

**AGENDA - COUNCIL MEETING - TUESDAY - APRIL 10, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**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 - APRIL 11, 2007 - 9:00 A. M.**

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

**MAYOR'S REPORT** - Project Houston Hope

**CONSENT AGENDA NUMBERS 1 through 44**

**MISCELLANEOUS** - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION OF THE CITY OF HOUSTON**, for terms to expire March 1, 2009:
  - Position One - **DR. ROGER G. MOORE**
  - Position Three - **MS. PHOEBE TUDOR**
  - Position Five - **MR. RAFAEL LONGORIA**
  - Position Seven - **MR. PAUL FRUGÉ, JR.**
  
2. RECOMMENDATION from City Attorney for adoption of Alcohol-Free School Zone for St. Mark Lutheran School at 1515 Hillendahl - **DISTRICT A - LAWRENCE**

**AGENDA - APRIL 11, 2007 - PAGE 2**

**ACCEPT WORK** - NUMBERS 3 through 9

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,365,535.85 and acceptance of work on contract with **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project No. 430A, WBS N-000362-0002-4 7.90% under the original contract amount - **DISTRICT A - LAWRENCE**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$625,757.47 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C2-4 - 8.37% under the original contract amount
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,092,527.13 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00S4-4 - 4.81% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN, H - GARCIA and I - ALVARADO**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,853,056.22 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Glendale Avenue and Woodvale Street Sewer Relocation, WBS R-002011-0042-4 – 3.74% under the original contract amount - **DISTRICT I - ALVARADO**
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$728,068.45 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in Azaleadell and Carlisle Subdivisions, WBS S-000035-00B4-4 - 4.92% under the original contract amount - **DISTRICTS A - LAWRENCE and I - ALVARADO**
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,495,494.14 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for East Water Purification Plant Complex Miscellaneous Rehabilitation and Improvements at Plants 1, 2, and 3 (Package 3), WBS S-000056-0033-4 8.97% under the original contract amount - **DISTRICT E - WISEMAN**
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,381,380.32 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Construction of 36-Inch Water Line along Westview and Wisterwood from Clarborough to Old Katy Road, WBS S-000900-0085-4 - 0.37% over the original contract amount **DISTRICT A - LAWRENCE**

**PROPERTY** - NUMBERS 12 through 13

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from H. A. Bradley, President, T.I.P.I.T.S., Inc, for sale of ±15,080-square feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C.R.R. Survey, A-173, Parcel SY7-044 - **APPRAISERS - DISTRICT C - CLUTTERBUCK**
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Alexander A. Valdez, for sale of ±1,781 square feet of excess fee-owned East 11th Street right-of-way, consisting of the remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey, Parcel SY7-045 **APPRAISERS - DISTRICT H - GARCIA**

**PROPERTY** - continued

12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shelley Barrett of R. G. Miller Engineers, Inc., on behalf of Baylor College of Medicine (Steve Womack, Director of Construction and Project Management), for abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D. W. C. Harris Survey, A-325, Parcels SY7-069A through C and KY7-239 - **APPRAISERS - DISTRICT D - EDWARDS**
13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY5-188, located at 2400 block of Synott Road, owned by Ashford Point II, Ltd., a Texas limited partnership (dissolved partnership), for the **SYNOTT #2 LIFT STATION REHABILITATION PROJECT**, R-000267-0085-2-01 - **DISTRICT G - HOLM**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 16

14. **THERMO FISHER SCIENTIFIC d/b/a FISHER SAFETY** for Pandemic Flu Go-Kits through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Health & Human Services Department - \$99,997.24 - Grant Fund
15. **AZTECA SYSTEMS, INC** for Software Maintenance and Support Services Agreement for Parks & Recreation Department - 1 Year - \$30,000.00 - General Fund
16. **NORIT AMERICAS, INC** for spending authority to purchase Chemical, Powdered Activated Carbon for the Department of Public Works & Engineering - \$604,800.00 - Enterprise Fund

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 44

17. RESOLUTION designating a certain property located at 3223 Inwood Drive within the City of Houston as a Historic Landmark (John A. and Audrey Jones Beck House) - **DISTRICT G - HOLM**
18. RESOLUTION designating the Broadacres Area within the City of Houston as an Historic District - (All of Lots 1 through 26 and Tracts 6A, 9A and 13A, Broadacres Subdivision) - **DISTRICT C - CLUTTERBUCK**
19. RESOLUTION supporting Cut-back Curb Sections for Wells Fargo Bank Parking on Austin Street between McGowen Street and Dennis Street - **DISTRICT I - ALVARADO**
20. RESOLUTION of the City Council of the City of Houston, Texas requesting that the **MISSION ECONOMIC DEVELOPMENT CORPORATION** issue its Revenue Bonds for the Allied Waste North America, Inc Project and approving related public hearing - **DISTRICTS B - JOHNSON; D - EDWARDS and I - ALVARADO**
21. RESOLUTION approving the creation of the **LELAND WOODS REDEVELOPMENT AUTHORITY**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICT B - JOHNSON**
22. ORDINANCE approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty-two, City of Houston, Texas (Leland Woods); authorizing the City Secretary to distribute such plans - **DISTRICT B - JOHNSON**
23. ORDINANCE relating to rates for Contract Treated Water Service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and provisions related to the subject; providing a repealing clause

**RESOLUTIONS AND ORDINANCES** - continued

24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Haynes Lane, (also known as, Haynesworth Lane and Hayesworth Lane) between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8, containing 40,203 square feet of land, more or less, situated in the H. C. Burnett Survey, Abstract No. 1063 and the H. T. & B. R. R. Co. Survey, Section No. 1, Abstract No. 387, Houston, Harris County, Texas, Parcel SY3-010 vacating and abandoning Parcel SY3-010 to Waste Corporation of Texas, L.P., abutting owner, in consideration of the owner's dedication of two street right of way easements containing an aggregate of 11,471 square feet of land, more or less, a 55-foot-wide drainage easement containing 152,228 square feet of land, more or less and the construction of one cul-de-sac on each of the dedicated street easements; and payment of \$300.00 and other consideration to the City - **DISTRICT E - WISEMAN**
  
25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use (i) a ±139-square foot portion of Providence Avenue, along the northeast boundary of Solo Street; (ii) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (iii) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (iv - vi) three, 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, Houston, Harris County, Texas; Parcels SY4-030A through SY4-030F, respectively; vacating and abandoning said parcels to Houston Independent School District, the abutting owner, in consideration of its conveyance to the City of right of way to widen Finnigan Drive, and three utility easements, all within the Harris and Wilson Survey, A-32, Houston, Harris County, Texas; Parcels AY4-060, and VY4-014A through VY4-014C, respectively; and its payment of \$1,800.00 and other consideration to the City - **DISTRICT H - GARCIA**
  
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a waterline easement, containing 2,828 square feet of land, more or less, being out of Block One, Unrestricted Reserve "A", Memorial Southwest Hospital, Houston, Harris County, Texas; Parcel SY5-053; vacating and abandoning Parcel SY5-053 to Memorial Hermann Hospital System, the abutting owner, in consideration of owner's dedication of two waterline easements and six fire hydrant easements containing an aggregate of 19,982 square feet of land, more or less, and payment of \$300.00 and other consideration to the City - **DISTRICT F - KHAN**
  
27. ORDINANCE approving and authorizing amendments to the 1994 Final Statement of Community Development Objectives and Projected Use of Funds and the 2002, and 2005 Consolidated Plans, including the grant applications for the Community Development Block Grant Program submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended; making various findings and provisions relating to the subject
  - a. RECOMMENDATION from Director Building Services Department for approval of Change Order 7 in the amount of \$756,527.00 on contract with **MORGANTI TEXAS, INC** for library services to the community - **DISTRICT F - KHAN**
  
  - b. RECOMMENDATION from Director Library Department for approval of Change Order in the amount of \$144,260.00 on contract with **MINNESOTA MINING AND MANUFACTURING COMPANY (3M)** for Materials Security Systems and Maintenance Contract for Library Department - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS and I - ALVARADO**
  
28. ORDINANCE approving and authorizing amendments to the 1993 and 1994 Final Statement of Community Development Objectives and Projected Use of Funds and the 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 Consolidated Plans, including the grant applications for the Community Development Block Grant Program submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended



**RESOLUTIONS AND ORDINANCES** - continued

29. ORDINANCE amending City of Houston Ordinance No. 2006-1163 relating to rescheduling and postponement of City Council Meetings
30. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement and approving and authorizing a Plant Cargo Treatment and Equipment License for certain space at George Bush Intercontinental Airport/Houston between the City of Houston and **THE UNITED STATES DEPARTMENT OF AGRICULTURE - ANIMAL AND PLANT HEALTH INSPECTION SERVICE DISTRICT B - JOHNSON**
31. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN & ROGERS, L.L.P.**, for Legal Services to include representation and counsel to the City of Houston relating to Thomas P. Nixon v. City of Houston and Harold Hurtt; in the United States Court of Appeals for the Fifth Circuit; providing a maximum contract amount - \$35,000.00 - General Fund
32. ORDINANCE approving and authorizing contract between the City of Houston and **MITRE CORPORATION** for Professional Services to assess the performance of the City's Integrated Case Management System located at the Municipal Courts - \$125,000.00 - Municipal Courts Technology Fund
33. ORDINANCE awarding contract to **RBM CAPITAL LLC DBA MIDAS AUTO SERVICE EXPERTS** for Exhaust Repair Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$307,625.00 - General Fund
34. ORDINANCE approving and authorizing contract between the City of Houston and **INFOSOL, INC** for Software Maintenance and Support Services on the Enterprise Environmental Operations Support System; providing a maximum contract amount - 3 Years with two one-year options \$243,075.00 - Enterprise Fund
35. ORDINANCE awarding contract to **TRIPLE D. SECURITY, INC** for Armored Car Services for Various Departments; providing a maximum contract amount - 1 Year with four one-year options \$1,022,288.80 - General, Enterprise and Park Special Revenue Funds
36. ORDINANCE amending Ordinance No. 2003-0447 to increase the maximum contract amount for the amended Interagency Agreement among the City of Houston, **HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT**, and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Cooperative effort to implement provisions of U. S. Environmental Protection Agency's National Pollutant Discharge Elimination System Permit No. TXS001201 for the City's Storm Sewer System - \$1,900,000.00 – Storm Water Utility Fund
37. ORDINANCE appropriating \$535,000.00 out of the Street & Bridge Consolidated Construction Fund for the construction of the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) COLUMBIA TAP UNION STATION TRAIL BIKEWAY PROJECT**; WBS N-000420-0037-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO**
38. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract for Services between the City of Houston and **STERN AND BUCEK ARCHITECTS, PLLC** for Miller Outdoor Theatre Pedestrian Walkway & Improvements, WBS D-000125-0001-3 - **DISTRICT D - EDWARDS**

**RESOLUTIONS AND ORDINANCES** - continued

39. ORDINANCE appropriating \$470,013.00 out of Solid Waste Consolidated Construction Fund, awarding construction contract to **C.F. MCDONALD ELECTRIC, INC** for the Solid Waste S.W. & S.E. Facility Backup Generators; WBS L-000070-0001-4; 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 construction management and administration and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund **DISTRICTS C - CLUTTERBUCK and I - ALVARADO**
40. ORDINANCE appropriating \$1,331,542.40 out of General Improvements Consolidated Construction Fund; awarding construction contract to **EAGLE CONSTRUCTION and ENVIRONMENTAL SERVICES, L.P.** for LPST Site 91472 - Soil Remediation and Underground Storage Tank Replacement; WBS D000073-0006-4; 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 services, project management and construction oversight services and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - GARCIA**
41. ORDINANCE appropriating \$66,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction and Management and Inspection Services Contract between the City of Houston and **JVG INDUSTRIES, LLC. (JVG)** for Rehabilitation of Roark #1 Lift Station Project, WBS R-000267-00F9-4 - **DISTRICT C - CLUTTERBUCK**
42. ORDINANCE appropriating \$10,089,184.00 out of Metro Improvements CP Series E Fund, \$2,088,816.00 out of Water & Sewer Consolidated Construction Fund awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Cook Road Paving Improvements; WBS N-000639-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other require contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, project management and contingencies relating to construction of facilities financed by the Metro Improvements CP Series E Fund and Water & Sewer Consolidated Construction Fund - **DISTRICT F - KHAN**
43. ORDINANCE appropriating \$889,286.00 out of Water & Sewer System Consolidated Construction Fund, award contract to **TROY CONSTRUCTION, LLP** for Wastewater Collection System Rehabilitation and Renewal; WBS R-000266-00E5-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund
44. ORDINANCE appropriating \$4,914,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PACE SERVICES, L.P.** for Water Line Replacement in the Montrose South Area, WBS S-000035-00E4-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**

**END OF CONSENT AGENDA**

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

**MATTERS HELD** - NUMBERS 45 through 49

45. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability  
**TAGGED BY COUNCIL MEMBERS WISEMAN and BERRY**  
This was Item 13 on Agenda of April 4, 2007
46. ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 33, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 14 on Agenda of April 4, 2007
47. ORDINANCE relating to proposed Citywide Wireless Network; approving and authorizing two contracts between the City and **EARTHLINK, INC** for 1) a Wireless Broadband Network License Agreement and 2) a Wireless Services Agreement; providing a maximum contract amount 5 Years - \$2,500,000.00 - Central Service Revolving Fund  
**TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN**  
This was Item 24 on Agenda of April 4, 2007
48. ORDINANCE consenting to the addition of 28.099 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460**; for inclusion in its district - **DISTRICT D - EDWARDS**  
**POSTPONED BY MOTION #2007-336, 4/4/07**  
This was Item 41 on Agenda of April 4, 2007
49. ORDINANCE approving and authorizing one-year contract between the City of Houston and **PATRIOT ADVERTISING, INC** for Advertising Services for the Houston Police Department \$300,000.00 - General Fund  
**POSTPONED BY MOTION #2007-334, 4/4/07**  
This was Item 42 on Agenda of April 4, 2007

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

**NOTICE OF MEETING  
OF THE  
CITY COUNCIL OF THE CITY OF HOUSTON**

**NOTICE** is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, APRIL 10, 2007 at 1:30 p.m. and WEDNESDAY, APRIL 11, 2007 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 6th day of APRIL, 2007.

\_\_\_\_\_  
/s/ Anna Russell

City Secretary

**CERTIFICATE**

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on APRIL 6, 2007 at 5:15 p.m.

by /s/ Carrie Roberts

for Anna Russell  
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
APRIL 10, 2007 2:00 P.M.**

**AGENDA**

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1MIN.

1MIN.

1 MIN.

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**NON-AGENDA**

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3MIN.

3MIN.

3MIN.

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MR. MARK HOGUE – 9307 Meadow Glen – 77063 – 832-277-6000 - \$42.00 trash pickup

MS. MARGIE TAYLOR – 3923 Cherly Lynn – 77045 – 713-712-2194 – Heavy track twice a year

MS. JANIS DAVIS – 5754 Schebers – 77033 – 713-264-7214 – Upset they delivered soap instead of rat poison

MR. STEVEN MUELLER – 527 Soft Shadow – 77013 – 713-678-4414 – Trash rate

MS. CYNTHIA BRYAN – 810 Marston – 77019 – 713-524-2076 – Center for Mental Retardation

MR. JACK MANNING – 10227 Meadow Lake – 77042 – 713-783-7070 – Center serving persons with mental retardation; leasing to those agencies

REV. LEVELL GRIFFIN – 8201 W. Bellfort #1339 – 77071 – 713-459-4465 – Port-a-potty downtown

MR. JUAN MANCIAS – 1250 Roemer Ln – Floresville, Tx – 78114 – 830-393-3407 – Comments

MS. JILL BROOKS – 5220 Maple St – Bellaire – 77401 – 713-501-3500 – Preservation ordinance

MR. JOSEPH KATE – 9210 Carvel Ln – 77036 – 713-777-5903 – Free Speech Constitutional Rights

MR. BOB CARTER – 7007 Edgemoor – 77074 – 713-771-9439 – Freedom of speech on the freeway

MR. BILL CROSIER – 7445 – Santa Fe Dr – 77061 – 713-641-4941 – Freedom of speech

MR. NEBEIL AL-OBOUDI – 14129½ Laterna Ln – 77083 – 281-575-9110 – Freedom of speech

MS. DEBRA MURRAY – 6202 Portal – 77096 – 713-771-9143 – Repeated crime

MR. WALTER BIRDWELL – 3323 Cloverdale – 77025 – 713-667-0553 – Freeway blogging

MS. CINDY PEREZ – 8501 Broadway – 77061 – 713-644-7581 – Drugs on our property; getting help from HPD

MS SAMIRA KHAN – 6527 Alisa Ln – 77084 – 832-782-3133 – Problem with employer

**PREVIOUS**

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1MIN.

1MIN.

1 MIN.

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MR. ASCHALEW MEQUANENT – 5909 Fondren Dr. No. 2303 – 77036 – 832-283-1416 – Taxicab permit



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

March 23, 2007

The Honorable City Council  
Houston, Texas

Dear Council Members:

Pursuant to Section 33-211 of the Code of Ordinances, City of Houston, Texas, I am reappointing the following individuals to the Houston Archaeological and Historical Commission of the City of Houston, subject to Council confirmation:

Dr. Roger G. Moore, reappointment to Position One, for a term to expire March 1, 2009;  
Ms. Phoebe Tudor, reappointment to Position Three, for a term to expire March 1, 2009;  
Mr. Rafael Longoria, reappointment to Position Five, for a term to expire March 1, 2009;  
and  
Mr. Paul Frugé, Jr., reappointment to Position Seven, for a term to expire March 1, 2009.

The résumés of the nominees are attached for your review.

Sincerely,

*Bill White*

Bill White  
Mayor

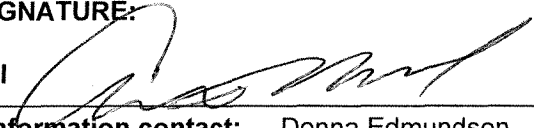
BW:CC:jsk

cc: Ms. Marlene Gafrick, w/attachments

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
3-23-07  
COUNCIL MEMBER: \_\_\_\_\_

APR 11 2007



<b>SUBJECT:</b> Alcohol-Free School Zone – St. Mark Lutheran School at 1515 Hillendahl		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>2</b>
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> April 5, 2007	<b>Agenda Date</b> APR 11 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>ms</i> Arturo G. Michel 		<b>Council District affected:</b> 9/12/01; Ord. 2001--832 <b>A</b>		
<b>For additional information contact:</b> Donna Edmundson <b>Phone:</b> 713-437-6729		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  Establish 1000 foot Alcohol-Free School Zone				
<b>Amount of Funding: None.</b>		<b>F &amp; A Budget:</b>		
<input type="checkbox"/> Enterprise Fund				
<b>SPECIFIC EXPLANATION:</b>  The City Secretary has received a request from the St. Mark Lutheran School at 1515 Hillendahl for establishment of an Alcohol-Free School Zone pursuant to Section 109.33 of the Texas Alcoholic Beverage Code and Section 3-2 of the Houston Code of Ordinances. The Legal Department has determined that the request is in good order and that the School has enough students to qualify for creation of the Zone under the applicable State law.  The request, which may be granted by motion, would protect the school from the establishment of certain types of alcohol premises, such as bars and ice houses, within 1000 feet of the School. Under controlling State law, the Zone would not extend to certain types of establishments, such as package stores, grocery stores, and many restaurants and convenience stores. Similar protection has already been extended to numerous public schools within the City, to Incarnate Word Academy, and to the Clay Road Baptist School. Any premises within 1000 feet of the School that already holds a TABC permit would not be affected under the "grandfather" provisions of Section 109.59 of the Texas Alcoholic Beverage Code.				
H:\dbd\rcal\alcfrezone.doc				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>		





**ST. MARK**  
*Building for Life*

March 30, 2007

Mrs. Anna Russell  
City Secretary  
900 Bagby  
Houston, Texas 77002



Dear Mrs. Russell,

I am writing to request that St. Mark Lutheran School be included in the alcohol free zone in Houston, Texas. St. Mark Lutheran School is located at 1515 Hillendahl and has additional property at 1545 Pech Road, 1711 Pech Road and 8311 Waterbury.

As a Board of Christian Education, we would like to express our concern about the location and licensing of a bar/billiard parlor in such close proximity to St. Mark Lutheran School.

We would appreciate being kept informed of this matter and any further developments.

Sincerely,

**Julie Hardin**  
Chair Person  
Board of Christian Education

**H.J. Mock, Principal**

**ST. MARK LUTHERAN SCHOOL**  
1515 Hillendahl ☩ Houston, TX 77055  
713-468-1492 FAX 713-468-6735 [www.stmarkhouston.org](http://www.stmarkhouston.org)

<b>SUBJECT:</b> Accept Work for Neighborhood Street Reconstruction Project No. 430A. WBS No. N-000362-0002-4.	<b>Category</b> # 7	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 3
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 4-4-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b>  A	
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (713) 837-7074	<b>Date and identification of prior authorizing Council action:</b>  Ord. #2005-793 dated 06/22/2005	
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**RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$3,365,535.85 or 7.90% under the original Contract Amount, accept the Work and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Total appropriation of \$4,448,315.21 with \$3,431,914.26 from the Street and Bridge Consolidated Construction Fund, Fund No. 437 and \$1,016,400.95 from Water and Sewer System Consolidated Construction Fund, Fund No. 755

**SPECIFIC EXPLANATION:**

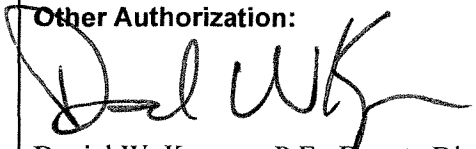

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the Neighborhood Street Reconstruction Program and was required to improve the streets and upgrade the utilities for the various streets.

**DESCRIPTION/SCOPE:** This project consisted of the complete reconstruction of ten neighborhood streets. The improvements included concrete roadway with curbs and gutter, sidewalks, and underground utilities. TSC Engineering Company designed the project with 365 days allowed for construction. The project was awarded to Total Site, Inc. with an original Contract Amount of \$3,654,046.39.

**LOCATION:** The street limits and Key Map grid locations are as follows:

Street Name	From	To	Key Map
Barwood	Shadowbend	Shadowdale	449V
Barwood Ct	Barwood	Cul-de-Sac	449V
Gaynard Cir	Barwood	Cul-de-Sac	449V
Shadowbend	Shadowwood	Barwood	449V
Shadowwood	E. of Townhurst	Shadowdale	449V
Shadowwood	Shadowbend	Shadowdale	449V
Oakpoint	Wisterwood	Conrad Sauer	449Z
Brooketree	Murrayhill	Conrad Sauer	449Z
Shadeland	Larston	Westview	449Z
Shadeland	Westview	Oakpoint	449Z
Murrayhill	Larston	Westview	449Z
Murrayhi	Westview	Brooktree	449Z
Larston	Wisterwood	Shadeland	449Z
Larston	Shadeland	Murrayhill	449Z

**REQUIRED AUTHORIZATION** CUIC ID# 20D084

<b>F&amp;A Budget:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	
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<b>Date:</b>	<b>SUBJECT:</b> Accept Work for Neighborhood Street Reconstruction Project No.WBS No. N-000362-0002-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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**CONTRACT COMPLETION AND COST:** The Contractor, Total Site, Inc. completed the Work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities will be \$3,365,535.85, a decrease of \$288,510.54 or 7.90% under the original Contract Amount.

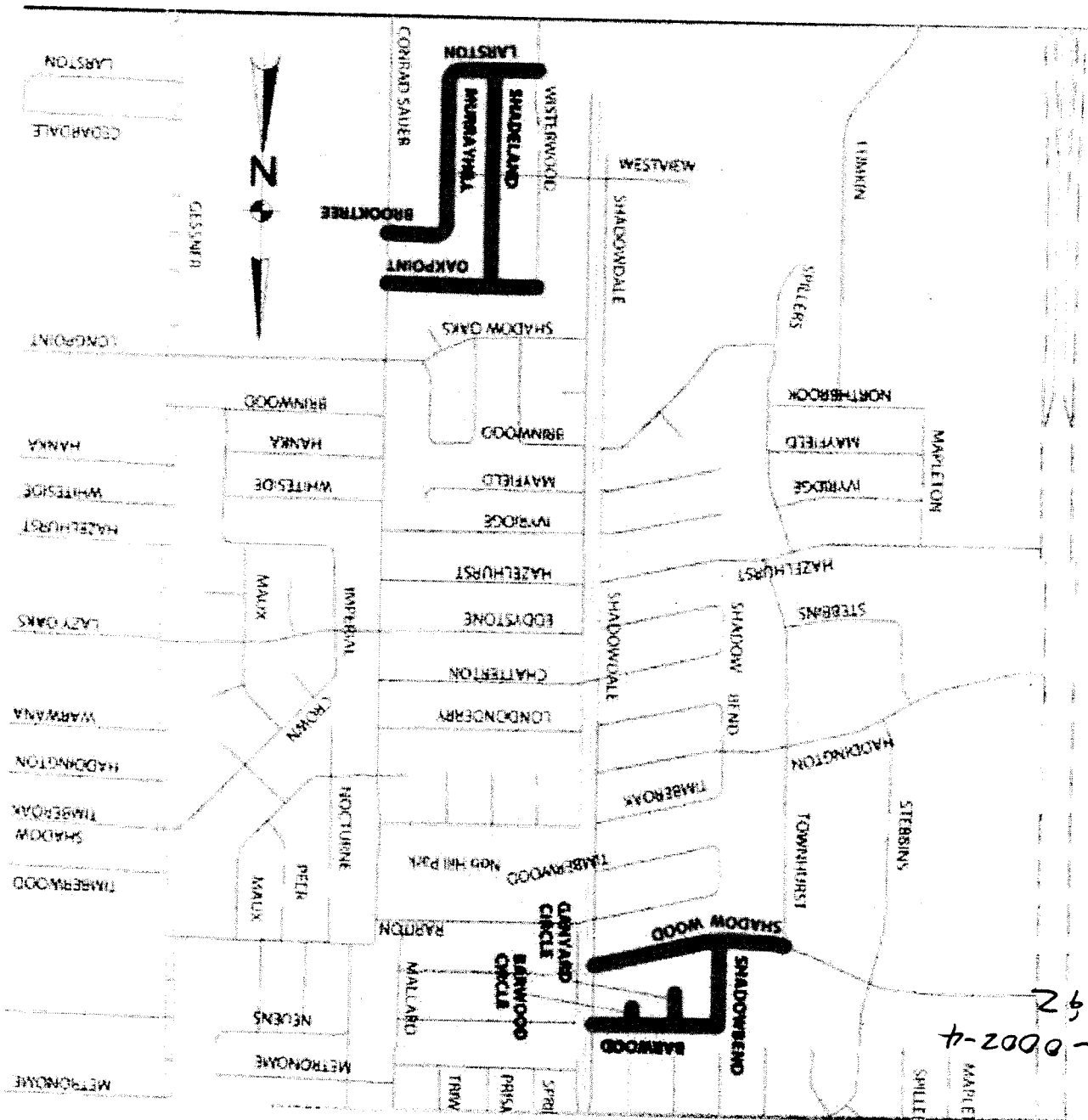
The decreased cost is a result of differences between planned and measured quantities. This decrease is primarily due to underrun in Bid Item No. 10 - Remove and Dispose Existing 15-inch Diameter Storm Sewer, Backfill with Cement Stabilized Sand; Bid Item No. 25 - Remove and Dispose Existing 2-inch Water Line, Backfill with Cement Stabilized Sand, All Materials, All Depths; Bid Item No. 31 - 8-inch water line, all augered, Bid Item No. 32 - 8-inch water line, all augered and extra unit items; Bid Item No. 34 - 12-inch Water Line, All Augered, All Depths, Complete in Place (Steel-poly Wrapped)(Restrained Joint); Bid Item No. 60 - Lime (9# /SY); Bid Item No. 61 - Fly-ash (36#/SY); Bid Item No. 76 - Wheel Chair Ramps, Complete in Place; Bid Item No. 88 - 1-1/2-inch Asphaltic Concrete, Complete in Place (Type D HMAC for Temporary Driveway Section) which were not necessary to complete the Work.

**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was 33.58%. Contractor's M/WBE performance evaluation was rated outstanding.

  
MSM:DWK:JTL:AR:DO:ce

cc: Susan Bandy Daniel W. Krueger, P.E. Michael Ho, P.E.  
Velma Laws Craig Foster File No. SB9079

PROJECT SITE MAP  
 NSR 430A  
 WBS № M-000362-0002-4  
 KEY MAP NOS 449V, 4Z  
 DISTRICT "A"



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION



<b>SUBJECT:</b> Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00C2-4		<b>Category</b> 7	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 4
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Roger Whitney, P.E. Sr. Assistant Director <b>Phone:</b> (713) 641-9189		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-030 dated, 1/14/2004		
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$625,757.47, which is approximately 8.37% under the original Contract Amount, accept the Work, and authorize final payment.				
<b>Amount and Source of Funding:</b> No additional funding required. Original appropriations of \$744,703.00 from Water and Sewer System Consolidated Construction Fund No. 755.			<b>F&amp;A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> <p><b>PROJECT NOTICE/JUSTIFICATION:</b> This project was an Annual Service Agreement to provide sanitary sewer rehabilitation to deteriorated sewer collection systems throughout the City.</p> <p><b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Chief Solutions, Inc. with an original contract amount of \$682,900.28. The Notice to Proceed date was February 16, 2004 and the project had 455 calendar days for completion.</p> <p><b>LOCATION:</b> The project was located at various locations within all Council Districts.</p> <p><b>CONTRACT COMPLETION AND COST:</b> The Contractor has completed the work under the Contract. The contract was completed within the required time. The final cost of the project is \$625,757.47, which is approximately 8.37% under the contract amount of \$682,900.28. Fewer manhole rehabilitations and sewer cleaning were actually made than anticipated.</p> <p><b>M/WDBE PARTICIPATION:</b> No M/WDBE participation goal was established for this project.</p>				
MSM:JT:RBW:JGM:FOS:jsc Attachments				
c: Velma Laws      Michael Ho, P.E.      Craig Foster		<b>Project File 4277-14</b> <b>REQUIRED AUTHORIZATION</b> <b>CUIC ID# 20RBW139</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division		

4277-14		Sanitary Sewer Cleaning and Television Inspection		
		In Support of Rehabilitation		
GFS No. R-0266-C2-3		Chief Environmental Surveys, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
39	452E	Oak Forest	IA058	A
44	450T	Pine Village	Ne011	A
65	452W	Westview Terrace	Ne011	A
11	415B	Park North	Ne011	B
12	455H	Lake Forest	Fb019	B
20	452F	Ella Park Terrace	II072	B
24	494B	Confort Place	II017	B
25	454W	Eagle	II019	B
41	374V	Humble Acres	Ne011	B
49	414S	Woodsdale	Ib083	B
60	455H	Lake Forest	Ne011	B
6	532L	Fullerton Place	Sw201	C
9	532K	Braes Link	Ne011	C
10	530V	Maplewood South	Sw256	C
14	492U	Lanier Place	As068	C
15	492Y	Albermarle Place	As044	C
19	530V	Fondren Place	Sw011	C
37	531R	Willow Meadows	Swu02	C
1	610G	Quail Glen	Gr006	D
2	610C	Quail Run	Ne011	D
3	610C	Quail Run	Gr006	D
4	571T	West Bend	Ne011	D
5	571Z	Ridgemont	Ne011	D
7	571Y	Ridgegate	Ne011	D
16	493N	West Gray Terrace	As087	D
26	571Z	Ridgemont	Ne011	D
31	573F	Reedwoods	Ne011	D
32	534K	Sunrise Place	Sbp21	D
51	533D	Granlin Grove	SB134	D
57	533Q	Southlawn	SB179	D
64	493P	Hadley & Franklin	Ne011	D
27	338M	Lakewood Village Mobile Home	CB001	E
42	576P	Orange Grove Robinson	Sb009	E
48	576Z	Scarsdale Shopping Center	SMP02	E
56	534X	Edgewood Terrace	SB104	E
8	531B	Westmoreland Farms	Ne011	F
18	530L	Bonnie Brae	Sw077	F
29	529P	Leawood	90263	F
30	531E	Westmoreland Farms	Sw027	F
40	530P	Braeburn Glen	Ne011	F
55	530Q	Sharpstown	KB307	F
61	529R	Westwood South Patio Homes	Ne011	F
62	529N	Catalina West	Ne011	F
66	530J	Sharpstown Country Club Terrace	Ne011	F

17	488C	Thornwood	Tk223	G
28	490W	Gessner & Westpark	Ne011	G
33	491M	Pine Hollow	Sw228	G
35	490S	Woodlake	Ne011	G
36	490U	Lake Vargo	Wd102	G
52	490U	Park West Plaza	WD103	G
68	492G	Woodcrest	Ne011	G
13	494N	Lockhart	II185	H
21	413W	Mitchell Place	II050	H
22	413X	Thatcher Gradens	II034	H
23	453X	Brooke Smith	II116	H
34	453X	Pech	Ne011	H
43	494H	Denver	Ne011	H
46	453B	Pembroke Place	Ne011	H
47	453V	Lindale Park	Ne011	H
50	493C	Wrightwood	IIIP28	H
53	453S	Houston Heights	II121	H
54	493B	Stude	II117	H
58	494P	Herman & League	Ne011	H
59	454W	Porter & Baker	II018	H
45	494Z	Pinedale	Ibu01	I
63	534M	North Norhill	Ne011	I
67	495S	Port Houston SSB	Ne011	I

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method WBS# R-000266-00S4-4		<b>Category</b> 7	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 5
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007	
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> A, B, C, D, E, F, H, and I		
<b>For additional information contact:</b>  Roger Whitney, P.E. Sr. Assistant Director <b>Phone:</b> (713) 641-9198		<b>Date and identification of prior authorizing Council action:</b>  Ordinance No. 2002-0747 dated, 08/14/2002		
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final contract amount of \$3,092,527.13, which is approximately 4.81% over the original contract amount, accept the work, and authorize final payment.				
<b>Amount and Source of Funding:</b> No additional funding required. Original appropriation of \$3,217,161.34 from Water and Sewer System Consolidated Construction Fund No. 755.				<b>F&amp;A Budget:</b>
<b>SPECIFIC EXPLANATION:</b>  <b>PROJECT NOTICE/JUSTIFICATION:</b> Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting method to deteriorated sewer collection systems throughout the City.  <b>DESCRIPTION/SCOPE:</b> This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting method. The project was awarded to Underground Technologies, Inc. with an original contract amount of \$2,950,618.08. The Notice to Proceed date was 11/04/2002 and the project had 730 calendar days for completion.  <b>LOCATION:</b> The project was located at various locations within Council Districts A, B, C, D, E, F, H, and I.  <b>CONTRACT COMPLETION AND COST:</b> The Contractor completed the work under the Contract. The contract was completed within the required time. The final cost of the project is \$3,092,527.13, which is approximately 4.81% over the contract amount of \$2,950,618.08. More pipe replacements and concrete repairs were made than anticipated.  <b>MWBE PARTICIPATION:</b> The MWBE goal for this project was 19%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 21.66%. The contractor was awarded an "Outstanding" rating from Affirmative Action.  MSM:JT:RBW:JGM:FOS:jsc Attachments  c: Velma Laws      Michael Ho, P.E.      Craig Foster				
<b>Project File 4257-36</b>		<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20RBW156</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division		NOT





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

<b>SUBJECT:</b> Accept Work for Glendale Avenue and Woodvale Street Sewer Relocation. WBS No. R-002011-0042-4.	<b>Category #7</b>	<b>Page</b> 1 of 2	<b>Agenda Item#</b>  <b>6</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> I  JK	M.A.S.
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<b>For additional information contact:</b>  J. Timothy Lincoln, P.E. Senior Assistant Director	<b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #05-110 dated 02/09/05 JK	M.A.S.
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$2,853,056.22 or 3.74% under the original Contract Amount, accept the Work, and authorize final payment.

<b>Amount and Source of Funding:</b> No additional funding required. Original total appropriation of \$3,491,600.00: \$2,094,960.00 from Water and Sewer System Consolidated Construction Fund, Fund No. 755, \$837,984.00 from Street and Bridge Consolidated Construction Fund, Fund No. 437, and \$558.656.00 from Drainage Improvements Commercial Paper Series F Fund, Fund No. 49R.	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's ongoing program to upgrade its neighborhood sewer system to provide dependable services. The existing sanitary sewers were old, substandard, and were subject to excessive leaks and failures.

**DESCRIPTION/SCOPE:** This project consisted of sanitary sewer and storm sewer replacement and street reconstruction along Glendale Avenue and Woodvale Street. The Contract included replacement and abandonment of the existing back lot sanitary sewers and re-routing of the service connections to the new sewer in the street right-of-way. Infrastructure Associates, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Conrad Construction Co., Inc. with an original Contract Amount of \$2,963,861.00.

**LOCATION:** The project area is generally bound by Harrisburg Blvd. on the north, Layton Street on the south, Woodvale Street on the east, and Glendale Avenue on the west. The project is located in Key Map Grids 495-W and 535-A.

**CONTRACT COMPLETION AND COST:** The Contractor, Conrad Construction Co., Inc. has completed the work under the subject Contract. The project was completed within the Contract time with 12 additional days allowed by Change Order Nos. 1, 2, 4, and 5. The final cost of the project, including previously approved Change Order Nos. 1 through 5 and overrun and underrun of estimated bid quantities is \$2,853,056.22, a decrease of \$110,804.78 or 3.74% under the original Contract Amount.

The decreased cost is a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Unit Price Item No. 47 – Adjust and/or lower existing 3/4-inch to 2-inch Water Service Line in grade and Unit Price Item No. 58 – Hot-mix Asphalt Base Course, 7-inch, and the Work not requiring use of most Extra Unit Price Items.

**REQUIRED AUTHORIZATION      CUIC ID# 20MAS116**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	MOT
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<b>Date</b>	<b>SUBJECT:</b> Accept Work for Glendale Avenue and Woodvale Street Sewer Relocation. WBS No. R-002011-0042-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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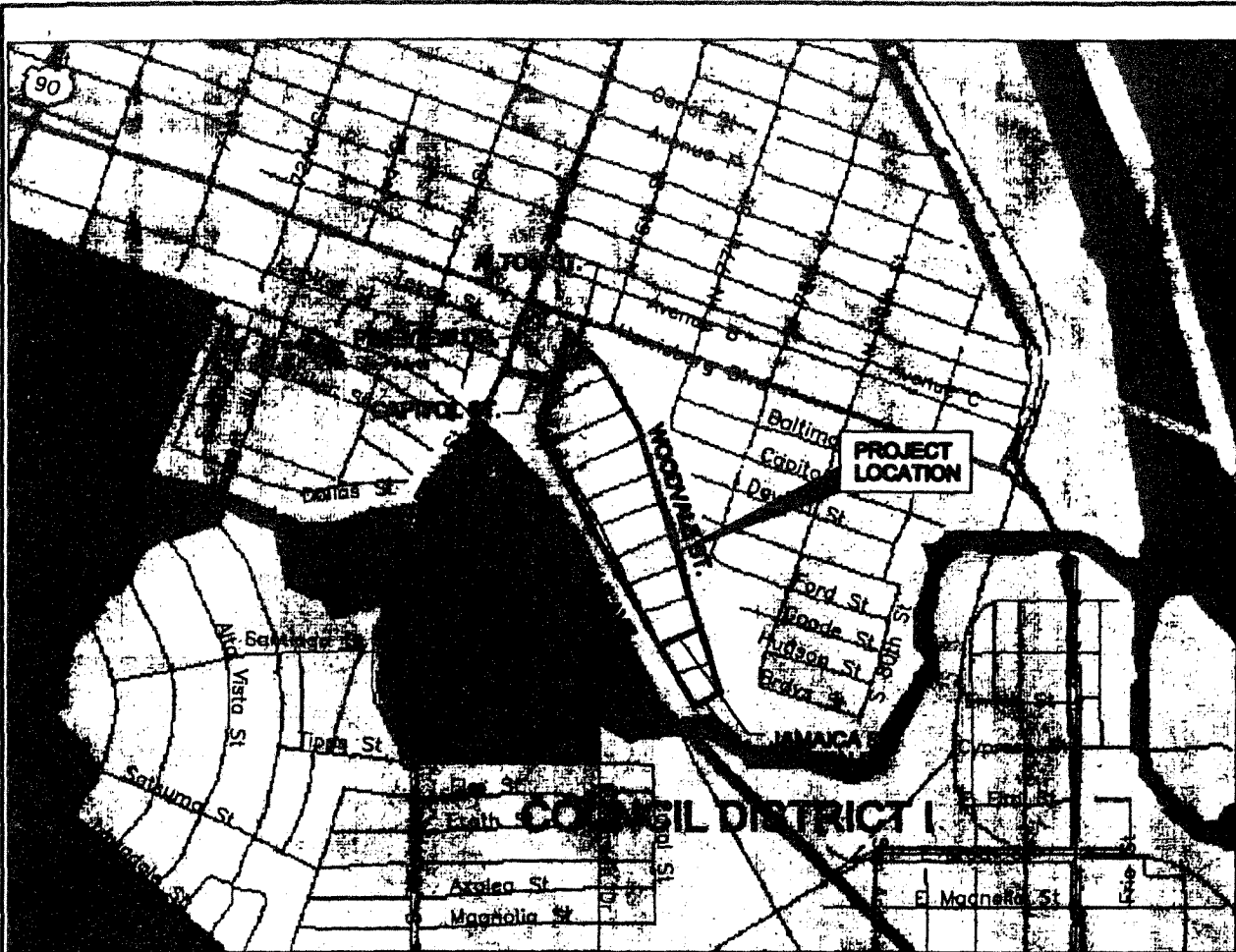
**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 29.00%. The Contractor achieved an "Outstanding" rating for MWDBE compliance.

*JK M.A.S.*

MSM:JTL:JK:MAS:mq

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c: Velma Laws      Craig Foster      Michael Ho, P.E.      File No. 4763-4 - Closeout



KEY MAP NO 495W, 535A & B  
 GIMS MAP NO 5556D

**IA**  
**INFRASTRUCTURE ASSOCIATES, INC.**  
 8117 RICHMOND AVENUE, SUITE 100  
 HOUSTON, TEXAS 77057  
 (713) 822-0128 PH (713) 822-0587 FAX  
 www.iafro-usa.com

**GLENDALE AND WOODVALE STREET  
 SEWER RELOCATION**  
 GFS NO. R-2011-42-3, FILE NO. WW4763-4

**VICINITY MAP**

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

<b>SUBJECT:</b> Accept Work for Water Line Replacement in Azaleadell and Carlisle Subdivisions. WBS No. S-000035-00B4-4.	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <b>7</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> A, I
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Senior Assistant Director <i>J. Timothy Lincoln</i> <b>Phone:</b> (713) 837-7074	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #06-110 dated 02/01/2006
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$728,068.45 or 4.92% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Original appropriation of \$894,940.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

**F&A Budget:**

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Line Replacement program. This program was required to replace and upgrade water lines within the City to increase circulation and availability of water.

**DESCRIPTION/SCOPE:** The project consisted of construction of 11,668 linear feet of 6-inch and 8-inch water lines with all related appurtenances in Azaleadell and Carlisle Subdivisions. Sander Engineering Corporation designed the project with 180 calendar days allowed for construction. The project was awarded to RWL Construction, Inc. with an original Contract Amount of \$765,775.00.

**LOCATION:** The project area is generally bound by:

- 1.) Azaleadell Subdivision: Curtin on the north, W. 43<sup>rd</sup> on the south, N. Shepherd on the east and Sue Barnett on the west. The project is located in the Key Map grid 452-L.
- 2.) Carlisle Subdivision: Brockton on the north, Pine Gully on the south, Shady Park on the east and Pine Gully on the west. The project is located in the Key Map grid 535-L.

**CONTRACT COMPLETION AND COST:** The Contractor, RWL Construction, Inc. has completed the Work under the subject contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$728,068.45, a decrease of \$37,706.55 or 4.92% under the original Contract Amount.

The decreased cost is primarily a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Base Unit Item No. 11 – 8-inch D.I.P. Restrained Joint Water Line - Augered, which was not necessary to complete the work.

