for each reinspection a fee of \$70.00.

**117.7.4 Operating permit or limited permit.** An operating permit or limited permit shall be required for each elevator, dumbwaiter, escalator, manlift, moving walk, inclined stairway chairlift, personnel hoist or wheelchair lift. An operating permit shall be valid for one year, and a limited permit shall be valid for 90 days. The fees for operating permits and limited permits shall be:

Each elevator .....	\$50.00
Each escalator or moving walk .....	\$50.00
Each dumbwaiter .....	\$50.00
Each personnel hoist .....	\$50.00
Each wheelchair lift .....	\$50.00
Each manlift .....	\$50.00
Each inclined stairway chairlift .....	\$50.00

Each escalator or moving walk unit powered by one motor shall be considered as a separate unit.

**117.8 Signs.** Fees for all signs covered by the *Sign Code* shall be as follows:

1. **Site inspections** ..... \$70.00
2. **Electrical inspections** - install and final..... \$70.00
3. **Reinspection fee:**  
Site, hole and electrical, (all) ..... \$70.00
4. **Construction or reconstruction permit**  
For the first 32 square feet of one sign face or fraction thereof ..... \$70.00  
Each square foot or fraction thereof of one sign face exceeding 32 square feet ..... \$0.40
5. **Operating permit--on-premises signs.** An operating permit for on-premises shall be issued as a renewable permit on an annual basis upon payment of the following fees:  
For the first 32 square feet of sign face or fraction thereof ..... \$50.00  
Each square foot of sign face or fraction thereof exceeding 32 square feet ..... \$0.40

- 6. **Operating permit.** Off-premise signs that advertise the sale or rental of real property or direct persons to the location of real property for sale or rent, which signs are limited to 40 square feet in sign face area for a nonrenewable one year permit as authorized in Section 4612 (b) of the *Sign Code* ..... \$100.00
- 7. **Operating permit.** Off-premise operating permits for signs other than as provided above, shall be issued as a renewable permit on an annual basis upon payment of \$50.00
- 8. **New registration for changeable message signs/high technology signs (per face)** \$70.00
- 9. **Replacement of lost or damaged operating tag** ..... \$70.00
- 10. **Plan examination fee** ..... \$70.00
- 11. **Plan reexamination due to alteration of approved plan** ..... \$70.00
- 12. **Ground sign exceeding 14'** –..... \$2.00 per foot over 14 feet
- 13. **Seized fees.** As per Section 4608(c) (2) of the *Sign Code* all unlawful signs placed in the right-of-way shall be seized and charged a hauling fee ..... \$70.00
- 14. **Storage fee.** In addition to the hauling fee above, a storage fee of \$10.00 day shall be incurred.

In addition to the above fees, all other fees required by Section 117 shall be paid.

**117.9 Medical gas permits.**

\$6.00 per each gas outlet, with a minimum fee of ..... \$70.00

**117.10 Alarms, detectors, central station security and testing.** Fees for alarms, detectors, central station security and testing shall be as follows:

- 1. Smoke- or heat-actuated detectors, 1 to 10 ..... \$35.00
  - Each additional detector ..... \$3.50
- 2. Each emergency central alarm system/station ..... \$35.00
- 3. Emergency public address system, 1 to 9 floors ..... \$50.00
  - Each additional floor ..... \$5.00
- 4. Security system, minimum ..... \$50.00
  - Each floor in excess of two ..... \$15.00
- 5. Retest entire emergency system ..... \$75.00
- 6. Retest any single-type system ..... \$35.00

# **EXHIBIT C**

## FIRE CODE REVISIONS

**105.8 Permit and inspection fees.** Fees shall be assessed and shall be payable to the jurisdiction for the permits and inspections as provided in Sections 105.8.1 through 105.8.3.3 and Table 105.8. The fee for a permit includes an initial inspection and one follow-up inspection, if the latter is deemed necessary in the judgment of the inspector.

**105.8.1 General.** All fees are annual unless otherwise provided in this code or by regulation of the fire code official. See Table 105.8 for the fee schedule for fire permits.

**Note:** See Sections 105.9 and 105.10 for additional provisions regarding administrative processing fees, receipt fees, correction fees, replacement fees, and refunds.