**M/WBE PARTICIPATION:** There was no M/WBE goal for this project.

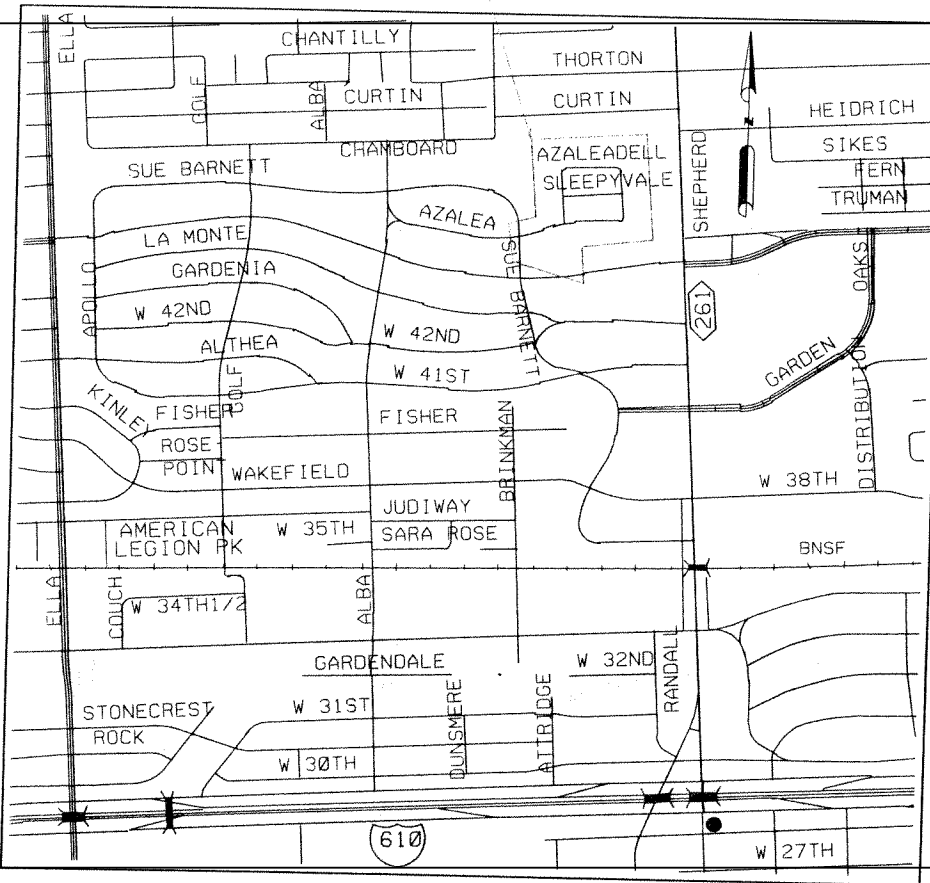
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c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E      Craig Foster      File No. 10777 - Closeout

**REQUIRED AUTHORIZATION** **CUIC ID# 20DO082**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	<b>MST</b>
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PROJECT LOCATION



VICINITY MAP FOR AZALEADELL

KEY MAP NO 452L

G.F.S. NO. S-0035-B4-3  
FILE NO. WA 10777

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

<b>SUBJECT:</b> Accept Work for the East Water Purification Plant Complex Miscellaneous Rehabilitation and Improvements at Plants 1, 2, and 3 (Package 3). WBS No. S-000056-0033-4.	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  8
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> E <i>SKF</i>
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<b>For additional information contact:</b> <i>J. Timothy Lincoln</i> J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone: (713) 837-7074</b>	<b>Date and Identification of prior authorizing Council Action:</b> Ord. #2004-630 dated 06/16/2004
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$9,495,494.14 or 8.97% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.  
Original appropriation of \$11,217,000.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755. **F&A Budget:**

**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Capital Improvement Program to improve plant reliability and facilitate efficient operation and maintenance at the EWPP Complex. This project will allow the City to meet the existing and proposed requirements of the Enhanced Surface Water Treatment Rules (ESWTR) mandated by the United States Environmental Protection Agency (USEPA).

**DESCRIPTION/SCOPE:** The project included miscellaneous improvements and upgrades to structural, yard piping, and chemical processes. The project also included installation of electrical controls, sluice gates, flocculators, venturi flow meters, a laboratory gas storage building and a chemical spill containment holding tank. J.F. Thompson, Inc. designed the project with 425 calendar days allowed for construction. The project was awarded to Pepper-Lawson Construction, L.P. with an original Contract Amount of \$10,431,000.00.

**LOCATION:** The project is located at 12555 Clinton Drive and 2300 Federal Road. The project is located in the Key Map grids 496-U & Y.

**CONTRACT COMPLETION AND COST:** The Contractor, Pepper-Lawson Construction, L.P. has completed the Work under the subject contract. The project was completed within the Contract time with 280 additional days approved by Change Order Nos. 2 and 4. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1, 3, 4, and 5 is \$9,495,494.14, a decrease of \$935,505.86 or 8.97% under the original Contract Amount.

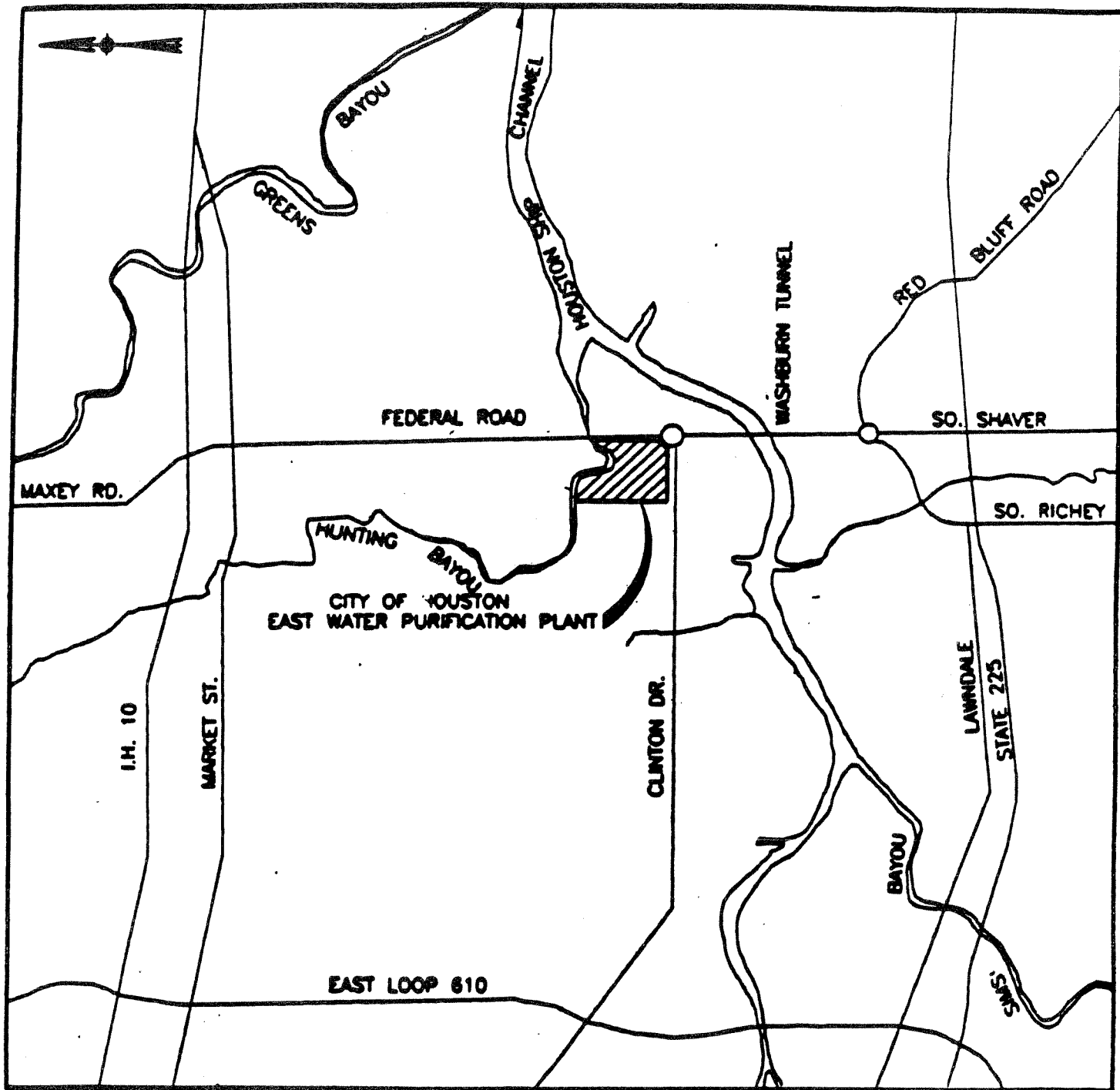
The decreased cost is a result of the differences between planned and measured quantities. The cost underrun is primarily due to Work not requiring use of most Extra Unit Price Items.

**M/WBE PARTICIPATION:** The Original M/WBE goal for this project was 17%. According to the Affirmative Action and Contract Compliance Division, the actual participation was 17.19%. The Contractor received a "Satisfactory" rating for the MWD BE Compliance.

MSM:JTL:CWS:SKF:mq  
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c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E.      File No. 10594-3- 21.0

<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID# 20SKF089</b>
<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division

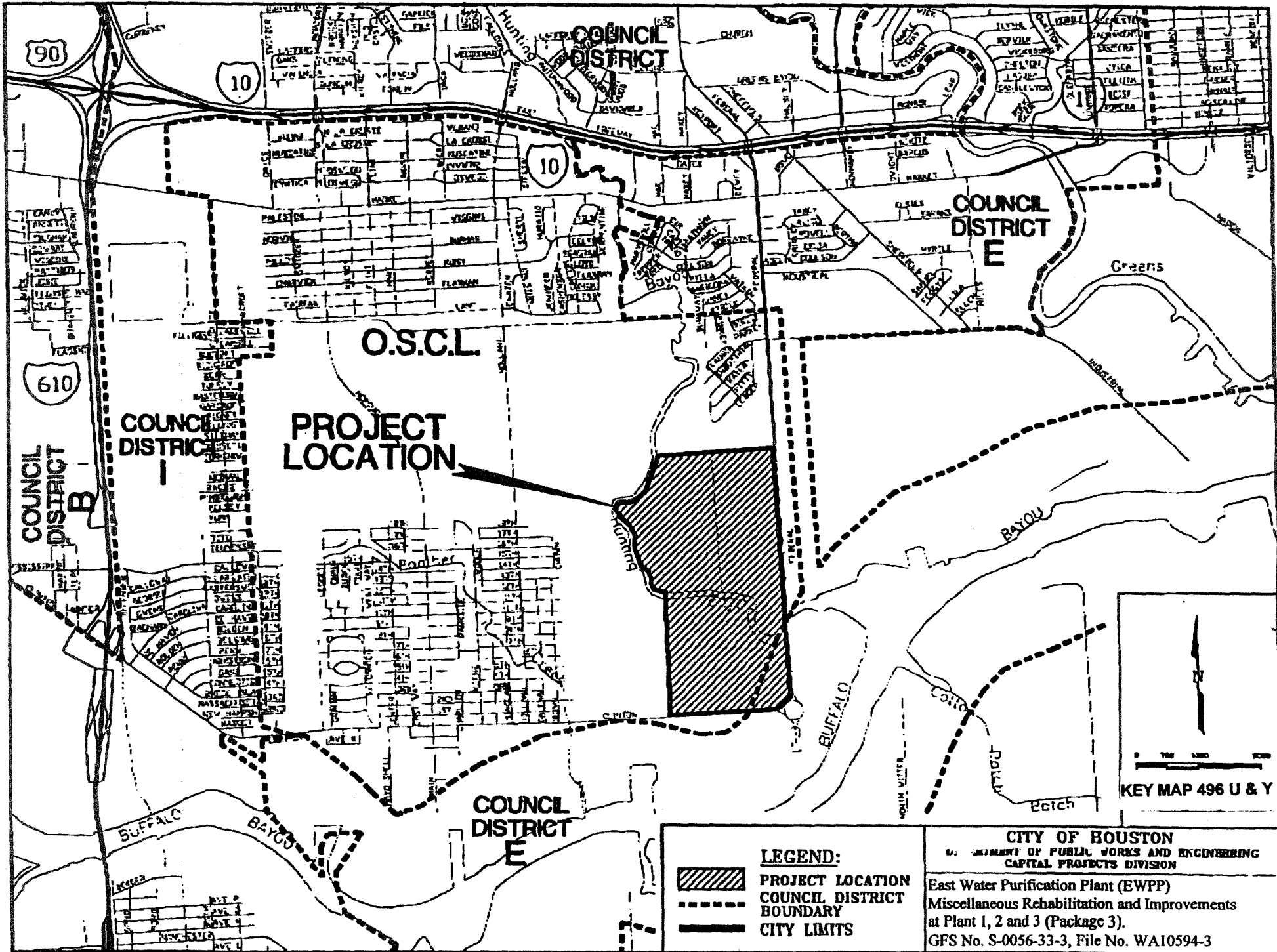


**VICINITY MAP**

N.T.S.

KEY MAP: 496 U & Y





KEY MAP 496 U & Y

**CITY OF HOUSTON**  
 DEPARTMENT OF PUBLIC WORKS AND ENGINEERING  
 CAPITAL PROJECTS DIVISION

**LEGEND:**

- PROJECT LOCATION
- COUNCIL DISTRICT BOUNDARY
- CITY LIMITS

East Water Purification Plant (EWPP)  
 Miscellaneous Rehabilitation and Improvements  
 at Plant 1, 2 and 3 (Package 3).  
 GFS No. S-0056-33-3, File No. WA10594-3

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

<b>SUBJECT</b> Accept Work for Construction of 36-Inch Water Line along Westview and Wisterwood from Clarborough to Old Katy Road. WBS No. S-000900-0085-4.	<b>Category #7</b>	<b>Page</b> 1 of 2	<b>Agenda Item #.</b>  <b>9</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marsoffte</i> Michael S. Marsoffte, P.E., DEE, Director	<b>Council Districts affected:</b> A
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<b>For additional information contact:</b> <i>J. Timothy Lincoln</i> J. Timothy Lincoln, P.E. Senior Assistant Director <b>Phone: (713) 837-7074</b>	<b>Date and Identification of prior authorizing Council Action:</b> Ord. # 2004-272 dated 04/07/2004
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$4,381,380.32 or 0.37% over the original Contract Amount, accept the Work, and authorize final payment.

<b>Amount and Source of Funding:</b> No additional funding required. Original appropriation of \$5,102,900.00 for construction and contingencies: \$4,138,675.92 from Water and Sewer Contributed Capital Fund, Fund No. 733, \$891,039.27 from the Street and Bridge Consolidated Construction Fund, Fund No. 437, and \$73,184.81 from Water and Sewer System Consolidated Construction Fund, Fund No. 755.	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** TxDOT's IH-10 widening included taking over the Old Katy Road right-of-way. The City coordinated with TxDOT, entered into an agreement to relocate its water transmission lines located within the Old Katy Road right-of-way. Based on this Standard Utility Agreement No. 0271-07-248/254/249, it was the City's responsibility to relocate its facilities. In exchange, TxDOT will reimburse the City for the engineering and construction costs. This agreement required the City to complete the relocation of its facilities by July, 2005, in order to meet TxDOT's schedule for IH-10 widening. This project was part of that relocation work and also part of Accelerated Surface Water Transmission Program to meet Harris-Galveston Coastal Subsidence District's (HGSCD) legislative mandate to regulate the withdrawal of groundwater.

**DESCRIPTION/SCOPE:** The project consisted of construction of 6,233 linear feet of 36-inch water line with related appurtenances and 1,838 linear feet of storm sewers. Lockwood, Andrews, & Newnam, Inc. designed the project with 300 calendar days allowed for construction. The project was awarded to Huff & Mitchell, Inc. with an original Contract Amount of \$4,365,283.20.

**LOCATION:** The project is located along Westview and Wisterwood from Clarborough to Old Katy Road. The project is located in Key Map grids 449-Y & Z and 489-D.

**CONTRACT COMPLETION AND COST:** The Contractor, Huff & Mitchell, Inc. has completed the Work under the subject contract. The project was completed within the Contract Time with 130 additional days allowed by Changer Order Nos. 1, 2, 3, 5, and 6. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order Nos. 1 through 4 is \$4,381,380.32, an increase of \$16,097.12 or 0.37% over the original Contract Amount

**REQUIRED AUTHORIZATION      CUIC ID# 20SA005**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	<b>NOT</b>
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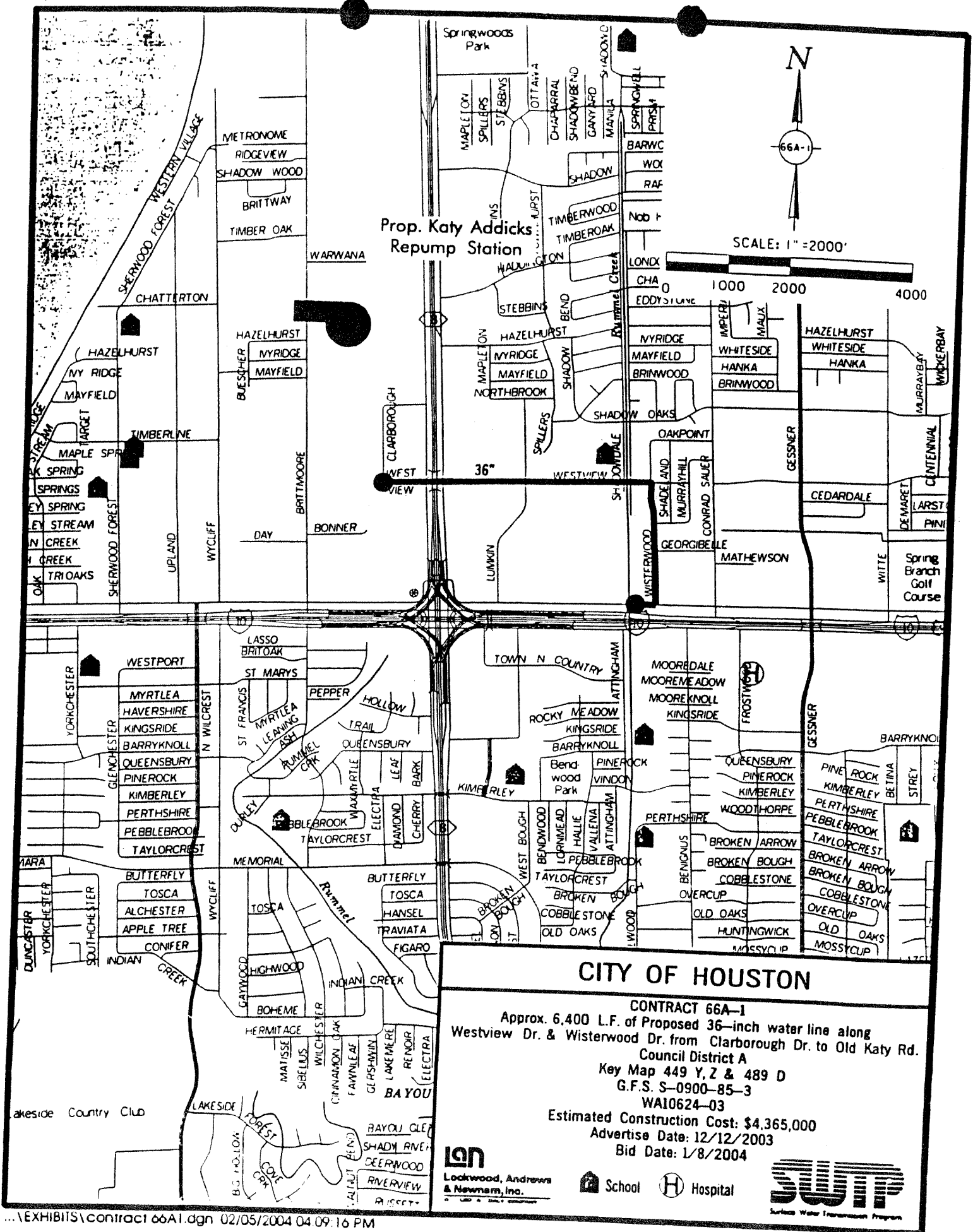
<b>Date</b>	<b>SUBJECT:</b> Accept Work for Construction of 36-Inch Water Line along Westview and Wisterwood from Clarborough to Old Katy Road. WBS No. S-000900-0085-4.	<b>Originator's Initials</b>	<b>Page 2 of 2</b>
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The increased cost is a result of the previously approved Change Order Nos. 1 through 4 and differences between planned and measured quantities. This increase is primarily due to Change Order Nos. 1, 2 and 3, which were necessary to complete the Work.

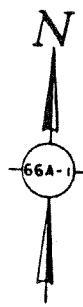
**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 21.17 %. The Contractor achieved an "Outstanding" rating for MWDBE Compliance.

MSM:JTL:AR:SA:mq  
S:\constr\Admin\CONST\Projects\10624-03\23.0 Close Outs\RCA\RCA\_CL~2-rev2.DOC

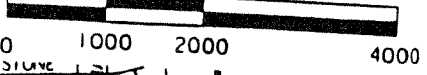
C: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E      Craig Foster      File No. 10624-03 - 23.0



Prop. Katy Addicks  
Repump Station



SCALE: 1" = 2000'






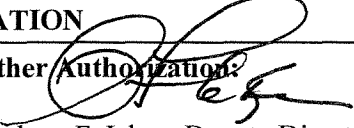
### CITY OF HOUSTON

CONTRACT 66A-1  
 Approx. 6,400 L.F. of Proposed 36-inch water line along  
 Westview Dr. & Wisterwood Dr. from Clarborough Dr. to Old Katy Rd.  
 Council District A  
 Key Map 449 Y, Z & 489 D  
 G.F.S. S-0900-85-3  
 WA10624-03  
 Estimated Construction Cost: \$4,365,000  
 Advertise Date: 12/12/2003  
 Bid Date: 1/8/2004

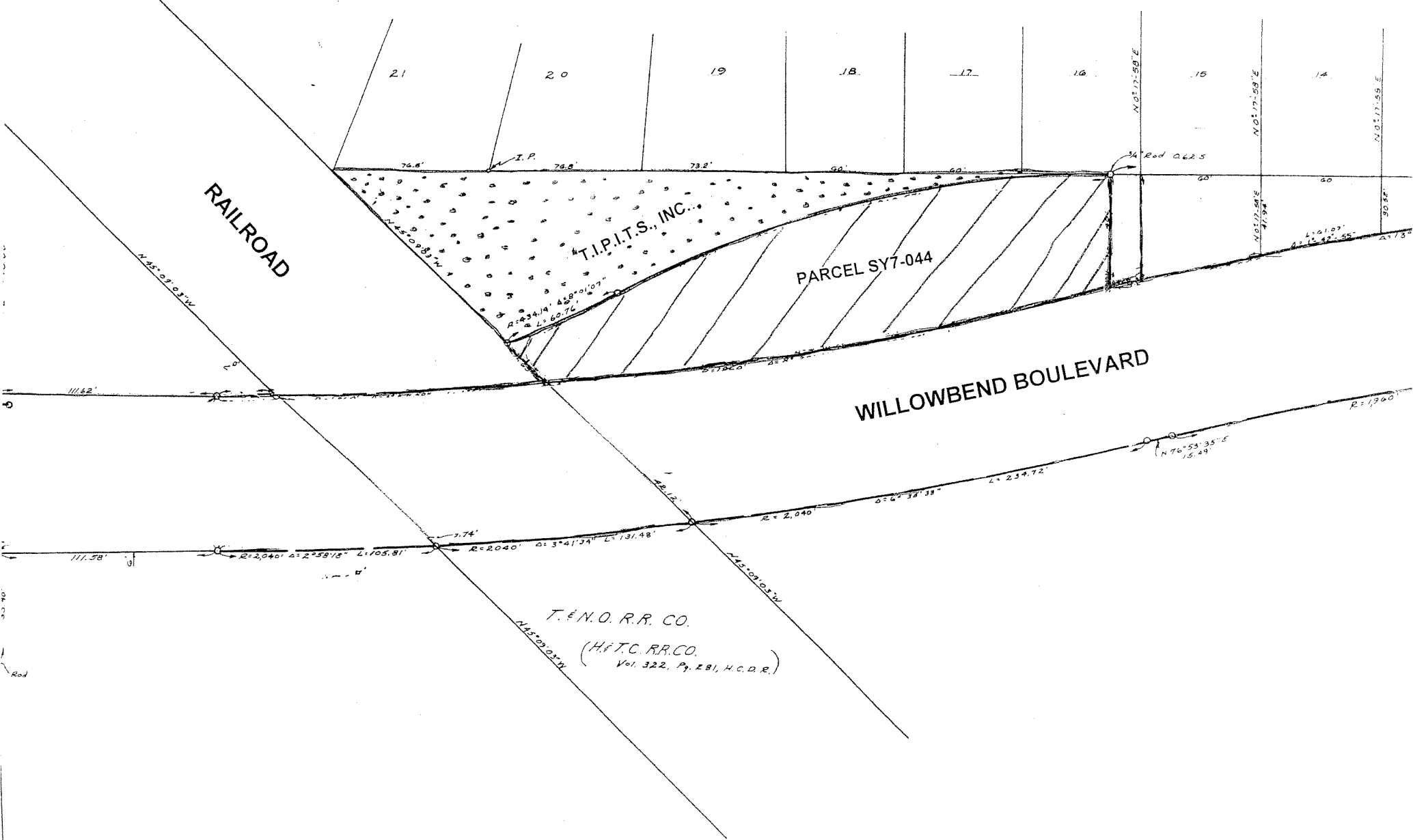
**lan**  
 Lockwood, Andrews  
 & Newnam, Inc.

School Hospital



<b>SUBJECT:</b> Request for the sale of ±15,080-square-feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C. R. R. Survey, A-173. <b>Parcel SY7-044</b>		<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>1</u>	<b>Agenda Item #</b>  10
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 4/5/07		<b>Agenda Date</b> APR 11 2007
MS <b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> C			
	Key Map 532W 			
<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>		
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a council motion authorizing the sale of ±15,080-square-feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C. R. R. Survey, A-173. <b>Parcel SY7-044</b>				
<b>Amount and Source of Funding:</b> Not Applicable			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> H.A. Bradley, President, T.I.P.I.T.S., Inc., 2219 5 <sup>th</sup> Street, Stafford, Texas, 77477, requested the sale of ±15,080-square-feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C. R. R. Survey, A-173. T.I.P.I.T.S., the abutting property owner, wants to incorporate the property being sold into its abutting property for construction of a small office building and a dry storage facility.  By deed dated on March 13, 1964 filed under Harris County Clerk's File Number B863706, the City acquired a 24,329-square-foot tract of land that was later designated by Ordinance Number 66-481 as street right-of-way for the Willowbend Boulevard Paving project. Following completion of the project construction, a ±15,080-square-foot, irregularly-shaped portion of right-of-way adjacent to 4086 Willowbend Boulevard remained. The City no longer requires this excess fee-owned right-of-way and determined that it can be sold to the abutting property owner, T.I.P.I.T.S., Inc.  This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:  1. The City sell the ±15,080-square-feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C. R. R. Survey, A-173; 2. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the property 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 Legal Department be authorized to prepare the necessary transaction documents; and 5. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Charles Rencher and Samuel Stewart.  MSM:NPCdob  c: Phil Boriskie                      Marlene Gafrick                      Arturo G. Michel                      Marty Stein Raymond D. Chong, P.E., P.T.O.E.      Daniel W. Krueger, P.E.              Reid K. Mrsny, P.E.				
s:\dob\sy7-044.rc1.doc			CUIC #20DOB8816	
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	 Andrew F. Icken, Deputy Director Planning and Development Services Division		

**SUBJECT:** Request for the sale of ±15,080-square-foot of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C. R. R. Survey, A-173. **Parcel SY7-044**



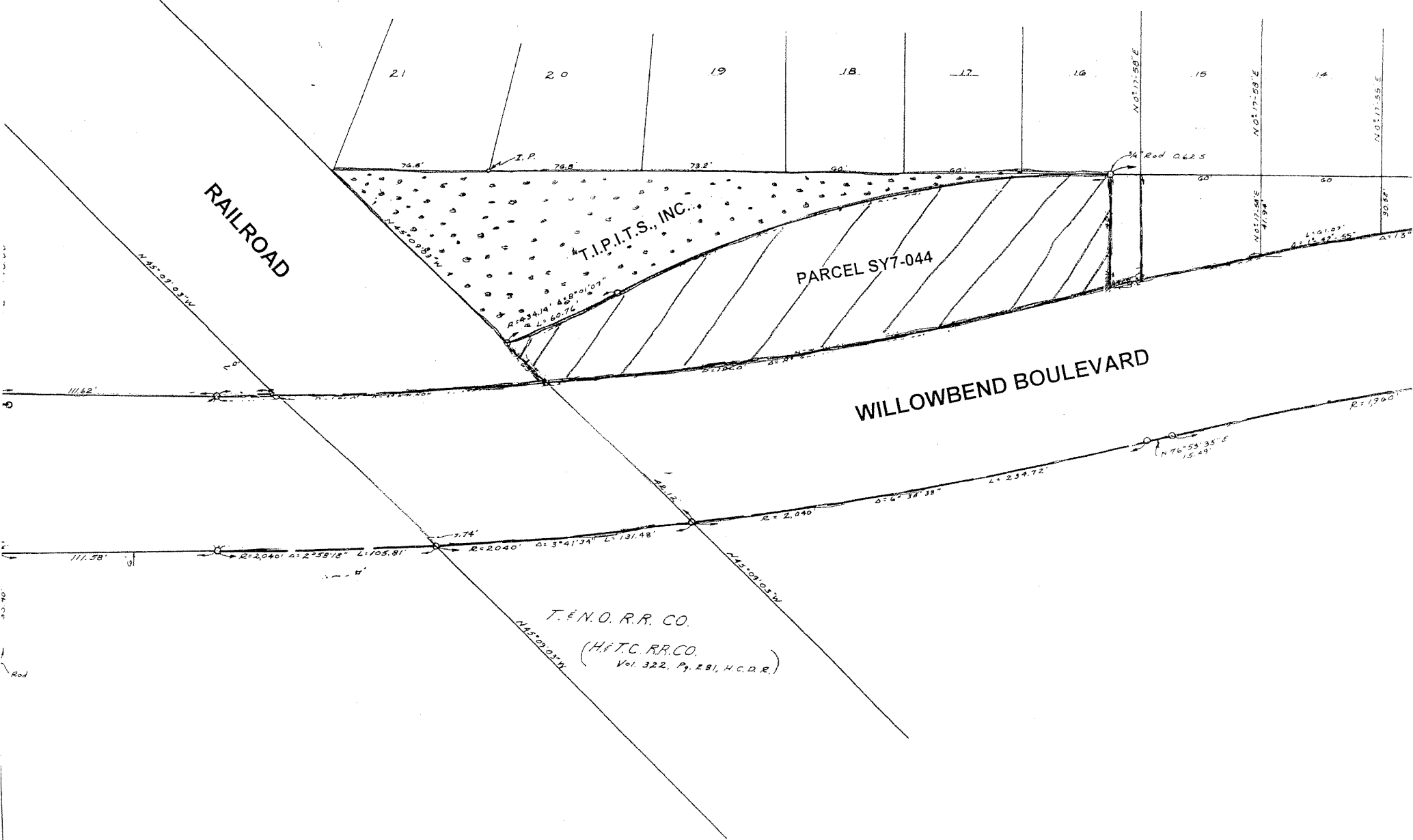
RAILROAD

T.I.P.I.T.S., INC.

PARCEL SY7-044

WILLOWBEND BOULEVARD

T. & N. O. R. R. CO.  
(H.F.T.C. RR. CO.  
Vol. 322, P. 281, H.C.D.R.)



21

20

19

18

17

16

15

14

N 0° 17' 58" E

N 0° 17' 58" E

N 0° 17' 58" E

I.P.

3/4 Rod 0.625

N 45° 09' 03" W

N 45° 09' 03" W

N 76° 53' 35" E  
15.49'

111.42'

111.58'

R = 2,040' α = 2° 58' 15" L = 105.81'

R = 2,040' α = 3° 41' 54" L = 131.48'

R = 2,040'

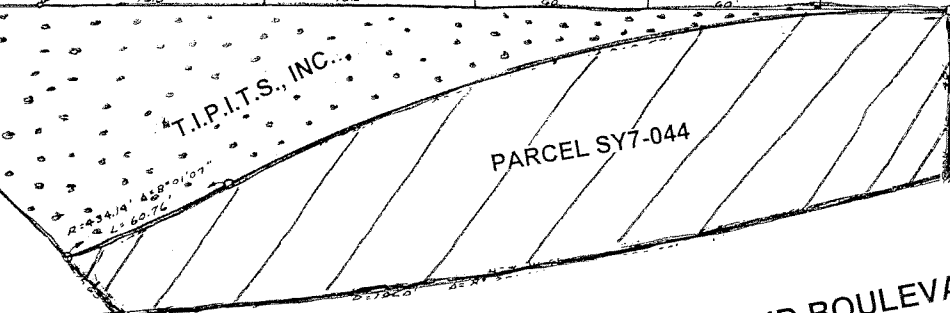
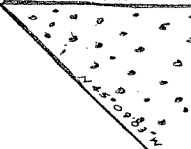
α = 6° 38' 38"

L = 239.72'

R = 1,900'

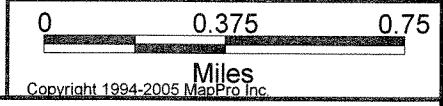
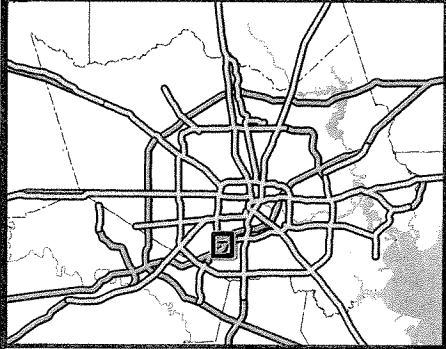
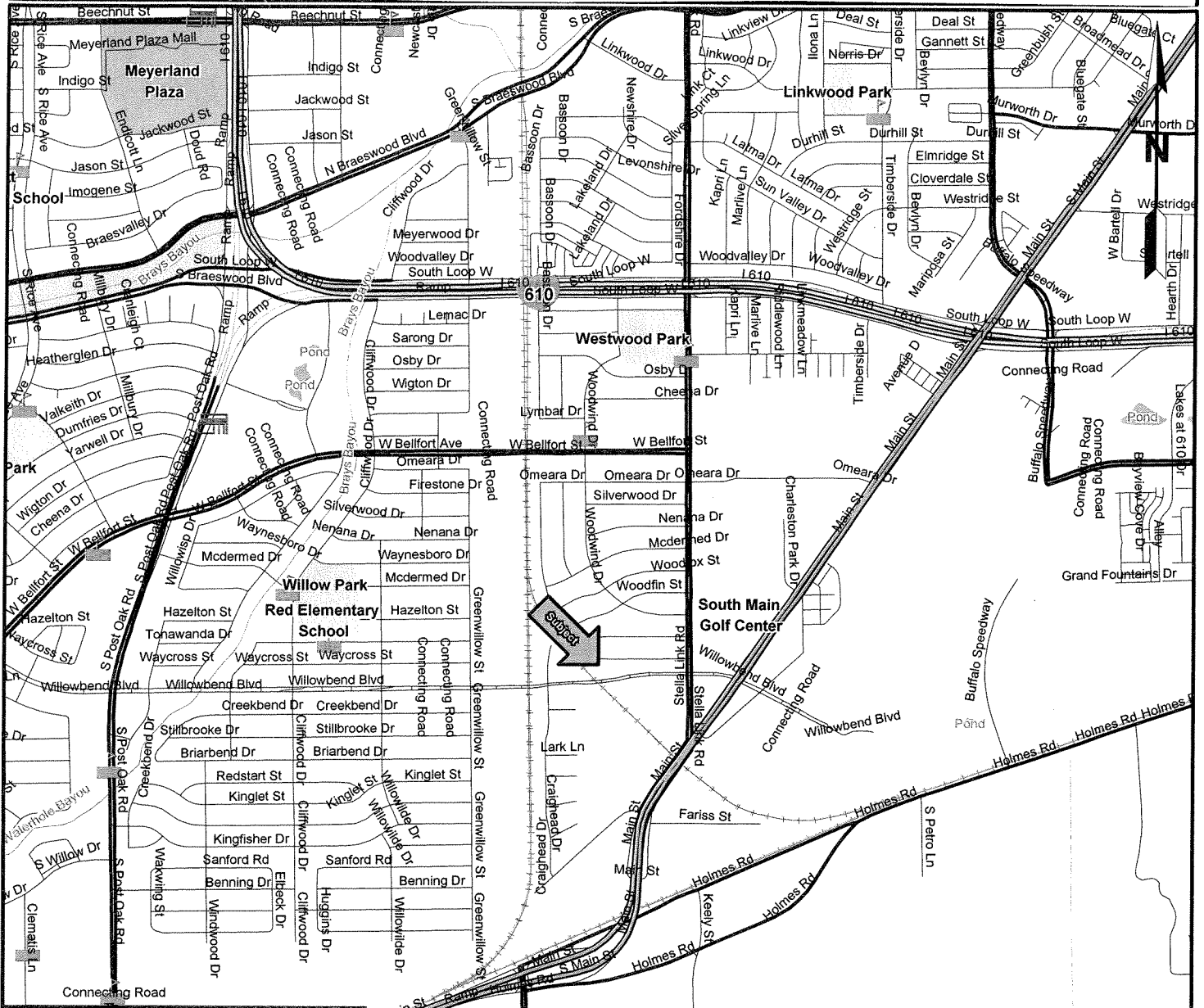
30.40'

Rod



# LOCATION MAP

**SUBJECT:** Request for the sale of ±15,080-square-feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C. R. R. Survey, A-173. **Parcel SY7-044**

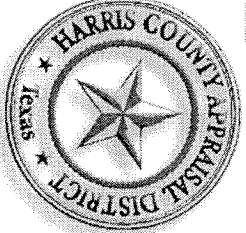


**CAUTION:**

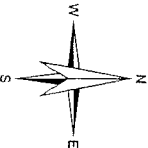
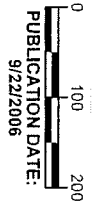
The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

<b>SUBJECT:</b> Request for the sale of ±1,781 square feet of excess fee-owned East 11th Street right-of-way, consisting of the remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey. <b>Parcel SY7-045</b>		<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>1</u>	<b>Agenda Item #</b>  11
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  4/5/07		<b>Agenda Date</b>  APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b>  <i>MS</i> Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> H  Key Map 453X <i>PO</i>		
<b>For additional information contact:</b>  Nancy P. Collins Senior Assistant Director-Real Estate  Phone: (713) 837-0881 <i>BCJ for MPC</i>		<b>Date and identification of prior authorizing Council Action:</b>		
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a council motion authorizing the sale of ±1,781 square feet of excess fee-owned East 11th Street right-of-way, consisting of the remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey. <b>Parcel SY7-045</b>				
<b>Amount and Source of Funding:</b> Not Applicable			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> Alexander A. Valdez, 3543 Michaux Street, Houston, Texas, 77009, requested the sale of ±1,781 square feet of excess fee-owned East 11th Street right-of-way, consisting of the remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey. By Judgment in Absence of Objection on August 22, 1983 the City acquired a 5,375-square-foot tract of land for the East 11 <sup>th</sup> Street and Pecor Avenue Pavement Expansion project. Following completion of the project construction, the ±1,781-square-foot portion of Lot 2, Block 1 remained as surplus. The City no longer requires this excess fee-owned right-of-way and determined that it can be sold to the abutting property owner. Alexander A. Valdez, the abutting property owner, plans to include the subject property with his fenced residential property. The other abutting property owner, Geraldine Riley, has no objection to the sale of the excess street right-of-way to Alexander A. Valdez.  This is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the sale. The Joint Referral Committee reviewed and approved this request. Therefore, it is recommended:  1. The City sell ±1,781 square feet of excess fee-owned East 11th Street right-of-way, consisting of the remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey;  3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the street right-of-way being sold;  4. 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;  5. The Legal Department be authorized to prepare the necessary transaction documents; and  6. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Michael Copland and Frank Flores.  MSM:NPC:dob  c: Phil Boriskie                      Marlene Gafrick                      Arturo G. Michel                      Jeff Taylor Eric Dargan                      Daniel W. Krueger, P.E.                      Marty Stein				
s:\dob\sy7-045.rc1.doc			CUIC #20DOB8817	
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  <i>AF Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division		

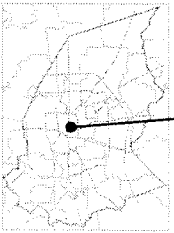




**Harris County Appraisal District**



MAP LOCATION



**FACET 5358B**

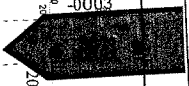
1	2	3	4
5	6	7	8
9	10	11	12

5359D9

5358A4

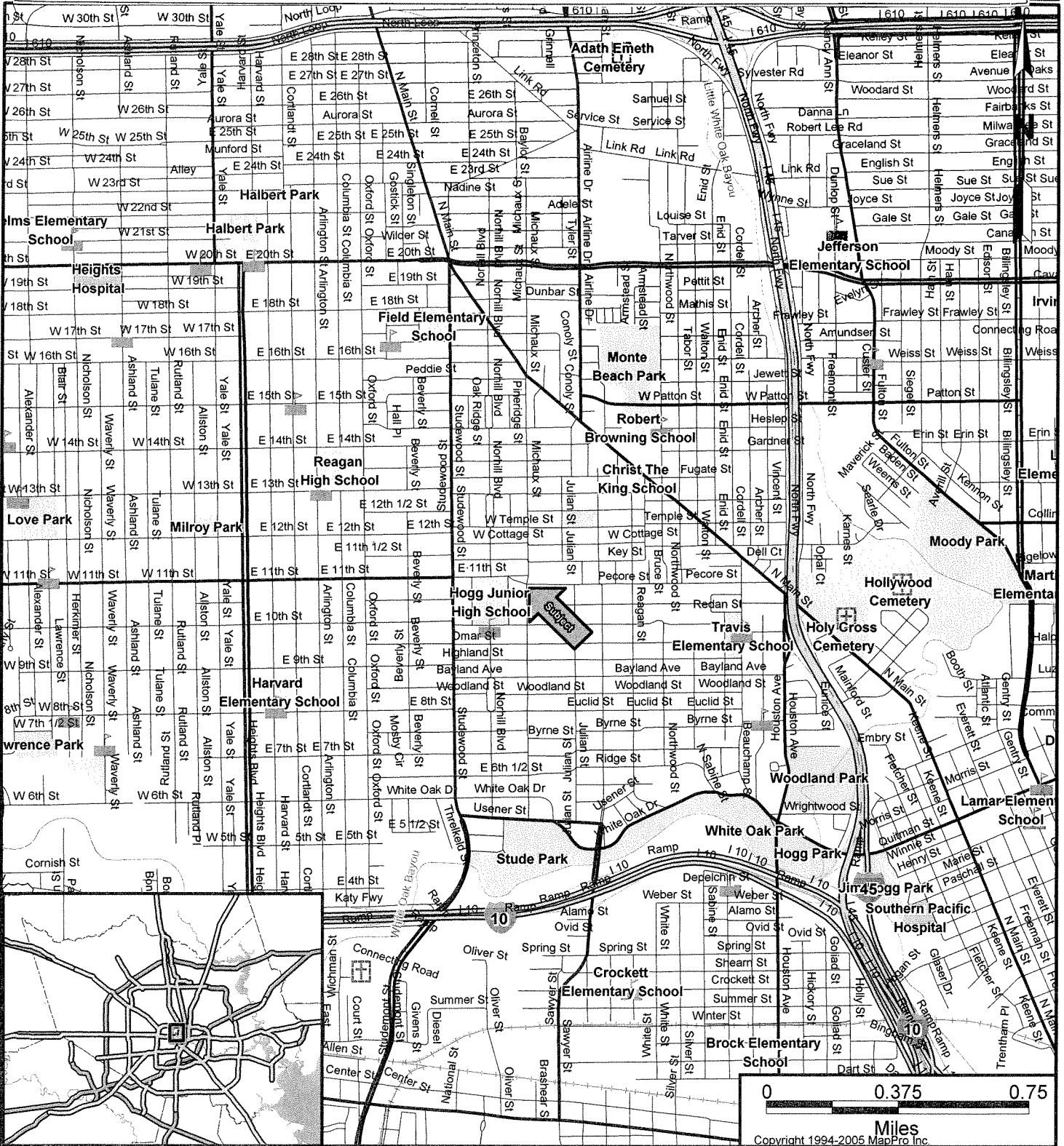
5358B2

**SUBJECT: Sale of ±1,781-square-foot of excess fee-owned East 11th Street right-of-way, remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey. Parcel SY7-045**



# LOCATION MAP

**SUBJECT:** Sale of  $\pm 1,781$ -square-foot of excess fee-owned East 11th Street right-of-way, remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey. **Parcel SY7-045**




**CAUTION:**

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

<b>SUBJECT:</b> Request for the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. <b>Parcels SY7-069A through C and KY7-239</b>	<b>Category #</b> 7	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  12
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  4 / 5 / 07	<b>Agenda Date</b>  APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: D</b>  Key Map 533J 
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (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 council motion authorizing the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. **Parcels SY7-069A through C and KY7-239**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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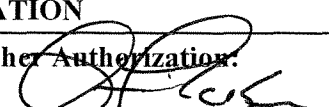
**SPECIFIC EXPLANATION:**

Shelley Barrett of R.G. Miller Engineers, Inc., 12121 Wickchester, Suite 200, Houston, Texas 77079, on behalf of Baylor College of Medicine (Steve Womack, Director of Construction and Project Management), requested the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. Baylor College of Medicine, the property owner, wants to remove these easement encumbrances to facilitate construction of a medical complex in this area.

This transaction is Part One of a two-step process in which the applicant will first receive a City Council authorized council motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to City Council requesting passage of an ordinance effecting the abandonment and sale. The Joint Referral Committee reviewed and approved this request subject to the conveyance to the City of a 10-foot-wide water line easement. Therefore, it is recommended:

1. The City abandon and sell of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325;
2. The applicant be required to cut, plug, and abandon all the 8-inch water lines located in the three water line easements being abandoned and sold and construct a new water line in the new water line easement being conveyed to the City, all at no cost to the City and under the proper permits;

psm\sy7-069.rc1.doc CUIC #20PSM8840

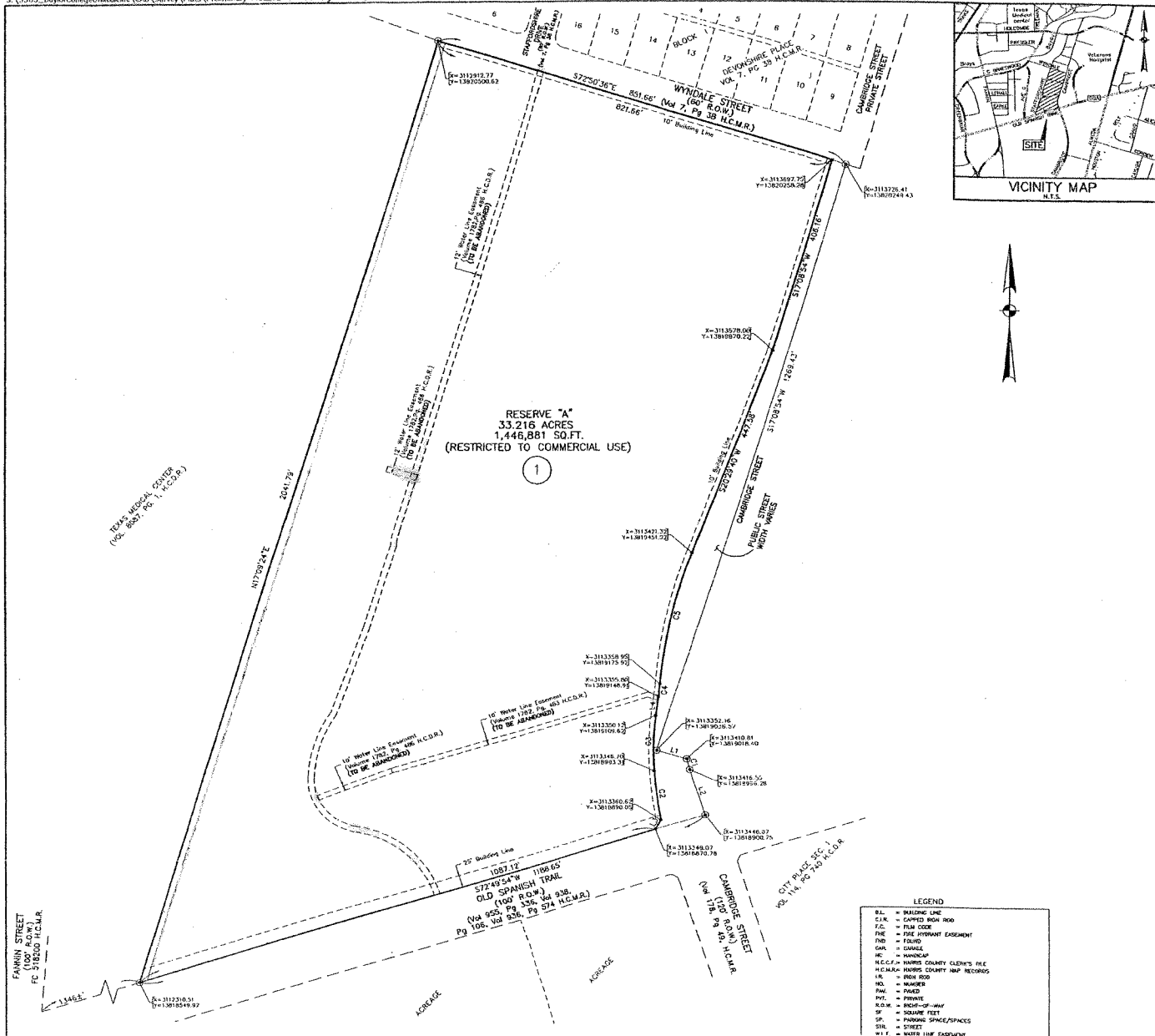
REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. <b>Parcels SY7-069A through C and KY7-239</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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4. 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;
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the property interest is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – Jasmine Quinerly and John Chambliss.

MSM:NPC:psm

- c: Phil Boriskie  
 Marlene Gafrick  
 Daniel W. Krueger, P.E.  
 Arturo G. Michel  
 Reid K. Mrsny, P.E.  
 Marty Stein  
 Jeff Taylor



Abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. **Parcels SY7-069A through C and KY7-239**

**Abandonment Parcels**

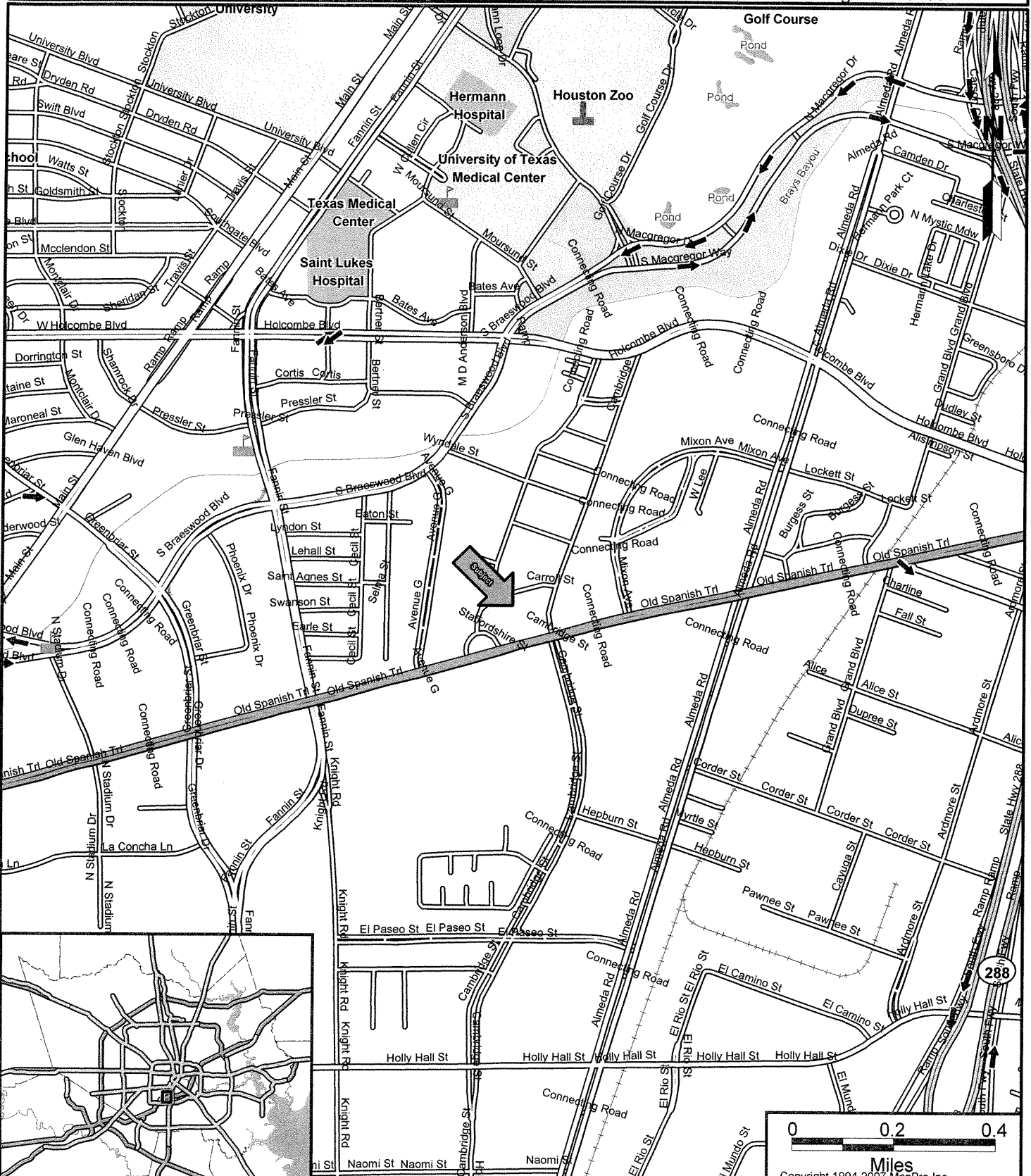
- SY7-069A (12-foot-wide water line easement)
- SY7-069B (12-foot-wide water line easement)
- SY7-069C (10-foot-wide water line easement)

**Conveyance Parcel**

- KY7-239 (10-foot-wide water line easement)

# LOCATION MAP

Abandonment and sale of two 12-foot-wide water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D.W.C. Harris Survey, A-325. **Parcels SY7-069A through C and KY7-239**



### CAUTION:


The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: PROPERTY: CONDEMNATION</b> of Parcel AY5-188 located at 2400 block of Synott Road for the SYNOTT #2 LIFT STATION REHABILITATION PROJECT R-000267-0085-2-01 OWNER: Ashford Point II, Ltd., a Texas limited partnership (dissolved partnership)	<b>Category</b> # 7	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 13
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 4/5/07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> G MP Key Map 488U
---	---

<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> Ordinance 2005-1102, September 21, 2005
---	--

**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to CONDEMN Parcel AY5-188

<b>Amount and Source of Funding:</b> No additional funding required (to be determined by Condemnation proceedings; covered under Blanket Appropriation Ordinance 2005-1102 Water & Sewer System Consolidated Construction Fund 755)	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The SYNOTT #2 LIFT STATION PROJECT provides for acquisition of land necessary for access and replacement of the existing wastewater lift station essential to ensure regulatory compliance. This transaction involves the acquisition of 673 square feet in easement. The parcel is located in the 2400 block of Synott Road.

**CONDEMNATION:**  
The City desires to acquire 673 square feet of vacant commercial land. Condemnation is being recommended because the owner is a dissolved limited partnership and because efforts to determine and locate all of the owners were unsuccessful. This property was appraised by Vanessa Hendrickson, Independent Fee Appraiser, whose valuation was reviewed and recommended for approval by a senior staff appraiser of this department.

The breakdown is as follows:

Parcel AY5-188 (access easement)

LAND.....	\$ 700.00
TOTAL CONSIDERATION.....	\$ 700.00


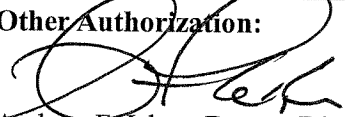
NO COUNTEROFFER WAS SUBMITTED

It is recommended that authority be given through Council Motion to CONDEMN Parcel AY5-188, owned by Ashford Point II Ltd., a Texas limited partnership. This parcel is for an access easement that contains 673 square feet of land situated in the Eugene Pillot Survey, Abstract 631 in Harris County, Texas, said 673 square foot tract being more particularly out of a 9.398 acre tract conveyed unto Ashford Point II, Ltd., by deed recorded under Harris County Clerk's File G914976 of the Official Public Records for Real Property in said Harris County, Texas, according to City of Houston field notes.

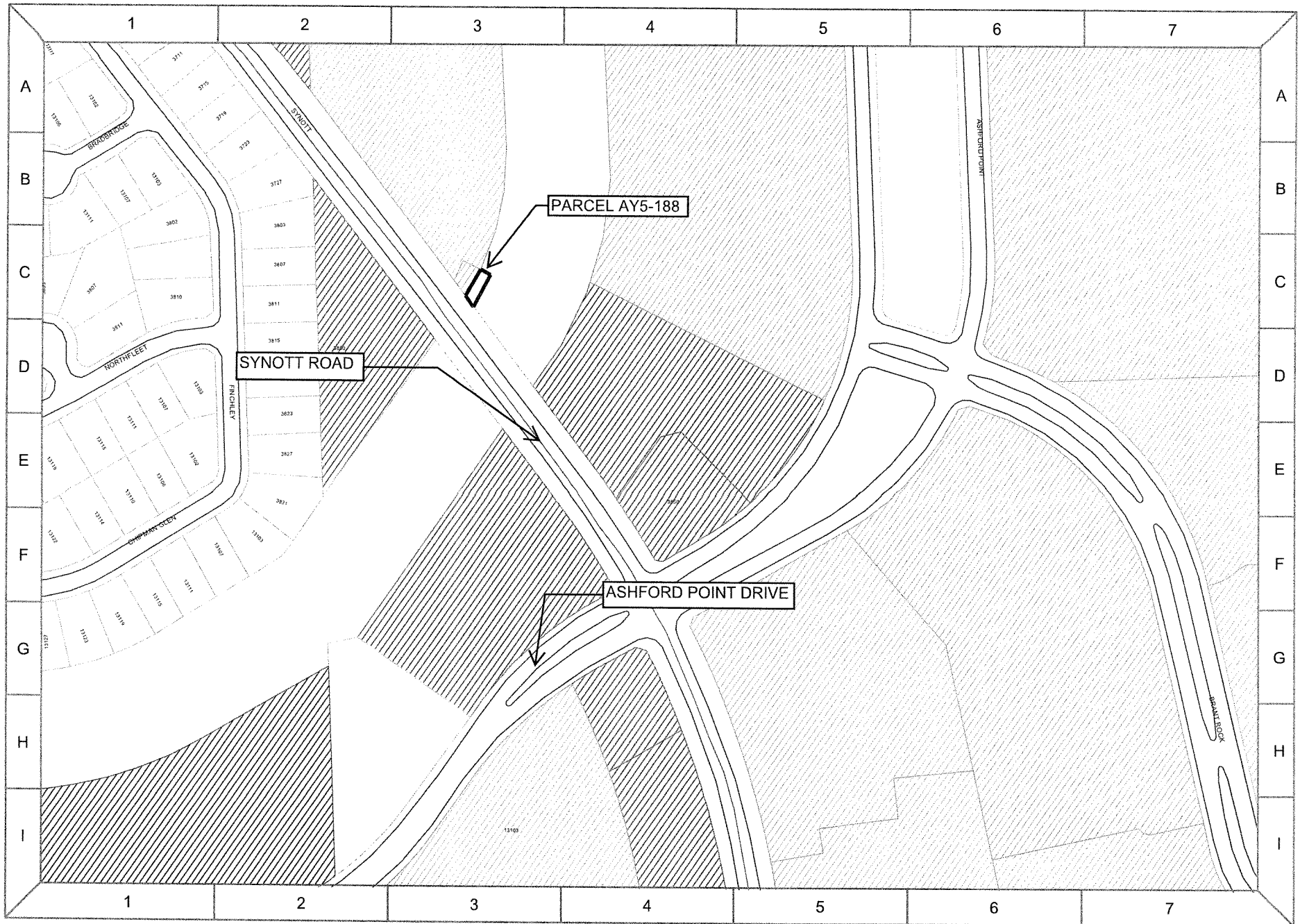
MSM:NPC:mp  
S:/phelps/AY5-188rca.edpb  
c: Marty Stein

CUIC #20MTP 66

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division
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1 inch equals 210 feet  
 0 50 100 150 200  
 Feet



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

DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY  
 THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS  
 FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.





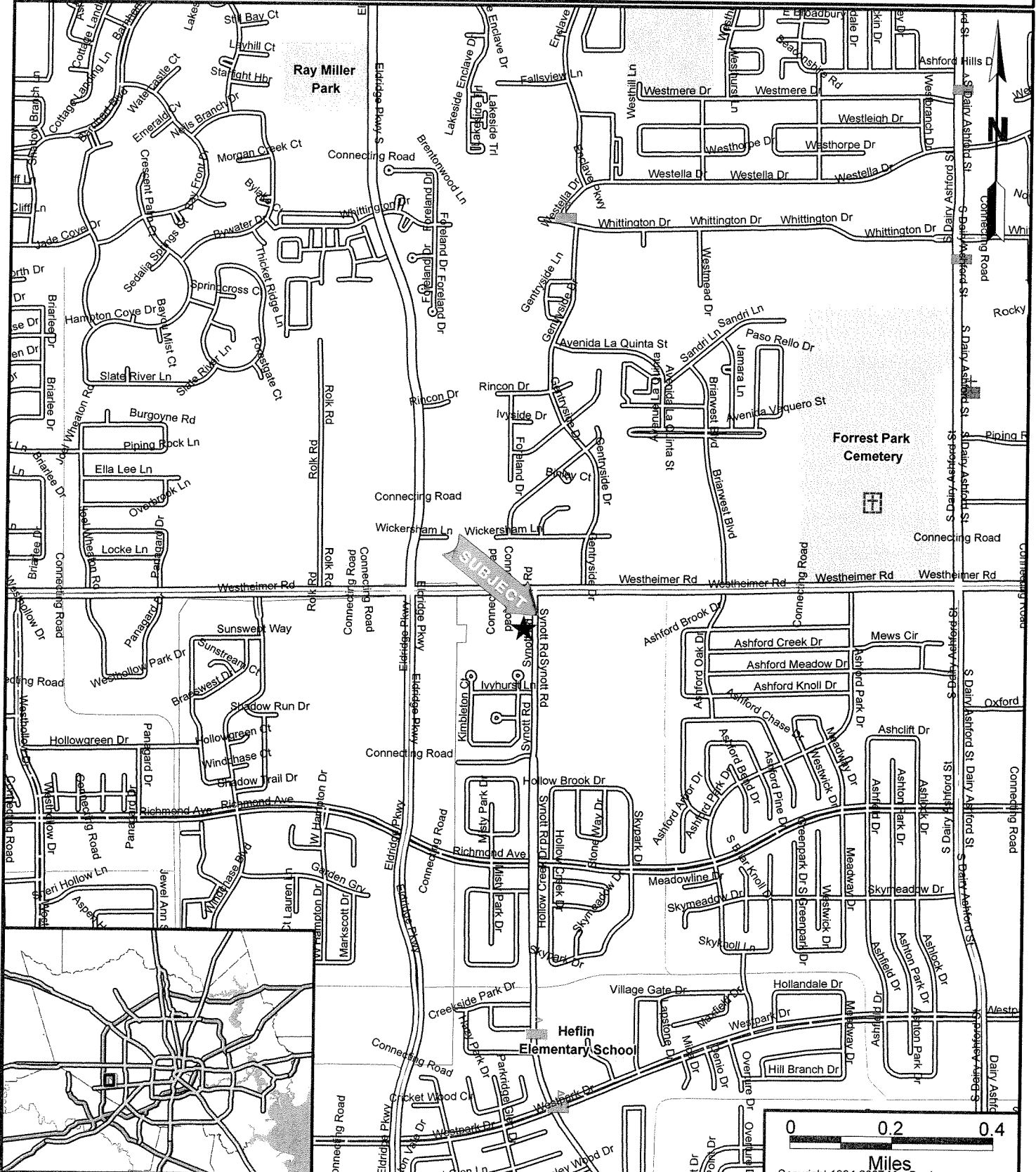
# LOCATION MAP

Description: Synott #2 Lift Station Rehabilitation Project

C.I.P. R-000267-0085-2-01

Parcel AY5-188, Key Map 488 U

Prepared by: City of Houston, 611 Walker, Houston, TX 77002



**CAUTION:** Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7347**

**Subject:** Purchase of Pandemic Flu Go-Kits through the Houston-Galveston Area Council for the Health & Human Services Department

Category #  
4

Page 1 of 1

Agenda Item

N22335-S21

14

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 13, 2007

**Agenda Date**

APR 11 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

B, D, F, H, I

**For additional information contact:**

Daphine Sands                      Phone: (713) 794-9197  
Ray DuRousseau                      Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve the purchase of pandemic flu go-kits through the Houston-Galveston Area Council (H-GAC) in the amount of \$99,997.24 for the Health & Human Services Department.

Award Amount: \$99,997.24

**F & A Budget**

\$99,997.24 - Federal State Local - Pass Through Fund (5030)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of pandemic flu go-kits through the Inter-local Agreement for Cooperative Purchasing with H-GAC in the amount of \$99,997.24 for the Health & Human Services Department, and that authorization be given to issue a purchase order to the H-GAC contractor, Thermo Fisher Scientific d/b/a Fisher Safety. The kits will be distributed citywide by the Department's Office of Surveillance and Public Health Preparedness Division for health providers among those in the highest risk category of a potential influenza outbreak.

The purchase of 15,337 pandemic flu go-kits is a strategic measure to further heighten awareness of basic infection control techniques among City of Houston health care providers and reduce the contamination of this communicable disease. Targeted pandemic flu go-kit recipients are City of Houston Health & Human Services employees located at 8000 N. Stadium Drive, various health clinics, and multi-service centers citywide.

Buyer: Laura A. Marquez  
PR10017249

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

NOT

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7361**

**Subject:** Sole Source Purchase of a Software Maintenance and Support Services Agreement for the Parks & Recreation Department  
S37-E22388

Category #  
4 & 5

Page 1 of 1

Agenda Item

**15**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 27, 2007

**Agenda Date**

APR 11 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Cheryl Johnson Phone: (713) 845-8034  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve the sole source purchase of a software maintenance and support services agreement from Azteca Systems, Inc. for a one-year period in the total amount of \$30,000.00 for the Parks & Recreation Department.

Award Amount - \$30,000.00

**F & A Budget**

\$30,000.00 - General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sole source purchase of a software maintenance and support services agreement from Azteca Systems, Inc. for a one-year period in the total amount of \$30,000.00 for the Parks & Recreation Department and that authorization be given to issue a purchase order. Under this agreement, the contractor will be required to maintain the software which operates the Department's Work Order & Asset Management System.

Azteca Systems, Inc. is the software developer and sole source provider for this application. It has no dealer networks, distributorships, or third-party providers for maintenance services. Therefore, any installation, training, maintenance or support work to these proprietary programs must be done by Azteca Systems, Inc.

The Department's Work Order & Asset Management System is utilized to generate maintenance work orders against infrastructure assets like trees, playing fields, parks and facilities and captures all costs associated with each maintenance and repair assignment.

Under the terms of the agreement, the contractor will be required to provide software maintenance and support services as follows:

- Software updates and enhancements to their program
- Telephone tech support 24 hours per day, 7 days a week
- Internet tech support via a tool called Go To Meeting which allows the contractor to see the user's computer and walk him through the troubleshooting and/or resolution.
- Additional information to manage software issues via fax and email.

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

Buyer: Joyce Hays

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7350

Subject: Spending Authority to Purchase Chemical, Powdered Activated Carbon for the Public Works & Engineering Department S12-22380SP

Category # 4

Page 1 of 1

Agenda Item

16

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

April 02, 2007

Agenda Date

APR 11 2007

DIRECTOR'S SIGNATURE

*Calvin D Wells*

Council District(s) affected  
All

For additional information contact:

Gary Norman Phone: (713) 837-7425  
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

CM 2005-0360, dtd. 04-20-2005

RECOMMENDATION: (Summary)

Approve spending authority to purchase powdered activated carbon in an amount not to exceed \$604,800.00 for the Public Works & Engineering Department.

Estimated Spending Authority: \$604,800.00

F & A Budget

\$604,800.00 W&S System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve spending authority in an amount not to exceed \$604,800.00 for the short-term purchase of powdered activated carbon for the Public Works & Engineering Department, and that authorization be given to issue purchase orders to Norit Americas, Inc. as necessary. This purchase of powdered activated carbon is needed to ensure there is no interruption of supply. An invitation to bid has been issued for a multi-year contract and it is anticipated that the contract will be presented for approval within the next 60 to 90 days.

The not-to-exceed spending authority will allow the City to purchase approximately 1,200,000 tons of powdered activated carbon required to sustain the Department until a contract can be presented to City Council.

Powdered activated carbon is utilized on a daily basis by the Department's Water Production Branch to remove taste and odor-producing organic compounds during the treatment of the City's potable drinking water. Powdered activated carbon is essential to comply with the Texas Commission of Environmental Quality and Environmental Protection Agency's water quality mandates.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (2) of the Texas Local Government Code for exempted procurements.

Buyer: Martin L. King

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MDT

16

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

<b>SUBJECT:</b> Approval of a resolution designating the John A. and Audrey Jones Beck House at 3223 Inwood Drive as a Historic Landmark		<b>Category #</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 17
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> 2/15/2007		<b>Agenda Date</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Madeleine A. Gajewski</i>		<b>Council District affected:</b> G		
<b>For additional information contact:</b> Thomas McWhorter Phone: 713-837-7963		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b>  Approval of a resolution designating the John A. and Audrey Jones Beck House at 3223 Inwood Drive as a Historic Landmark.				
<b>Amount and Source of Funding:</b>			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  In accordance with Section 33-222 of the City of Houston Code of Ordinances, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. The application was initiated by the property owner.  Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on January 24, 2007 and February 1, 2007 respectively. Both commissions determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of a historic landmark designation.  There were no objections to the application.  MLG: rp tm  Attachments: Application and Staff Report  xc Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** John A. and Audrey Jones Beck House

**OWNER:** John W. Sinderson, Jr. and Lisa Puckett Sinderson

**APPLICANT:** Same as Owner

**LOCATION:** 3223 Inwood Drive – River Oaks

**30-DAY HEARING NOTICE:** N/A

**AGENDA ITEM:** I

**HPO FILE NO:** 06L170

**DATE ACCEPTED:** Dec-21-2006

**HAHC HEARING DATE:** Jan-24-2007

**PC HEARING DATE:** Feb-01-2007

### SITE INFORMATION:

Lot 5, Block 3, River Oaks Country Club Estates, City of Houston, Harris County, Texas. The site includes a historic two-story, brick and wood veneer residence.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY:

The John A. and Audrey Jones Beck home was constructed in 1948-50 and was designed by the prolific Houston architects, Wilson, Morris & Crain. The body of work created by these architects is substantial and includes many of the iconic buildings in Houston: the Astrodome, the trapezoidal Pennzoil Place skyscraper, the Williams Tower, and many others. The home at 3223 Inwood was designed for John A. and Audrey Jones Beck. The Becks donated their world-renowned Impressionist and Post-Impressionist art collection to the Museum of Fine Arts Houston (MFAH). In 2000, the MFAH opened the Audrey Jones Beck Building honoring Mrs. Beck's "profound contribution to the visual arts in Houston." The home qualifies for Landmark Designation under criteria 1, 3, 4, and 6.

### HISTORY AND SIGNIFICANCE:

Notable Houston architects, Wilson, Morris & Crain, designed the house at 3223 Inwood in 1948 for John and Audrey Jones Beck. Audrey Jones Beck was born on March 27, 1922 in Houston to Audrey and Tilford Jones. According to the Houston Endowment, Jesse Jones was the only grandfather Audrey ever knew and her grandparents "treated her more like a daughter than a grandchild." She spent much of her youth at their Lamar Hotel penthouse on Main Street where she had her own room. Later, during Jesse Jones' fourteen years in Washington D. C., Audrey frequently represented her grandfather by "christening new, high-speed trains and launching ships he had financed through the Reconstruction Finance Corporation (RFC). Along with Mrs. Jones's close friend, former first lady Edith Wilson, Audrey helped her grandmother sell war bonds in the RFC's Washington, D. C. lobby during World War II."

Audrey graduated from the Kinkaid School in 1939. She attended Mount Vernon College near Washington, D. C., and transferred to the University of Texas one year later. In 1941, she met Ensign John Beck while attending the opening of the Officer's Club at Corpus Christi's Naval Base. They were married eight months later at Christ Church Cathedral in Houston. For several years, they moved from assignment to assignment with the military.

After John Beck was released from the service, the couple made their home in Houston. John Beck developed a "booming business" selling and leasing heavy construction equipment. Mrs. Beck began a lifelong love and study of art. She said, "My romance with Impressionism began when I first visited Europe at the age of 16 as a student tourist, complete with camera to record my trip. I paid homage to the 'Mona Lisa' and the 'Venus de

Milo,' but the imaginative and colorful Impressionist paintings came as a total surprise. Works by these avant-garde artists, who had rebelled against the academic tradition of the day, were scarce in American museums at the time." John and Audrey Jones Beck began collecting the Modern Masters in the early 1960s. They acquired remarkable examples of Impressionism, Post-Impressionist styles, and early Modernism. Among the highlights were paintings by Gustave Caillebotte, André Derain, Edgar Manet, Camille Pissarro, Henri Matisse, Georges Seurat, and Pierre Bonnard. According to Art News, Mrs. Beck was "among the world's most important art collectors."

After Mr. Beck's death in 1974, Mrs. Beck lent her collection to the Museum of Fine Arts Houston (MFAH). Over the years, she gradually gave these paintings to the museum, completing this "supremely generous gift" with the balance of the collection in 1998. According to the MFAH, "her gift to the museum remains one of the largest, most important, and most valuable in the museum's history." The MFAH's new building was named in honor of "Mrs. Beck's profound contribution to the visual arts in Houston." Audrey Jones Beck was a lifetime trustee for the MFAH, a founding trustee of the Houston Grand Opera and the Houston Ballet, and served as a Houston Symphony Society trustee. She served on the Houston Endowment's Board of Directors where she helped to guide her grandparents' legacy for 42 years.

Audrey Jones Beck died on August 22, 2003. After her death, the John and Audrey Jones Beck House was donated to the MFAH, who sold it to a buyer who held it for a few months and then sold it to Lisa and John Sindors.

According to Stephen Fox, architectural historian, Seth Irwin Morris, Jr. (1914-2006), one of the architects for the Beck Home, was born in Madisonville, Texas. Morris received a B.A. in Architecture from the Rice Institute, now Rice University, in 1935. From 1936-1938, he worked for Houston architect Burns Roensch. Fred Talbott Wilson (1912-1988) was born in Houston and graduated from the Rice Institute with a B.S. in Architecture in 1935. Following the receipt of his architectural degree, Wilson worked for Claude E. Hooten in Houston, and for Johnson & Porter in New York, New York. In 1938, Morris and Wilson established their own architectural firm in Houston. In the beginning, they were mostly commissioned for residential work. In 1941, they ceased practice, but resumed practice in 1946, with the addition of Buford Walter Crain. Crain was born in Longview. He had a B.S. in Architecture from University of Texas (1937) and a Masters in Architecture from Harvard (1939). In 1953, Ralph Alexander Anderson, Jr. became the fourth partner in Wilson, Morris, Crain and Anderson. The firm practiced until 1972.

On August 6, 2006, the Chronicle ran a front page article upon the death of Morris. The article, entitled "Houston Sky No Limit for Prolific Architect", stated that his architectural firm had left a "timeless imprint on the Houston skyline - from the first-of-its kind Astrodome to downtown's trapezoidal Pennzoil Place skyscraper to the Williams Tower that looms high over the Galleria." During his life, he received the Rice Design Alliance Award for Design Excellence, the Gold Medal Award from the Association of Rice University Alumni, and the Llewellyn Pitts Award from the Texas Society of Architects. He also was named a Rice distinguished alumnus. His civic work included serving as longtime board member and past president of the Museum of Fine Arts, Houston. An interesting quote on Morris' career comes from Drexel Turner, an architecture professor at the University of Houston, who said, "he was a master of trying to lend civic involvement with the practice of architecture. He truly was committed to the arts and civic potential of Houston. And certainly was one of the first generation of Houston architects who came of age professionally when modernism was also coming of age. He certainly was in tune with the times."

Morris worked on many projects with his fellow architects, Wilson, Crain, and Anderson. Upon his death, the Chronicle listed their most notable projects. These projects include a wide range of commercial and community buildings.

- Houston Country Club (1957) with Hamilton Brown
- One Houston Center (1977) with Caudill Rowlett Scott and 3D International
- First City National Bank Building (1960) with Skidmore, Owings & Merrill
- Texaco Office Building (1977)
- Astrodome (1965) (with Lloyd, Morgan & Jones)
- First Baptist Church of Houston (1976)
- U.S. Post Office (1962)
- One Riverway (1978)
- Electric Tower (1968)
- Brown & Root Southwest Houston Office Bldg (1980)
- Houston Post Building (1970)
- Three Riverway (1980)
- One Shell Plaza (1971) with Skidmore, Owings & Merrill
- First City Tower (1981)
- Two Shell Plaza (1972) with Skidmore, Owings and Merrill
- Inn on the Park (1981)
- One Allen Center (1972)
- Gerald D. Hines College of Architecture building (1986) with Johnson/Burgee Architects
- KPRC Channel Two Studio (1972)
- Transco (now Williams) Tower (1983) in association with Johnson/Burgee Architects
- Tin Houses (1974)
- Wortham Theater Center (1987)

A further list of identified works of F. Talbott Wilson and S. I. Morris and others, which was researched and provided by Stephen Fox, includes: Paul Peters House, 1941 [demolished], Oak Forest Elementary School, Smith House, 1948, Mamie Sue Bastian Elementary School, Lazarus House, 1952 [Briar Hollow Lane--demolished], St. Philip's Presbyterian Church, 1953, 1960, Lucille Gregg Elementary School, 1954, Pieter Cramerus House, 1954, Whitfield Marshall House, 1955 [Pine Hill Lane, [demolished], Baker, Hanszen, and Will Rice Colleges, Rice University, 1956, Dr. Mavis P. Kelsey House, 1957, John B. Carter House, 1960, Ralph A. Anderson, Jr. House, 1960, F. Talbott Wilson House, World Trade Center Building, 1962 [refaced], Bayou Manor Apartments, 1962, Central Presbyterian Church, 1962, Southwestern Bell Telephone Co. Building, 1965 (with George Pierce-Abel B. Pierce), Heights State Bank, 1965, Western National Bank, 1967, Bank of Houston, 1967, Harris County Family Law Center, 1969, River Oaks Bank & Trust Co., 1970, Wilson's Stationery & Printing Co. Showroom, 1971 [refaced], Ernestine Matzke Elementary School, 1971, Great Southern Bank, 1971, Farish Hall, University of Houston, 1971.

The Beck home is an important "contributor to its block." On one side is the "Redbird House" designed by Briscoe & Dixon in 1925 and named for the ornamental ironwork in the canopy above the entrance. The Redbird home is one of five speculative homes built in the original project for River Oaks (2 survive). On the other side of the Beck home is a Spanish Colonial Revival house designed by Charles Oliver in 1926.



## ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Audrey Jones Beck House is a variation of the Tudor style with Norman influence. Various interpretations of these two styles are found elsewhere in the neighborhood. The primary period of River Oaks development occurred during the 1920s-1940s, at a time when the nationwide "Period" style of architecture was in vogue. This style paid homage to the architectural antecedents of northern Europe and early American variations of this style. The Audrey Jones Beck House represents a relatively late example of the "Period" style that is well executed and harmonious with earlier architectural examples found within the neighborhood.

The Beck House utilizes stylistic elements prevalent in English Tudor as well as in French Norman architectural examples. The house is two stories in height and is constructed with a wooden upper story which sits atop a masonry first floor. The use of a masonry first floor with a wood second story was prevalent in the homes of Northern France and was adapted in the Louisiana Acadian architecture of the 18<sup>th</sup> and early 19<sup>th</sup> Centuries. The home's English Tudor elements are apparent in its multi-light casement windows and gable end roof with dormers. The home features an unusual side main entry. A prominent gable ended bay projects northward from the primary façade and which is further extended towards the street by a one-story room with casement windows covered by a copper awning. Elsewhere, along the primary façade, is found a similar one story projecting bay beneath a copper awning. The main roof ridge is oriented parallel to the street and is multi level. The western portion of the house features a taller gable ended roof structure, which delineates it from the eastern portion.

The home is privately situated to the rear of the lot, behind a group of mature trees. According to the owners there are two possible origins for the home's design. The first is said to be based on a home in Normandy. The second is said to be based on the design of a home that Audrey Jones Beck owned in California. The home was originally constructed in 1948-1950 and was subsequently remodeled with an addition in 1960. The addition included a two-story Great Hall, which was also designed by the architectural firm of Wilson, Morris and Crain.

The Sindes purchased the Audrey Jones Beck home in January 2005 and have begun the process of a careful restoration which seeks to maintain historic materials while updating the home. The owners are in the process of restoring all of the historic fixtures acquired by Beck family from the Bricard firm in Paris. Recently completed work to the house, includes new gutters and roof which utilized similar materials to those originally used on the house. The houses mechanical systems, including electrical and plumbing, have been updated. The original detached garage, not visible from a public right of way, has been modified with the addition of additional bays and a second story bedroom.

## BIBLIOGRAPHY:

Fox, Stephen, personal notes and research about S.I. Morris and F. Talbot Wilson, August, 2006

Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999

Houston Chronicle, Audrey Louise Jones Beck obituary, August 28, 2003.

Museum of Fine Arts Houston: <http://www.mfah.org/main.asp?target=collection&par1=9&par3=31>

Houston Endowment: <http://www.houstonendowment.org/aboutus/Audrey1.htm>

*The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented by Thomas McWhorter, Planning and Development Department, City of Houston.*

### Archaeological & Historical Commission

#### APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

##### Sec. 33-224. Criteria for designation of a Landmark.

(a) The HAHC and the commission, in making recommendations with respect to designation, and the city council, in making a designation, shall consider one or more of the following criteria, as appropriate for the type of designation:

- | S                                   | NA                                  |  | S - satisfies | NA - not applicable |
|-------------------------------------|-------------------------------------|--|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;                    |               |                     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;   |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;                    |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;  |               |                     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;   |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation; |               |                     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (7) Whether specific evidence exists that unique archaeological resources are present;   |               |                     |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.   |               |                     |

#### STAFF RECOMMENDATION:

Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to Houston City Council the Landmark Designation of the John A. and Audrey Jones Beck House at 3223 Inwood Drive.

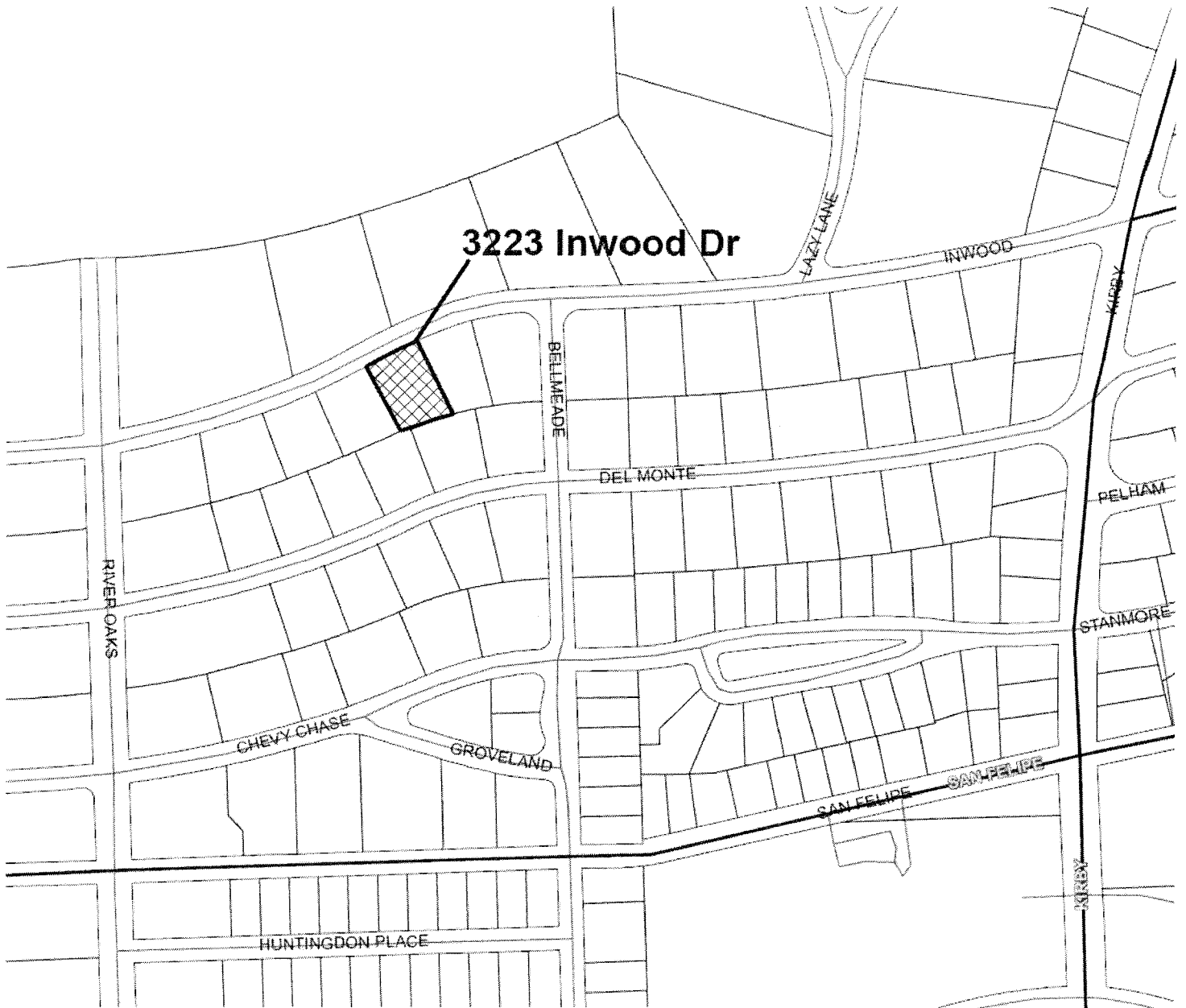
#### PUBLIC COMMENTS: NONE

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP  
JOHN A. AND AUDREY JONES BECK HOUSE  
3223 INWOOD DRIVE  
NOT TO SCALE



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

<b>SUBJECT:</b> Approval of a resolution designating Broadacres as a Historic District		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 18
<b>FROM (Department or other point of origin):</b> Planning and Development		<b>Origination Date</b> 2/15/2007		<b>Agenda Date</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Marilyn R. Gagnier</i>		<b>Council District affected:</b> C		
<b>For additional information contact:</b> Thomas McWhorter Phone: 713-837-7963		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b>  Approval of a resolution designating Broadacres as a Historic district				
<b>Amount and Source of Funding:</b>			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b>  In accordance with the City of Houston Code of Ordinances, the property owners initiated an application for the designation of the historic district on December 10, 2006. After appropriate notifications were completed, Public Hearings were held by the Houston Archaeological and Historical Commission (HAHC) on January 24, 2007 and the Houston Planning Commission on February 1, 2007. Both commissions recommended approval of the historic district designation after determining that the application satisfied all criteria of the ordinance including: 1) a majority of the property owners supported designation by signed petitions; 2) the proposed area met at least one criteria for the type of designation as a historic district; and 3) a majority of buildings within the area were contributing or potentially contributing and 50 years of age or older. The Planning and Development Department notified all interested parties. There were no objections at the public hearings.  MLG: rp tm  Attachments: Application and Staff Report  xc Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

# CITY OF HOUSTON

Houston Archaeological and Historical Commission/Planning & Development Dept.

## HISTORIC DISTRICT DESIGNATION REPORT

**HISTORIC DISTRICT:** Broadacres Historic District (Proposed)

**LOCATION:** See Site Location Map attached

**APPLICANT:** Marianne Jones, a Broadacres property owner

**30-DAY HEARING NOTICE:** Dec-24-06

**AGENDA ITEM:** III

**HPO FILE NO:** 07HD08

**DATE ACCEPTED:** Dec-10-2006

**HAHC HEARING DATE:** Jan-24-2007

**PC HEARING DATE:** Feb-01-2007

**SITE INFORMATION:** All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and Tracts 6A, 9A, and 13A, Broadacres Subdivision, Houston, Harris County, Texas.

**TYPE OF APPROVAL REQUESTED:** Historic District Designation

### HISTORY AND SIGNIFICANCE SUMMARY:

The Broadacres Subdivision is one of the most significant high-end neighborhoods to have been developed in Houston during the first half of the 20<sup>th</sup> century. The neighborhood has not only hosted many of Houston's most influential families, but also represents a significant grouping of single family residences designed by Houston's most notable architects working at the time.

The exclusive residential neighborhood is 34.17 acres in size and contains twenty-six historic residences constructed between 1923 and 1954. The architects who designed these homes include Alfred Finn, Birdsall Briscoe, The Russell Brown Company, and William Ward Watkin. The body of work created by this group of architects includes many of the homes constructed for Houston's business and social leaders in not only Broadacres, but also in Courtlandt Place, River Oaks, Westmoreland, Montrose, and Avondale.

The neighborhood also represents an early example of a master planned community where both the built and natural environments are integrated and equally important. Architect William Ward Watkin designed the curvilinear streets around very prominent esplanades. Although Watkin was best known for his architectural projects, like the Museum of Fine Arts building and The Julia Ideson Library in downtown, he designed only one house in the neighborhood. His most lasting and recognizable mark in Broadacres, however, is found in the Live Oak tree-lined thoroughfares he designed, reminiscent of the grand boulevards of New Orleans. Broadacres Historic District was listed in the National Register of Historic Places on April 16, 1980. Broadacres Historic District satisfies Criteria 1, 3, 4, 5 and 6 for designation as a Historic District of the City of Houston.

### HISTORY AND SIGNIFICANCE:

The Broadacres Subdivision represents "one of the most distinguished concentrations of eclectic architecture in Houston, a privately maintained park, and three publicly accessible parkway esplanades. There are twenty-six houses in Broadacres. Eighteen of these were built between 1923 and 1930, four between 1938 and 1939, two in 1941 and 1948 respectively, and two in the early 1950's. Of the eighteen oldest houses, two have experienced significant modifications. The remaining sixteen are maintained in virtually their original conditions. Broadacres is situated in the South End of Houston in proximity to Rice University, the Texas Medical Center, Hermann Park and the Museum of Fine Arts. Land use is exclusively single-family residential."

"An essential element of Broadacres' significance is its carefully nurtured cohesion, the result of early set-

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back and cost requirements, underground utilities, and professional landscape architecture. All the houses are at least 60 feet from the boulevard. Yards are thickly planted with azalea and camellia bushes, and magnolia pecan, and Japanese yew trees. Many of the houses are shielded from the street by hedges.”

“Comparable architectural styles contribute to this homogeneity. Many of the houses have references to motifs popular in other places at other times, such as 1405 North (Georgian), 1318 North (Spanish), 1324 and 1405 South (English Tudor and the Arts Crafts movement) and 1506 South (French Chateausque). These influences are moderated, however, avoiding a possible fantastic streetscape. Others, such as the Lester house at 1324 North, have such restrained references that practically a new style emerges.”

“Broadacres is a neighborhood in the South End of Houston that may be designated an enclave: a residential district originally comprised of a limited number property owners who came together on the basis of personal and professional association. Distinctive planning (illustrated by the quality of its landscape architecture) and fine eclectic domestic architecture mark Broadacres as not only an exemplar of 1920s residential development, but as a noteworthy public amenity. Three of the period's finest designers - William Ward Watkin, Birdsall P. Briscoe, and John F. Staub - contributed to this ambiance. Its park-like atmosphere helps all alleviate the severe shortage of city owned green space in over-developed Houston.”