**105.8.2 Re-inspection fee.** Whenever it becomes necessary to make a reinspection (after the initial inspection and one follow-up inspection under Section 105.8 of this code) because of faulty material, faulty workmanship, or incomplete work or for any other reason, the permit holder shall pay for each reinspection a fee of \$300, unless a greater fee is specifically required by this code. This fee shall be in addition to all other fees required by this code.

**105.8.3 Requested inspections (fire marshal approval).** Whenever a person requests that an inspector conduct an inspection, or perform other duties not specified in this code and not in connection with a permit required under this code, the jurisdiction shall provide the service, if the service would not interfere with the regular duties of the inspector, upon the payment of a fee based on the size of the site, as follows:

Up to 50,000 sq. ft. ....	\$200
More than 50,000 sq. ft., but not more than 100,000 sq. ft. ....	\$300
More than 100,000 sq. ft., but not more than 500,000 sq. ft. ....	\$600
More than 500,000 sq. ft. ....	\$800

A deposit in the full amount of the anticipated fee shall be required prior to the commencement of the inspection. Examples of the types of inspections covered by this section include, but are not limited to, inspections requested by persons who are applying for state or federal permits that have provisions for a fire inspection and compliance inspections requested in connection with real estate transactions. This fee shall be in addition to all other fees required by this code.

**105.8.3.1 Priority inspection.** Whenever a person requests an inspector to perform an inspection, or other duties specified in this code, at a specific time, rather than at the convenience of the jurisdiction, the jurisdiction shall provide the service, if the priority service would not interfere with the regular duties of the inspector, upon the payment of a fee determined as follows:

Up to 4 hours .....	\$300
Each additional hour or portion of an hour .....	\$ 62.50

This fee shall be in addition to all other fees required by this code. Also see Section 105.8.3.

**105.8.3.2 Requested inspection (outside of regular working hours).** Whenever a person requests that an inspector, or other classified firefighter authorized by the fire

chief, conduct an inspection or perform other fire protection duties specified in this code at times other than during regular working hours, or on a holiday observed by the jurisdiction or weekend, the jurisdiction shall provide the service, if the service would not interfere with the regular duties of the personnel or cause an undue burden on the personnel, upon payment of a fee determined as follows:

- Up to 4 hours ..... \$ 280.00
- Each additional hour or portion of an hour ..... \$ 62.50

This fee shall be in addition to all other fees required by this code.

**105.8.3.3 Exemption from permits and fees.** To the extent that the state and the federal governments are exempt as a matter of law from compliance with this code, neither the state nor the federal government shall be required to obtain a permit for work undertaken for, by or on the premises of either of them. However, the fees set forth in this code shall be applicable to the extent that the state or the federal government elects to obtain a permit for exempt work.

Except for work undertaken for, by or on the premises of the state or the federal government, permits shall be required for work undertaken for, by or on the premises of any political subdivision or unit of government (including, but not limited to, the jurisdiction) in the same manner and to the same extent as for work performed by or for other persons. The fees prescribed in this code shall be applicable to all permits issued to or for governmental agencies except counties and the jurisdiction. The jurisdiction and counties are exempted from the payment of fees. The exemption for the jurisdiction and for counties shall extend only to work to be undertaken for, by or on the premises of the jurisdiction or a county itself as a body corporate and politic. Furthermore, the exemption for a county shall not extend to work undertaken for, by or on the premises of units of government that, although affiliated with a county, have separate governmental existence from the county, including but not limited to, hospital districts and flood control districts.

**105.8.4 Annual fee increase.** Notwithstanding any maximum fee established by this section or Section 105.9, the fees set out in this section and Section 105.9, including Table 105.8, as adjusted according to this provision, shall be automatically increased on the first day of each subsequent fiscal year by a percentage equal to the percentage increase to the Producers Price Index, if any, over the previous year (the PPI Adjustment). If there is a decrease or if there is no increase in any given year, the fees for that year shall remain the same as in the previous year.