“The notion for creating this type of neighborhood seems to have been conceived in the summer of 1922 by a young attorney, James A. Baker, Jr., and his father, Captain James A. Baker. Captain Baker was a principal in Baker, Botts, Parker & Garwood, Houston's most important law firm, of which his oldest son was also a member. Additionally, the elder Baker was chairman of the Board of Trustees of the William M. Rice Institute, president of the South Texas Commercial National Bank, and of the Guardian Trust Company. By the end of 1922, seventeen other individuals had joined Baker, Jr. in the undertaking, and in January 1923 Captain Baker sold them (through the Guardian Trust Company) slightly more than thirty-four acres near the intersection of South Main Street and Montrose Boulevard, two-fifths of a mile north the Rice campus.”

“Captain Baker had owned this tract since 1908, the year when Rice Institute's trustees began acquiring property for a university campus south of Houston. By the early 1920s, the area, although physically unprepossessing (it was a flat, virtually treeless plain), had emerged as the center of residential real estate activity in Houston. Proximity to the Rice Institute (opened in 1912), Hermann Park (donated to the city in 1914), the site of the Art League's proposed museum (acquired in 1916) and the residential enclave of Shadyside (begun in 1916) recommended it for development of this kind.”

“Captain Baker and his son seem to have consulted architect William Ward Watkin early in their planning, and he is thought to have suggested the name Broadacres for the new subdivision. H. A. Kipp was retained to plat the rectangular site.”

“House sites (twenty-six originally, but finally twenty five as a lot was divided between two others) faced North and South Boulevards. All utilities were carried in subterranean conduits. Lot sizes varied from four-fifths of an acre to two acres, the two largest being lots 6 and 9, the outsize lots occurring where West intercepted North and South. The plat seems originally to have been devised as an elongated horseshoe, with access and egress only at the northeast and southwest corners. But uncertainty as to the city of Houston's willingness to accept this arrangement caused roadways along the line of the inner carriage ways of North and South Boulevards to be extended beyond West Boulevard to the western property line of the subdivision.”

“Broadacres' eighteen initial property owners paid Captain Baker a total of \$125,000 (in sums ranging between \$5,852.87 and \$13,507.83, depending lot size) for the property, and furthermore deeded to him one of the two big corner lots, number 9 on North Boulevard. These eighteen individuals included, aside from

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Baker, Jr. and his sister Alice Baker Jones, the wife of an attorney and judge; two physicians, two insurance executives; a lumberman; a railroad executive; oilman/rancher; president of a drug company, an attorney, a banker, an official of the Guardian Trust Company; an industrialist, John F. Dickson, Jr.; two principals in wholesale grocery and cotton factorage firms; and two attorneys associated with Baker Botts, Parker & Garwood.”

“Improvements in Broadacres began early in 1923, following the transfer of the property.. The eighteen lot owners (exclusive of Captain Baker) deposited a sum of \$150,000 with the Guaranty Trust Company to finance this program. Concurrent with the sale of the tract, five lot owners were designated as trustees in a separate agreement with the Guardian Trust Company and charged with improving and maintaining the subdivision and enforcing the restrictions outlined in the deed of sale. These restrictions stipulated the orientation of houses, set back requirements, minimum construction cost of \$20,000 and proscriptions on land-use. In November 1923, James A. Baker, Jr., one of the five trustees, contracted with William Ward Watkin for the design of four pairs of "posts" to be erected at the four entrances to Broadacres, a tool shed in the park, and the landscaping of the park and esplanades, for which he was to consult with Baker, Jr.'s wife, Bonner Means Baker.”

“Planning for the earliest houses in Broadacres seems to have commenced simultaneously with the improvements. In early 1923 Captain Baker commissioned Watkin to design a house for his family. The Bakers' house at 1416 Main Street was being threatened by downtown expansion, and the attorney apparently decided to redevelop the block for commercial purposes. Watkin designed a house in the Spanish Mediterranean vein for the big lot on North Boulevard, but it was not built, for Baker was suddenly presented with the opportunity to buy other attractive property in 1923. The owners of the other large lot (6) also planned a Mediterranean style house, but it was eventually built in River Oaks instead.”

“The first two houses actually constructed in Broadacres were those on lots 16 and 25; the Pyeatt house at 1309 North Boulevard and the Thompson house at 1310 South Boulevard. In their stylistic diversity, these houses reflected the eclectic tendencies then prevailing in American domestic architecture, with its penchant for romantic vernacular and minor classical styles. These tendencies encompassed four dominant modes in the 1920s; the medieval (usually English Tudor or French Norman), the Mediterranean (of Spanish, Italian or Spanish colonial derivation), the Georgian (a variety of 18th and early 19th century English traditions), and the colonial (American architecture from the 17th through the early 19th centuries). It was within this expressive framework that the best architecture in Broadacres was produced.”

“The work of three of the finest Houston architects of the period - William Ward Watkin, Birdsall P. Briscoe and John F. Staub - is represented in Broadacres. Watkin had been sent to Houston in 1910 by Cram, Goodhue & Ferguson to supervise the construction of the Rice Institute. Remaining at the Institute, he inaugurated its department of architecture and commenced independent practice in Houston. Watkin designed a number of important public buildings such as The Museum of Fine Arts, and a series of large houses in South End neighborhoods. Briscoe, a grandson of the first Anglo-American settler in Harris County had received his training in the offices of several Houston architects. The houses that he began to produce soon after starting independent practice in 1911 revealed him to be a very talented designer.

Staub came to Houston in 1921 to represent the New York architect, H. T. Lindeberg, and supervise the construction of three houses he had designed in Shadyside. When Lindeberg closed his Houston office in 1923, Staub remained to start his own office. Even his earliest houses, several of which were built in Broadacres, demonstrated the astonishing virtuosity which was to characterize his architecture.”

“Although he had designed others, Watkin realized only one Spanish style house in Broadacres on lot 13. As

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the architect was preparing for a trip to Europe in the summer of 1925, he persuaded Mr. and Mrs. Gilmer to postpone construction of the house until his return. He wrote them that he intended "to spend quite a lot of time in Spain, particularly in the study of color and detail, and the result shall be very helpful in the finishing of your house." The Gilmer's acceded to Watkin's suggestion and even landscaped the Spanish vernacular style house with appropriately semi-tropical flora."

"Briscoe and Staub were both fortunate in realizing a number of houses apiece. Both architects were thoroughly eclectic, but each tempered his discriminating manipulation of architectural history with an exacting sense of proportion and a keen sensitivity to materials. Briscoe was in partnership with Sam H. Dixon, Jr. when he designed the first four of his eight constructed Broadacres houses: the Dickson, Cleveland, Walne and Carter houses, all on South Boulevard. The Dickson house, like Watkin's work, is in the Spanish manner. A huge house, its division of internal space is articulated on the exterior with variegated massing and asymmetrical composition. Next door, the Federal style Cleveland house is precisely the opposite in appearance: a single block with large floor-to-ceiling windows flanking central, inset loggia. The Walne and Carter houses are of medieval provenance and both employ a protruding oriel bay beneath an off center table as the dominant motif of the street elevation."

"After Briscoe & Dixon was dissolved in March 1926, an immediate difference became apparent in Briscoe's architecture. Gone was the residual awkwardness evident in much of Briscoe & Dixon's work. The huge Cotswold style house which Briscoe designed for Betty G. Lester on lot 12 on North Boulevard is impeccable in proportion and detail, and on one half of the Sewall lot (west half of lot 6), Briscoe achieved what he regarded as one of his finest houses, a splendid Italian villa for Burdine Clayton Anderson. The Robert W. Wier house at 1411 North Boulevard documents Briscoe's assurance in these years: it is almost completely stripped of historical ornament, relying on massing, proportion and the execution of detail for an insinuation of the period character. In addition to these houses, Briscoe designed the Edmund Pincoffs' house at 1323 North Boulevard in 1926 and at least one unbuilt house in Broadacres, for Joseph A. Tenant on lot 8. In addition, he and Dixon designed the E. G. Maclay house, just across the Broadacres property line in the neighboring subdivision of Edgemont, and two unexecuted houses similarly located, one for Travis S. Masterson on North Boulevard, and one for Harry G. McClung on South Boulevard."

"John F. Staub produced six houses in Broadacres. The consistent level of design, ingenuity and wit which these houses display fully warrants his identification as the foremost exponent of eclectic architecture to practice in Texas."

"As with Briscoe, the stylistic genres employed by Staub underscore the range of 1920s eclecticism. The Hutcheson house was New England colonial in its allusions, the Tenant and Dow houses borrowed from mid and late 18th century Georgian examples, the Cochran and Kuldell houses evoked rural building traditions of 15th and 16th century England, and the Dargan house remarked the popularity of minor French classical architecture at the end of the 1920s. Yet the architect of each of these houses responded to, rather than suppressed, factors of orientation, ventilation and convenient planning. Houses located on the south of the street had their principal living rooms and bedrooms lined up along the south (rear) elevation facing a private garden. Circulation and services were layered behind the street (front) elevation, although from the exterior this inversion was cleverly minimized. Major rooms obtained the prevailing southeast breeze, while kitchen facilities gravitated to the northwest corner of the house. Houses on the north side of the street were set far back from the roadway so that the main, south facing rooms looked out across a broad sunny lawn. In the Cochran house, Staub even located the front door on the side of the house so that the front garden might obtain a greater degree of privacy. Briscoe, in his later houses, adhered as well to this regimen in planning."

"As in the rest of Houston, the economic consequences of the Great Depression brought a halt to construction

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in Broadacres. The Dargan house, completed in 1930, marked the end of Broadacres's initial development period. As documented in contemporary photographs, the great houses loomed up on the nearly bare prairie, each resolutely facing its across-the-street neighbor or a vacant lot. By the end of the 1920s, seven lots remained vacant.”

“Another, less tangible factor, in the hiatus which Broadacres experienced in the early and mid 1930s was the development of River Oaks, a planned garden suburb several miles west of Houston. Although River Oaks was begun the same year that Broadacres opened, its relative geographic isolation proved an impediment to its early development. But careful planning, a discreet but aggressive sales campaign, and its larger size made River Oaks an equally attractive and somewhat less intimidating alternative to the highly stratified South End enclaves, and new construction continued there despite the economic crisis of the early 1930s.”

“While no new construction occurred in Broadacres before 1938, changes did transpire in the neighborhood. Landscaping seems to have been pursued by resident property owners in the early and middle 1930s in an attempt to ameliorate the rather blunt aspect of house-lot-street.”

“Landscape architect C. C. Fleming's work at the Walne house exemplifies the favored approach. Small formal gardens of quite different character were constructed in series, usually continuing vistas outward from principal rooms in the house towards the south or east. Old brick was used for retaining walls, terraces and steps, as level changes were often introduced to heighten the variety of exterior spaces. Small pools or fountains functioned as terminal devices. Hedge breaks were a common feature in the landscaping of most of the individual houses, permitting passage between adjoining gardens.”

“The most notable landscape design to be implemented in Broadacres was for Mrs. Laura Rice Neff, who purchased the Clarence L. Carter house after Carter's death in 1936, and the next year commissioned Ellen Shipman, the New York landscape architect, to plan a new garden layout. Miss Shipman erected a brick wall along South Boulevard and planted a dense, small-scale garden between the front of the house and the wall. Focused on a fountain built into the wall, the garden created the illusion of a deep set-back between house and street.”

“In contrast to Ellen Shipman's treatment, most occupants of north-side houses chose to maintain the front yard as a broad lawn punctuated with a few strategically placed live oak or magnolia trees, and separated from the street by only a low hedge. A survey of unimproved property in Broadacres between 1930 and 1938 would have revealed that there were no vacant lots along the south sides of North or South Boulevards, generally considered the more desirable side of the street as it ensured privacy without sacrificing the preferred southern exposure.”

“Post-Depression construction resumed in 1939 and was complete by 1953. These structures are compatible in scale, materials, and relationship to the streetscape. They are basically simple designs with minimal historic references.

Changes now evident in Broadacres have resulted from the remodeling of existing houses (not always felicitously) and the maturation of the landscape. William Ward Watkin deserves credit for his foresight in specifying the double allees of trees along the Broadacres esplanades. In their divergent branching, live oaks create a design, irregular pattern of wild and romantic aspect, totally at variance with the almost mechanical regularity of the subdivision's layout. This opposition between nature and artifice also operates at the level of public and private for, although conceived as a restricted residential neighborhood, Broadacres' foliated park and esplanades have converted it into a significant public amenity. Broadacres is a tribute to the vision of a generation of Houstonians who, in the first third of the 20th century, laid the foundations of many of the most

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important institutions, both public and private, in the city. Their deep and generous concern for the quality of the local environment, and their willingness to retain assistance of the highest caliber in giving shape to these concerns, are displayed in both the natural and manmade beauty of Broadacres.”

### **BIBLIOGRAPHY ON FILE IN THE NATIONAL REGISTER**

*All information from National Register of Historic Places Nomination packet, which was accepted by the Texas Historical Commission staff and entered into the National Register of Historic Places on April 16, 1980. Additional supplemental information provided by Planning staff.*

### **APPROVAL CRITERIA:**

According to Section 33-222 of the Historic Preservation Ordinance:

Application for designation of an historic district shall be initiated by either:

(b)(1) The owners of at least 67 percent of the tracts in the proposed district, which tracts shall constitute 51 percent of the land area within the proposed district exclusive of street, alley and fee simple pipeline or utility rights-of-way and publicly owned land, shall make application for designation of an historic district. In case of a dispute over whether the percentage requirements have been satisfied, it shall be the burden of the challenger to establish by a preponderance of the evidence through the real property records of the county in which the proposed historic district is located or other public records that the applicants have not satisfied the percentage requirements.

**The application for designation of Broadacres as a Historic District includes signed petition support from 76.9% percent of the property owners (20 of the 26 property owners signed in support of designation), and the total land area of the tracts of those owners in support of the designation constitute 78.9% percent of the total land area within the proposed district.**

(b) Notwithstanding the foregoing, no building, structure, object or site less than 50 years old shall be designated as a landmark or archaeological site, and no area in which the majority of buildings, structures or objects is less than 50 years old shall be designated as an historic district, unless it is found that the buildings, structure, object, site or area is of extraordinary importance to the city, state or nation for reasons not based on age.

**There are a total of 26 primary, residential buildings in the proposed historic district. Of those 26 buildings, 22 are classified as “contributing” and 4 are classified as “potentially contributing” (and are 50 years of age or older) or 100% of the proposed historic district. There are no buildings that are classified as “non-contributing” (50 years of age or less).**

According to the approval criteria in Section 33-224 of the Historic Preservation Ordinance :

(a) The Houston Archaeological and Historical Commission and the Houston Planning Commission, in making recommendations with respect to designation, and the City Council, in making a designation, shall consider one or more of the following criteria, as applicable:

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- | S                                   | NA                       |  | S - satisfies | NA - not applicable |
|-------------------------------------|--------------------------|--|---------------|---------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;                    |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;                    |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;  |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;   |               |                     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation; |               |                     |

### **STAFF RECOMMENDATION:**

Staff recommends that the Houston Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to Houston City Council the Historic District designation of Broadacres.

**Public Comments: None**

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## EXHIBIT "A" SITE LOCATION MAP PROPOSED BROADACRES HISTORIC DISTRICT HOUSTON, TEXAS



Not To Scale

### Legend

- ★ Contributing Structures
- Potentially Contributing Structures

January 2007



**EXHIBIT "B"**

INVENTORY OF PROPERTIES FOR  
BROADACRES HISTORIC DISTRICT

BROADACRES SUBDIVISION, HOUSTON, HARRIS COUNTY, TEXAS

PROPERTY ADDRESS	OWNER NAME	LEGAL DESCRIPTION	NATIONAL REGISTER NAME	ARCHITECT/CONTRACTOR	CIRCA DATE OF CONSTRUCTION	STYLE OF ARCHITECTURE	DESIGNATION (C / PC / NC)
* 1300 North Blvd	Thomas & Nancy Pincus	Lot 15	W. Scott Red House	David D Red	1948	Spanish	PC
* 1309 North Blvd	Peter M Way	Lot 16	J.S. Pyeatt House	J. M. Glover W. Lindsay, contractor	1923-24	Period, with Tudor influences	C
* 1314 North Blvd	Henry G Glass et ux	Lot 14	George H. Dentler House		1939	Georgian Revival	C
* 1317 North Blvd	Kenneth Moffet	Lot 17	Kemp S. Dargan House	John F. Staub Chris J. Miller, contractor	1929-30	Regency	C
1318 North Blvd	Michael G Rosmann	Lot 13	Brian Brewster Gilmer House	William Ward Watkin G. C. Street, contractor	1925-26	Spanish-Mediterranean	C
* 1323 North Blvd	Marion Knox Fort	Lot 18	Edmund Pincoffs House	Birdsall Briscoe Thomas T. Hopper, cont	1926-27	Regency	C
1324 North Blvd	John P Cogan Jr.	Lot 12	Jemison E. Lester House	Birdsall Briscoe W. J. Goggan, cont	1926-27	Period, with Tudor influences	C
* 1404 North Blvd	Deeann & W Yandell Rogers II	Lot 11	Raymond I. Arch House	Wiley C. Vale	1952	French Renaissance	PC
* 1405 North Blvd	Matthew R Simmons Intl	Lot 19	Palmer Hutcheson House	John F. Staub Chris J. Miller, contractor	1924-1925	Am Colonial Revival	C
* 1411 North Blvd	Michael & Cynthia Fowler	Lot 20	Robert W Weir House	Birdsall Briscoe Thomas M. Murray, cont	1927-1928	Georgian Revival	C
* 1412 North Blvd	Daniel Dror II	Lot 10	William N. Bonner House	H.A. Salisbury & J.G. McHale	1939	French Chateaesque	C
* 1500 North Blvd	Mark & Janet Jacobs	East 1/2 Lot 9	House	Sam H. Dixon, Jr, & A.B. Ellis E.B. Borden Co, contr	1938-1939	Georgian Revival	C
* 1505 North Blvd	Edward & Ann Norwood	Lot 8	Joseph A Tennant House	John F. Staub Thomas M. Murray, cont	1926-1927	Georgian Revival	C
1506 North Blvd	Evan & Louis Daily	West 1/2 Lot 9	House	Sam H. Dixon, Jr, & A.B. Ellis	1938-1939	Eclectic with Georgian Revival influences	C
1305 South Blvd	PJ Murphey & Hillary Harmon	Tract 1	C. Miloy Dow House	John F. Staub	1926-1927	Georgian	C

**EXHIBIT "B"**

INVENTORY OF PROPERTIES FOR  
BROADACRES HISTORIC DISTRICT

BROADACRES SUBDIVISION, HOUSTON, HARRIS COUNTY, TEXAS

PROPERTY ADDRESS	OWNER NAME	LEGAL DESCRIPTION	NATIONAL REGISTER NAME	ARCHITECT/CONTRACTOR	CIRCA DATE OF CONSTRUCTION	STYLE OF ARCHITECTURE	DESIGNATION (C / PC / NC)
				Thomas M. Murray, cont			
1310 South Blvd	Anne Windforh Grimes	Lot 25	Alex Thompson House	Russell Brown Company	1923-1924	Georgian	C
* 1311 South Blvd	Timothy Sharma	Lot 2	John F. Dickson, Jr, House	Briscoe & Dixon	1924-1925	Spanish Vernacular	C
* 1314 South Blvd	Ronald G Merrett	Lot 24	Wilber E. Hess House	Wilson Morris & Crain	1954	Ranch Eclectic	C
* 1323 South Blvd	Alice McPherson Mierzwa	Lot 3	William D. Cleveland House	Briscoe & Dixon	1924-1925	Federal	C
1324 South Blvd	South Blvd Partners Ltd	Lot 23	William S. Cochran House	John F. Staub Chris J. Miller, contractor	1925-1926	Period, with Tudor influences	C
* 1400 South Blvd	Rob & Marianne McCann Jones	Lot 22	Rudolph C Kuldell House	John F. Staub Thomas M. Murray, cont	1928-1929	Period, with Tudor influences	C
* 1405 South Blvd	Robert & Phoebe Tudor	Lot 4	Walter H. Walne House	Briscoe & Dixon Thomas M. Murray, cont	1924-1925	Period, with Tudor influences	C
* 1412 South Blvd	John & Anne Mendelsohn	Lot 21	Hattie & S. Clark Red, Jr, House	David D. Red	1941	Southern Greek Revival	C
* 1505 South Blvd	University of Houston	Lot 5 & East 1/2 Lot 6	Frank Prior Sterling House	Alfred C Finn W.A. Lang, contractor	1926-1927	Am Georgian Revival	PC
* 1506 South Blvd	William Hobby Jr	Lot 7	Clarence L Carter House	Briscoe & Dixon Thomas M Murray, cont	1926-1927	Period, with French influences	PC
* 1515 South Blvd	Scott Van Dyke	West 1/2 Lot 6	Burdine Clayton Anderson House	Birdsall Briscoe Chris J. Miller, contractor	1927-1928	Italian Villa	C

**LEGEND**

C = Contributing (Minimum 50 years old and no alterations)

PC = Potentially Contributing (Minimum 50 years old with reversable alterations)

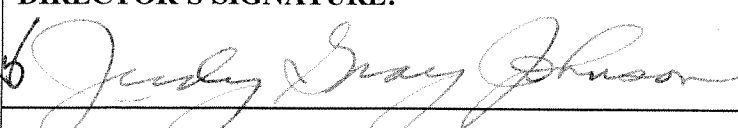
NC = Non-Contributing (Less than 50 years old or has non-reversable alterations)

\* Signed Petition in Support

<b>SUBJECT:</b> Cut-back Curb Sections for Parking on Austin Street between McGowen Street and Dennis Street for Wells Fargo Bank.		<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  19
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  4/5/07	<b>Agenda Date</b>  APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b>  MSD <i>[Signature]</i> 4/21/07 for Michael S. Marcotte, P.E., DEE, Director <i>Mike Marcotte</i>		<b>Council District affected:</b>  I	
<b>For additional information contact:</b>  <i>[Signature]</i> John J. Sakolosky, P.E. City Engineer <b>Phone:</b> (713) 837-7114		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> Adopt a Resolution approving a cut-back curb section for Wells Fargo Bank on Austin Street between McGowen Street and Dennis Street.			
<b>Amount and Source of Funding:</b> N/A <i>[Signature]</i>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> Under Houston Traffic Code Section 45-114, it is unlawful for any person to cut back any curb in front of any establishment for the purpose of providing individual parking space or parking spaces for the use of customers of such establishment without the consent of City Council. Wells Fargo Bank has plans for the renovation of their property in Midtown. This bank is a central depository for the Bank's Texas operations. Due to security issues, they have requested cut back curbs for their couriers.			
<b>LOCATION:</b> Wells Fargo Bank in Midtown is located in an area bounded by McGowen Street to the north, La Branch Street to the east, Dennis Street to the south and Austin Street to the west. It is located in Key Map Grid 493U.			
<b>DESCRIPTION/SCOPE:</b> The proposed cut back curb is located on east side of Austin Street between McGowen Street and Dennis Street and will allow for two parking spaces. Council approval is required in order to allow the development to proceed with the cut back curbs.			
<b>ACTION RECOMMENDED:</b> It is therefore recommended that City Council adopt a resolution consenting to cut back curbs on Austin Street between McGowen Street and Dennis Street.			
MSM:AFL:JJS:KSJB:RK <sup>RF</sup>			
c: Marty Stein Susan Bandy Velma Laws Craig Foster Files: Cut Back Curbs – Austin between McGowen and Dennis			
<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20RK01</b>	
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  <i>[Signature]</i> Andrew F. Icken, Deputy Director Planning & Development Services Division	

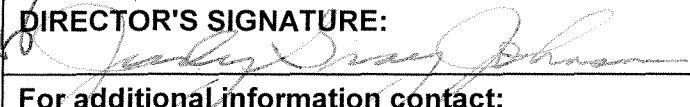




<b>SUBJECT:</b> Approval of a resolution by the City of Houston approving the issuance of revenue bonds by the Mission Economic Development Corporation for Allied Waste North America, Inc. projects and approving a related Public Hearing		<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item</b> <span style="font-size: 2em; font-weight: bold;">20</span>
<b>FROM (Department or other point of origin):</b> Department of Finance and Administration		<b>Origination Date:</b> April 5, 2007	<b>Agenda Date</b> APR 11 2007	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District Affected:</b> B, D, I		
<b>For additional information contact:</b> Michael Shannon 713 221-0201		<b>Date and identification of prior authorizing Council action:</b>		
<b><u>RECOMMENDATION:</u> (Summary)</b> Approval of a resolution by the City of Houston granting permission for the issuance of Revenue Bonds by the Mission Economic Development Corporation for Allied Waste North America, Inc.				
<b>Amount of Funding:</b> Not Applicable			<b>F&amp;A Budget:</b>	
<b>Source of Funding:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify				
<b><u>SPECIFIC EXPLANATION:</u></b> The Mission Economic Development Corporation intends to issue Solid Waste Disposable Revenue Bonds (the "Bonds") for Allied Waste North America, Inc. to finance certain infrastructure and capital improvements throughout Texas. The City of Houston ("the City") is one of 24 municipalities asked to approve a resolution which allows for a portion the proceeds of the Bonds to be used within the City's jurisdiction. Of the 52 sites statewide to be improved by Allied Waste North America, Inc., seven are existing facilities within the City. The planned infrastructure and capital improvements at these seven sites is estimated to be approximately \$25,000,000. Since these bonds are being issued as tax-exempt obligations, federal regulations require the consent of City Council. By its consent, the City is in no way responsible, financial or otherwise, for the projects or the bond financing.  In order to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, a public hearing will be held in the City by Vinson and Elkins L.L.P., enabling members of the public to express their views with respect to the projects within the City. Notice of such hearing was published consistent with all applicable laws and regulations. A copy of the Certificate of Public Hearing Officer is attached as Exhibit C to the City's resolution.  The City is not being asked to undertake any obligation, financial or otherwise. These Bonds will not be a debt or liability of the City. The consent being requested is solely to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended, and to comply with all state and federal requirements for the issuance of the Bonds.				
<b><u>Recommendation</u></b>  Approval of this resolution is recommended.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of a resolution authorizing the creation of the Leland Woods Redevelopment Authority.	<b>Category # 1</b>	<b>Page 1 of 1</b>	<b>Agenda Item # 21</b>
<b>FROM: (Department or other point of origin):</b> Finance & Administration	<b>Origination Date</b> April 2, 2007		<b>Agenda Date</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council Districts affected:</b> B		
<b>For additional information contact:</b> Robert Fiederlein <b>Phone:</b> 713-837-9661 Tom Mesa <b>Phone:</b> 713-837-9857	<b>Date and identification of prior authorizing Council Action:</b> Ord. 03-1330, 12/23/03		

**RECOMMENDATION: (Summary)**

City Council approve a resolution authorizing the creation of the Leland Woods Redevelopment Authority.

<b>Amount and Source of Funding:</b> No Funding Required	F & A Budget
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**Specific Explanation:**

By Ordinance 03-1330 passed on December 23, 2003, City Council created Tax Increment Reinvestment Zone Number Twenty-Two, the Leland Woods Zone. The principle objective of this Zone is to support the construction of affordable housing in northeast Houston.

To assist in the implementation of the Project and Financing Plan for the Leland Woods Zone, it is proposed to create the Leland Woods Redevelopment Authority. This local government corporation, authorized under Chapter 431 of the Transportation Code, will have the ability once the City, the Zone and the Authority enter into a contract (a "Tri-Party Agreement") to enter into a reimbursement agreement with the developer, to undertake projects detailed in the Zone Project Plan, and to issue debt and enter into contracts to achieve the objectives of the City Council-approved Zone Project and Financing Plan. The Board of Directors of the Leland Woods Zone will serve as the Board of Directors of the Leland Woods Redevelopment Authority. The previously discussed Tri-Party Agreement will be the subject of a future Council action.

The proposed Articles of Incorporation and Bylaws are attached for review.

Attachments: Articles of Incorporation, Bylaws

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

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Tom Mesa	<b>Other Authorization:</b>  Robert Fiederlein
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**ARTICLES OF INCORPORATION**  
**OF**  
**THE LELAND WOODS REDEVELOPMENT AUTHORITY**

We, the undersigned natural persons, each of whom is at least eighteen (18) years of age or more, and a resident and a qualified voter of the City of Houston, Texas (the "City") and a citizen of the State of Texas, acting as incorporators of a corporation under the provisions of Subchapter D of Chapter 431, Texas Transportation Code (the "Act"), and Chapter 394, Vernon's Texas Codes Annotated, Texas Local Government Code (the "Local Government Code"), do hereby adopt the following Articles of Incorporation for such corporation:

**ARTICLE I**

The name of the corporation is LELAND WOODS REDEVELOPMENT AUTHORITY (the "Authority").

**ARTICLE II**

The Authority is a public non-profit corporation.

**ARTICLE III**

The period of duration of the Authority shall be perpetual.

**ARTICLE IV**

The Authority is organized and will be operated exclusively for one or more charitable purposes, within the meaning of Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended (the "Code"). The Authority is organized for the purpose of aiding, assisting, and acting on behalf of the City in the performance of its governmental functions to promote the common good and general welfare of the area included in Reinvestment Zone Number Twenty-Two, City of Houston, Texas (the "Zone") and neighboring areas, as more particularly described in City Ordinance No. 2003-1330 and as the boundaries may be amended from time to time (the "Leland Woods Area"); to promote, develop, encourage and maintain housing, employment, commerce and economic development in the City.

The Authority is further organized to aid, assist and act on behalf of the City and the Board of Directors of the Zone:

(a) in the preparation and implementation of the Project Plan and a Financing Plan for the Zone and the preparation and implementation of amendments thereto;

(b) in the development of a policy for and implementation of the financing and construction of public infrastructure improvements and open space improvements necessary for

the development of a single-family subdivision and other related land uses in the Leland Woods Area; and

(c) in the development and implementation of a development policy for the Leland Woods Area, including the acquisition of land for development purposes.

The Authority is formed pursuant to the provisions of the Act as it now or may hereafter be amended, and Chapter 394, Texas Local Government Code, which authorizes the Authority to assist and act on behalf of the City and to engage in activities in the furtherance of the purposes for its creation, provided that the Authority shall not be authorized to make or acquire home mortgages, or to make loans to lending institutions, the proceeds of which are to be used to make home mortgages or to make loans on residential developments.

The Authority shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of Texas to non-profit corporations incorporated under the Act including, without limitation, Article 1396, Vernon's Texas Civil Statutes.

The Authority shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations in Texas and which are necessary or useful to enable the Authority to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created, provided that the Authority shall not issue bonds without the consent of the City Council of the City.

The Authority is created as a local government corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (2), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Authority are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Authority shall have the power to acquire land in accordance with the Act as amended from time to time.

## **ARTICLE V**

The Authority shall have no members and shall have no stock.

## **ARTICLE VI**

All powers of the Authority shall be vested in a Board consisting initially of five (5) persons. Additional persons may be added to the Board by the Authority in accordance with the provisions of the Bylaws. The initial directors of the Authority ("Director" or "Directors") shall be those persons named in Article VIII. Each initial Director named in Article VIII hereof shall serve for the term prescribed in the Bylaws. Subsequent Directors shall be appointed by position to the Board as prescribed in the Bylaws. Except as provided in the Articles of Incorporation, each Director shall serve for the term provided in the Bylaws. Any Director may be removed from office at any time, with or without cause, by the City Council of the City.

The initial Chairperson shall be Michael Schaffer, and the Mayor shall designate each subsequent Chairperson of the Board.

If any of the following persons is not serving as a member of the Board, he or she, or his or her designee, shall serve as an ex-officio, non-voting member of the Board:

- (1) Chief of Staff, Mayor's Office;
- (2) Director of the City Department of Public Works and Engineering;
- (3) City Attorney;
- (4) Director of the City Planning and Development Department;
- (5) Director of the City Finance and Administration Department; and
- (6) Chair of the City Council Housing and Community Development Committee.

All other matters pertaining to the internal affairs of the Authority shall be governed by the Bylaws of the Authority, so long as such Bylaws are not inconsistent with these Articles of Incorporation, or the laws of the State of Texas.

#### ARTICLE VII

The street address of the initial registered office of the Authority is 1001 Fannin Street,, Suite 2300, Houston, Texas, 77002, and the name of its initial registered agent at such address is Barron F. Wallace.

#### ARTICLE VIII

The number of Directors initially constituting the Board is five. The names, addresses, and positions of the five initial Directors, each of whom resides within the City are as follows:

<u>Name and Address</u>	<u>Position</u>	<u>Term Expires</u>
Reverend Martin Luther Holiday 8606 Flossie Mae Court Houston, TX 77028	One	December 31, 2007
Honorable Senfronia Thompson 10527 Homestead Houston, TX 77016	Two	December 31, 2008
Michael Schaffer 5400 Katy Freeway Houston, TX 77007	Three	December 31, 2007

Allen Provost  
8403 Claiborne Street  
Houston, Texas 77078

Four

December 31, 2008

Samuel Eaton  
3555 Timmons, Suite 1100  
Houston, TX 77027

Five

December 31, 2007

## ARTICLE IX

The names and street addresses of the incorporators, each of whom resides within the City are as follows:

### Name and Address

Barron F. Wallace      4327 North Roseneath Drive; Houston, TX 77021

Lisa N. Helfman      2222 Shakespeare Street; Houston, TX 77030

Jonathan K. Frels      2236 South Boulevard; Houston, TX 77098

## ARTICLE X

Resolution No. \_\_\_\_\_ approving the form of these Articles of Incorporation has been adopted by the City Council of the City on \_\_\_\_\_, 2006. \* [to be filled in upon adoption of such Resolution]

## ARTICLE XI

No Director shall be liable to the Authority for monetary damages for an act or omission in the Director's capacity as a Director, except for liability (i) for any breach of the Director's duty of loyalty to the Authority, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the Director received an improper benefit, whether or not the benefit resulted from an act taken within the scope of the Director's office, or (iv) for acts or omissions for which the liability of a Director is expressly provided by statute. Any repeal or amendment of this Article by the Directors shall be prospective only, and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentences, a Director shall not be liable to the fullest extent permitted by any amendment to the Texas statutes hereafter enacted that further limits the liability of a Director.

## ARTICLE XII

In accordance with the provisions of Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended (the "Code"), and regardless of any other provisions of these Articles of Incorporation or the laws of the State of Texas, the Authority: (a) shall not permit any part of the net earnings of the Authority to inure to the benefit of any private individual (except that

reasonable compensation may be paid for personal services rendered to or for the Authority in effecting one or more of its purposes); (b) shall not devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise; (c) shall not participate in, or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office; and (d) shall not attempt to influence the outcome of any election for public office or to carry on, directly or indirectly, any voter registration drives. Any income earned by the Authority after payment of reasonable expenses, debt and establishing a reserve shall accrue to the City.

The City shall, at all times, have an unrestricted right to receive any income earned by the Authority, exclusive of amounts needed to cover reasonable expenditures and reasonable reserves for future activities. Unless otherwise directed by the City, any income of the Authority received by the City shall be deposited into the Reinvestment Zone Number Twenty-Two, City of Houston, Texas, Tax Increment Fund, or its successor. No part of the Authority's income shall inure to the benefit of any private interests.

If the Board of Directors determines by resolution that the purposes for which the Authority was formed have been substantially met and all bonds issued by and all obligations incurred by the Authority have been fully paid, the Board shall execute a certificate of dissolution which states those facts and declares the Authority dissolved in accordance with the requirements of Section 394.026 of Vernon's Texas Codes Annotated, Local Government Code, or with applicable law then in existence. In the event of dissolution or liquidation of the Authority, all assets will be turned over to the City for deposit into the Reinvestment Zone Number Twenty-Two, City of Houston, Texas, Tax Increment Fund unless the City Council shall otherwise direct for a public purpose.

Any capital project(s) of the Authority as well as all plans and specifications of any improvement to be made by the Authority shall be approved by the Director of the Department of Public Works and Engineering of the City.

### **ARTICLE XIII**

If the Authority is a private foundation within the meaning of Section 509(a) of the Code, the Authority: (a) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code; (b) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Code; (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Code; (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Code; and (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Code.

### **ARTICLE XIV**

The City Council may at any time consider and approve an ordinance directing the Board to proceed with the dissolution of the Authority, at which time the Board shall proceed with the dissolution of the Authority in accordance with applicable state law. The failure of the Board to proceed with the dissolution of the Authority in accordance with this Section shall be deemed a

cause for the removal from office of any or all of the Directors as permitted by Article VI of these Articles of Incorporation.

#### **ARTICLE XV**

These Articles may not be changed or amended unless approved by the City Council of the City.



IN WITNESS WHEREOF, we have hereunto set our hands this \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Incorporator

\_\_\_\_\_  
Incorporator

\_\_\_\_\_  
Incorporator

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared Barron F. Wallace, known to me to be the person whose name is subscribed to the foregoing instrument and sworn to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

(SEAL)

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared Lisa N. Helfman, known to me to be the person whose name is subscribed to the foregoing instrument and sworn to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

(SEAL)

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

BEFORE ME, the undersigned authority, on this day personally appeared Jonathan K. Frels, known to me to be the person whose name is subscribed to the foregoing instrument and sworn to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Notary Public in and for  
The State of Texas

(SEAL)

**BYLAWS**

**OF THE**

**LELAND WOODS REDEVELOPMENT AUTHORITY**

A Texas Local Government Corporation  
(Created on behalf of the City of Houston)

Date of Adoption: \_\_\_\_\_, 2007

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## ARTICLE I

### PURPOSES

The Leland Woods Redevelopment Authority (the "Authority") is organized and will be operated exclusively for one or more charitable purposes, within the meaning of Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended (the "Code"). The Authority is organized for the purpose of aiding, assisting, and acting on behalf of the City of Houston, Texas (the "City") in the performance of its governmental functions to promote the common good and general welfare of the area included in Reinvestment Zone Number Twenty-Two, City of Houston, Texas (the "Zone") and neighboring areas in Houston (the "Leland Woods Area"); to promote, develop, encourage and maintain housing, employment, commerce and economic development in the City.

The Authority is further organized to aid, assist and act on behalf of the City and the Board of Directors of the Zone:

A. in the preparation and implementation of the Project Plan and a Financing Plan for the Zone and the preparation and implementation of amendments thereto;

B. in the development of a policy for and implementation of the financing and construction of public infrastructure improvements and open space improvements necessary for the development of a single-family subdivision and other related land uses in the Leland Woods Area; and

C. in the development and implementation of a development policy for the Leland Woods Area, including the acquisition of land for development purposes.

The Authority is formed pursuant to the provisions of the Act as it now or may hereafter be amended, and Chapter 394, Local Government Code, which authorizes the Authority to assist and act on behalf of the City and to engage in activities in the furtherance of the purposes for its creation, provided that the Authority shall not be authorized to make or acquire home mortgages, or to make loans to lending institutions, the proceeds of which are to be used to make home mortgages or to make loans on residential developments.

The Authority shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of Texas to non-profit corporations incorporated under the Act including, without limitation, Article 1396, Vernon's Texas Civil Statutes.

The Authority shall have all other powers of a like or different nature not prohibited by law, the Articles of Incorporation or these Bylaws as each may be amended from time to time, which are available to non-profit corporations in Texas and which are necessary or useful to enable the Authority to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created, provided that the Authority shall not issue bonds without the consent of the City Council of the City.

The Authority is created as a local government corporation pursuant to the Act and shall be a governmental unit within the meaning of Subdivision (2), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Authority are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 et seq., Texas Civil Practice and Remedies Code. The Authority shall have the power to acquire land in accordance with the Act as amended from time to time.

## ARTICLE II

### BOARD OF DIRECTORS

*Section 1. Appointment, Classes, Powers, Number, and Term of Office* All powers of the Authority shall be vested in the Board of Directors (the "Board"). The Board shall initially consist of five (5) persons. The Directors on the Board shall be increased to the number of directors on the board of Zone in the event such board is increased to more than five (5) directors. Directors of the Authority ("Director" or Directors") shall be appointed by position to the Board by the Mayor of the City with the consent and approval of the City Council of the City and shall be the same persons appointed to the corresponding positions of the board of the Zone.

Appointment of a person to the corresponding position of the board of the Zone by the City shall constitute appointment of such person to the corresponding position of the Board by the City. Each taxing unit, who appoints or designates a director to the Zone shall be assigned a position number on the Board corresponding to the position number of that appointee on the board of the Zone. Appointment of a person to the corresponding position of the board of the Zone by any taxing unit shall constitute nomination of such person to the corresponding position of the Board by such taxing unit. The Chairman of the Board shall always be appointed by the Mayor of the City.

Each Director shall serve for a term which expires on the date set forth below for the position to which such person was appointed, or until his or her successor is appointed by the City unless such Director has been appointed to fill an unexpired term in which case the term of the Director shall expire on the expiration date of the term of the Director whose position he or she was appointed to fill. Any Director may be removed from office at any time, with or without cause, by the City Council. The number of Directors may only be increased or decreased by an amendment to the Bylaws with the consent of the City Council of the City, except when the number of Directors is increased due to an increase in the number of directors on the board of the Zone, consent of the City Council of the City is not required.

The term of each position shall be coterminous with the term of the corresponding position on the board of the Zone as established by City Ordinance No. 2003-1330, as may be amended from time to time. If any of the following persons is not serving as a member of the Board, he or she, or his or her designee, shall serve as an ex-officio, non-voting member of the Board:

- (1) Chief of Staff, Mayor's Office;
- (2) Director of the City Department of Public Works and Engineering;

- (3) City Attorney;
- (4) Director of the City Planning and Development Department;
- (5) Director of the City Finance and Administration Department; and
- (6) Chair of the City Council Housing and Community Development Committee.

Any person designated as an ex-officio member of the Board is entitled to notice of and to attend meetings of the Board.

*Section 2. Meetings of Directors.* The Directors may hold their meetings and may have an office and keep the books of the Authority at such place or places within the City as the Board may from time to time determine; provided, however, in the absence of any such determination, such place shall be the registered office of the Authority in the State of Texas.

The Board shall meet in accordance with and file notice of each meeting of the Board for the same length of time and in the same manner and location as is required of a City under Chapter 551, Government Code (the "Open Meetings Act").

The Authority, the Board, and any committee of the Board exercising the powers of the Board are subject to Chapter 552, Government Code (the "Public Information Act").

*Section 3. Annual Meetings.* The annual meeting of the Board shall be held at the time and at the location in the City designated by the resolution of the Board for the purposes of transacting such business as may be brought before the meeting.

*Section 4. Regular Meetings.* Regular meetings of the Board shall be held at such times and places as shall be designated, from time to time, by resolution of the Board.

*Section 5. Special and Emergency Meetings.* Special and emergency meetings of the Board shall be held whenever called by the Chairperson of the Board or the Secretary or by a majority of the Directors who are serving duly appointed terms of office at the time the meeting is called.

The Secretary shall give notice of each special meeting in person, by telephone, fax, mail or telegraph at least three (3) days before the meeting to each Director and to the public in compliance with the Open Meetings Act. Notice of each emergency meeting shall also be given in the manner required of the City under Section 551.045 of the Open Meetings Act. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Authority may be considered and acted upon at a special or emergency meeting. At any meeting at which every Director shall be present, even though without any notice, any matter pertaining to the purposes of the Authority may be considered and acted upon to the extent allowed by the Open Meetings Act.



*Section 6. Quorum.* A majority of the appointed position of the Board shall constitute a quorum for the consideration of matters pertaining to the purposes of the Authority. If at any meeting of the Board there is less than a quorum present, a majority of those present may adjourn the meeting from time to time. The act of a majority of the Directors present and voting at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless the act of a greater number is required by law, by the Articles of Incorporation, or by these Bylaws.

A Director who is present at a meeting of the Board at which any corporate action is taken shall be presumed to have assented to such action unless his dissent shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Authority immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of the action.

*Section 7. Conduct of Business.* At the meetings of the Board, matters pertaining to the purposes of the Authority shall be considered in such order as from time to time the Board may determine.

At all meetings of the Board, the Chairperson shall preside, and in the absence of the Chairperson, the Vice Chairperson shall preside. In the absence of the Chairperson and the Vice Chairperson, a chairperson shall be chosen by the Board from among the Directors present.

The Secretary of the Authority shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

*Section 8. Executive Committee, Other Committees.* The Board may, by resolution passed by a majority of the Directors, designate two (2) or more Directors to constitute an executive committee or other type of committee. To the extent provided in the authorizing resolution, a committee shall have and may exercise all of the authority of the Board in the management of the Authority, except where action of the Board is specified by statute. A committee shall act in the manner provided in the authorizing resolution. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the office of the Authority, and shall report the same to the Board from time to time. Committees authorized to exercise the powers of the Board shall give notice of any meeting in the manner required for a meeting of the Board.

*Section 9. Compensation of Directors.* Directors, as such, shall not receive any salary or compensation for their services as Directors; provided, that nothing contained herein shall be construed to preclude any Director from receiving (i) compensation which is not excessive and which is at commercially reasonable rates for personal services (rendered in other than a "Director" capacity) which are reasonable and necessary in carrying out the Authority's purposes; or (ii) reimbursements of actual expenses reasonably and necessarily incurred by a Director while engaging in activities on behalf of the Authority.

*Section 10. Director's Reliance on Consultant Information.* A Director shall not be liable if while acting in good faith and with ordinary care, he relies on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Authority or another person, that were prepared or presented by:

- (a) one or more other officers or employees of the Authority;
- (b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence; or
- (c) a committee of the Board of which the Director is not a member.