**TABLE 105.8  
FEE SCHEDULE FOR FIRE PERMITS**

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION	FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.1	Aerosol products	Tier 1: Level 2 Aerosols > 500 and ≤ 2,500 lbs Level 3 Aerosols > 500 and ≤ 1,000 lbs Combined Level 2 and 3 > 500 and ≤ 2,500 lbs Tier 2: Amounts greater than for Tier 1	\$200    \$600
105.6.2	Apparatus access, road access-control gates	One Two or more	\$125 \$200
105.6.3	Aviation facilities	Aircraft refueling vehicles: First one Each additional Maximum Aircraft service or repair occupancy	\$200 \$80 \$400 \$400
105.6.4	Carnivals, festivals, trade show exhibitions and fairs		\$400
105.6.5	Cellulose nitrate film		\$200
105.6.6	Combustible dust-producing operations		\$200
105.6.7	Combustible fibers	Tier 1: Loose fiber storage > 100 and ≤ 500 cu. ft. Baled fiber storage > 100 and ≤ 1,000 cu. ft. Tier 2: Amounts greater than for Tier 1	\$200   \$600
105.6.8	Compressed gases	Tier 1: Corrosive: > 200 cu. ft. and ≤ 1620 cu. ft. at NTP Flammable (excluding cryogenic and LPG): > 200 cu. ft. and ≤ 2000 cu. ft. at NTP Highly toxic: up to 40 cu. ft. at NTP Inert & simple asphyxiant: > 6000 cu. ft. at NTP (no limit, always Tier 1) Oxidizing (including oxygen): > 504 cu. ft. and ≤ 3000 cu. ft. at NTP Pyrophoric: > 100 cu. ft. at NTP Toxic: up to 1620 cu. ft. at NTP Tier 2: Amounts greater than for Tier 1	\$300          \$600
105.6.19	Covered mall buildings	Includes partial cost of Life Safety Inspection	\$600





SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
		<p>Solids &gt; 100 lbs. and ≤ 500lbs.  Oxidizing material , Class 3: Liquids &gt; 1 gal. and ≤ 20 lbs.  Solids &gt; 10 lbs. and ≤ 20 lbs.  Oxidizing material, liquid or solid, Class 4: up to 2 lbs.    Organic peroxides, liquid or solid, Class 1: up to 10 lbs.  Organic peroxides, liquid or solid, Class 2: up to 100 lbs.  Organic peroxides, Class 3 Liquid &gt; 1 gal. and ≤ 250 lbs.  Solid &gt; 10 lbs. and ≤ 250 lbs.  Organic peroxides Class 4: 2 gal. or 20 lbs. or more (no limit, always Tier 1)  Pyrophoric gases: up to 100 cu. ft.  Pyrophoric liquid or solid: up to 8 lbs.  Toxic liquid : &gt; 10 gal. and ≤ 1,000 lbs.  Toxic solid: &gt;100 lbs. and ≤ 1,000 lbs.  Unstable reactive, gas, Class 1: no limit (no limit, always Tier 1)  Unstable reactive, gas, Class 2: up to 500 cu. ft.  Unstable reactive, gas, Class 3: up to 100 cu. ft.  Unstable reactive, gas, Class 4: up to 20 cu. ft.  Unstable reactive, liquid &amp; solid, Class 1:&gt; 10 gal. or 100 lbs. (no limit, always Tier 1)  Unstable reactive, , Class 2: Liquid &gt; 5 gal. and ≤100 lbs.  Solid &gt; 50 lbs. and ≤ 100 lbs.  Unstable reactive, liquid &amp; solid, Class 3: up to 10 lbs.  Unstable reactive, liquid &amp; solid, Class 4: up to 2 lbs.  Water reactive, liquid &amp; solid, Class 1: &gt; 55 gal. or 500 lbs. (no limit, always Tier 1)  Water reactive, Class 2: Liquid &gt; 5 gal. and ≤ 100 lbs.  Solid &gt; 50 lbs. and ≤ 100 lbs.  Water reactive, liquid &amp; solid, Class 3: up to 10 lbs.</p> <p>Tier 2  Amounts greater than for Tier 1  Organic peroxides, liquid or solid, unclassified detonable</p>	<p>\$600</p>