### **ARTICLE III**

#### **OFFICERS**

*Section 1. Titles and Term of Office.* The officers of the Authority shall be a chairperson of the Board, one or more vice chairpersons of the Board, a president, one or more vice presidents, a secretary, a treasurer, and such other officers as the Board may from time to time elect or appoint. One person may hold more than one office, except that neither the Chairperson of the Board nor the President shall hold the office of Secretary. The term of office for each officer (other than the Chairperson) shall be two (2) years commencing with the date of the annual meeting of the Board at which each such officer is elected. The Chairperson shall serve for the term designated by the City Council of the City.

All officers (other than the Chairperson) shall be subject to removal, with or without cause, at any time by a vote of a majority of the whole Board.

A vacancy in the office of any officer (other than the Chairperson) shall be filled by the Board.

*Section 2. Powers and Duties of the Chairperson.* The Chairperson shall be a member of the Board and shall preside at all meetings of the Board. The Chairperson shall be designated by the City Council of the City. He or she shall have such duties as are assigned by the Board. The Chairperson may call special or emergency meetings of the Board.

*Section 3. Powers and Duties of the Vice Chairperson.* The Vice Chairperson shall be a member of the Board. The Vice Chairperson shall perform the duties and exercise the powers of the Chairperson upon the Chairperson's death, absence, disability, or resignation, or upon the Chairperson's inability to perform the duties of his or her office. Any action taken by the Vice Chairperson in the performance of the duties of the Chairperson shall be conclusive evidence of the absence or inability to act of the Chairperson at the time such action was taken.

*Section 4. Powers and Duties of the President.* The President shall be the principal executive officer of the Authority and, subject to the Board, he or she shall be in general charge of the properties and affairs of the Authority. In furtherance of the purposes of the Authority and subject to the limitations contained in the Articles of Incorporation, the President, Chairperson,

or Vice Chairperson may sign and execute all bonds, notes, deeds, conveyances, franchises, assignments, mortgages, notes, contracts and other obligations in the name of the Authority.

*Section 5. Vice Presidents.* A Vice President shall have such powers and duties as may be assigned to him or her by the Board or the President, including the performance of the duties of the President upon the death, absence, disability, or resignation of the President, or upon the President's inability to perform the duties of his or her office. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken.

*Section 6. Treasurer.* The Treasurer shall have custody of all the funds and securities of the Authority which come into his or her hands. When necessary or proper, he or she may endorse, on behalf of the Authority, for collection, checks, notes and other obligations and shall deposit the same to the credit of the Authority in such bank or banks or depositories as shall be designated in the manner prescribed by the Board; he or she may sign all receipts and vouchers for payments made to the Authority, either alone or jointly with such other officer as is designated by the Board; whenever required by the Board, he or she shall render a statement of his or her case account; he or she shall enter or cause to be entered regularly in the books of the Authority to be kept by him or her for that purpose full and accurate accounts of all moneys received and paid out on account of the Authority; he or she shall perform all acts incident to the position of Treasurer subject to the control of the Board; and he or she shall, if required by the Board, give such bond for the faithful discharge of his or her duties in such form as the Board may require.

*Section 7. Secretary.* The Secretary shall keep the minutes of all meetings of the Board in books provided for that purpose; he or she shall attend to the giving and serving of all notices; in furtherance of the purposes of the Authority and subject to the limitations contained in the Articles of Incorporation, he or she may sign with the President in the name of the Authority and/or attest the signatures thereof, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Authority; he or she shall have charge of the Authority's books, records, documents and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to the inspection of any Director upon application at the office of the Authority during business hours; and, he or she shall in general perform all duties incident to the office of Secretary subject to the control of the Board.

*Section 8. Compensation.* Officers may be entitled to receive such salary, compensation or reimbursements which are necessary and reasonable in carrying out the Authority's purposes as the Board may from time to time determine, provided, that in no event shall the salary or compensation be excessive. Board members, even in their capacity as officers, are not entitled to compensation except as otherwise provided in Article II, Section 9.

*Section 9. Officer's Reliance on Consultant Information.* In the discharge of a duty imposed or power conferred on an officer of the Authority, the officer may in good faith and with ordinary care rely on information, opinions, reports, or statements, including financial statements

and other financial data, concerning the Authority or another person, that were prepared or presented by:

(a) one or more other officers or employees of the Authority, including members of the Board; or

(b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

## ARTICLE IV

### MISCELLANEOUS PROVISIONS

*Section 1. Fiscal Year.* The fiscal year of the Authority shall begin July 1 of each year.

*Section 2. Seal.* The seal of the Authority shall be such as from time to time may be approved by the Board.

*Section 3. Notice and Waiver of Notice.* Whenever any notice other than public notice of a meeting given to comply with the Open Meetings Act, is required to be given under the provisions of these Bylaws, such notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Authority, and such notice shall be deemed to have been given on the day of such mailing. A waiver of notice, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

*Section 4. Resignations.* Any Director, officer or Advisory Director may resign at any time. Such resignations shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

*Section 5. Gender.* References herein to the masculine gender shall also refer to the feminine in all appropriate cases and vice versa.

*Section 6. Appropriations and Grants.* The Authority shall have the power to request and accept any appropriation, grant, contribution, donation, or other form of aid from the federal government, the State, any political subdivision, or municipality in the State, or from any other source.

## ARTICLE V

### INDEMNIFICATION OF DIRECTORS AND OFFICERS

*Section 1. Right to Indemnification.* Subject to the limitations and conditions as provided in this Article V and the Articles of Incorporation, each person who was or is made a party or is threatened to be made a party to or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitrate or investigative (hereinafter a "proceeding"), or any appeal in such a proceeding or any inquiry or investigation that could lead to such a proceeding, by reason of the fact that he or she, or a person of whom he or she is the legal representative, is or was a Director or officer of the Authority or while a Director or officer of the Authority is or was serving at the request of the Authority as a director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise shall be indemnified by the Authority to the fullest extent permitted by the Texas Non-Profit Corporation Act, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Authority to provide broader indemnification rights than said law permitted the Authority to provide prior to such amendment) against judgments, penalties (including excise and similar taxes and punitive damages), fines, settlements and reasonable expenses (including, without limitation, attorneys' fees) actually incurred by such person in connection with such proceeding, and indemnification under this Article V shall continue as to a person who has ceased to serve in the capacity which initially entitled such person to indemnity hereunder. The rights granted pursuant to this Article V shall be deemed contract rights, and no amendment, modification or repeal of this Article V shall have the effect of limiting or denying any such rights with respect to actions taken or proceedings arising prior to any such amendment, modification or repeal. It is expressly acknowledged that the indemnification provided in this Article V could involve indemnification for negligence or under theories of strict liability.

*Section 2. Advance Payment.* The right to indemnification conferred in this Article V shall include the right to be paid in advance or reimbursed by the Authority the reasonable expenses incurred by a person of the type entitled to be indemnified under Section 1 who was, is or is threatened to be made a named defendant or respondent in a proceeding in advance of the final disposition of the proceeding and without any determination as to the person's ultimate entitlement to indemnification; provided, however, that the payment of such expenses incurred by any such person in advance of the final disposition of a proceeding, shall be made only upon delivery to the Authority of a written affirmation by such Director or officer of his or her good faith belief that he or she has met the standard of conduct necessary for indemnification under this Article V and a written undertaking, by or on behalf of such person, to repay all amounts so advanced if it shall ultimately be determined that such indemnified person is not entitled to be indemnified under this Article V or otherwise.

*Section 3. Indemnification of Employees and Agents.* The Authority, by adoption of a resolution of the Board, may indemnify and advance expenses to an employee or agent of the Authority to the same extent and subject to the same conditions under which it may indemnify and advance expenses to Directors and officers under this Article V; and the Authority may

indemnify and advance expenses to persons who are not or were not Directors, officers, employees or agents of the Authority but who are or were serving at the request of the Authority as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise against any liability asserted against him or her and incurred by him or her in such a capacity or arising out of his or her status as such a person to the same extent that it may indemnify and advance expenses to Directors under this Article V.

*Section 4. Appearance as a Witness.* Notwithstanding any other provision of this Article V, the Authority may pay or reimburse expenses incurred by a Director or officer in connection with his or her appearance as a witness or other participation in a proceeding involving the Authority or its business at a time when he or she is not a named defendant or respondent in the proceeding.

*Section 5. Non-exclusivity of Rights.* The right to indemnification and the advancement and payment of expenses conferred in this Article V shall not be exclusive of any other right which a Director or officer or other person indemnified pursuant to Section 3 of this Article V may have or hereafter acquire under any law (common or statutory), provision of the Articles of Incorporation of the Authority or these Bylaws, agreement, vote of shareholders or disinterested Directors or otherwise.

*Section 6. Insurance.* The Authority may purchase and maintain insurance, at its expense, to protect itself and any person who is or was serving as a Director, officer, employee or agent of the Authority or is or was serving at the request of the Authority as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, proprietorship, employee benefit plan, trust or other enterprise against any expense, liability or loss, whether or not the Authority would have the power to indemnify such person against such expense, liability or loss under this Article V.

*Section 7. Notification.* Any indemnification of or advance of expenses to a Director or officer in accordance with this Article V shall be reported in writing to the members of the Board with or before the notice of the next regular meeting of the Board and, in any case, within the 12-month period immediately following the date of the indemnification or advance.

*Section 8. Savings Clause.* If this Article V or any portion hereof shall be invalidated on any ground by any court of competent jurisdiction, then the Authority shall nevertheless indemnify and hold harmless each Director, officer or any other person indemnified pursuant to this Article V as to costs, charges and expenses (including attorneys' fees), judgments, fines and amounts paid in settlement with respect to any action, suit or proceeding, whether civil, criminal, administrative or investigative, to the full extent permitted by any applicable portion of this Article V that shall not have been invalidated and to the fullest extent permitted by applicable law.

## ARTICLE VI

### CODE OF ETHICS

#### *Section 1. Policy and Purposes.*

(a) It is the policy of the Authority that Directors and officers conduct themselves in a manner consistent with sound business and ethical practices; that the public interest always be considered in conducting corporate business; that the appearance of impropriety be avoided to ensure and maintain public confidence in the Authority; and that the Board establish policies to control and manage the affairs of the Authority fairly, impartially, and without discrimination.

(b) This Code of Ethics has been adopted as part of the Authority's Bylaws for the following purposes: (a) to encourage high ethical standards in official conduct by Directors and corporate officers; and (b) to establish guidelines for such ethical standards of conduct.

#### *Section 2. Conflicts of Interest.*

(a) Except as provided in subsection (c), a Director or officer is prohibited from participating in a vote, decision, or award of a contract involving a business entity or real property in which the Director or the officer has a substantial interest, if it is foreseeable that the business entity or real property will be economically benefited by the action. A person has a substantial interest in a business (i) if his or her ownership interest is ten percent or more of the voting stock or shares of the business entity or ownership of \$15,000 or more of the fair market value of the business entity, or (ii) if the business entity provides more than ten percent of the person's gross income. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An interest of a person related in the second degree by affinity or the third degree by consanguinity to a Director or officer is considered a substantial interest.

(b) If a Director or a person related to a Director in the first or second degree by affinity or the first, second, or third degree by consanguinity has a substantial interest in a business entity or real property that would be pecuniarily affected by any official action taken by the Board, such Director, before a vote or decision on the matter, shall file an affidavit stating the nature and extent of the interest. The affidavit shall be filed with the Secretary of the Board.

(c) A Director who has a substantial interest in a business entity that will receive a pecuniary benefit from an action of the Board may vote on that action if a majority of the Board has a similar interest in the same action or if all other similar business entities in the Authority will receive a similar pecuniary benefit.

(d) An employee of a public entity may serve on the Board.

*Section 3. Nepotism.* No Director or officer shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity (marriage relationship) or within the third degree of consanguinity (blood relationship) to the Director or officer so appointing, voting or confirming, or to any other

Director or officer. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty at least thirty (30) days prior to the appointment of the Director or officer so appointing or voting.

## **ARTICLE VII**

### **AMENDMENTS**

A proposal to alter, amend, or repeal these Bylaws shall be made by the affirmative vote of a majority of the full Board at any annual or regular meeting, or at any special meeting if notice of the proposed amendment be contained in the notice of said special meeting. However, any proposed change or amendment to the Bylaws must be approved by the City Council of the City to be effective.



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of an ordinance approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number Twenty-Two (Leland Woods Zone).	<b>Category # 1</b>	<b>Page 1 of 1</b>	<b>Agenda Item # 22</b>
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<b>FROM: (Department or other point of origin):</b> Finance & Administration	<b>Origination Date</b> April 2, 2007	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Judy Gray Johnson</i>	<b>Council Districts affected:</b> B
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<b>For additional information contact:</b> Robert Fiederlein Phone: 713-837-9661 Tom Mesa Phone: 713-837-9857	<b>Date and identification of prior authorizing Council Action:</b> Ord. 03-1330, 12/23/03
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**RECOMMENDATION: (Summary)**  
City Council approve an ordinance approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number Twenty-Two (Leland Woods Zone).

<b>Amount and Source of Funding:</b> No Funding Required	F & A Budget
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**Specific Explanation:**

By Ordinance 03-1330 passed on December 23, 2003, City Council created Tax Increment Reinvestment Zone Number Twenty-Two, the Leland Woods Zone. The principle objective of this Zone is to support the construction of affordable housing in northeast Houston. On March 7, 2007, the Board of Directors approved a Project and Financing Plan (the "Plan") for the Zone and transmitted the Plan to the City for consideration and approval.

The infrastructure to be built by the developer, GHBA CDC, includes roadways, drainage, water and wastewater systems. It is expected that the Zone will partially reimburse the developer for these costs through a developer reimbursement agreement. The developer plans to build 373 homes in four sections.

Attachments: Project and Financing Plan

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

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b> Tom Mesa	<b>Other Authorization:</b> <i>[Signature]</i> Tom Mesa	<b>Other Authorization:</b> <i>[Signature]</i> Robert Fiederlein
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of an ordinance approving a Project and Financing Plan for Tax Increment Reinvestment Zone Number Twenty-Two (Leland Woods Zone).	<b>Category # 1</b>	<b>Page 1 of 1</b>	<b>Agenda Item # 22</b>
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<b>FROM: (Department or other point of origin):</b> Finance & Administration	<b>Origination Date</b> April 2, 2007	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>	<b>Council Districts affected:</b> B
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<b>F&amp;A Director:</b>  Tom Mesa	<b>Other Authorization:</b> <i>[Signature]</i> Tom Mesa	<b>Other Authorization:</b> <i>[Signature]</i> Robert Fiederlein
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REINVESTMENT ZONE NUMBER TWENTY-TWO,  
CITY OF HOUSTON, TEXAS

“LELAND WOODS TIRZ”

PROJECT PLAN  
AND  
REINVESTMENT ZONE FINANCING PLAN

**Reinvestment Zone Number Twenty-Two, City of Houston, Texas**  
**“Leland Woods”**  
**Project Plan and Reinvestment Zone Financing Plan**

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**PROJECT PLAN**

**A. TIRZ Project Description**

This document constitutes the Project Plan and Reinvestment Zone Financing Plan for the Reinvestment Zone Number Twenty-Two, City of Houston, Texas, a Tax Increment Reinvestment Zone (TIRZ) created pursuant to Chapter 311 of the Texas Tax Code.

On December 23, 2003, the City of Houston (“City”) created the TIRZ, also known as the “Leland Woods TIRZ”, by adopting Ordinance 2003-1330.

The TIRZ was created over approximately eighty (80) acres of vacant land, east of the intersection of East Little York Drive and Homestead Drive in northeast Houston.

Leland Woods will include the projects listed below.

**Development Projects and Public Infrastructure in the Leland Woods TIRZ**

- |  |
|--|
| <ul style="list-style-type: none"><li>• 373 single-family, affordably priced homes</li><li>• Park/open space with amenities and landscaping</li><li>• Public infrastructure – public streets, water lines, sanitary sewer lines, storm sewer lines, storm water detention</li><li>• Sound barrier and sidewalk along East Little York (a major thoroughfare)</li></ul> |
|--|

Expenditures associated with certain design, construction and financing of planned infrastructure, and other specific project related costs, will be funded by tax increment revenue derived from increases in property tax revenues throughout the duration of the Leland Woods TIRZ. Development is projected to increase taxable property values in the TIRZ to approximately \$45 million by the year 2013.

## **B. Developer and Financing Description**

The owner and developer of the project is Builders' Community Development Corporation (Builders' CDC). Builders' CDC hired a team of consultants to accomplish the development of the project.

In addition to the TIRZ financing, the developer has obtained conventional financing for development of the project as well as a "conditional performance loan" from the City's Department of Housing and Community Development.

## **C. Conditions and Circumstances of the Property**

### **Existing Abandoned Utility Lines:**

Existing, private abandoned water lines, sanitary sewer lines, and storm sewer lines traverse the site. However, due to their age, deteriorated condition and location, they cannot be used for development purposes. Therefore, the lines must be removed and the trenches backfilled at a cost of approximately \$41,000.

### **Water and Sanitary Sewer Line Extensions:**

Due to the lack of available water and sanitary sewer infrastructure on the property, approximately \$275,000 is required to extend existing water and sanitary sewer infrastructure to the site.

### **Storm Sewer Detention:**

Due to the lack of storm sewer or storm water detention to meet current City of Houston design criteria, approximately \$700,000 is required to dig detention ponds for the two sections of the project, not including land cost. Approximately 526,711 square feet of land at a pro rata land cost of approximately \$137,844, is required to be dedicated for storm water detention. The storm water detention requirements decrease the overall developable acreage of the property by approximately 15%. Additional detention costs for drainage into an off-site drainage ditch will be approximately \$350,000.

### **Sound Barrier and Sidewalk along Little York Road:**

The property is located on Little York Road, a major thoroughfare. In order to provide safe access to/from the property and sound attenuation for the residents along Little York, a sound barrier and sidewalk constructed at a cost of approximately \$229,000.

#### **D. The City's Justification for Creating the TIRZ**

Based on the lack of housing development in the northeast Houston community, market studies, market demand, and overall economic conditions, there is an opportunity to capture pent-up demand for affordably priced new homes in this underserved market.

The Leland Woods development project will provide social, economic, and quality of life benefits to the entire community. The proposed development will take place in a part of Houston that has seen minimal development to date. However, with the combination of the current favorable single family market conditions, the demand for affordably priced homes, and the public/private TIRZ financing partnership, the project is economically beneficial to the City, and in particular the northeast Houston community.

The above described utility infrastructure conditions hinder the developability of the property. The development costs impede the ability to provide single-family housing at affordable prices, without a public/private partnership in the form of a TIRZ. These conditions have contributed to the lack of development on this property.

The TIRZ will establish a funding mechanism for public infrastructure improvements that are essential for the attraction of private investment.

The City created TIRZ #22 based on the conditions and circumstances of the property and the fact that but for the creation of the TIRZ, development would not likely happen within a reasonably foreseeable future.

**E. Maps Showing Existing Uses and Conditions of Property in the TIRZ and Showing Proposed Improvements to and Uses of Property in the TIRZ.**

***Existing Land Uses and Conditions:***

The property is approximately eighty (80) acres in size. The property is vacant. The property has frontage on Little York Road. There are no useable utilities or infrastructure serving the site.

***Proposed Land Uses:***

The property will be developed with single-family lots and open space. The following maps depict the proposed public improvements.

***Maps:***

- Exhibit A TIRZ Boundary and Existing Land Use Map / Written Description for Leland Woods TIRZ Boundary
- Exhibit B Land Use and Improvement Plan
- Exhibit C Water Line Map
- Exhibit D Sanitary Sewer Line Map
- Exhibit E Storm Sewer/Detention Map

**F. 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 and Harris County. There are no proposed changes of any City building codes or ordinances.

**G. List of Estimated Non-Project Costs**

Costs that will be paid by the Developer, without reimbursement, are listed below.

**Leland Woods**

Non-Reimbursable Project Costs

Estimated Costs

Land	\$ 912,000
Miscellaneous Land Development Soft Costs, Partial Clearing and Interest	\$ 750,000
<b>Total</b>	<b>\$ 1,662,000</b>

**H. Displacement of Residents**

All land within the proposed TIRZ is vacant. There will be no displacement of residents.

**REINVESTMENT ZONE FINANCING PLAN**

**A. A Statement of the Kind, Number, and Location of all Proposed Public Works or Public Improvements in the Zone.**

Exhibits C, D, and E show the proposed public improvements, including streets and water/sanitary sewer/storm sewer lines. Other improvements include recreational amenities and landscaping in public open spaces, and a sound barrier and sidewalk along East Little York, a City designated major thoroughfare.

**B. A List Describing the Estimated Project Costs of the Zone is Shown Below, including Creation and Administration Costs**

**Leland Woods**

Public Infrastructure and Related Items Estimated Costs

<b>Public Infrastructure</b>	
Water, Sanitary Sewer, Storm Sewer, Streets, Detention, Contingency and Engineering	\$6,089,985 see phases below
<b>Landscaping/Sound Barrier/Sidewalk</b>	
Recreational Amenities and Landscaping in Open Spaces	\$220,000
Sounds Barrier, Sidewalk on East Little York (major thoroughfare)	\$229,500
<b>Reinvestment Zone Creation/ Administration</b>	
Interest on infrastructure costs	\$1,800,000
Zone Creation	\$53,000
Zone Administration - duration of Zone (30 years)	\$165,000
<b>Total</b>	<b>8,457,485</b>

<u>Section 1</u>		<u>Section 2</u>	
Phase 1	\$1,557,668	Phase 1	\$2,089,656
Phase 2	\$1,308,520	Phase 2	\$1,134,142
<b>Total Hard Costs, Engineering, and Contingency</b>			<b>\$6,089,985</b>



**C. Estimated Time When Monetary Obligations Are Incurred**

Costs will be incurred in accordance with the phasing described above (Section 1-construction 2005-06, and Section 2—construction 2007-08).

**D. Estimated Amount of Bonded Indebtedness**

The City, at its sole discretion, may issue bonds, notes, or other obligations secured by tax increment revenues, the proceeds of which could be used to pay for or reimburse developers for Project Costs, including public improvements, interest, developer costs, and costs associated with the bond issue. The City, at its sole discretion, may issue one or more series of bonds or notes at the time the Zone generates sufficient tax increment revenues to pay principal and interest on such obligations. However, the City may elect to pay for Project Costs directly from tax increment proceeds as they become available, without the sale of bonds or notes.

**E. Methods of Financing and Sources of Revenue**

Tax increment revenues will be derived from the construction of 373 single family homes, beginning with an initial average value of \$111,000 and increasing over time. In addition, revenue derived from the sales of lots in the project will fund TIRZ-related project and financing costs. Development is projected to increase taxable property values in the Leland Woods TIRZ to approximately \$45 million in the year 2013.

Table A depicts the build-out projection and the annual captured appraised value for the new single family homes proposed in the TIRZ. Table B depicts the projected revenue schedule for the TIRZ with City-only participation.

To ensure timely construction of public improvements, both “pay-as-you-go” and/or bond financing may be utilized. These include:

**Tax Increment Bonds or Notes:** As allowed by annual incremental increased in Zone assessed value, tax-exempt tax increment bonds or notes may be issued to fund improvements.

**Bond Anticipation Notes:** Notes issued in anticipation of tax increment or bond revenue may be issued to speed up implementation of particular projects as warranted.

**Other Private Financing:** The project will be developed using traditional bank financing subject to future TIRZ fund reimbursement provided to the Developer.

**Tax Increment Contract Revenue Bonds:** The City may elect to create a Redevelopment Authority with the authority to issue all or part of the debt contemplated in the Plan. The Board may elect to enter into Development

Agreements with the developer to provide for public projects in furtherance of the provisions of the Plan. In such situations, development agreements may be subject to the developer's ability to generate sufficient increment to fund the agreement.

**Percentage of Increment Dedicated to the Zone:**

The percentage of tax value increment anticipated to be dedicated to the Zone follows.

<b>Taxing Unit</b>	<b>Dedicated Tax Rate</b>	<b>% of Total Participation</b>
City of Houston	\$0.645/\$100 valuation	100%
<b>TOTAL</b>	<b>\$.645/\$100 valuation</b>	<b>100%</b>

**Tax Increment Fund:**

The City of Houston will establish and maintain the Zone's tax increment fund. The City will deposit an amount of money into the tax increment fund equal to the City's ad valorem tax revenues collected from the taxable property in the Leland Woods project, less the tax increment base revenue. The City will deposit revenues derived from all taxing jurisdictions participating in the TIRZ into the tax increment fund, in accordance with the conditions of an agreement with each jurisdiction's participation.

**F. Duration of the Zone**

The City created the TIRZ for a period of thirty (30) years. The TIRZ may be dissolved, at an earlier time designated by subsequent City ordinance, or at such time, subsequent to the issuance of any bonds, notes or other obligations that all project costs, bonds, notes or other obligations have been paid in full.

**G. Economic Feasibility Study**

Attached as Exhibit F hereto is a Single Family Housing Market Demand Analysis demonstrating the feasibility of the proposed residential development.

**Tables**

- Table A Leland Woods - Schedule of Zone Estimated Captured Appraised Value
- Table B Leland Woods - Proposed Zone Revenue Schedule

**Exhibits**

- Exhibit A Leland Woods TIRZ Boundary Map / Written Description for Leland Woods TIRZ Boundary
- Exhibit B Leland Woods Land Use Plan
- Exhibit C Water Line Map
- Exhibit D Sanitary Sewer Line Map
- Exhibit E Storm Sewer/Detention Map
- Exhibit F Market Study

Table A

**LELAND WOODS  
Residential Buildout Schedule**

	2007		2008		2009		2010		2011		2012		2013		Total Units	Total Value
	Home Units	Home Value	Home Units	Home Value	Home Units	Home Value	Home Units	Home Value	Home Units	Home Value	Home Units	Home Value	Home Units	Home Value		
Residential Development Single Family Homes	20	\$ 2,200,000	60	\$ 6,780,000	60	\$ 7,020,000	60	\$ 7,200,000	60	\$ 7,500,000	60	\$ 7,800,000	53	\$ 7,420,000		
<b>Total Home Sales</b>	<b>20</b>	<b>20 @ \$111,000</b>	<b>60</b>	<b>60 @ \$113,000</b>	<b>60</b>	<b>60 @ \$117,000</b>	<b>60</b>	<b>60 @ \$120,000</b>	<b>60</b>	<b>60 @ \$125,000</b>	<b>60</b>	<b>60 @ \$130,000</b>	<b>53</b>	<b>53 @ \$140,000</b>	<b>373</b>	
<b>Total Captured Value</b>		<b>\$2,200,000</b>		<b>\$6,780,000</b>		<b>\$7,020,000</b>		<b>\$7,200,000</b>		<b>\$7,500,000</b>		<b>\$7,800,000</b>		<b>\$7,420,000</b>		<b>\$ 45,920,000</b>

TABLE A

## LELAND WOODS TIRZ Revenue Schedule

Table B

Year	Tax Coll. Year	Cumulative Incremental Value of Development	City of Houston Tax Rate	City of Houston Zone Collection - GROSS	Cumulative Zone Revenue Available for Projects - GROSS	Cumulative Net Zone Revenue Inclusive of City Admin. and Municipal Services
			\$ 0.64500			
2006	2007					
2007	2008	\$ 2,200,000	\$ 0.6450	\$ 11,068	\$ 11,068	10,515
2008	2009	\$ 8,980,000	\$ 0.6450	\$ 45,178	\$ 56,247	53,434
2009	2010	\$ 16,000,000	\$ 0.6450	\$ 80,496	\$ 136,743	129,905
2010	2011	\$ 23,200,000	\$ 0.6450	\$ 116,719	\$ 253,462	240,789
2011	2012	\$ 30,700,000	\$ 0.6450	\$ 154,452	\$ 407,913	387,518
2012	2013	\$ 38,500,000	\$ 0.6450	\$ 193,694	\$ 601,607	571,527
2013	2014	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 832,631	790,999
2014	2015	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 1,063,654	1,010,471
2015	2016	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 1,294,678	1,229,944
2016	2017	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 1,525,701	1,449,416
2017	2018	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 1,756,725	1,668,888
2018	2019	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 1,987,748	1,888,361
2019	2020	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 2,218,772	2,107,833
2020	2021	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 2,449,795	2,327,305
2021	2022	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 2,680,819	2,546,778
2022	2023	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 2,911,842	2,766,250
2023	2024	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 3,142,866	2,985,722
2024	2025	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 3,373,889	3,205,195
2025	2026	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 3,604,913	3,424,667
2026	2027	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 3,835,936	3,644,139
2027	2028	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 4,066,960	3,863,612
2028	2029	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 4,297,983	4,083,084
2029	2030	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 4,529,007	4,302,556
2030	2031	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 4,760,030	4,522,029
2031	2032	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 4,991,054	4,741,501
2032	2033	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 5,222,077	4,960,974
2033	2034	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 5,453,101	5,180,446
2034	2035	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 5,684,124	5,399,918
2035	2036	\$ 45,920,000	\$ 0.6450	\$ 231,024	\$ 5,915,148	5,619,391
				\$ 5,915,148		\$ 5,619,391

1. Assumes homestead exemption at 20%
2. Assumes a tax collection rate of 97.5%
3. All numbers are preliminary and subject to change
4. City Administration assumed at 5%

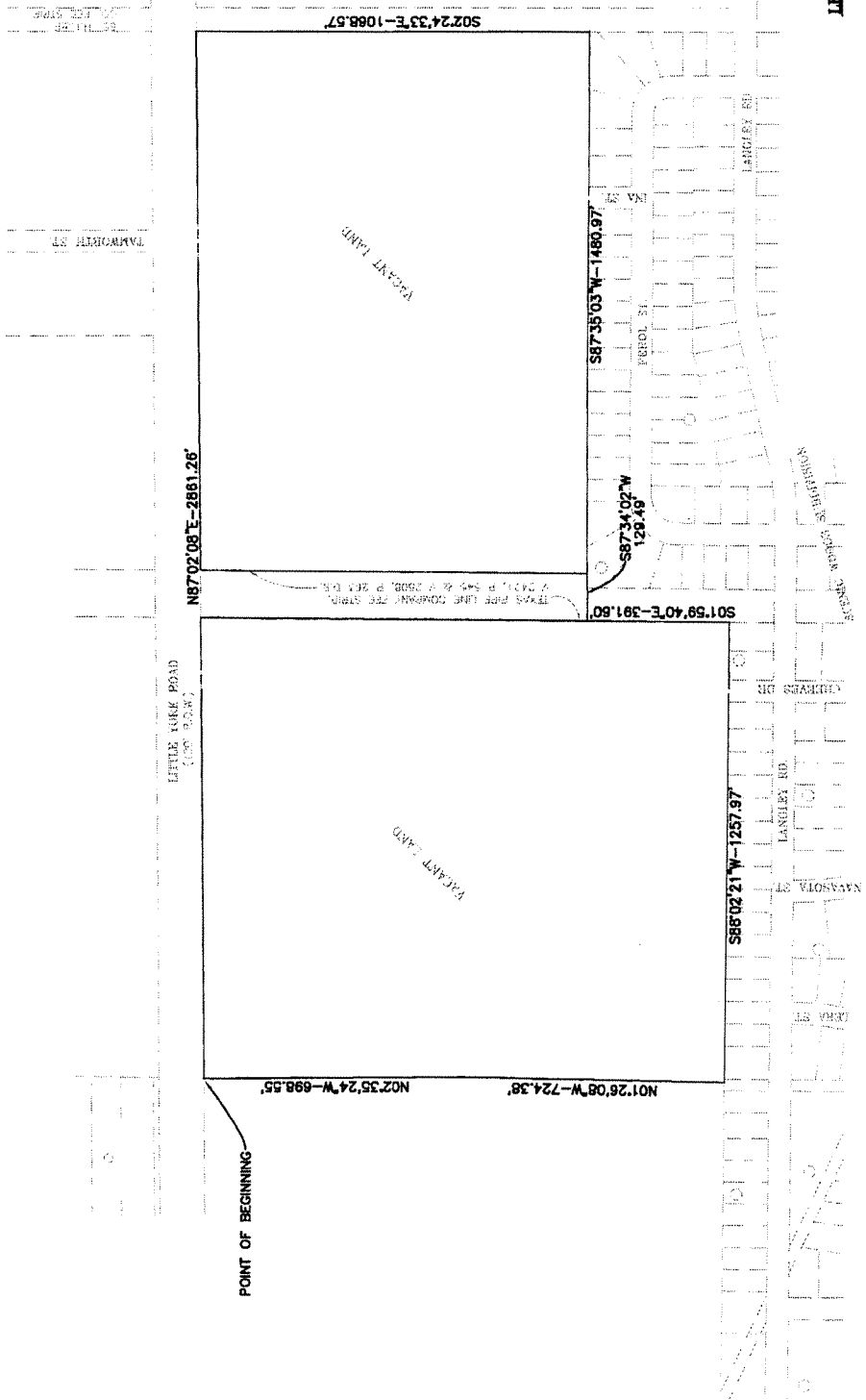
TABLE B



**LELAND WOODS TRIZ BOUNDARY  
MAP AND LAND USE PLAN**

77.25 ACRES OUT OF THE S. KELLY  
SURVEY, A-495 & E. NOLAND SURVEY A-800,  
CITY OF HOUSTON, HARRIS COUNTY, TEXAS  
DEC., 2003 SCALE: N.T.S.  
JMS JOB No. 278-04

JMS CONSULTING ENGINEERS, INC.  
JMS  
10000 WESTHELL DRIVE, SUITE 200  
HOUSTON, TEXAS 77036-3708



POINT OF BEGINNING

N01°26'08\"/>

S88°02'21\"/>

S01°59'40\"/>

S87°34'02\"/>

S87°35'05\"/>

S02°24'33\"/>

N87°02'08\"/>

VACANT LAND

VACANT LAND

N02°35'24\"/>

N01°26'08\"/>

LITTLE YORK ROAD  
(100' ROW)

NAVASOTA ST

LANELEY RD

LANELEY RD

LANELEY RD

LANELEY RD

LANELEY RD

LANELEY RD

Exhibit A p.106a

STATE OF TEXAS  
COUNTY OF HARRIS

SAMUEL KELLY SURVEY, A-495  
ELI NOLAND SURVEY, A-600

Description

Description of an 80.42 acre tract of land located in the Samuel Kelly Survey, Abstract No. 495 and the Eli Noland Survey, Abstract No. 600, Harris County, Texas and being more particularly described by Metes and Bounds as follows (with bearings referenced to the Texas State Plane Coordinate System, South Central Zone, based on the City of Houston Survey Markers 5562 - 1002 and 5562 - 1104):

BEGINNING at a 5/8-inch iron rod found in the southerly right-of-way line of East Little York Road (based on a width of 120 feet) and marking the northwesterly corner of the herein described tract of land;

THENCE, N 87° 02' 08" E, along the southerly right-of-way line of East Little York Road, a distance of 2,861.26 feet to a 3/4-inch iron pipe found for the northeasterly corner of the herein described tract;

THENCE, S 02° 24' 33" E, a distance of 1,068.57 feet to a 5/8-inch iron rod found for the northeasterly corner of Block 25 of Scenic Woods, a subdivision as per plat recorded in Volume 46, Page 9 of the Harris County Map Records;

THENCE, S 87° 35' 03" W, along the north line of said Scenic Woods subdivision, a distance of 1,480.97 feet to a 5/8-inch iron rod found for corner;

THENCE, S 87° 34' 02" W, continuing along the north line of said Scenic Woods subdivision, a distance of 129.49 feet to a one inch pinched top pipe found for corner;

THENCE, S 01° 59' 40" E, a distance of 391.60 feet to a capped 5/8-inch iron rod stamped "JNS Engineers" set marking the northeasterly corner of Lot 2, Block 26 of said Scenic Woods subdivision;

THENCE, S 88° 02' 21" W, continuing along the northerly line of Scenic Woods subdivision, a distance of 1,257.97 feet to a capped 5/8-inch iron rod stamped "JNS Engineers" set marking the southwesterly corner of the herein described tract;

THENCE, N 01° 26' 08" W, a distance of 724.38 feet to a 5/8-inch iron rod found for corner;

THENCE, N 02° 35' 24" W, a distance of 698.55 feet to the POINT OF BEGINNING and containing 80.42 acres of land.

DATE: March 27, 2002  
JOB NO.: 276-04  
JNS Consulting Engineers, Inc.  
17171 Park Row, Suite 160  
Houston, Texas 77084  
(713) 973-9139

Exhibit B p.1062

RESERVE A  
1.16 ACRES  
RESTRICTED

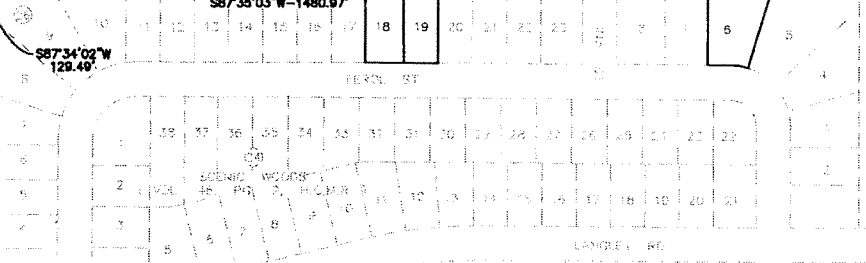
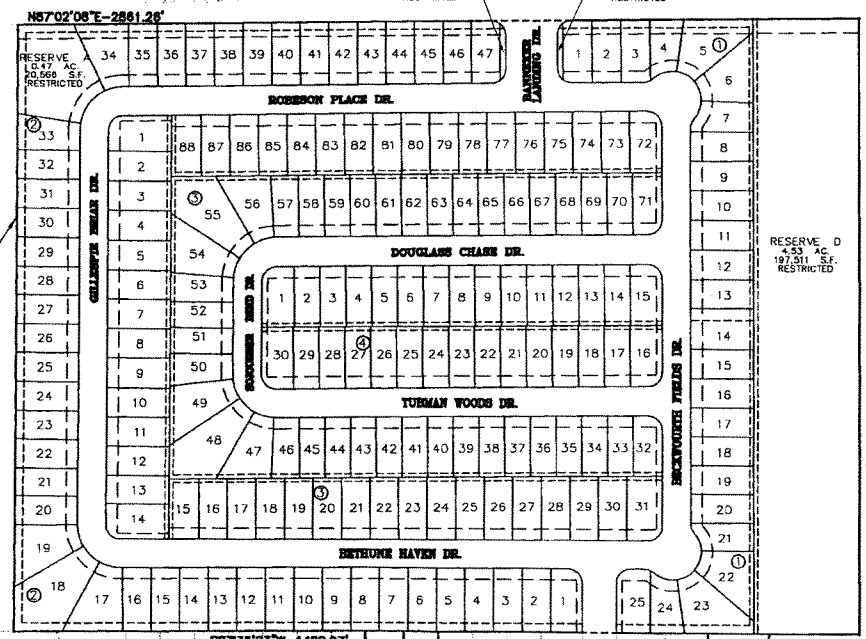
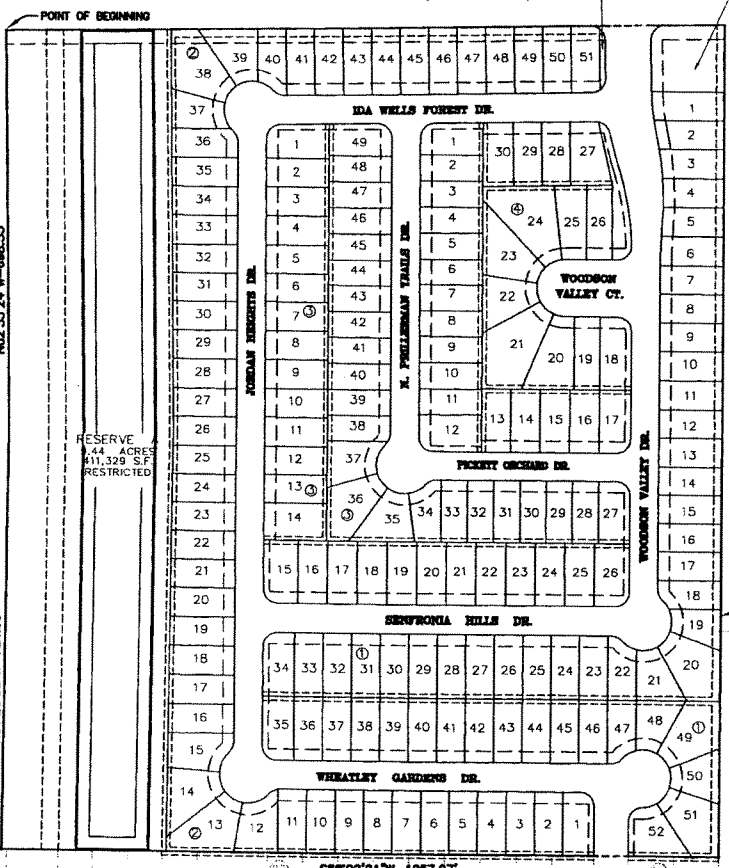
ACREAGE

RESERVE B  
0.02 ACRES  
980 S.F.  
RESTRICTED

RESERVE C  
0.35 ACRES  
1518 S.F.  
RESTRICTED

RESERVE B  
0.02 AC  
880 S.F.  
RESTRICTED

RESERVE C  
0.02 AC  
880 S.F.  
RESTRICTED



SECTION ONE	SECTION TWO	SCENIC WOODS	TOTAL LOTS
182 LOTS	190 LOTS	3 LOTS	375 LOTS
41.31 ACRES	35.94 ACRES		

**GENERAL PLAN FOR  
LEILAND WOODS**  
77.25 ACRES OUT OF THE S. KELLY  
SURVEY, A-495 & E. NOLAND SURVEY A-800,  
CITY OF HOUSTON, HARRIS COUNTY, TEXAS  
DEC. 2003 SCALE: 1"=100'  
JNS JOB No. 276-04

**JNS**  
JNS CONSULTING ENGINEERS, INC.  
1971 RAY BLDG. SUITE 100  
HOUSTON, TEXAS 77058-1100  
TELEPHONE (281) 979-2222 FAX (281) 979-1176

50224'33"E-1066.57'

N02°35'24"W-898.55'

N01°26'08"W-724.36'

RESERVE A  
1.44 ACRES  
611,329 S.F.  
RESTRICTED

S88°02'21"W-1257.97'

S01°59'40"E-381.60'

TEXAS PIPE LINE COMPANY FREE STRIP  
V 2471, P. 545 & V 2508, P. 263 D.R.

S87°34'02"W  
120.40'

S87°38'03"W-1480.97'

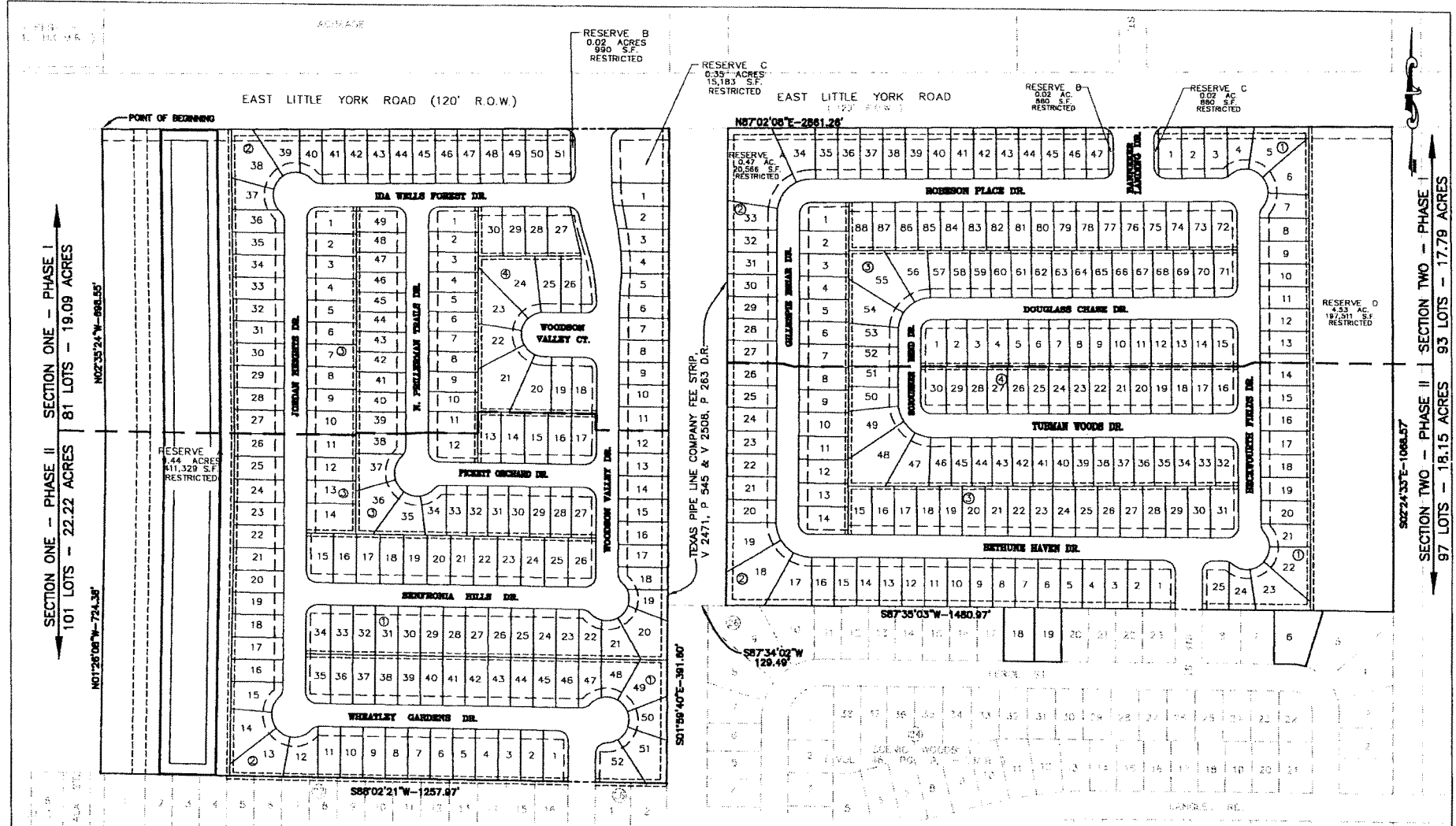
N87°02'08"E-2861.26'

RESERVE D  
0.68 AC  
2968 S.F.  
RESTRICTED

RESERVE D  
4.53 AC  
19750 S.F.  
RESTRICTED

S + 20 + 7  
Z P12 + S

Exhibit B 12/07/2



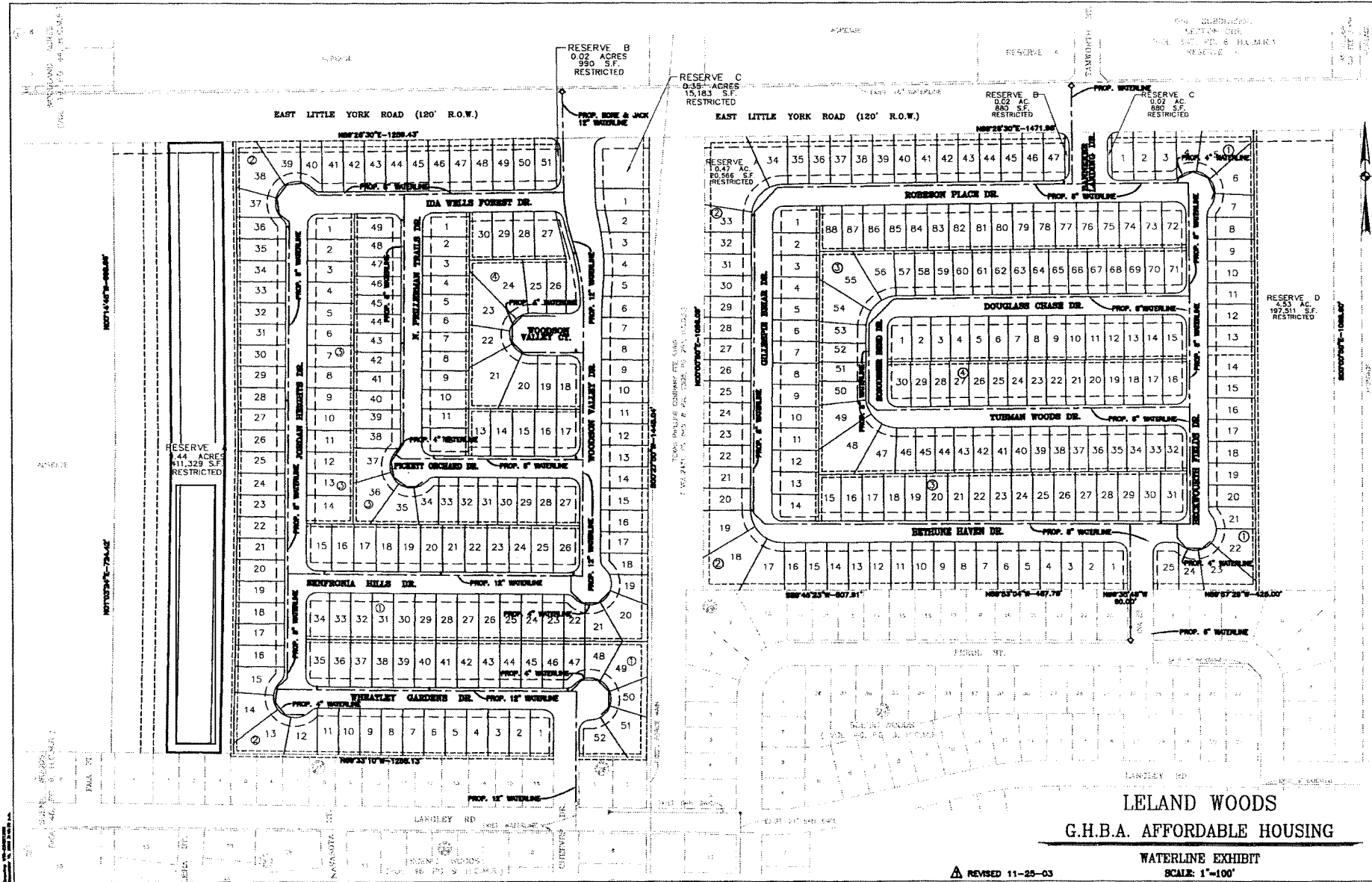
SECTION ONE PHASE I 81 LOTS 19.09 ACRES	SECTION ONE PHASE II 101 LOTS 22.22 ACRES	SECTION TWO PHASE I 93 LOTS 17.79 ACRES	SECTION TWO PHASE II 97 LOTS 18.15 ACRES	SCENIC WOODS 3 LOTS	TOTAL LOTS 375 LOTS
--	--	--	---	------------------------	------------------------

**LELAND WOODS TRIZ BOUNDARY  
MAP AND LAND USE PLAN**  
77.25 ACRES OUT OF THE S. KELLY  
SURVEY, A-495 & E. NOLAND SURVEY A-800,  
CITY OF HOUSTON, HARRIS COUNTY, TEXAS  
DEC., 2003 SCALE: 1"=100'  
JNS JOB No. 278-04

JNS  
CONSULTING ENGINEERS, INC.  
1001 FORT WORTH AVENUE, SUITE 100  
HOUSTON, TEXAS 77054  
PH: 281-555-2222 FAX: 281-555-1122

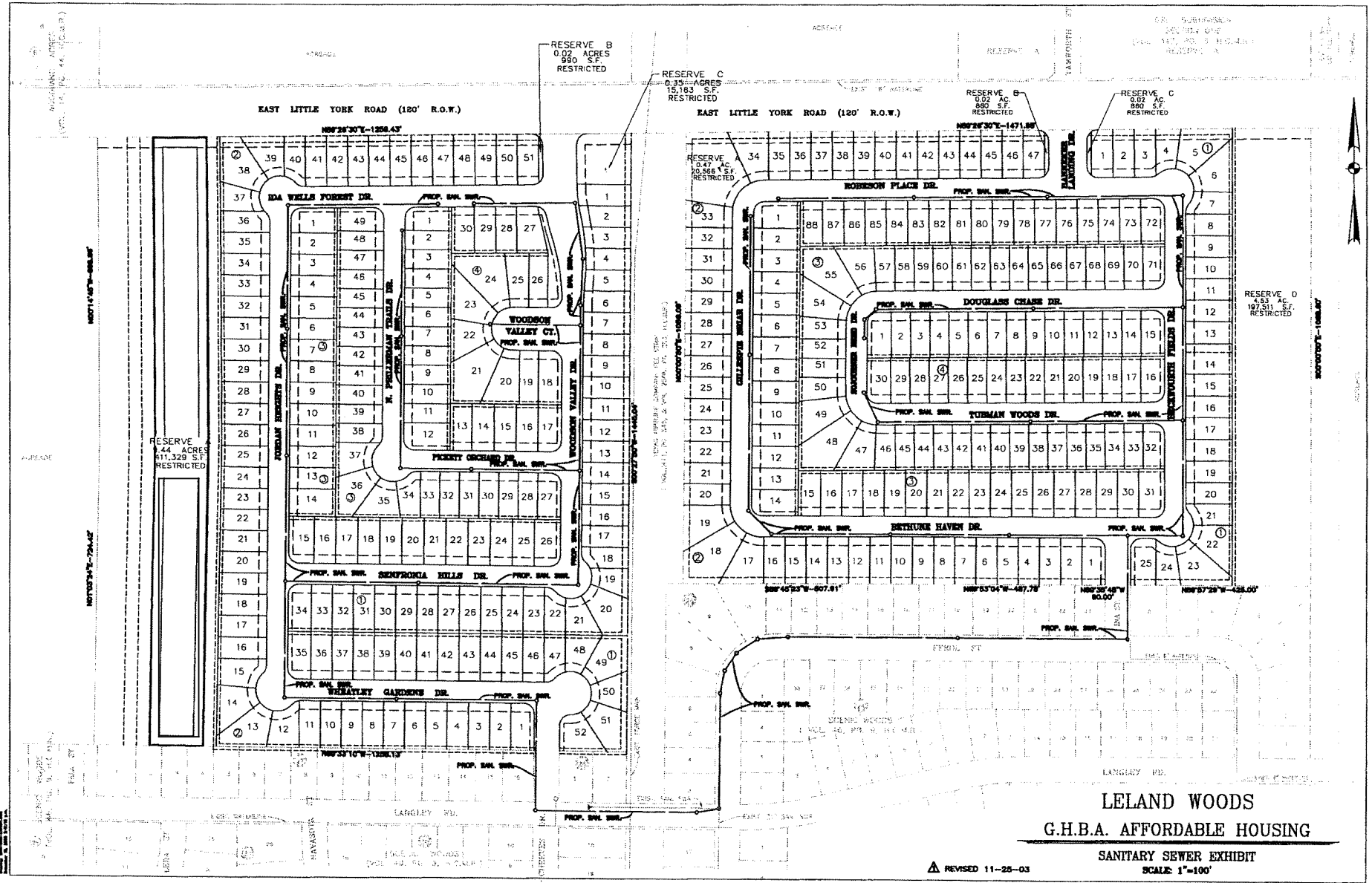


Exhibit C



LELAND WOODS  
 G.H.B.A. AFFORDABLE HOUSING  
 WATERLINE EXHIBIT  
 SCALE: 1"=100'  
 REVISED 11-25-03

Exhibit D



**LELAND WOODS**  
**G.H.B.A. AFFORDABLE HOUSING**  
**SANITARY SEWER EXHIBIT**  
 SCALE: 1"=100'

REVISED 11-25-03



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***SINGLE FAMILY  
HOUSING MARKET  
DEMAND ANALYSIS***

• • •

***SCENIC WOODS NORTH  
Northeast Houston***

*Prepared for:*

**Greater Houston Builders Association**

April 5, 2001



American

**METRO/STUDY**

Corporation

Exhibit F

## Scenic Woods North

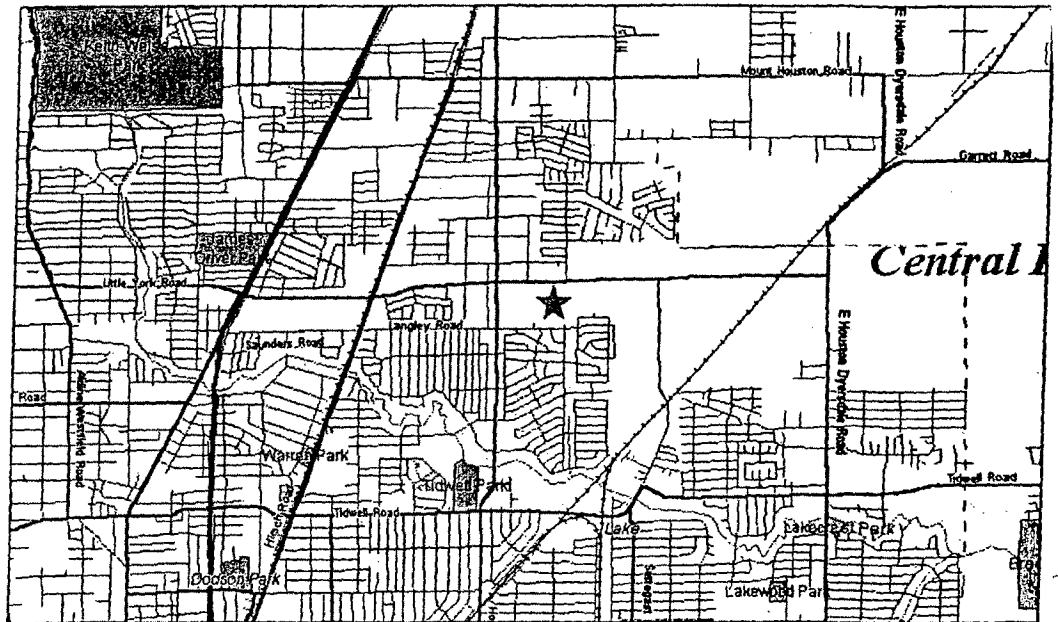
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## I. Executive Summary

### A. Introduction

The purpose of this report is to assess potential demand for a 74-acre tract in Northeast Houston inside the Beltway. Scenic Woods North is located on the south side of East Little York between Homestead Road and North Wayside Drive (see map below).



According to preliminary plans, the property will be developed with 50 to 55 foot wide lots to accommodate housing priced from approximately \$70,000 to \$130,000 (two product lines). There will be as many as 355 lots in the development, which will be appointed with a soccer field, basketball court, and parks with playgrounds. The site is also heavily wooded.

The remainder of this section summarizes the key findings of our research into the Target Market Area (TMA), including demographics, housing market statistics (new and re-sale), and school district performance. We have also included a section that compares the subject site with Corinthian Pointe, a new-home community in Southwest Houston for low to moderate income families. Conclusions, including absorption projections, are included in part D of this section.

## B. Target Market Area

The TMA surrounding the subject site corresponds with the North Forest Independent School District boundary. The proposed development will have the potential to draw homebuyers from outside the TMA, but the district boundary, in our opinion, contains the most likely prospects for Scenic Woods North. A map of the TMA can be found on page 10.

- The TMA can be characterized as a low-income area with an average household income of \$45,442, which is \$26,000 less than the Houston area average household income. These lower incomes must support more persons per household, as well. The TMA average household size is 3.41 persons, which is significantly higher than the Houston Metro average of 2.76 persons. The 62 percent of households with three or more persons illustrate the prominence of families living in the area.
- The resale housing market in the TMA is experiencing increased activity. In 1997, only 53 homes were sold through the Multiple Listing Service (MLS). In 1998, this figure was up 38 percent to 73 sales, and in 1999 83 homes were sold. The TMA broke the 100 sales barrier in 2000 with 101 closings. The increased demand has led to higher prices. In 1997, the median price of a home sold in the area was \$33,450. Three years later, the average sale price is up 42 percent to \$47,355 (2000). The area of strongest demand is the \$40,000 to \$60,000 price range, accounting for over half of MLS sales in 2000.
- TMA resale home prices are significantly lower than that of overall Houston. According to the Houston Association of Realtors, the median price of a home sold through the Houston MLS was \$118,500, and the average price was \$157,300. The low prices in the TMA are partially due to the age of the homes, which were built in 1961, on average (based on 2000 sales). It may also be indicative of the poor state of much of the existing housing stock, and certainly reflects the general blight of the surrounding area.
- School performance is a significant factor for any housing development targeting families. Metro/Study compared North Forest I.S.D. to the surrounding school districts: Aldine I.S.D., Galena Park I.S.D., Houston I.S.D., Humble I.S.D., and Sheldon I.S.D. Of these six districts, North Forest ranks number 6 in attendance rate, number 5 in dropout rate, number 4 in percent tested for college admissions, and number 6 in SAT mean score. North Forest has the fourth lowest student to teacher ratio.

Overall, North Forest earned an "Acceptable" rating from the Texas Education Agency (TEA), as did H.I.S.D., Humble I.S.D., and Sheldon I.S.D. Metro/Study has also presented the ethnic makeup of these school districts, according to the TEA, later in this report.

x



### C. Scenic Woods North vs. Corinthian Pointe

Corinthian Pointe is located in Southeast Houston near the intersection of South Post Oak Road and West Orem Drive. It is developed by Pyramid Community Development Corporation, a not-for-profit organization founded by Reverend Kirbyjohn Caldwell, pastor of Windsor Village United Methodist Church. The 234-acre property is larger than Scenic Woods, but its development in a low to moderate income area could provide insight into the proposed Scenic Woods North.

Metro/Study examined a two-mile radius area surrounding Scenic Woods North and Corinthian Pointe in order to compare demographics, housing construction, and schools. A map of the 2-mile radius boundaries is located on page 21.

- According to the 1990 Census (compiled by Claritas), the areas surrounding Scenic Woods North and Corinthian Pointe were similarly populated. The 32,600 people around Corinthian Pointe is only 1,100 more than the 31,500 people surrounding Scenic Woods North.
- Households are larger in Northeast Houston compared to Southeast Houston, according to 2000 estimates by Claritas. In the Scenic Woods North area, the average household size is 3.46 people, which is higher than the 3.29 average household size in the Corinthian Pointe area. Both areas have significantly larger households than overall Houston at 2.76 persons per household. The need for housing to accommodate the large number of families in both areas is evident.
- Though population and households are somewhat similar in these two areas, the difference in household incomes is more pronounced. The median household income in 2000 is estimated to be \$38,880 in the Scenic Woods North area. This is \$9,260 less than that of Corinthian Pointe, which is \$48,140. Both figures are less than the Houston Metro median income of \$58,500. These income figures are a reflection of buying power, and it is evident that the area around Scenic Woods North will have fewer potential homebuyers than the area around Corinthian Pointe (based on income).
- Before 1999, there was very little housing activity in both these areas of town. Near Scenic Woods North, though, some construction activity was observed as 15 homes were started in 1999. This figure was up to 28 new home starts in 2000, 21 of

which were in the Park North subdivision on Wayside south of East Little York. According to the builder, homes in this subdivision were generally priced from \$70,000 to \$100,000.

- Around Corinthian Pointe, the new-home market has been particularly active compared to previous years. There were 69 starts in 1999, but this grew to 243 starts in 2000. All of these starts were in three developments: Green Park (119 starts), Corinthian Pointe (102 starts), and Post Oak Place (22 starts). Green Park and Post Oak Place are priced from approximately \$70,000 to \$100,000, and Corinthian Pointe is priced from approximately \$70,000 to \$160,000.
- Finally, Metro/Study compared the specific schools near the subject sites. Students in Corinthian Pointe attend Madison High School, and students in Scenic Woods would be expected to attend Smiley High School. These schools are somewhat comparable, each scoring similar scores on the ACT and SAT college entrance tests. A higher percentage of students scored at or above criterion on the SAT or ACT at Smiley High School, but a much higher percentage of Madison High School students took at least one of these tests. Though the performance of these two schools are comparable, neither compares favorably with the state averages.
- At the elementary and middle school levels, the schools around either site again performed similarly. The one exception would be the superior performance of Northwood Middle School in the North Forest I.S.D. This school earned a "Recognized" rating from the TEA for the 1999-2000 school year. Unfortunately, the school is now closed, and the nearest middle school is Oak Village, which earned an "Acceptable" rating last year.

#### D. Conclusions

Developers have largely ignored the northeast area of Houston over the past ten years. The area went backwards during the eighties, losing households to the difficult economic times. This area surrounding the subject site has been slow to recover, but a few modest new home developments have emerged in recent years. Northeast Houston has yet to see, though, a large-scale development designed to meet the housing needs of lower income families.

An examination of the TMA has produced a "mixed bag" of results. On one hand, the resale housing market is showing signs of life, with increased closings and higher home prices. This, combined with the successful development of Park North near the subject site, is a positive element when considering the potential development of Scenic Woods North. But even though the resale housing market is improving, the overall sales rate is still somewhat modest (only 100 sales per year), and average sale prices are only \$47,000 in 2000, which is quite low.

In terms of demographics, particularly household incomes, indicators are not very favorable for new home development. The median household income around the subject site is significantly less than the overall Houston median, and it is \$9,300 less than the area surrounding Corinthian Pointe. There is a fairly large population base, however, an estimated 53,000 people in nearly 16,000 households within the TMA.

The school district is also a two-sided issue for Scenic Woods North. The North Forest I.S.D. does not compare very favorably with the five districts that it borders, in terms of attendance rate, dropout rate, and college entrance examination. However, the schools near the subject site are comparable to the schools that children in Corinthian Pointe attend. So the quality of the schools has, apparently, not been enough of an issue in Southwest Houston to significantly thwart the attempts of new development there.

Overall, our initial research proved to be inconclusive, in our opinion. Therefore, we interviewed realtors in the area and conducted informal consumer research at major employers in the area. The results of this research are detailed in two separate reports accompanying this one under separate cover. The interviews with the realtors in the area indicated that they are somewhat polarized concerning the proposed development. Four of the seven realtors were favorably predisposed towards development and were prepared to support. Three others, however, did not seem to think the venture was a good idea. Past

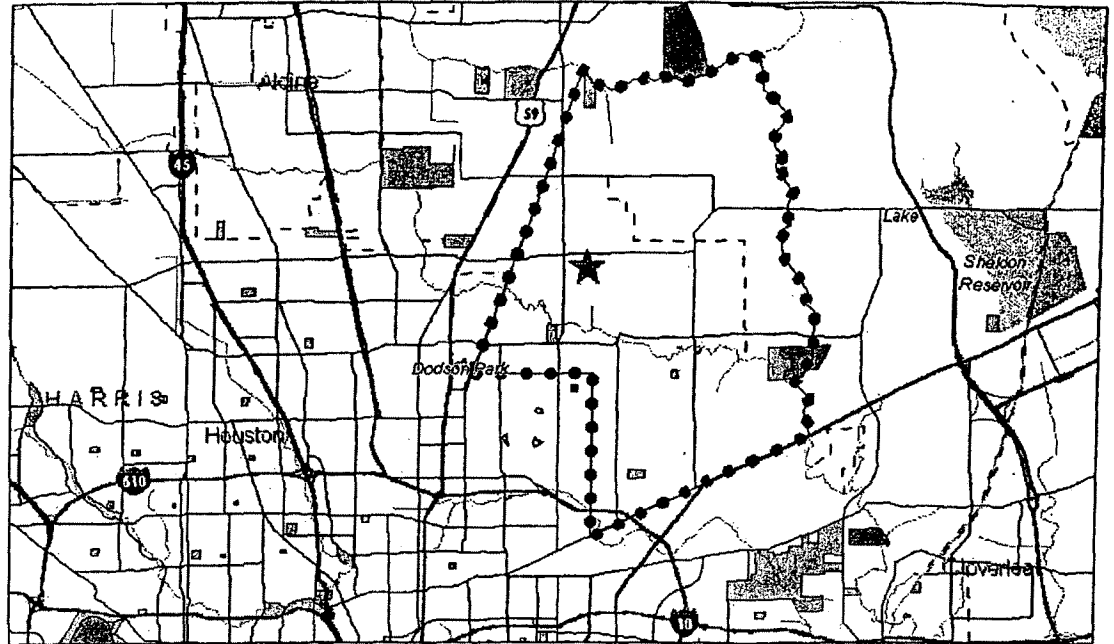
realtor research that we have conducted has typically displayed more unanimity among the sample.

Metro/Study also interviewed (person-to-person) 28 qualified prospects who work in or near the TMA. While 93 percent of those surveyed were familiar with the area, only 11 percent indicated that they were very interested in a new home at the proposed site, and only one in ten described the location as "favorable". There was definitely some interest in the property, but most of the respondents indicated that they wanted to avoid this part of town.

The mixed tenor of the realtor and consumer research makes us cautious regarding the development of Scenic Woods North. Risks associated with the development appear to be very high. Since there is currently no meaningful new home development in the area, the site will be expensive to market and difficult to sell. The development and impending build out of Park North is significant, however. If this modest development can absorb 20 homes in one year, we would project Scenic Woods North to absorb 50 to 70 units per year. The competitive environment will change when/if North Forest Estates comes to market, so we would project Scenic Woods North to absorb 40 to 60 units per year with the added competition.

II. Target Market Area

A. TMA Map



B. Demographics

**Target Market Area  
Population and Household Trends  
1980, 1990, and 2000 Estimate**

Year	Number	Net Change	Avg. Annual Growth
<i>Population</i>			
1980	64,807	*	*
1990	53,451	-11,355	-1,136
2000	57,757	4,305	431
<i>Households</i>			
1980	18,057	*	*
1990	15,829	-2,228	-223
2000	16,921	1,092	109

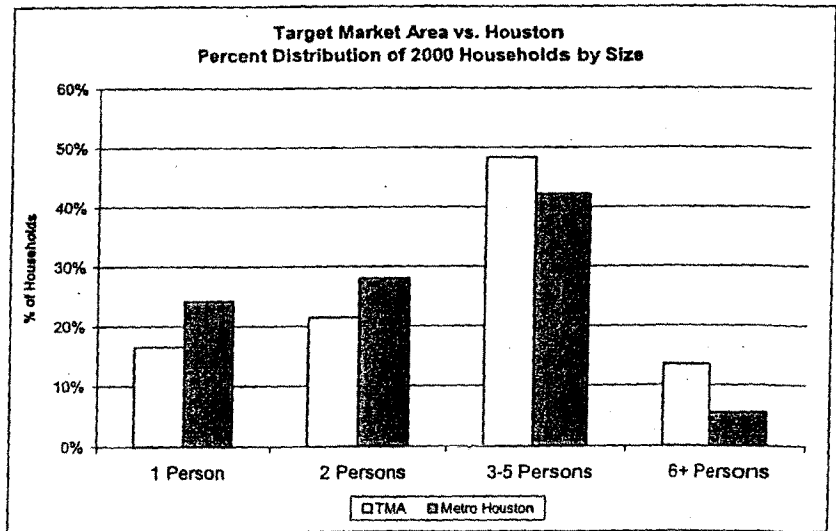
SOURCE: Claritas

**Target Market Area  
Household Size Profile  
2000 Estimate**

Household Size	2000	% Distrib.
1 Person	2,806	16.6%
2 Persons	3,634	21.5%
3-5 Persons	8,188	48.4%
6+ Persons	2,293	13.6%
<b>TOTAL</b>	<b>16,921</b>	<b>100%</b>

TMA Average HH Size: 3.41  
Houston Metro Avg. HH Size: 2.76

*SOURCE: Claritas*



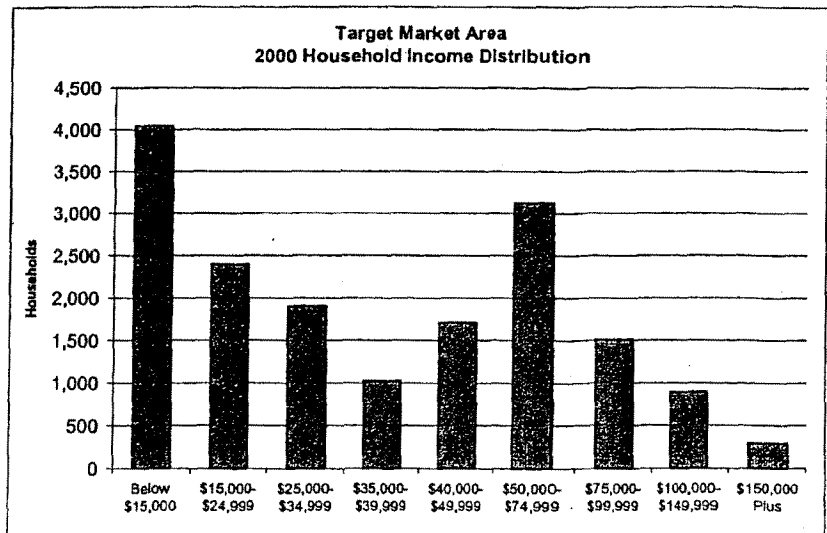
**Target Market Area  
Income Profile of Households  
2000 Estimate**

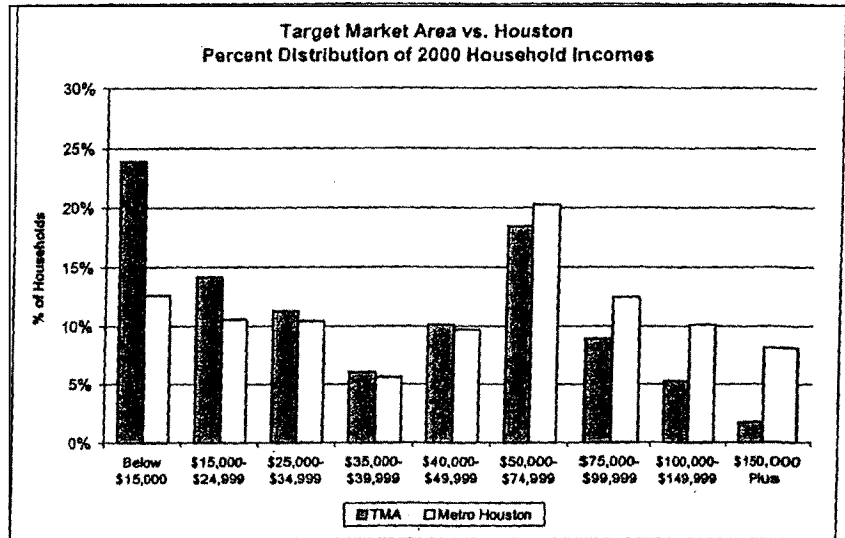
Household Income	2000	% Distrib.
Below \$15,000	4,047	23.9%
\$15,000-\$24,999	2,399	14.2%
\$25,000-\$34,999	1,906	11.3%
\$35,000-\$39,999	1,026	6.1%
\$40,000-\$49,999	1,714	10.1%
\$50,000-\$74,999	3,126	18.5%
\$75,000-\$99,999	1,511	8.9%
\$100,000-\$149,999	895	5.3%
\$150,000 Plus	298	1.8%
<b>TOTAL</b>	<b>16,921</b>	<b>100%</b>

TMA Median HH Income: \$36,356  
 TMA Average HH Income: \$45,442

Houston Metro Med. HH Income: \$58,492  
 Houston Metro Avg. HH Income: \$71,459

*SOURCE: Claritas*





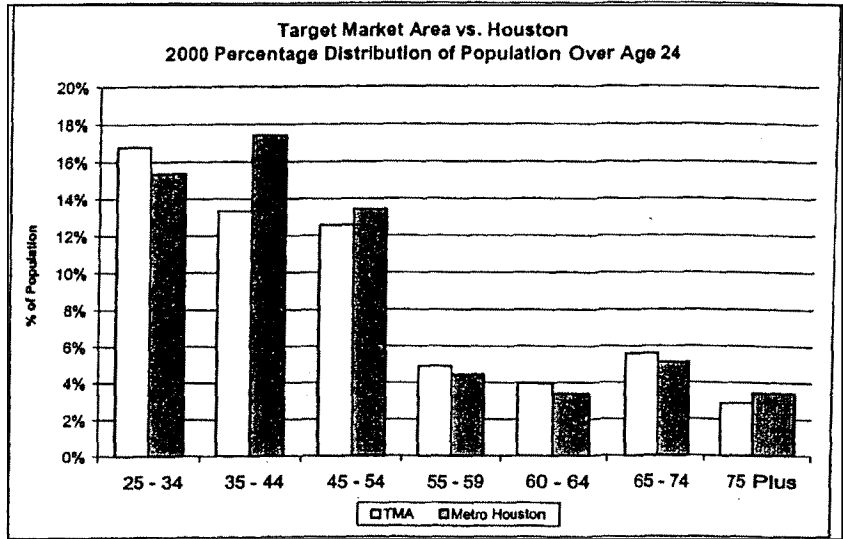
**Target Market Area  
Population Distribution by Age  
2000 Estimate**

Age Range	Population	% Distrib.
0 - 24	23,053	39.9%
25 - 34	9,695	16.8%
35 - 44	7,713	13.4%
45 - 54	7,270	12.6%
55 - 59	2,839	4.9%
60 - 64	2,298	4.0%
65 - 74	3,230	5.6%
75 Plus	1,656	2.9%
<b>Totals</b>	<b>57,757</b>	<b>100%</b>

TMA Median Age: 30.8  
Houston Metro Median Age: 33.5

SOURCE: Claritas



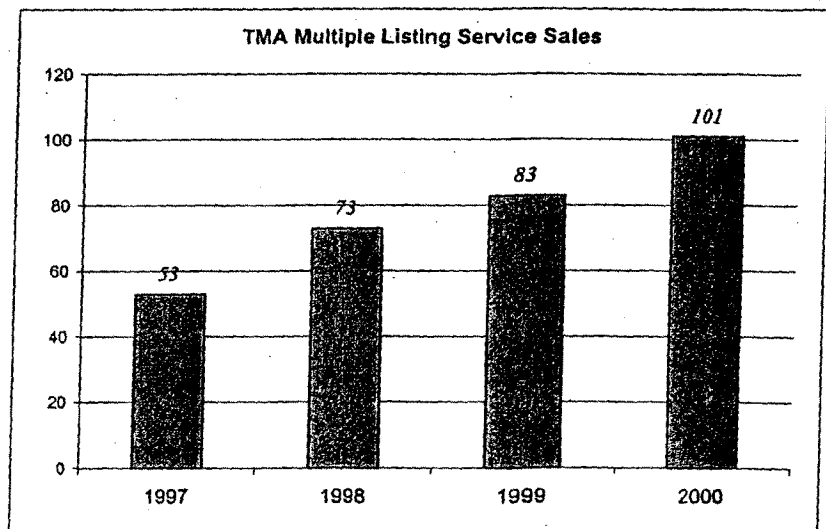


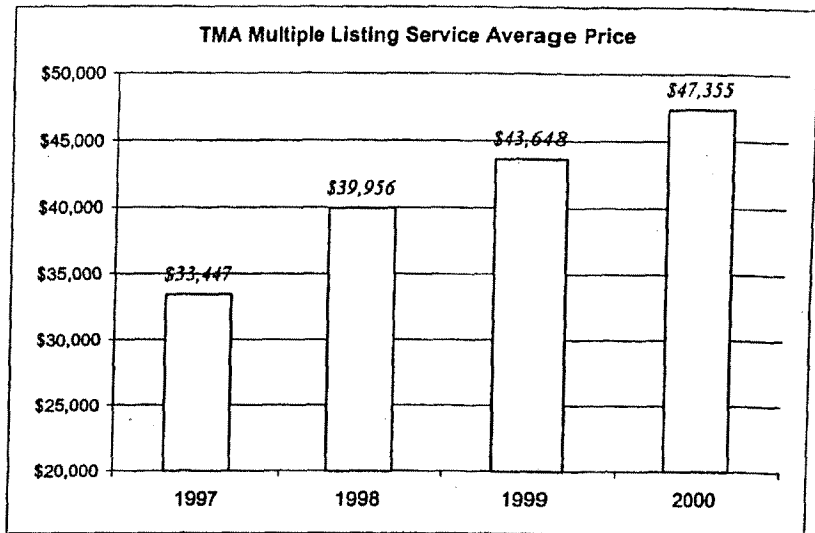
### C. Resale Housing Market

#### Target Market Area Multiple Listing Service Sales History

Year	Sales	Avg. Sale Price	Avg. Age of Home
1997	53	\$33,447	1959
1998	73	\$39,956	1961
1999	83	\$43,648	1963
2000	101	\$47,355	1961

Source: Houston Association of Realtors





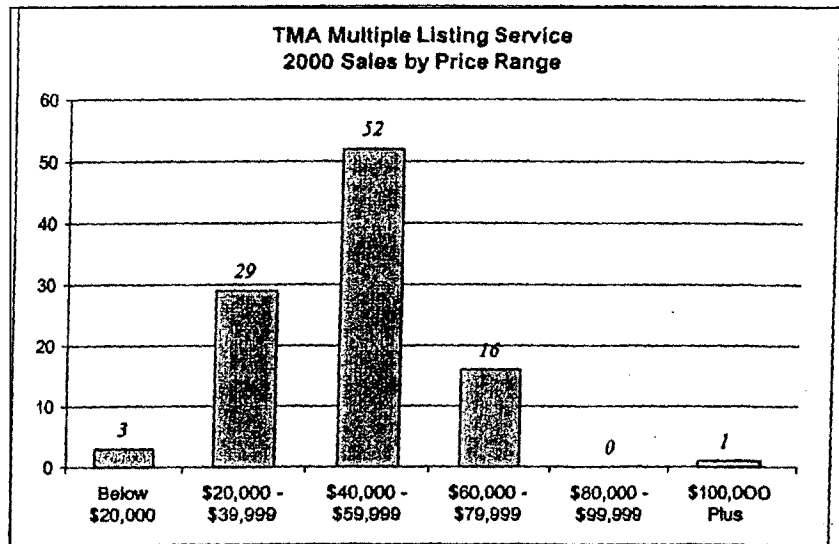
**Target Market Area  
Multiple Listing Service Sales by Price  
2000**

Price Range	Sales	% Distrib.	Current Inventory*	Months of Supply**
Below \$20,000	3	3%	1	4.0
\$20,000 - \$39,999	29	29%	8	3.3
\$40,000 - \$59,999	52	51%	12	2.8
\$60,000 - \$79,999	16	16%	8	6.0
\$80,000 - \$99,999	0	0%	2	n/a
\$100,000 Plus	1	1%	0	0.0
<b>Total</b>	<b>101</b>	<b>100%</b>	<b>31</b>	<b>3.7</b>

*Source: Houston Association of Realtors*

\* As of March 21, 2001 (using list price)

\*\* Based on MLS sales in 2000



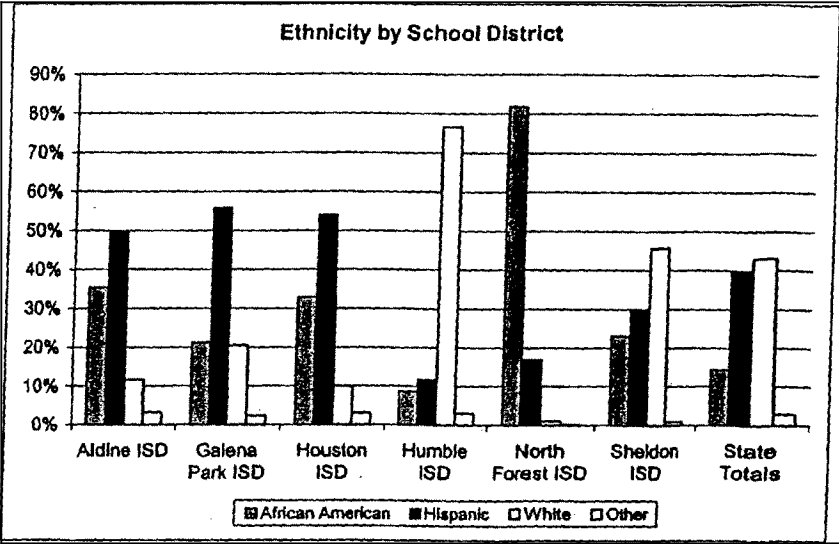
**D. School District Comparison**

<b>School District Summary 1998-1999 Figures</b>						
District	Total Students	Attend. Rate	Dropout Rate	Students per Teacher	College Admissions	
					Percent Tested	SAT Mean Score
Aldine ISD	50,890	95.3%	1.5%	14.8	53.6%	865
Galena Park ISD	18,167	95.3%	1.5%	16.4	41.2%	945
Houston ISD	209,716	94.2%	3.9%	18.0	59.5%	935
Humble ISD	23,855	95.7%	0.4%	15.3	83.7%	1062
North Forest ISD	21,603	93.8%	3.4%	16.1	45.0%	756
Sheldon ISD	4,081	96.0%	1.2%	15.5	41.2%	901
<i>State Totals</i>	<i>3,991,783</i>	<i>95.4%</i>	<i>1.6%</i>	<i>14.9</i>	<i>61.8%</i>	<i>989</i>

*Source: Texas Education Agency*

<b>Ethnic Distribution and Economically Disadvantaged 1998-1999 School District Figures</b>					
District	African American	Hispanic	White	Other	Percent Econom. Disadv.
Aldine ISD	35%	50%	12%	3%	70%
Galena Park ISD	21%	56%	21%	2%	59%
Houston ISD	33%	54%	10%	3%	75%
Humble ISD	9%	12%	77%	3%	15%
North Forest ISD	82%	17%	1%	0%	74%
Sheldon ISD	23%	30%	46%	1%	49%
<i>State Totals</i>	<i>14%</i>	<i>40%</i>	<i>43%</i>	<i>3%</i>	<i>49%</i>

*Source: Texas Education Agency*

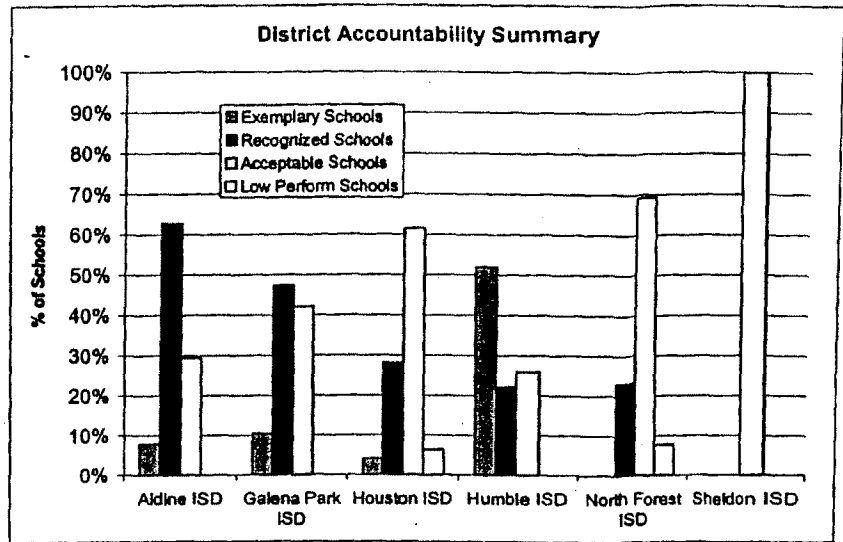


**School District Accountability Ratings  
1998-1999 Figures**

District	Accountability Rating	Exemplary Schools	Recognized Schools	Acceptable Schools	Low Perform	Total Schools*
Aldine ISD	Recognized	8%	63%	29%	0%	51
Galena Park ISD	Recognized	11%	47%	42%	0%	19
Houston ISD	Acceptable	4%	28%	61%	6%	270
Humble ISD	Acceptable	52%	22%	26%	0%	27
North Forest ISD	Acceptable	0%	23%	69%	8%	13
Sheldon ISD	Acceptable	0%	0%	100%	0%	6

*Source: Texas Education Agency*

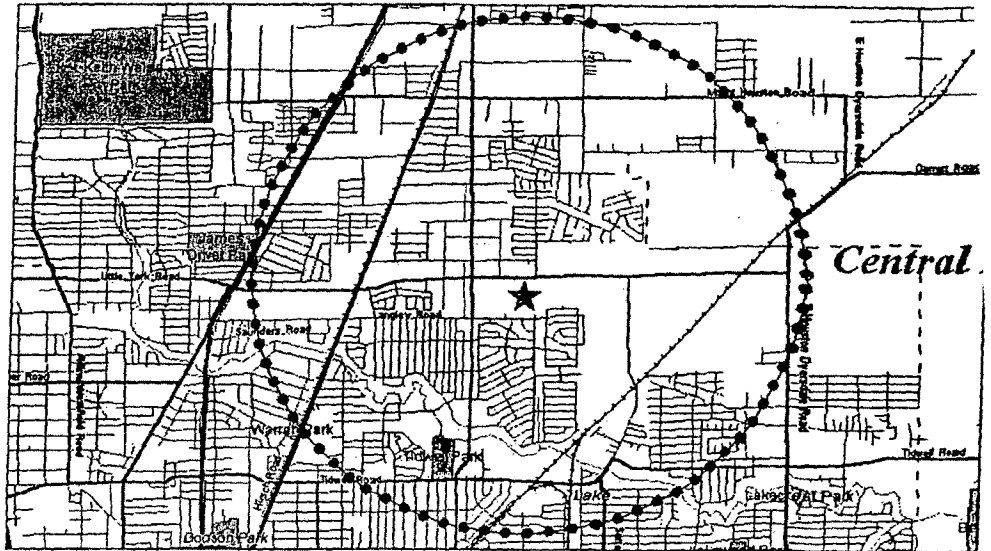
\* Does not include alternative education schools or schools that are "not rated"



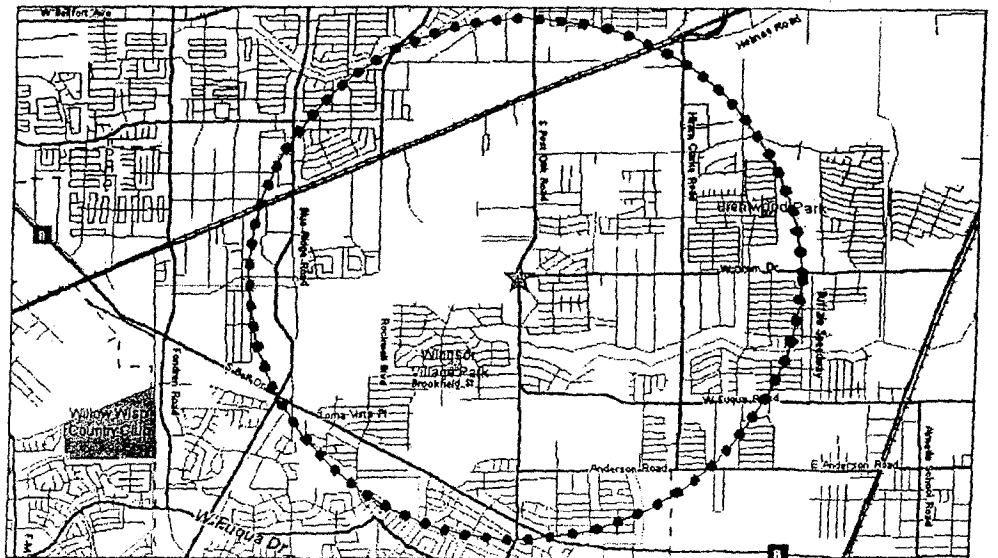
### III. Scenic Woods North vs. Corinthian Pointe