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.22	High-piled storage	Level 1: 2,500 - 20,000 sq. ft. Level 2: > 20,000 sq. ft.	\$400 \$600
105.6.23	Hot work operations		\$200
105.6.24	Industrial ovens		\$200
105.6.25	Lumber yards and woodworking plants		\$200
105.6.26	Liquid- or gas-fueled vehicles or equipment in assembly buildings	One unit Two units Three or more units	\$125 \$200 \$300
105.6.27	LP-gas	Uses other than for mobile food units For use on a mobile food unit	\$300 \$150
105.6.28	Magnesium	Tier 1: Storage, >10 lbs. and ≤ 250 lbs. Open use, >10 lbs. and ≤ 25 lbs. Tier 2: Amount greater than for Tier 1	\$300 \$600
105.6.29	Miscellaneous combustible waste storage	One unit Two or more units	\$125 \$200
105.6.30	Open burning		\$300
105.6.32	Open flames and candles		\$125
105.6.33	Organic coatings	Tier 2 (no Tier 1): For operations producing > 1 gal. in one day	\$600
105.6.34	Places of assembly	50-100 occupants (includes partial cost of Life Safety Inspection) 101-299 occupants (includes partial cost of Life Safety Inspection) 300+ occupants (includes partial cost of Life Safety Inspection)	\$200 \$300 \$400
105.6.37	Pyroxylin plastics	Tier 2 (no Tier 1): To store or handle > 25 lbs. of pyroxylin	\$600
105.6.39	Motor vehicle fuel-dispensing stations		\$300
105.6.40	Rooftop heliports		\$200
105.6.41	Spraying or dipping		\$200
105.6.42	Storage of scrap tires and tire byproducts		\$200
105.6.43	Temporary membrane structures, tents and canopies		\$200

SECTION REFERENCE NUMBER	PERMIT DESCRIPTION		FEE FOR ORIGINAL PERMIT AND EACH RENEWAL THEREOF
105.6.44	Tire-rebuilding plants		\$200
105.6.45	Waste handling		\$200
105.6.46	Wood products		\$200
105.6.47	Asphalt kettles and roof torching operations Site specific permit	Asphalt kettles First one Each additional Maximum  Ignited torches (annual repair permit) First one Each additional Maximum	\$200 \$75 \$400  \$200 \$100 \$600
105.6.48	Battery systems		\$200
105.8.2	Re-inspection	Each	\$300
105.8.3	Requested inspections (fire marshal approval)	Up to 50,000 sq. ft. >50,000 and ≤ 100,000 sq. ft. >100,000 and ≤ 500,000 sq. ft. > 500,000 sq. ft.	\$200 \$300 \$600 \$800
105.8.3.1	Priority inspection	For the first four hours For each additional hour or portion thereof	\$300 \$62.50
105.8.3.2	Inspection or perform other duties outside of regular hours	For the first four hours For each additional hour or portion thereof	\$280 \$62.50

### 105.9 Administrative fees.

**105.9.1 Permit or license.** An administrative fee of \$25.00 shall be charged upon the preparation of each permit or license issued by the fire department. This fee shall apply regardless of whether the permit or license is issued pursuant to this code or the *City Code*, and it shall be payable in addition to all other applicable fees for the permit or license. The foregoing administrative fee shall not be applicable if no other fee is provided by law for the permit or license.

**105.9.2 Receipt.** An administrative fee of \$25.00 shall be charged upon the preparation of each fee or deposit receipt issued by the fire permit office. This fee shall apply regardless of whether the fee or deposit is payable pursuant to this code or the *City Code*. This fee shall be in addition to all other applicable fees or deposits. When paid for a deposit or fee receipt, this fee shall neither constitute nor be refundable as a part of the deposit. This fee shall not apply when a permit or license is issued and the fee specified in Section 105.9.1 above is imposed.

**105.9.3 Correction fee.** A correction fee of \$10.00 shall be charged for correction of any license or permit in those instances where the license or permit is initially issued with an error caused by incorrect information having been furnished by the applicant. A re-inspection fee shall also be imposed as provided in Section 105.8.2 when the error causes a re-inspection to be required.

**105.9.4 Replacement fee.** A fee of \$25.00 shall be charged for replacement of any permit that is lost or requires replacement for other reasons, such as a change of the permit holder's name.