#### A. Comparison Maps

*Scenic Woods North, 2-Mile Radius*



*Corinthian Pointe, 2-Mile Radius*





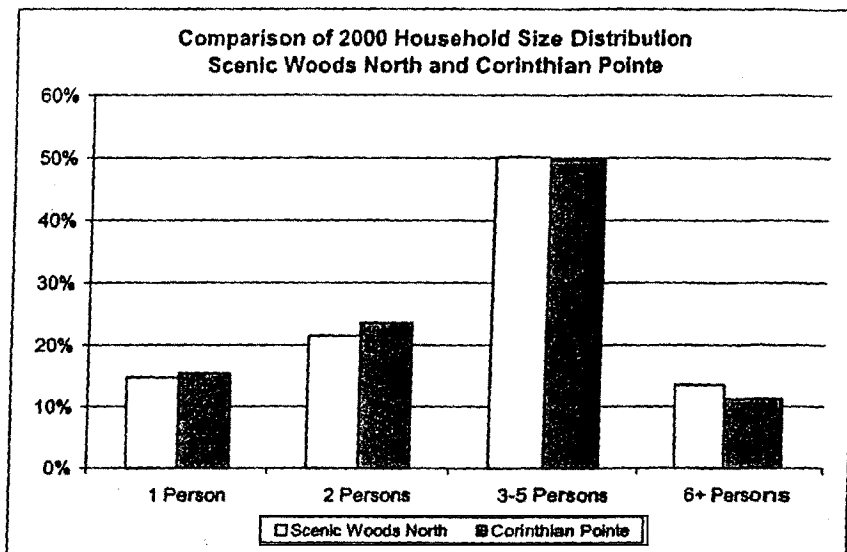
**B. Demographics**

**2-Mile Radius from Each Site  
Scenic Woods North and Corinthian Pointe  
Population and Households**

Year	Scenic Woods North	Corinthian Pointe	Difference
<i>Population</i>			
1980	37,375	32,981	4,394
1990	31,462	32,627	-1,166
2000	33,609	37,112	-3,503
<i>Households</i>			
1980	10,055	10,386	-331
1990	9,166	9,888	-722
2000	9,695	11,215	-1,520
<i>SOURCE: Claritas</i>			

**2-Mile Radius from Each Site  
Scenic Woods N. and Corinthian Pointe  
Percent Distribution of 2000 Household Size**

Household Size	Scenic Woods	
	North	Corinthian Pointe
1 Person	15%	15%
2 Persons	22%	24%
3-5 Persons	50%	50%
6+ Persons	14%	11%
TOTAL	100%	100%
Scenic Woods North Avg. HH Size:	3.46	
Corinthian Pointe Avg. HH Size:	3.29	
Houston Metro Avg. HH Size:	2.76	
<i>SOURCE: Claritas</i>		



**2-Mile Radius from Each Site  
Scenic Woods North and Corinthian Pointe  
2000 Household Incomes Comparison**

Scenic Woods North Med. HH Income:	\$38,884
Corinthian Pointe Med. HH Income:	\$48,143
Houston Metro Med. HH Income:	\$58,492
Scenic Woods North Avg. HH Income:	\$48,813
Corinthian Pointe Avg. HH Income:	\$55,991
Houston Metro Avg. HH Income:	\$71,459

*Source: Claritas*

**2-Mile Radius from Each Site  
Scenic Woods N. and Corinthian Pointe  
Single Family Construction Comparison**

Qtr/Yr	Starts	
	Scenic Woods North Area	Corinthian Pointe Area
1Q99	0	0
2Q99	5	0
3Q99	2	23
4Q99	8	46
<i>'99 Total</i>	<i>15</i>	<i>69</i>
4Q00	4	39
4Q00	7	56
4Q00	10	77
4Q00	7	71
<i>'00 Total</i>	<i>28</i>	<i>243</i>

*American METRO/STUDY Corporation*

**C. Schools**

<b>Scenic Woods North and Corinthian Pointe High School Comparisons</b>			
Category	Smiley H.S. (Scenic Woods N)	Madison H.S. (Corinthian Pointe)	State
Attendance Rate	89.1%	90.6%	95.4%
Dropout Rate	1.5%	0.5%	1.6%
TAAS/TASP Equivalency*	34.1%	28.3%	53.5%
SAT/ACT % tested	36.7%	60.9%	61.8%
SAT/ACT % scoring at or above criterion**	5.7%	1.1%	27.2%
Mean SAT	780	777	989
Mean ACT	16.3	17.6	20.2
<i>Source: Texas Education Agency</i>			

\* Percent of graduates who did well enough on the exit-level TAAS to have a 75% likelihood of passing the Texas Academic Skills Program (TASP) test

\*\* Score of 24 for the ACT and 1110 for the SAT

**Scenic Woods North and Corinthian Pointe  
Elementary and Middle School Comparisons**

Grade/Category	Scenic Woods N.	Corinthian Pointe	State
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**Grade 4**

% Passing TAAS	Rogers EL	Windsor Village EL	State
Reading	69.7%	84.7%	89.9%
Writing	81.0%	80.3%	90.3%
Math	61.2%	72.5%	87.1%
All Tests	50.8%	61.7%	80.3%
Attendance Rate	96.3%	96.0%	95.4%

**Grade 6**

% Passing TAAS	Keahey Intermed.	Dowling Middle	State
Reading	79.4%	68.2%	86.0%
Math	70.7%	67.5%	88.5%
All Tests	63.6%	57.2%	81.5%
Attendance Rate	95.7%	93.8%	95.4%
Dropout Rate	n/a	2.3%	1.6%

**Grade 8**

% Passing TAAS	Northwood Middle*	Dowling Middle	State
Reading	91.6%	81.1%	89.6%
Writing	82.6%	62.3%	84.3%
Math	91.0%	76.8%	90.2%
Science	76.8%	72.3%	88.2%
Social Studies	84.8%	33.3%	71.8%
All Tests	64.9%	26.4%	64.6%
Attendance Rate	94.5%	93.8%	95.4%
Dropout Rate	0.3%	2.3%	1.6%

*Source: Texas Education Agency*

\* now closed

**Scenic Woods North  
and Corinthian Pointe  
School Ratings\* Comparison**

Sub/Campus	Rating
------------	--------

Scenic Woods North

Rogers EL	Acceptable
Keahey Intermed.	Acceptable
Northwood Middle**	Recognized
Smiley H.S.	Acceptable

Corinthian Pointe

Windsor Village EL	Acceptable
Dowling Middle	Acceptable
Madison H.S.	Acceptable

*Source: Texas Education Agency*

\* Accountability ratings for '98-'99

\*\* Now closed

#### **D. Competition**

North Forest Estates is a proposed development by Hispanic Housing and Education Corporation, a not-for-profit organization that, historically, owns and manages apartment complexes for low to moderate income families. North Forest Estates is located on the south side of East Little York surrounding North Wayside Drive, approximately three miles east of Highway 59. The site is approximately 225 acres, and preliminary plans call for single family homes, condominiums, apartment units, and commercial/retail space. Currently, 402 single family homes are planned at the site, targeting the \$95,000 to \$105,000 price range. There will also be 87 townhome units as well as condominiums on a ten-acre tract. Railroad tracks border the property to the south. This property is not yet under development, but is in the process of establishing a Tax Increment Reinvestment Zone (TIRZ).

Stonefield is a new development by U.S. Home located near the corner of C.E. King Parkway and Tidwell. This 262-acre site will be served by the Sheldon Independent School District, and 10 acres of the development have been sold to Sheldon I.S.D. for an early childhood development academy for Kindergarten and Pre-Kindergarten children. Stonefield will have 50 foot and 60 foot wide lots for homes priced from \$70,000 to \$100,000 and \$100,000 to \$130,000, respectively. Lots are expected to be delivered in the Fall of 2001.

### **E. Assumptions & Limiting Conditions**

The following contingencies and limiting conditions are noted as fundamental assumptions that may affect the validity of the analysis and conclusions reached in this report:

1. All information contained in this report, while based upon information obtained from the client and other sources deemed to be reliable, is in no way warranted by American METRO/STUDY Corporation.
2. The City of Houston, State of Texas, and the nation as a whole will not suffer any major economic shock during the time period of the forecast contained in this report.
3. Population will continue to increase at or above the rate forecast.
4. The basic sources of statistical data and estimates used in this analysis are sufficiently accurate to be useful for planning purposes.
5. The development, when completed, will be designed, promoted, and managed in a manner that will have an adequate impact on the local market.
6. The recommendations set forth in this report will be acted upon within a reasonable period of time to preclude major changes in the conditions evaluated.

Radical changes in factors affecting the major assumptions noted above could alter the conclusions reached in this analysis or necessitate the re-evaluation of portions of this report.



# American METRO/STUDY Corporation

## *Participating Staff:*

Michael H. Inselmann  
*President*

\*\*\*\*\*

David Jarvis  
*Director, Marketing and Consulting*

\*\*\*\*\*

Ben Sage  
*Senior Market Analyst*

**American METRO/STUDY Corporation**  
1001 West Loop South  
Suite 890  
Houston, Texas 77027  
(713) 622-9909

<b>SUBJECT:</b> Rate adjustment for Public Works and Engineering Department Combined Utility System (CUS) Contract Treated Water Service		<b>Page</b> 1 of 1	<b>Agenda Item #</b>  23
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 4/5/07	<b>Agenda Date</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> 33007 Michael S. Marcotte, P.E. DEE		<b>Council District affected:</b> All	
<b>For additional information contact:</b>  Susan Bandy <b>Phone: 713-837-0282</b> Deputy Director		<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 2004-297 dated 4-21-04	
<b>RECOMMENDATION: (Summary)</b> Approve an Ordinance adjusting the contract treated water service rate from \$1.476 to \$1.762 per 1,000 gallons.			
<b>Amount and Source of Funding:</b> <i>No Funds Required</i> <i>102</i> <i>3-30-07</i>			
<b>DESCRIPTION/SCOPE:</b>  <b>Background:</b> Since passage of the CUS Master Bond Ordinance in 2004, the CUS water and sewer rates have been automatically adjusted annually using the previous calendar year's regional Consumer Price Index (CPI). However, one rate category was initially set at levels below the 2004 established CUS cost of service – Contract Treated Water rates. It was decided that these rates would not be increased more than 20% at that time. However, that left these Contract Treated Water rates below the cost to treat and deliver this water, per the rate study conducted in FY04.  <b>Proposed Rate Adjustment Schedule:</b> <b>Effective September 1, 2007 – Phase I</b> The rate for Contract Treated Water will be adjusted by half the cost of service deficit using the April 1, 2007 rate. The calculated adjustment is \$0.286 per 1,000 gallons – raising the Contract Treated Water Service Rate per 1,000 gallons from \$1.476 to \$1.762. <b>Phase II – Future Adjustment</b> Following a planned rate study in FY08, a second rate adjustment will be proposed. This rate adjustment is intended to fully cover this customer segment's cost of service.  <b>Note:</b> This item was heard by the Budget and Fiscal Affairs Committee on March 6, 2007 and was recommended for approval by Council.			
<b>REQUIRED AUTHORIZATION</b>		<b>20-SB12</b>	
<b>F&amp;A Budget:</b>	<b>Other Authorization:</b> <i>Susan Bandy</i> PWE Resource Mgmt. Division <i>for Susan Bandy</i>	<b>Other Authorization:</b>	

**FY07 Active Contract Treated Water Customers (Wholesale):**

These wholesale customers include municipalities, MUDs and Anheuser Busch.

**Contract Treated Water Customers:**

City of Bellaire  
City of Bunkerhill Village  
City of Galena Park  
City of Hilshire Village  
City of Humble  
City of Jacinto City  
City of Jersey Village  
City of Pearland  
City of Southside Place  
City of West University

**Municipal Utility Districts & Water Authorities**

Chimney Hill MUD  
Greenwood Utility District  
Harris Co. MUD #6  
Harris Co. MUD #8  
Harris Co. MUD # 23  
Harris Co. MUD # 89  
Harris Co. MUD # 96  
Harris Co. MUD #158  
Harris Co. MUD #261  
Harris Co. MUD #366 (Now Annexed)  
Harris Co. MUD #372  
Harris County MUD # 420  
Harris Co. WICD - Fondren Road  
Harris Co. WCID# 96  
Memorial Villages Water Authority  
Montgomery County MUD #98  
North Channel Water Authority  
North Harris County Regional Water Authority  
Regional Water Adv. Comm.  
Rolling Fork Public Utility District  
Southwest H.C. MUD #1  
Sunbelt Fresh Water Supply District  
Sunbelt Fresh Water Supply District -Oakwilde  
West Harris County MUD #16

<p><b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points of Haynes Lane and a drainage easement, all out of Block 3, J.O. Ross Subdivision. <b>Parcels SY3-010, AY3-039A, AY3-039B, and LY4-033</b></p>	<p><b>Category #</b> 7</p>	<p><b>Page</b> 1 of <u>2</u></p>	<p><b>Agenda Item #</b>  <b>24</b></p>
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<p><b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering</p>	<p><b>Origination Date</b>  4-5-07</p>	<p><b>Agenda Date</b>  APR 11 2007</p>
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<p><b>DIRECTOR'S SIGNATURE:</b> <i>MS Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director</p>	<p><b>Council District affected:</b> E <i>AM</i> Key Map 577N</p>
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<p><b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881 <i>(NPO)</i> Senior Assistant Director-Real Estate</p>	<p><b>Date and identification of prior authorizing Council Action:</b> C.M. 2002-1166 (10/16/02)</p>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for a consideration of \$300.00 plus the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points of Haynes Lane and a drainage easement, all out of Block 3, J.O. Ross Subdivision. **Parcels SY3-010, AY3-039A, AY3-039B, and LY4-033**

<p><b>Amount and Source of Funding:</b> Not Applicable</p>	<p><b>F &amp; A Budget:</b></p>
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**SPECIFIC EXPLANATION:**

By Council Motion 2002-1166, City Council authorized the abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points, all out of Block 3, J.O. Ross Subdivision. Thereafter, it was determined a drainage easement should be conveyed to the City. The transaction was processed accordingly. The abutting property owner, Waste Corporation of Texas, L.P. [WCA Texas Management General, Inc. (J. Edward Menger, Vice President), general partner], plans to incorporate the property being abandoned and sold into its landfill site located at 600 Old Genoa-Red Bluff Road.

In this transaction, the City will abandon and sell to Waste Corporation of Texas, L.P. Parcel SY3-010, a 40,203-square-foot portion of Haynes Lane, valued at \$21,161.00, consisting of \$12,061.00 for the land and \$9,100.00 for the street improvements. In exchange, Waste Corporation of Texas, L.P. will pay the \$300.00 minimum fee for the abandonment parcel plus convey to the City Parcel AY3-039A, a 5,736-square-foot cul-de-sac, valued at \$1,721.00, Parcel AY3-039B, a 5,735-square-foot cul-de-sac, valued at \$1,721.00, Parcel LY4-033, a 152,228-square-foot drainage easement, valued at \$22,834.00, and will receive a cul-de-sac construction credit valued at \$105,339.00. Waste Corporation of Texas, L.P. has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.

<p>s:\psm\sy3-010.rc2.doc</p>	<p>CUIC #20PSM177</p>
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<p>REQUIRED AUTHORIZATION</p>		
<p><b>F&amp;A Director:</b></p>	<p><b>Other Authorization:</b></p>	<p><b>Other Authorization:</b> <i>AF Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division</p>

<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points of Haynes Lane and a drainage easement, all out of Block 3, J.O. Ross Subdivision. <b>Parcels SY3-010, AY3-039A, AY3-039B, and LY4-033</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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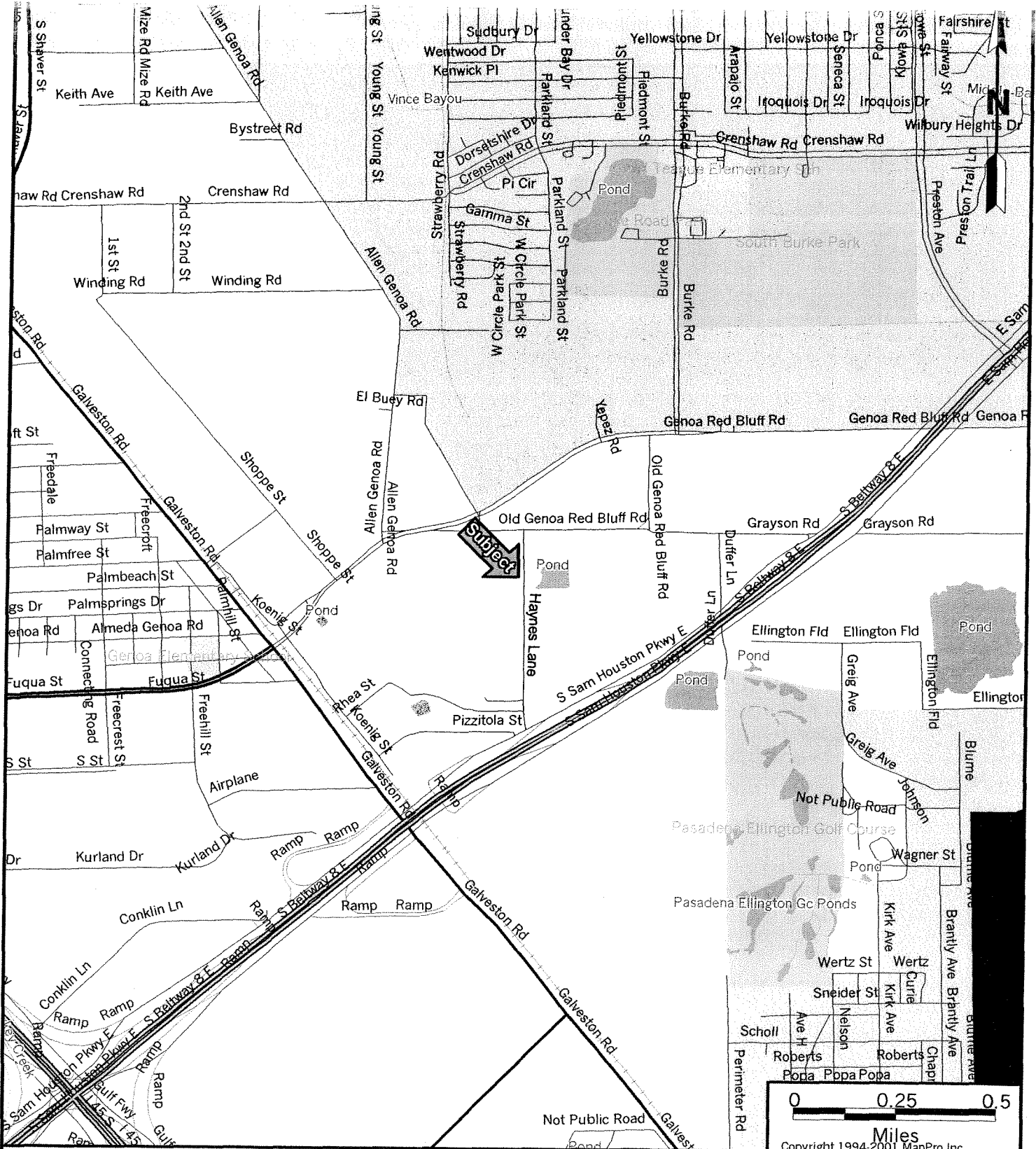
Inasmuch as the value of the \$300.00 minimum fee plus the easements and constructed improvements being conveyed to the City are greater than the value of the street being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for a consideration of \$300.00 plus the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points of Haynes Lane and a drainage easement, all out of Block 3, J.O. Ross Subdivision.

MSM: NPC:psm

- c: Marty Stein
- Jeff Taylor
- Jack Whaley
- Daniel W. Krueger, P.E.

# LOCATION MAP

Abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for a consideration of \$300.00 plus the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points of Haynes Lane and a drainage easement, all out of Block 3, J.O. Ross Subdivision. **Parcels SY3-010, AY3-039A, AY3-039B, and LY4-033**

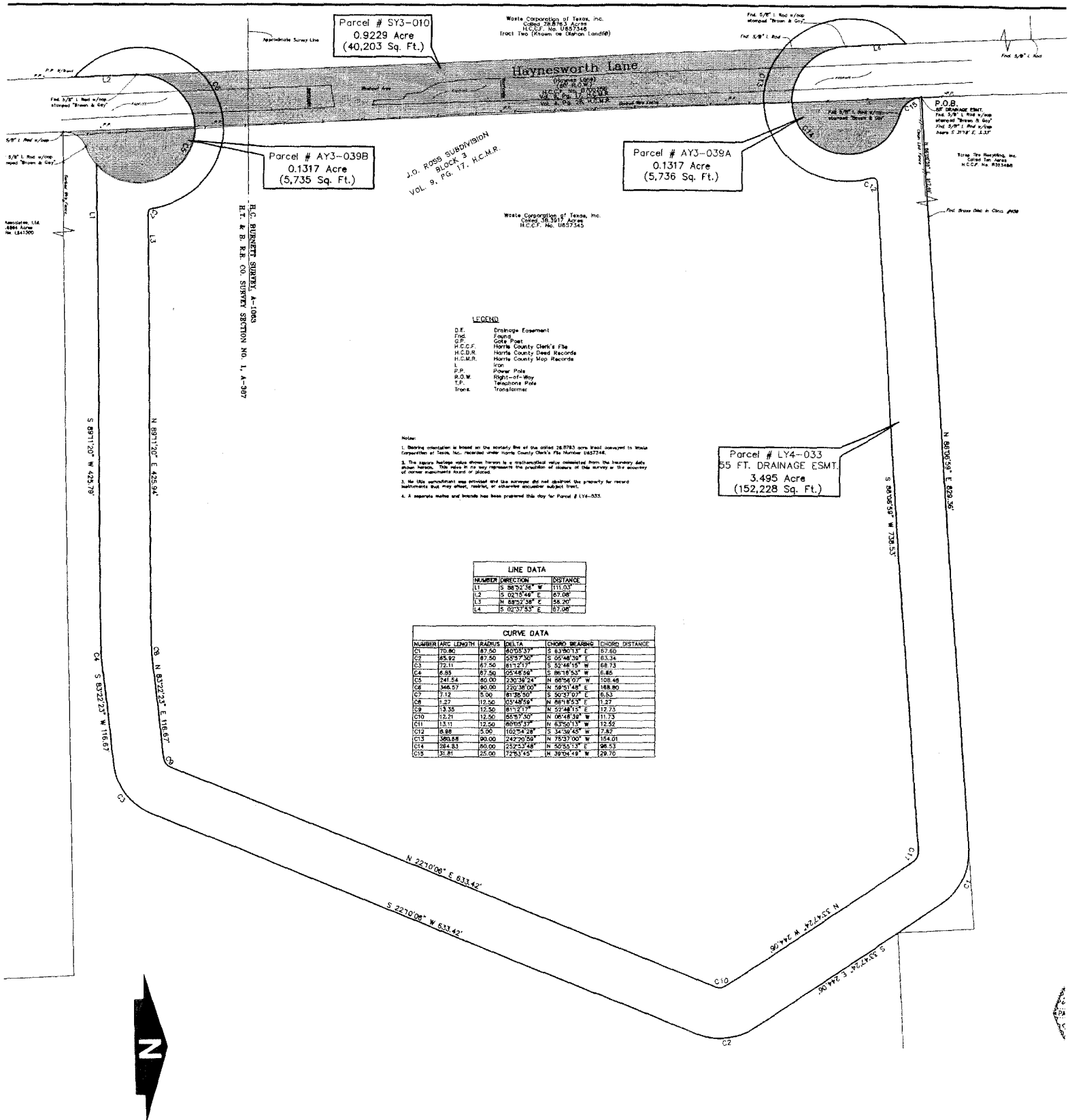


**CAUTION:**

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Copyright 1994-2001 MapPro, Inc.

Abandonment and sale of a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for a consideration of \$300.00 plus the conveyance to the City of right of way for and the construction of cul-de-sacs at both dead-end points of Haynes Lane and a drainage easement, all out of Block 3, J.O. Ross Subdivision. **Parcels SY3-010, AY3-039A, AY3-039B, and LY4-033**



Waste Corporation of Texas, Inc.  
 Subdiv. 26,317 Acres  
 H.C.C.F. No. U657346  
 Tract Two (Known as Clayton Landfill)

Parcel # SY3-010  
 0.9229 Acre  
 (40,203 Sq. Ft.)

Parcel # AY3-039B  
 0.1317 Acre  
 (5,735 Sq. Ft.)

Parcel # AY3-039A  
 0.1317 Acre  
 (5,736 Sq. Ft.)

Parcel # LY4-033  
 55 FT. DRAINAGE ESMT  
 3.495 Acre  
 (152,228 Sq. Ft.)

J.O. ROSS SUBDIVISION  
 BLOCK 3  
 VOL. 9, PG. 17, H.C.M.R.

Waste Corporation of Texas, Inc.  
 Subdiv. 26,317 Acres  
 H.C.C.F. No. U657346

- LEGEND**
- D.E. Drainage Easement
  - Eas. Easement
  - Eas. Easement
  - Sewer Sewer
  - H.C.C.F. Harris County Clerk's File
  - H.C.C.R. Harris County Deed Records
  - H.C.M.R. Harris County Map Records
  - P.P. Power Pole
  - R.O.W. Right-of-Way
  - T.P. Transmission Pole
  - Trans. Transformer

- Notes:**
1. Bearing calculation is based on the meridian line of the called 26,317 acre tract conveyed to Waste Corporation of Texas, Inc. recorded under Harris County Clerk's File Number U657346.
  2. The figure bearing value shown herein is a mathematical value computed from the survey data shown herein. The value is for any instrument the position of closure of the survey is the accuracy of other independent lines or points.
  3. No line endorsement was received and the surveyor did not obtain the priority for record instruments that may affect, restrict, or otherwise encumber subject tract.
  4. A separate map and plat has been prepared this day for Parcel # LY4-033.

**LINE DATA**

NUMBER	DIRECTION	DISTANCE
L1	S 86°32'36" W	111.01'
L2	S 02°10'49" E	67.06'
L3	N 88°27'58" E	56.20'
L4	S 02°37'53" E	67.06'

**CURVE DATA**

NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	70.80	87.50	80°05'47"	S 81°30'13" E	87.60
C2	85.92	87.50	355°7'30"	S 05°48'30" E	163.34
C3	72.11	87.50	81°21'07"	S 52°44'05" W	68.73
C4	6.83	87.50	05°48'58"	S 86°18'53" W	6.85
C5	241.54	80.00	230°38'24"	N 88°54'07" W	108.48
C6	346.57	80.00	220°38'00"	N 82°31'48" E	188.80
C7	7.12	5.00	81°32'50"	S 50°37'07" E	6.53
C8	1.27	12.50	35°48'58"	N 86°18'53" E	1.27
C9	13.35	12.50	81°21'07"	N 02°44'05" E	12.75
C10	12.21	12.50	85°57'40"	N 08°48'30" W	11.73
C11	13.11	12.50	80°05'47"	N 83°30'13" W	12.52
C12	18.88	5.00	103°24'28"	S 34°30'45" W	7.82
C13	383.88	90.00	242°20'50"	N 75°37'00" W	154.01
C14	284.83	80.00	232°52'48"	N 50°55'13" E	98.53
C15	31.81	25.00	12°53'45"	N 39°04'49" W	29.76

MOTION NO. 2002 1166

MOTION by Council Member Quan 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 Kim Icenhower of Brown & Gay Engineers, Inc., 11490 Westheimer, Suite 700, Houston, Texas, 77077-6841, on behalf of Waste Corporation of Texas, L. P. [WCA Texas Management General, Inc. (Tom J. Fatjo, Chairman), general partner], for the abandonment and sale of a portion Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, out of Block 3, J. O. Ross Subdivision, Parcel Nos. SY3-010, AY3-039A and AY3-039B, be adopted as follows:

1. The City abandon and sell a portion of Haynes (a/k/a Haynesworth and Hayesworth) Lane, between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8 and adjacent to Tracts 10, 10B, 12, 13, 13A, 14A, 24A, and 40, in exchange for the conveyance to the City of right of way and the construction of cul-de-sacs at both dead-end points, all out of Block 3, J. O. Ross Subdivision;
2. The Applicant be required to: (a) install dead-end warning signs made with high-intensity retro-reflective sign sheeting and designed in accordance with the Texas Manual on Uniform Manual on Uniform Traffic Control Devices at Old Genoa-Red Bluff Road and the Beltway 8 frontage road and (b) install Type III dead-end barricades at the end of both cul-de-sacs being conveyed to the City;
3. The Applicant be required to obtain a letter of no objection from each of the privately owned utility companies;
4. 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;



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 \$25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Vasquez and carried.

Mayor Brown, Council Members Tatro, Galloway,  
Goldberg, Edwards, Wiseman, Ellis, Keller, Vasquez,  
Alvarado, Parker, Quan and Sekula-Gibbs voting aye  
Nays none  
Council Members Berry and Robinson absent

PASSED AND ADOPTED this 16th day of October, 2002.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is October 22, 2002.



City Secretary

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

<p><b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of: (1) a ±139-square-foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32. <b>Parcels SY4-030A, SY4-030B, SY4-030C, SY4-030D, SY4-030E, SY4-0-30F, AY4-060, VY4-014A, VY4-014B, and VY4-014C</b></p>	<p><b>Category</b> # 7</p>	<p><b>Page</b> <u>1</u> of <u>2</u></p>	<p><b>Agenda Item #</b></p> <p style="text-align: right; font-size: 2em;"><b>25</b></p>
<p><b>FROM (Department or other point of origin):</b></p> <p>Department of Public Works and Engineering</p>	<p><b>Origination Date</b></p> <p style="text-align: center;">4/5/07</p>	<p><b>Agenda Date</b></p> <p style="text-align: center;">APR 11 2007</p>	
<p><b>DIRECTOR'S SIGNATURE:</b></p> <p style="font-size: 1.5em;"><i>Michael S. Marcotte</i></p> <p>Michael S. Marcotte, P.E., DEE, Director</p>	<p><b>Council District affected: H</b></p> <p style="font-size: 1.5em;"><i>PSM</i></p> <p>Key Map 494G</p>		
<p><b>For additional information contact:</b></p> <p>Nancy P. Collins <b>Phone:</b> (713) 837-0881 Senior Assistant Director-Real Estate</p>	<p><b>Date and identification of prior authorizing Council Action:</b> C.M. 2004-0845 (07/28/04)</p>		
<p><b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve an ordinance authorizing the abandonment and sale of: (1) a ±139-square-foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for a consideration of \$1,800.00 plus the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32. <b>Parcels SY4-030A, SY4-030B, SY4-030C, SY4-030D, SY4-030E, SY4-0-30F, AY4-060, VY4-014A, VY4-014B, and VY4-014C</b></p>			
<p><b>Amount and Source of Funding:</b> Not Applicable</p>		<p><b>F &amp; A Budget:</b></p>	
<p><b>SPECIFIC EXPLANATION:</b></p> <p>By Council Motion 2004-0845, City Council authorized the abandonment and sale of: (1) a ±139-square-foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32. Houston Independent School District (HISD), the property owner, plans to construct a new school at the location of the old Wheatley High School located at 4900 Market Street.</p>			
<p>s:\psm\sy4-030.rc2.doc</p>			<p>CUIC #20PSM192</p>
<p><b>REQUIRED AUTHORIZATION</b></p>			
<p><b>F&amp;A Director:</b></p>	<p><b>Other Authorization:</b></p>	<p><b>Other Authorization:</b></p> <p style="font-size: 1.5em;"><i>Andrew F. Icken</i></p> <p>Andrew F. Icken, Deputy Director Planning and Development Services Division</p>	

<b>Date:</b>	<b>Subject:</b> of: (1) a ±139-square-foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32. <b>Parcels SY4-030A, SY4-030B, SY4-030C, SY4-030D, SY4-030E, SY4-0-30F, AY4-060, VY4-014A, VY4-014B, and VY4-014C</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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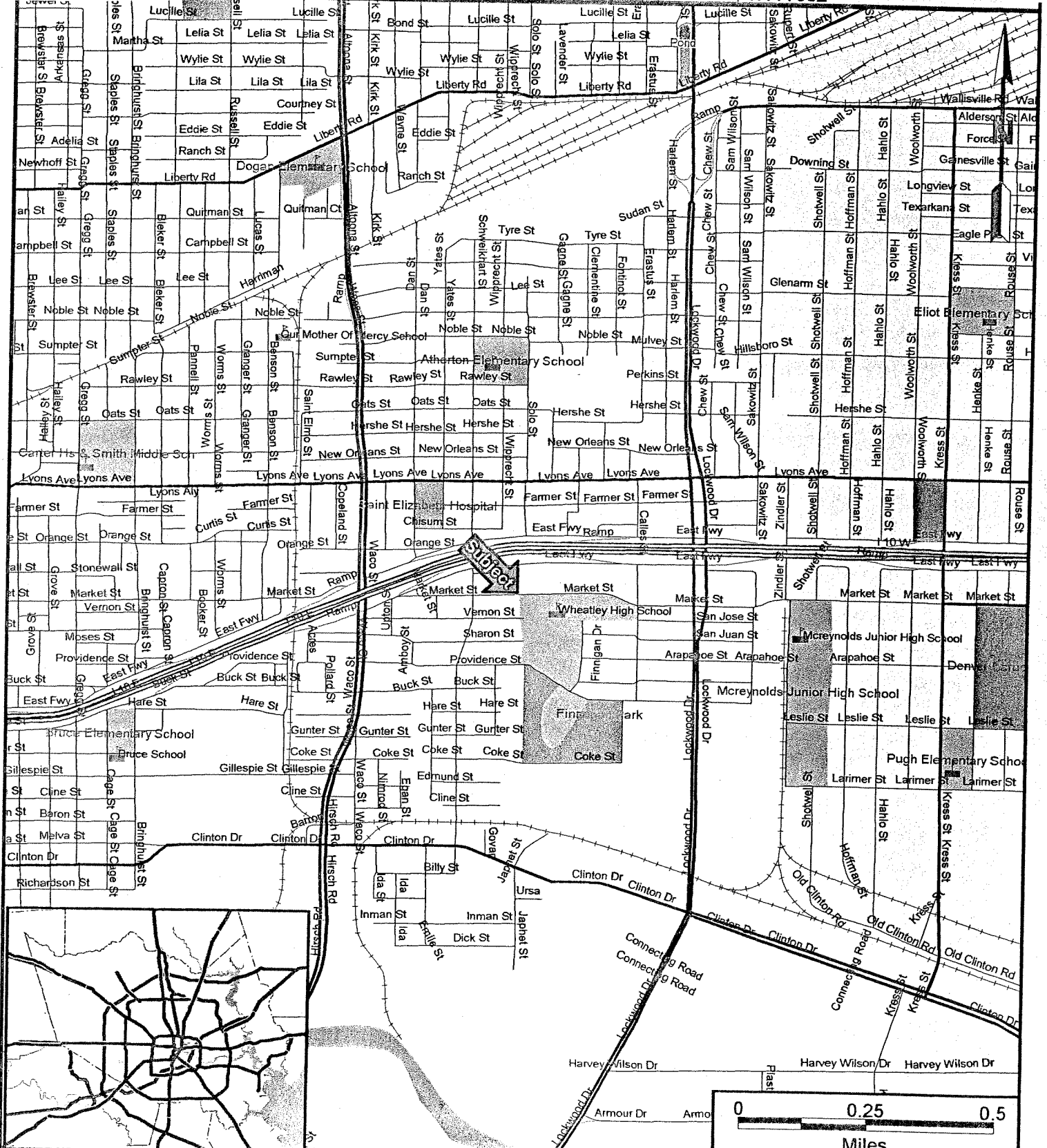
In this transaction, the City will abandon and sell to HISD Parcel SY4-030A, a 139-square-foot portion of Providence Street, valued at \$313.00; Parcel SY4-030B, a 1,250-square-foot portion of Sharon Avenue, valued at \$2,813.00; Parcel SY4-030C, a 1,250-square-foot portion of Vernon Avenue, valued at \$2,813.00; Parcel SY4-030D, a 75-square-foot sanitary sewer easement, valued at \$300.00; Parcel SY4-030E, a 75-square-foot sanitary sewer easement, valued at \$300.00; and Parcel SY4-030F, a 75-square-foot sanitary sewer easement, valued at \$300.00. In exchange, HISD will pay the \$1,800.00 minimum fee for the six abandonment parcels plus convey to the City Parcel AY4-060, an 11,190-square-foot portion of right of way to widen Finnigan Drive, valued at \$25,178.00; Parcel VY4-014A, a 1,015-square-foot utility easement, valued at \$1,142.00; Parcel VY4-014B, a 1,121-square-foot utility easement, valued at \$1,261.00; and VY4-014C, a 1,765-square-foot utility easement, valued at \$1,985.00. HISD has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

Inasmuch as the value of the \$1,800.00 minimum fee plus the right of way and easements being conveyed to the City are greater than the value of the streets and easements being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of: (1) a ±139-square-foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for a consideration of \$1,800.00 plus the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32.

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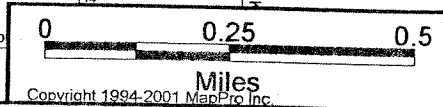
- c: Raymond D. Chong, P.E., P.T.O.E.
- Daniel W. Krueger, P.E.
- Marty Stein
- Jeff Taylor

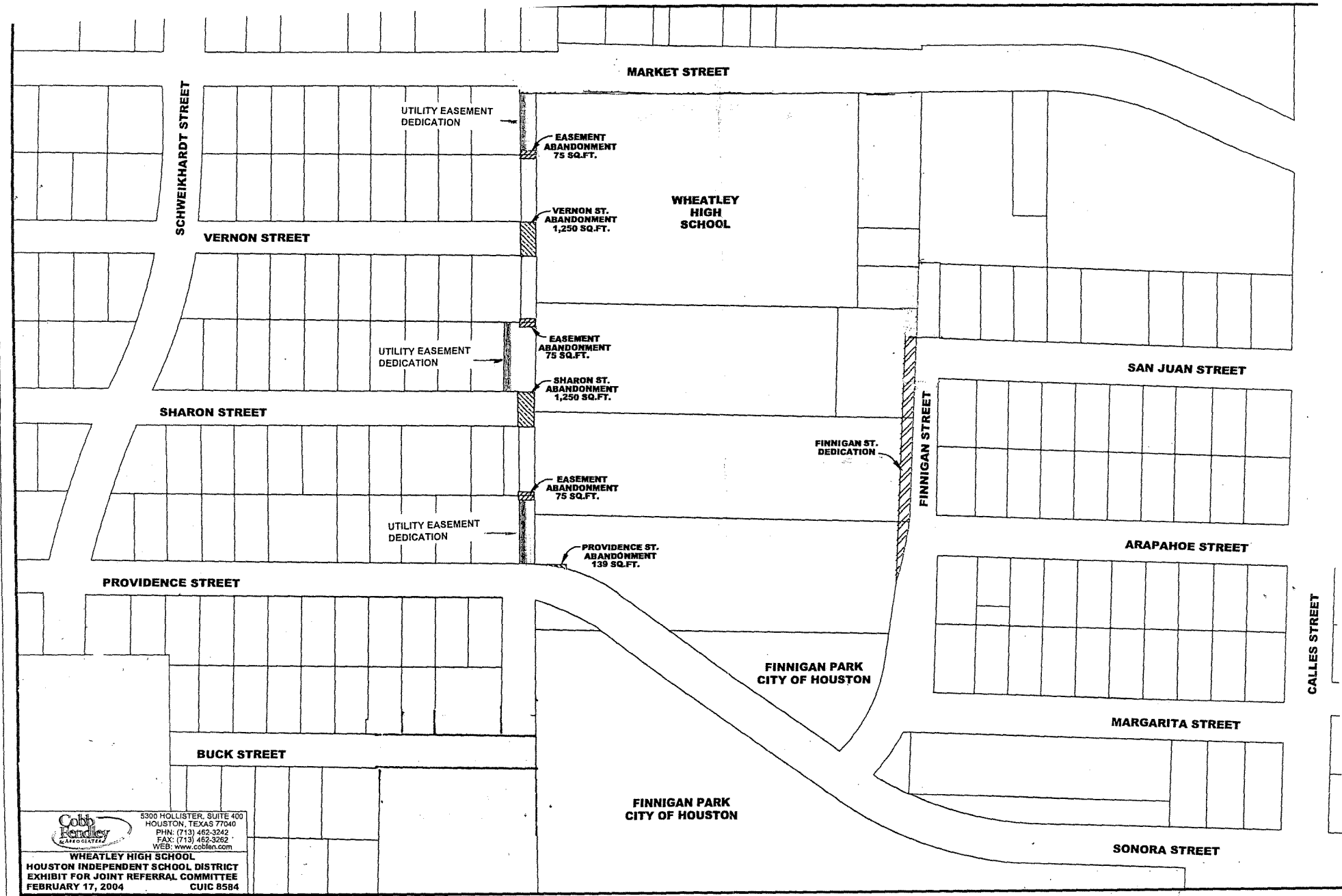
Abandonment and sale of: (1) a ±139-square-foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32. Parcels SY4-030A, SY4-030B, SY4-030C, SY4-030D, SY4-030E, SY4-030F, AY4-060, VY4-014A, VY4-014B, and VY4-014C




**CAUTION:**

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.






 5300 HOLLISTER, SUITE 400  
 HOUSTON, TEXAS 77040  
 PHN: (713) 462-3242  
 FAX: (713) 462-3262  
 WEB: www.coblen.com

**WHEATLEY HIGH SCHOOL**  
**HOUSTON INDEPENDENT SCHOOL DISTRICT**  
**EXHIBIT FOR JOINT REFERRAL COMMITTEE**  
**FEBRUARY 17, 2004**      **CUIC 8584**

MOTION NO. 2004 0845

MOTION by Council Member Galloway 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 Stephanie A. Funk of Cobb, Fendley & Associates, Inc., 5300 Hollister, Suite 400, Houston, Texas 77040, on behalf of Houston Independent School District, for abandonment and sale of: (1) a ±139-square foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, Parcels SY4-030A, SY4-030B, SY4-030C, SY4-030D, SY4-030E, SY4-030F, AY4-060, VY4-014A, VY4-014B and VY4-014C, be adopted as follows:

1. The City abandon and sell: (1) a ±139-square foot portion of Providence Avenue, along the northeast boundary of Solo Street; (2) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (3) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (4) three 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, in exchange for the conveyance to the City of right of way to widen Finnigan Drive and three utility easements, all within the Harris and Wilson Survey, Abstract 32;

2. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the portions of the streets being abandoned and 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 Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the City's property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Galloway,  
Edwards, Wiseman, Khan, Holm, Alvarado, Ellis, Quan,  
Sekula-Gibbs, Green and Berry voting aye  
Nays none  
Council Member Garcia absent

Council Member Goldberg out of the City on City business

PASSED AND ADOPTED this 28th day of July, 2004.


Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is August 3, 2004.

  
City Secretary

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A. <b>Parcels SY5-053 and KY5-158A through H</b>	<b>Category #</b> 7	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  26
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  4/5/07	<b>Agenda Date</b>  APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: F</b>  Key Map 530K
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<b>For additional information contact:</b>  Nancy P. Collins <b>Phone:</b> (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>  Council Motion 2005-0351 (04/20/05)
--	--

**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A. **Parcels SY5-053 and KY5-158A through H**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

By Council Motion 2005-0351, City Council authorized the subject transaction. The property owner, Memorial Hermann Hospital System (Dan S. Wilford, President), wants to realign the easements to facilitate the construction of two new buildings on the Memorial Hermann Hospital Southwest campus located at 7600 Beechnut Street.

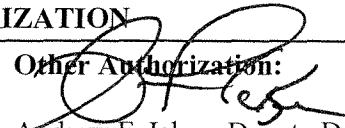
The City will abandon and sell to Memorial Hermann Hospital System Parcel SY5-053, a 2,828-square-foot water line easement, valued at \$5,656.00. In exchange, Memorial Hermann Hospital System will pay the \$300.00 minimum fee for the abandonment parcel plus convey to the City Parcel KY5-158A, a 3,099-square-foot water line easement, valued at \$6,198.00; Parcel KY5-158B, a 15,933-square-foot water line easement, valued at \$31,866.00; Parcel KY5-158C, a 450-square-foot fire hydrant easement, valued at \$900.00; Parcel KY5-158D, a 100-square-foot fire hydrant easement, valued at \$200.00; Parcel KY5-158E, a 100-square-foot fire hydrant easement, valued at \$200.00; Parcel KY5-158F, a 100-square-foot fire hydrant easement, valued at \$200.00; Parcel KY5-158G, a 100-square-foot fire hydrant easement, valued at \$200.00; and KY5-158H, a 100-square-foot fire hydrant easement, valued at \$200.00. Memorial Hermann Hospital System has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

Inasmuch as the value of the \$300.00 minimum fee plus the easements being conveyed to the City are greater than the value of the easement being abandoned and sold, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A.

MSM:NPC:psm

c: Marty Stein  
Daniel W. Krueger, P.E.  
Jeff Taylor

psm\sy5-053.rc2.doc CUIC #20PSM194

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning and Development Services Division

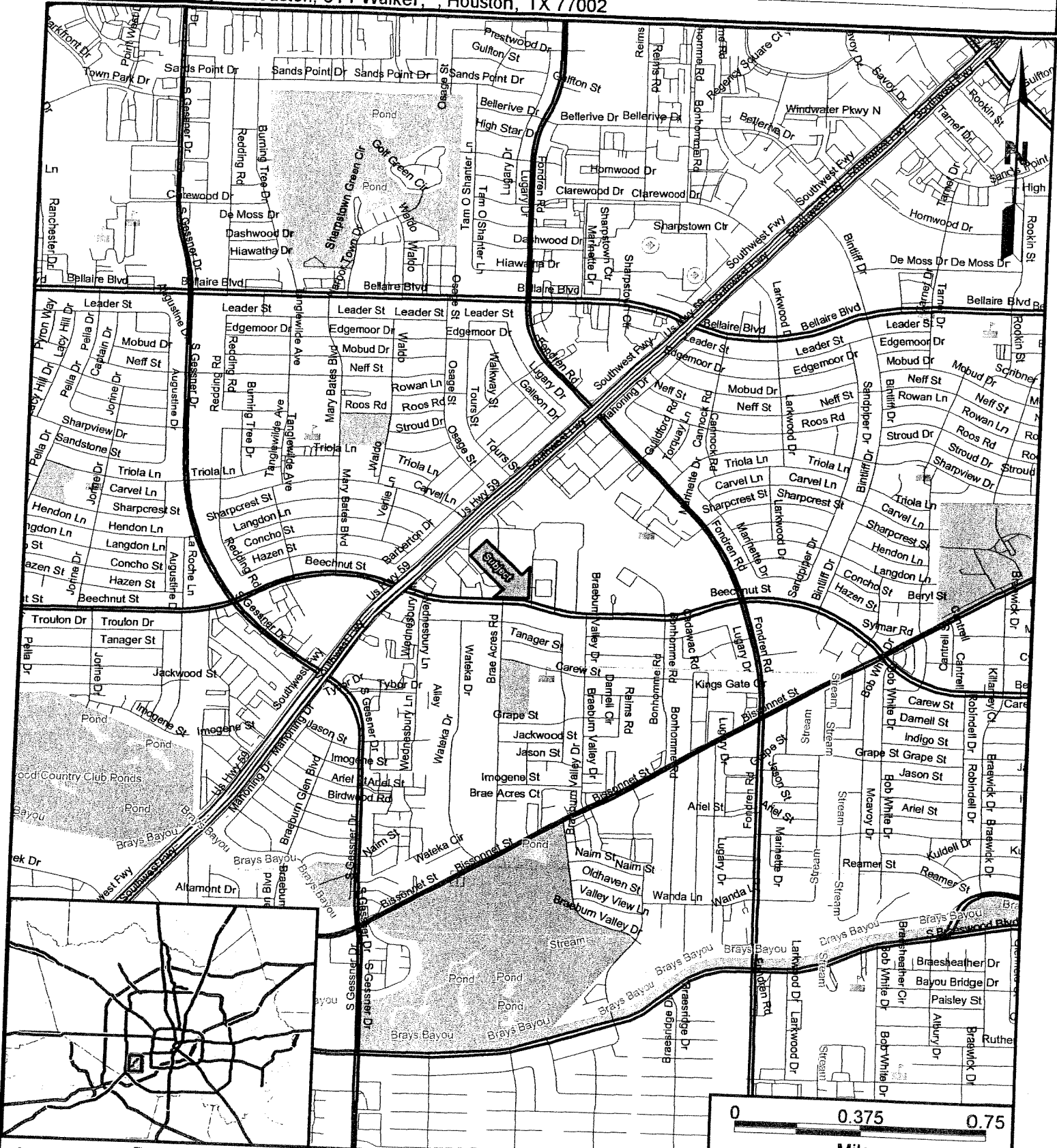


Date: 03/23/2005

Abandonment and sale of a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A. **Parcels SY5-053 and KY5-158A through H**

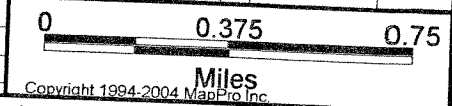
**Subject Address: 7600 Beechnut St, Houston, TX 77074**

**Prepared by: City of Houston, 611 Walker, Houston, TX 77002**



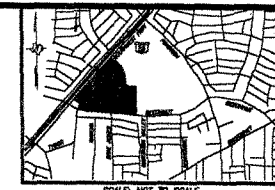
**CAUTION:**

The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

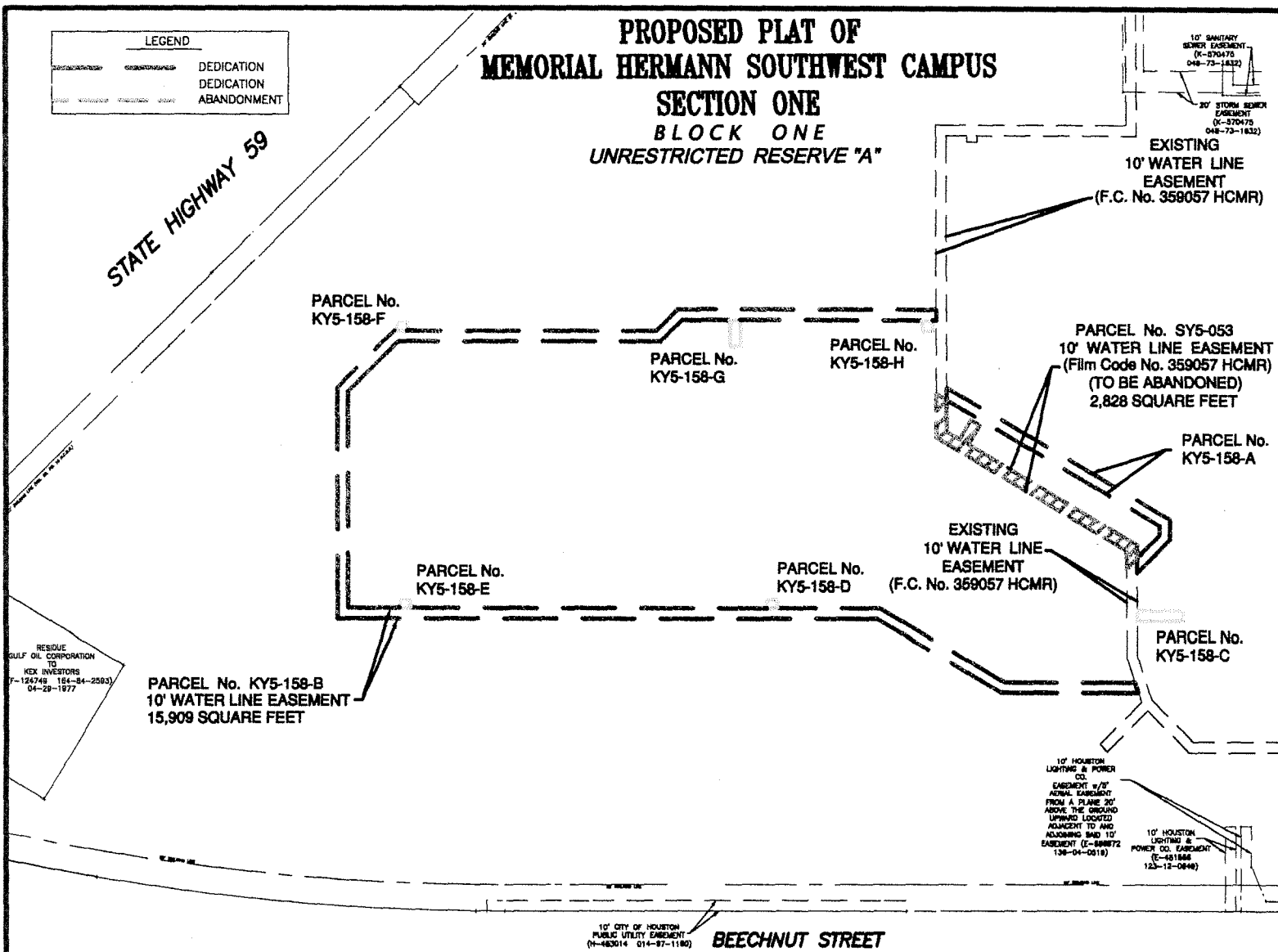


**PROPOSED PLAT OF  
MEMORIAL HERMANN SOUTHWEST CAMPUS  
SECTION ONE  
BLOCK ONE  
UNRESTRICTED RESERVE "A"**

LEGEND	
	DEDICATION
	DEDICATION
	ABANDONMENT



- NOTES:
1. THE SURVEYOR HAS RELIED ON THE COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY, FILE NO. 03115542 DATED 08-27-2003, WITH REGARD TO RECORD ENCUMBRANCES. THE PROPERTY SURVEYED IS THAT DESCRIBED IN SCHEDULE A OF SAID COMMITMENT AND THE EASEMENTS, RIGHTS-OF-WAY OR OTHER MATTERS LISTED IN SCHEDULE B ARE SHOWN HEREON TO THE EXTENT THAT SUCH ITEMS CAN BE LOCATED OR PLOTTED.
  2. THE BASIS OF BEARINGS SHOWN IS REFERENCED TO THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE.
  3. THE SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN ZONE X SHADED, ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NO. 48201C0835-K DATED 04-20-2000. THIS DETERMINATION HAS BEEN MADE BY SCALING THE PROPERTY ON THE REFERENCED MAP AND IS NOT A RESULT OF AN ELEVATION SURVEY.
  4. THE BUILDINGS OR IMPROVEMENTS SHOWN HEREON REPRESENT THE OUTLINE AT GROUND SURFACE LEVEL, UNLESS OTHERWISE NOTED.
  5. THE UTILITY APPURTENANCES (i.e., utility poles, inlets, etc.) SHOWN HEREON ARE THOSE VISIBLE AT THE TIME OF SURVEY AND MAY NOT BE COMPLETE.
  6. FUTURE DEVELOPMENT OF THIS SITE IS SUBJECT TO CITY OF HOUSTON ORDINANCE No. 1969-282, ADOPTED BY THE CITY OF HOUSTON RELATING TO RULES, REGULATIONS, PROCEDURES AND DESIGN STANDARDS FOR DEVELOPMENT AND PLATTING AND PROVIDING FOR THE ESTABLISHING OF BUILDING SET-BACK LINES.
  7. UNDERGROUND UTILITIES SHOWN BASED ON CITY OF HOUSTON DRAWINGS & UTILITY COMPANY BLOCK MAPS, WITH FIELD TIES TO EXISTING SURFACE FIXTURES. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF UNDERGROUND UTILITIES.



PARCEL No. KY5-158-A 10' WATER LINE EASEMENT 2,932 SQUARE FEET	PARCEL No. KY5-158-F 10'X10' FIRE HYDRANT EASEMENT 100 SQUARE FEET
PARCEL No. KY5-158-C 10'X45' FIRE HYDRANT EASEMENT 450 SQUARE FEET	PARCEL No. KY5-158-G 10'X25' FIRE HYDRANT EASEMENT 250 SQUARE FEET
PARCEL No. KY5-158-D 10'X10' FIRE HYDRANT EASEMENT 100 SQUARE FEET	PARCEL No. KY5-158-H 10'X10' FIRE HYDRANT EASEMENT 100 SQUARE FEET
PARCEL No. KY5-158-E 10'X10' FIRE HYDRANT EASEMENT 100 SQUARE FEET	

Abandonment and sale of a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A. **Parcels SY5-053 and KY5-158A through H**

**C.L. DAVIS & CO.** 1500 WINDING WAY  
LAND SURVEYING FRENCHWOOD, TEXAS 77548  
281-485-9400

ABANDONMENT AND DEDICATION SURVEY  
CITY COUNCIL MOTION No. \_\_\_\_\_

ABANDONMENT OF (A-1) PARCEL No. SY5-053 - 2,828 SQ.FT. WITHIN WATER LINE ESMT. AND DEDICATION OF (D-1) PARCEL No. KY5-158-B - 15,909 SQ.FT. WATER LINE ESMT., (D-2) PARCEL No. KY5-158-A - 2,932 SQ.FT. WATER LINE ESMT., (D-3) PARCEL No. KY5-158-H - 100 SQ.FT. FIRE HYDRANT ESMT., (D-4) PARCEL No. KY5-158-G - 250 SQ.FT. FIRE HYDRANT ESMT., (D-5) PARCEL No. KY5-158-F - 100 SQ.FT. FIRE HYDRANT ESMT., (D-6) PARCEL No. KY5-158-E - 100 SQ.FT. FIRE HYDRANT ESMT., (D-7) PARCEL No. KY5-158-D - 100 SQ.FT. FIRE HYDRANT ESMT., (D-8) PARCEL No. KY5-158-C - 450 SQ.FT. FIRE HYDRANT ESMT., ALL BEING OUT OF BLOCK 1, UNRESTRICTED RESERVE "A" MEMORIAL SOUTHWEST HOSPITAL (FILM CODE No. 359057 H.C.M.R.) AND TRACT "A", SHARPSSTOWN, SECTION 3 (VOL. 82, PG. 15 H.C.M.R.) JAMES WELLS SURVEY, ABSTRACT No. 830 CITY OF HOUSTON, HARRIS COUNTY, TEXAS

DATE: 07-08-2008 SCALE: NOT TO SCALE JOB NO.: 15-101  
15-101-gsmd-dwg(08)0811.dwg

**CITY OF HOUSTON**  
PUBLIC WORKS AND  
ENGINEERING DEPARTMENT

DATE: \_\_\_\_\_

ASSISTANT DIRECTOR \_\_\_\_\_ RIGHT OF WAY SECTION \_\_\_\_\_

KEY MAP NO. 530-K	GIMS MAP NO. 3054-A
PARCEL NO.	
CIP NO.	
GFS NO.	
C.M. NO.	

MOTION by Council Member Khan 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 Chuck Davis of C. L. Davis & Company, 1500 Winding Way, Friendswood, Texas, 77546, on behalf of Memorial Hermann Hospital System (Dan S. Wilford, President), for the abandonment and sale of a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A and that the City grant a right of entry, Parcel Nos. SY5-053 and KY5-158A through H, be adopted as follows:

1. The City abandon and sell a portion of a 10-foot-wide water line easement in exchange for the conveyance to the City of two 10-foot-wide water line easements and six fire hydrant easements, out of Memorial Southwest Hospital, Reserve A;
2. The applicant be required to cut, plug, abandon, and relocate the existing 8-inch water line and fire hydrant into the easements being conveyed to the City, at no cost to the City and under the proper permits;
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 Legal Department be authorized to prepare the necessary transaction documents; and
5. Inasmuch as the value of the property interests is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.


Seconded by Council Member Quan and carried.

Mayor White, Council Members Lawrence, Goldberg,  
Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan,  
Sekula-Gibbs, Green and Berry voting aye  
Nays none  
Council Member Galloway absent

Council Member Edwards absent due to being ill

PASSED AND ADOPTED this 20th day of April, 2005.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is April 26, 2005.

  
City Secretary

<b>SUBJECT</b> An Ordinance approving an amendment to the Community Development Block Grant in the 1994, 2002, and 2005 Consolidated Annual Plans (Plans) between the City of Houston and the Department of Housing and Urban Development		<b>Category #</b> 1,2	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 27
<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development Department		<b>Origination Date</b> February 19, 2007	<b>Agenda Date</b> APR 11 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i>		<b>Council District affected:</b> A, B, D, F, H, I		
<b>For additional information contact:</b> Renee Carrington Phone: 713-868-8338		<b>Date and identification of prior authorizing Council Action:</b>		

**RECOMMENDATION: (Summary)**  
The Housing and Community Development Department recommends City Council approval of an Ordinance approving an amendment to the Community Development Block Grant in the 1994, 2002, and 2005 Plans between the City of Houston and the Department of Housing and Urban Development.

**Amount of Funding:** \_\_\_\_\_ **F&A Budget:** \_\_\_\_\_

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

**SPECIFIC EXPLANATION:**  
The City of Houston Housing and Community Development Department (HCDD) proposes to amend the following Consolidated Plan years 1994, 2002, and 2005. The amended Plans will reprogram and reallocate funds that are set-aside for Neighborhood Facility activities in those years, respectively. Reprogramming funds out of the Neighborhood Facility activity will decrease the activity and fund the construction and renovation of the Southwest Multi-Service Center, located at 6400 High Star and the installation of 3m Security Gates for the Fifth Ward Branch (4014 Market), Melcher Branch (7200 Keller); Ring Branch (8835 Long Point), Vinson Branch (3100 W. Fuqua) libraries.

In addition, HCDD proposes to "add a new activity", Income Payments in the amount of \$60,925 to fund the Rapid Re-Housing Program. The Rapid Re-Housing Program will provide temporary outreach services to the City's chronic homeless for 90 days, which will enable people who are sleeping in places not meant for human habitation, to make a new start and get the assistance they need in the long term.

The 1994 CDBG Grant is amended as follows:

<u>Required Action</u>	<u>Activity/ Project</u>	<u>Original Council District</u>	<u>Scope of Work</u>	<u>Cost</u>
Decrease	Neighborhood Facilities (unallocated) Construction and Renovation	Various	Construction/ Renovation	(\$370,668.78)
			<b>Total</b>	<b>(\$370,668.78)</b>
Add	Southwest Multi-Service Center (SWMSC)	F	Construction/ Renovation	\$239,825.00
Add	Library- Security Improvements	A, B, D, I	Security Gates/Perimeter Fencing	\$130,843.78
			<b>Total</b>	<b>\$370,668.70</b>

REQUIRED AUTHORIZATION		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

The 2002 Consolidated Plan is amended as follows:

<u>Required Action</u>	<u>Activity/ Project</u>	<u>Original Council District</u>	<u>Scope of Work</u>	<u>Cost</u>
<b>Decrease</b>	Neighborhood Facilities/ Library Improvements (unallocated)	Various	Construction and Renovation	(\$13,416.22)
<b>Decrease</b>	Public Facilities (03-2C52)	All	Railroad Cameras	<u>(4,200.00)</u>
<b>Total</b>				<b>(\$17,616.22)</b>
<b>Add</b>	Library - Security Improvements	A, B, D, I	Security Gates/Perimeter Fencing	\$13,416.22
<b>Add</b>	Income Payments	All	Rapid Re-Housing Program	<u>4,200.00</u>
<b>Total</b>				<b>\$17,616.22</b>

The 2005 Consolidated Plan is amended as follows:

<b>Decrease</b>	Neighborhood Facilities Improvements (unallocated)	D, H, I	Construction and Renovation	(\$660,175.00)
<b>Decrease</b>	Public Facilities (05-5S51)	All	Support Services	(19,167.54)
<b>Decrease</b>	Economic Development (18A-5E01)	All	Revolving Loan Fund	(34,154.46)
<b>Decrease</b>	Public Services (05-5S45)		Support Services	<u>(3,403.00)</u>
<b>Total</b>				<b>(\$716,900.00)</b>
<b>Add</b>	Southwest Multi-Service Center (SWMSC)	F	Construction/ Renovation	\$660,175.00
<b>Add</b>	Income Payments	All	Rapid Re-Housing Program temporary outreach services	<u>56,725.00</u>
<b>Total</b>				<b>\$716,900.00</b>

In accordance with HUD regulations, the City is required to amend components of the Grant Agreement, when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) a change in the purpose, location or beneficiaries.

As such, in accordance with the federal regulations, HCDD has notified the public by placing an appropriate notice in the Houston Chronicle. The comment period ran from Saturday, February 17, 2007 through Monday, March 19, 2007. The public had no comments about this project. The Housing and Community Development Committee recommended the project on March 19, 2007. City Council approval is recommended.

RSC:RC:BS:RH/

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

<b>SUBJECT:</b> Approve Change Order 7 and Allocate Additional Funds Morganti Texas, Inc. Southwest Multi-Service Center WBS No. D-000072-0001-4		Page 1 of 1	Agenda Item  27A
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E. <i>[Signature]</i>	<b>Council District(s) affected:</b> F
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 05-0807 Dated June 22, 2005
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**RECOMMENDATION:** Approve Change Order 7 in the amount of \$756,527.00 or 19.19% over the original contract amount and allocate funds for the project.

<b>Amount and Source Of Funding:</b> \$ 797,043.00 – Federal Government – Grant Funded (5000) - CDBG <b>Previous Funding:</b> \$3,056,000.00 – General Government Consolidated Construction Fund 441 \$1,136,000.00 – CDBG \$4,192,000.00 Total Funding	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council approve Change Order 7 in the amount of \$756,527.00 or 19.19% over the original construction appropriation for the Southwest Multi-Service Center and allocate funds for the project, including an additional allocation of \$40,516.00 for construction management services under the existing contract with WHR, Inc. The original scope of work was increased to include library services to the community.

**PROJECT LOCATION:** Southwest Multi-Service Center  
 6400 High Star (531E)

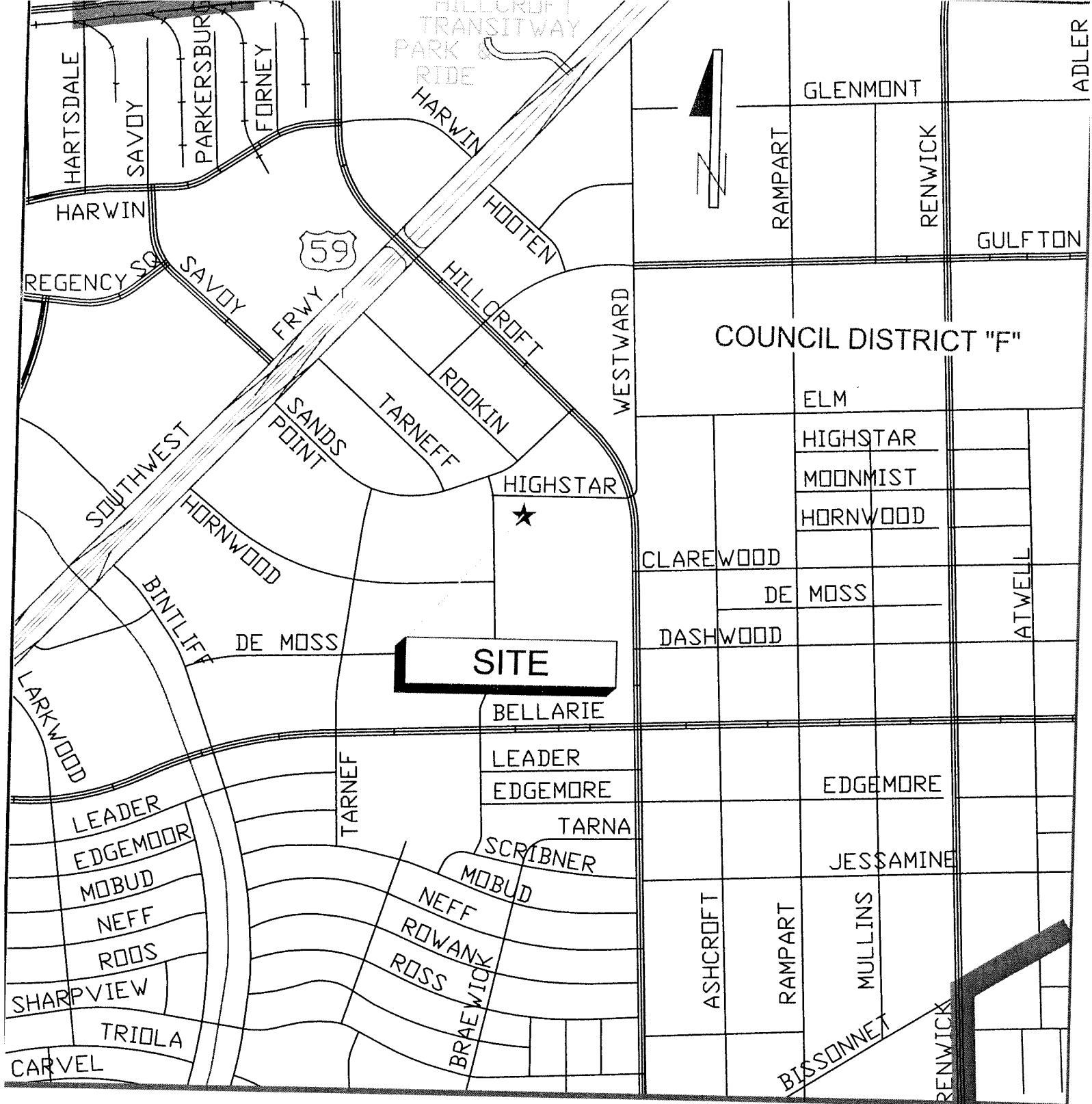
**PREVIOUS CHANGE ORDERS:** Previously approved Change Orders 1 – 6 increased the contract amount by \$158,086.50 or 4.01% and primarily included revisions for the addition of a new WIC center in lieu of Seniors area; additional architectural improvements; removed unforeseen obstructions at foundation and parking areas.

**CHANGE ORDER SCOPE:** Change Order 7 is primarily the result of an increased scope of work to include a new HPL Express within the Multi-Service Center as part of the Houston Public Library's initiative to de-centralize and provide library and computer access to the public. The new build-out of the HPL Express will occupy 3600 sq. ft. of space. Change Order 7, together with previously approved Change Orders 1-6, increases the construction amount to \$4,856,613.50 or 23.20% over the original contract amount.

IZD: WTH:RAV:JLN:jbw  
 c: Marty Stein, Jacquelyn Nisby, John Middleton, Michael Dotson, Michael Shannon, File

**REQUIRED AUTHORIZATION** CUIC 25RAV155 NOT

<b>Other Authorization:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design and Construction Building Services Department		<b>Other Authorization:</b> <i>[Signature]</i> Richard Celli, Director Housing and Community Development Department
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SOUTHWEST MULTI-SERVICE CENTER

6400 HIGH STAR DRIVE

COUNCIL DISTRICT "F"

KEY MAP NO. 531E

Document 00941

CHANGE ORDER / C.O. No. 7

PROJECT: Southwest Multi-Service Center

CONTRACT No.: 4600004981

WBS No.: D-000072-0001-4

TO: Morganti Texas, Inc.  
Contractor and 350 N. Sam Houston Pkwy E, Ste. 121  
Address for Written Notice Houston, Texas 77060

REFERENCE RFIs/RFPs: HPL Express @Southwest Multi-Service Center Estimate Sheet

1.01 DESCRIPTION OF CHANGES

CONTRACT CHANGE

**ITEM 1 SCOPE:** Provide all labor, material and equipment to complete the build-out of the HPL Express Library as per plans and specifications by mArchitects dated February 28, 2006.

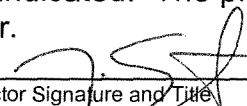
AMOUNT	TIME
\$756,527.00	221 Days

**JUSTIFICATION:** The community was determined to be in need of localized access to library facilities and services; this change order has been determined to be the most expedient way to provide the services needed, and the best value for the City.

**TOTALS: \$756,527.00 221 Days**

1.02 ACCEPTANCE BY CONTRACTOR

Contractor agrees to perform change(s) included in this Change Order for the price and time indicated. The prices for changes include all costs associated with this Change Order.

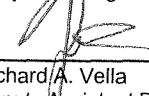
  
Contractor Signature and Title P.M.

03-14-07  
Date

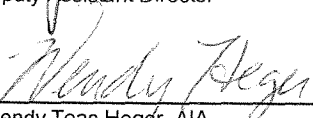
1.03 ACCEPTANCE BY THE CITY

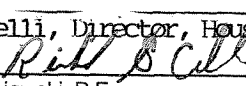
  
Project Manager 3/14/07  
Date

  
Issa Z. Dadoush, P.E., Director, BSD 3/17/07  
Date

  
Richard A. Vella 3/16/07  
Deputy Assistant Director Date

Mayor Bill White Date

  
Wendy Teas Heger, AIA 3/19/07  
Chief of Design & Construction, BSD Date

  
Richard Celli, Director, Housing & CD Date  
Phil Golembiewski, P.E.  
City Engineer, BSD Date

END OF DOCUMENT  
File

c: HCD, Stephen L. Williams,



**EXECUTIVE SUMMARY**

C.O. No. 7                      CONTRACT No.: 4600004981      WBS No.: D-000072-0001-4

1.01	CONTRACT PRICE SUMMARY	<u>DOLLAR AMOUNT</u>	<u>PERCENT</u>
A.	Original Contract Price	\$3,942,000.00	100.00%
B.	Previous Change Orders	\$158,086.50	4.01%
C.	This Change Order	\$756,527.00	19.19%
D.	Contract Price	\$4,856,613.50	123.20%

Date of Commencement of the Work:                      Monday, August 15, 2005

1.02	CONTRACT TIME SUMMARY	<u>DURATION</u>	<u>COMPLETION DATE</u>
A.	Original Contract Time	365 Days	Monday, August 14, 2006
B.	Previous Change Orders	105 Days	Monday, November 27, 2006
C.	This Change Order	221 Days	July 6, 2007
D.	Contract Time	691 Days	Friday, July 6, 2007

1.03      **TOTAL VALUE OF INCREASES OUTSIDE OF GENERAL SCOPE OF WORK**

A. including this Change Order, and outstanding approved Work Change Directives, the following table is provided to track conditions related to Paragraph 7.1.2.3 of Document 00700 - General Conditions.

B.

<u>CHANGE ORDER No.</u>	<u>AMOUNT ADDED</u>	<u>PERCENT OF ORIGINAL CONTRACT PRICE</u>
1	\$7,019.00	0.18%
2	\$40,034.00	1.02%
3	\$40,608.00	1.03%
4	\$170,562.00	4.33%
5	\$71,990.00	1.83%
6	\$9,807.00	0.25%
7	\$756,527.00	19.19%
<b>TOTAL</b>	<b>\$1,096,547.00</b>	<b>27.82%</b>

END OF SUMMARY

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Motion approving a Change Order for the Materials Security Systems and Maintenance Contract for the Library Department. Contract Number C52368	<b>Category</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> <b>27B</b>
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<b>FROM (Department or other point of origin):</b> Library Department	<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> Rhea Brown Lawson, Ph.D. <i>Rhea Brown Lawson</i>	<b>Council District affected:</b> A, B, D, I
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<b>For additional information contact:</b> Greg Simpson Phone: 832-393-1333	<b>Date and identification of prior authorizing Council action:</b> Ordinance# 2001-0118 1/31/01 2004-0967 9/1/04
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**RECOMMENDATION:** Approve a Change Order to the 3M Company contract for Materials Security Systems Services For the Library Department in the amount of \$144,260.00.

<b>Amount and Source of Funding:</b> <b>Amount:</b> \$144,260.00 <b>Source:</b> Community Development Block Grant Funds (5000)	<b>F&amp;A Budget:</b>
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On January 31, 2001, Council approved a contract with Minnesota Mining and Manufacturing Company (3M) for materials security systems and maintenance for the Houston Public Library. The contract has a five-year term with five one-year options. Systems have been installed at 26 branch libraries to date, primarily using a combination of General Fund dollars and bond funding. In 2004, Council approved a change order allowing for the use of CDBG funding to install systems at 8 of those 26 facilities.

This change order will again allow the Library to use CDBG funds for the purchase and installation of 3M Materials Security systems at four neighborhood libraries: Melcher, Fifth Ward, Vinson and Ring. This change order does not alter the scope of services or unit price costs identified in the contract. Instead, it is necessary to have the contractor agree to program provisions required as part of the Community Development Block Grant.

The project is to include all materials, labor, tools and equipment necessary for the installation of a magnetic detection system at these libraries. The completed system will detect library materials that have not been properly checked out and sound an alarm. The system is to include security detection strips, to be placed on Library materials that can be desensitized electronically. The system will interface with the Library's circulation system through a 3M Model 946 RFID/Tattle-Tape Staff Workstation that allows staff to scan materials.

REQUIRED AUTHORIZATION

<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Richard Celli</i> Richard Celli, Director Housing and Community Development Department	<b>Other Authorization:</b>
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<b>SUBJECT</b> An Ordinance approving an amendment to the Community Development Block Grant in the <b>1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001 2002, 2003, and 2004</b> Consolidated Annual Plans (Plans) between the City of Houston and the Department of Housing and Urban Development	<b>Category</b> # 1,2	<b>Page</b> 1 of 2	<b>Agenda Item</b> #  <b>28</b>
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<b>FROM (Department or other point of origin):</b>  Richard S. Celli, Director Housing and Community Development Department	<b>Origination Date</b> March 13, 2007	<b>Agenda Date</b>  APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Richard S. Celli</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Renee Carrington Phone: 713-868-8338	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)**

The Housing and Community Development Department recommends City Council approval of an Ordinance approving an amendment to the Community Development Block Grant in the **1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001 2002, 2003, and 2004** Plans between the City of Houston and the Department of Housing and Urban Development.

<b>Amount of Funding:</b>	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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<b>SOURCE OF FUNDING</b>	<input type="checkbox"/> General Fund	<input checked="" type="checkbox"/> Grant Fund	<input type="checkbox"/> Enterprise Fund
<input type="checkbox"/> Other (Specify)			

**SPECIFIC EXPLANATION:**

The City of Houston Housing and Community Development Department (HCDD) proposes to amend the following Consolidated Plan years **1993, 1994, 1996, 1997, 1998, 1999, 2000, 2001 2002, 2003, and 2004**. The amended Plans will reprogram and reallocate funds that are set-aside for activities in those years, respectively. Reprogramming funds will purchase a Pumper Truck that will be housed at Fire Station 23, located at 8005 Lawndale and will serve the City's low and moderate-income neighborhoods.

The Grants are amended as follows:

	<u>From</u>	<u>Amounts</u>	<u>To</u>	<u>Amounts</u>
1993	<b>PUBLIC FACILITIES</b> Neighborhood Facilities	\$ (81,559.65 )	<b>PUBLIC FACILITIES</b> Fire Equipment	\$ 81,559.65
1994	<b>HOUSING ASSISTANCE</b> Housing Rehab Administration	(21.50)	<b>PUBLIC FACILITIES</b> Fire Equipment	21.50
1996	<b>HOUSING ASSISTANCE</b> Mold Remediation	(28.50)	<b>PUBLIC FACILITIES</b> Fire Equipment	28.50
1997	<b>HOUSING ASSISTANCE</b> Relocation Assistance Program	(200.00)	<b>PUBLIC FACILITIES</b> Fire Equipment	200.00
	<b>PUBLIC FACILITIES &amp; IMPROVEMENTS</b> Neighborhood Facilities	(119,129.90)	Fire Equipment	119,129.90

<b>REQUIRED AUTHORIZATION</b>		
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

	<u>From</u>	<u>Amounts</u>	<u>To</u>	<u>Amounts</u>
1998	<b>HOUSING ASSISTANCE</b>		<b>PUBLIC FACILITIES</b>	
	Emergency Home Repair	(54,925.00)	Fire Equipment	54,925.00
1999	<b>HOUSING ASSISTANCE</b>		<b>PUBLIC FACILITIES</b>	
	Natl. Assoc. Minority Con. - PSI	(2,668.00)	Fire Equipment	2,668.00
	<b>COMMUNITY SERVICES</b>			
	After School Program	(1,539.12)	Fire Equipment	1,539.12
2000	<b>HOUSING ASSISTANCE</b>		<b>PUBLIC FACILITIES</b>	
	Emergency Repair	(2,449.03)	Fire Equipment	2,449.03
	Emergency Repair	(500.00)	Fire Equipment	500.00
	<b>COMMUNITY SERVICES</b>			
	After School/Unallocated	(189.67)	Fire Equipment	189.67
2001	<b>PUBLIC FACILITIES</b>		<b>PUBLIC FACILITIES</b>	
	Park Improvements	(0.75)	Fire Equipment	0.75
2002	<b>HOUSING ASSISTANCE</b>		<b>PUBLIC FACILITIES</b>	
	Emergency Home Repair	(63,498.27)	Fire Equipment	63,498.27
	Relocation Assistance	(2.28)	Fire Equipment	2.28
	<b>PUBLIC FACILITIES</b>			
	<b>COMMUNITY SERVICES</b>			
	Day Labor Site Operation	(40,787.04)	Fire Equipment	40,787.04
	After School Program	(431.06)	Fire Equipment	431.06
2003	<b>HOUSING ASSISTANCE</b>		<b>PUBLIC FACILITIES</b>	
	Emergency Home Repair	(0.72)	Fire Equipment	0.72
2004	<b>COMMUNITY SERVICES</b>		<b>PUBLIC FACILITIES</b>	
	Neighborhood Facilities	<u>(82,069.51)</u>	Fire Equipment	<u>82,069.51</u>
	<b>Total</b>	<b>\$(450,000.00)</b>	<b>Total</b>	<b>\$450,000.00</b>

In accordance with HUD regulations, the City is required to amend components of the Grant Agreement, when (1) an activity is added; (2) an activity is deleted; (3) a change in the scope of an activity or reallocation of funds increases or decreases the budget of an activity by more than twenty-five (25%) of the original budget; or (4) a change in the purpose, location or beneficiaries.

As such, in accordance with the federal regulations, HCDD has notified the public by placing an appropriate notice in the Houston Chronicle. The thirty-day period extends from Thursday, March 15, 2007 through Saturday, April 14, 2007. The public had no comments about this project. The Housing and Community Development Committee recommended the project on March 19, 2007. City Council approval is recommended.

RSC:RC:BS:RH/

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Rescheduling of City Council Meetings		Page 1 of 1	Agenda Item # 29
FROM (Department or other point of origin):  Mayor's Office	Origination Date:  April 6, 2007	Agenda Date:  APR 11 2007	
DIRECTOR'S SIGNATURE:  <i>Marta L. Stein</i>	Council District affected: all		
For additional information contact: Marty Stein Agenda Director  Phone: 713-247-3195	Date and identification of prior authorizing Council action: ORD. #2006-1163 11-29-06		
<b>RECOMMENDATION:</b>  Approve ordinance amending Council meeting schedule for 2007			
Amount and Source of funding: none			
<b>EXPLANATION:</b>  City Council's adopted meeting schedule calls for the postponement of meetings on May 1 and 2, 2007, in order to accommodate a Budget Review Week for Council Members and staff. Because the Fiscal Year 2008 budget currently is scheduled for release on May 15, Council Members have suggested that the review week be delayed to the week of May 21, 2007.  The proposed ordinance would reinstate Council's regular meetings on Tuesday, May 1 and Wednesday, May 2, and postpone the meetings that normally would be held on Tuesday, May 22 and Wednesday, May 23, to the following week.			
<b>REQUIRED AUTHORIZATION</b>			
F&A Budget:	Other Authorization:	Other Authorization:	

<b>SUBJECT:</b> Amendment No. 1 to a lease agreement, and a plant cargo treatment and equipment license at George Bush Intercontinental Airport/Houston (IAH), with the United States Department of Agriculture ("USDA") – Animal and Plant Health Inspection Service ("APHIS").		<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  <b>30</b>
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> March 27, 2007	<b>Agenda Date</b> APR 11 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>Kae J</i>		<b>Council District affected:</b>  B		
<b>For additional information contact:</b> Jim Murff <i>JM</i> Phone: 281/233-1820 Janet Schafer 281/233-1796		<b>Date and identification of prior authorizing Council action:</b> 5/11/2005 Ord. No. 2005-0606		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A		<b>Prior appropriations:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing Amendment No. 1 to a Lease Agreement, and approving and authorizing a Plant Cargo Treatment and Equipment License for certain space at George Bush Intercontinental Airport/Houston (IAH), both with the United States Department of Agriculture ("USDA") – Animal and Plant Health Inspection Service ("APHIS").				
<b>SPECIFIC EXPLANATION:</b> The Houston Airport System (HAS) has a continued need for incoming plant cargo to be inspected by the USDA in the Federal Inspection Facility (FIF). However, USDA and HAS have agreed to a change in the control and operation of the FIF which necessitates deleting the FIF from the Lease Agreement, and concurrently entering into a license with USDA to allow them to store its vacuum chamber in the FIF. The USDA will still continue to lease space in the One-Stop Facility ("One Stop") for administrative functions under the original lease agreement.				
1) Licensed Premises – The vacuum chamber room in the FIF, which is separately enclosed by a roll-up door, at IAH.				
2) Rental - As consideration for operating the vacuum chamber and inspecting cargo for HAS, at USDA's sole cost, no additional rental shall be charged.				
3) Term- Renewable on an annual basis not to extend beyond December 31, 2014.				
4) General Use: USDA shall have the right to use the Licensed Premises for inspection and treatment of incoming plant cargo and it shall still have the right to inspect the operations of other plant cargo treatment operators in the FIF.				
<b>REQUIRED AUTHORIZATION</b>				
<b>F&amp;A Budget:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

<b>Date</b> March 27, 2007	<b>Subject:</b> Amendment No. 1 to a lease agreement, and a plant cargo treatment and equipment license at George Bush Intercontinental Airport/Houston (IAH), with the United States Department of Agriculture ("USDA") – Animal and Plant Health Inspection Service ("APHIS").	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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- 5) Maintenance & Utilities– USDA shall assume the responsibility for the operation of the plant treatment performed in the vacuum chamber.
- 6) Release – USDA shall release City from all claims associated with operations in the FIF.
- 7) Other – USDA agrees to comply with all HAS operating instructions and all applicable rules and regulations adopted by the airport and/or the FAA, and/or the TSA and to comply with all federal, state and local statues, ordinances, regulations, and policies.

RMV:jls


Attachments

Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Mr. Arturo Michel  
Mr. Richard M. Vacar, A.A.E.  
Ms. Sara Culbreth  
Mr. Tom Bartlett  
Mr. James D. Murff  
Ms. Cathy Nicholson  
Ms. Kathy Elek  
Ms. Sandra Gonzalez  
Mr. Richard Fernandez  
Mr. Charles Wall  
Ms. Mary Case  
Mr. Perry Miller, A.A.E.  
Ms. Rachel Suarez

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

<p><b>SUBJECT:</b> Approve contract for legal services with Feldman &amp; Rogers LLP for legal representation in the defense of an appeal of a favorable district court decision for the City in Nixon v. COH and Harold Hurtt.</p>	<p><b>Category #</b></p>	<p><b>Page 1 of</b> <u>1</u></p>	<p><b>Agenda Item#</b>  <b>31</b></p>
<p><b>FROM: (Department or other point of origin):</b> Legal Department</p>	<p><b>Origination Date</b> 4/3/07</p>		<p><b>Agenda Date</b> APR 11 2007</p>
<p><b>DIRECTOR'S SIGNATURE:</b> Arturo Michel </p>	<p><b>Council Districts affected:</b>  ALL</p>		
<p><b>For additional information contact:</b> Constance Acosta <b>Phone:</b> (713) 247-1485</p>	<p><b>Date and identification of prior authorizing Council Action:</b> None</p>		

**RECOMMENDATION: (Summary)**

That Council approve an ordinance authorizing a contract for legal services with Feldman & Rogers LLP in connection with the appeal of the U. S. District Court decision in favor of the City in the case of Nixon v. City of Houston and Harold Hurtt.

<p><b>Amount of Funding:</b> \$35,000.00 maximum</p>	<p><b>F &amp; A Budget:</b></p>
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**SOURCE OF FUNDING:**  General Fund     Grant Fund     Enterprise Fund   

**SPECIFIC EXPLANATION:**

The City and Chief Hurtt were sued by a police officer, Thomas Nixon, alleging violation of his First Amendment right of free speech when he criticized HPD's high speed chase policy in January 2006. The federal suit, *Thomas P. Nixon v. City of Houston, et al*, H-06-0296, resulted in a favorable summary judgment decision by the district court. Nixon has filed notice of appeal to the Fifth Circuit. Feldman & Rogers are being hired to handle the appeal of the case from the review of the district court record, preparation of briefs and oral argument before the court.

Feldman & Rogers is a recognized and highly experienced litigation firm. Named partner David Feldman is himself a very experienced and respected civil rights defense attorney whose clients include various governmental entities. David Feldman, as well as his co-counsel, Clay Grover, are experienced appellate attorneys also. They bring considerable experience to this appeal defense.

The contract is for a maximum amount of \$35,000.00

**REQUIRED AUTHORIZATION**

F&A Director:



<b>SUBJECT:</b> Ordinance approving a professional services contract with The MITRE Corporation for Municipal Courts Administration Department	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  32
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<b>FROM (Department or other point of origin):</b> Municipal Courts Administration	<b>Origination Date</b> 3/8/07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Sahira J. Abdool, Director and Chief Clerk	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Sahira J. Abdool 713-247-4105	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
 Adopt ordinance approving professional services contract with the MITRE Corporation to assess performance of the Integrated Case Management System (ICMS)


<b>Amount and Source of Funding:</b> Total Contract Amount \$125,000 Municipal Court Technology Fund (2207) Minus Maximus share (62,500) COH net cost \$62,500	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**

On March 25, 2003 Council approved a contract with Maximus, Inc. to implement an Integrated Case Management System (ICMS) at the City's Municipal Courts. The system is close to being fully operational, however, due to implementation delays, the Municipal Courts Administration Department (MCAD) has not accepted the system.

MCAD is requesting the services of the MITRE Corporation to assess all ICMS processes and technologies to validate performance, reliability and associated business practices. MITRE's obligations under this agreement include, but are not limited to, a comparison of the performance of the City's case management systems to the performance of other entities and an assessment of the City's systems against industry benchmarks for similar types of case management systems. Upon completion of the obligations set forth in the Scope of Services, MITRE will provide the City with an End-to-End Performance Analysis and Assessment Report.

MITRE is a not-for-profit organization chartered by the U.S. Congress to work in the public interest. MITRE partners with government sponsors to support their critical operational missions and address issues of national importance. MITRE supports the Department of Defense, the Federal Aviation Administration, and the Internal Revenue Service. MITRE was chosen to perform the reliability assessment based on their uniqueness regarding specialty engineering support, access to proprietary information, and unbiased decision-support. MITRE will provide a staff of trained and experienced consultants and technical experts to assess the City's case management systems and sub-systems located at the Municipal Court. Maximus will share 50% of the total contract cost of \$125,000.

REQUIRED AUTHORIZATION		
	<b>Richard F. Lewis, IT Director:</b> 	<b>Other Authorization:</b>

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7293**

**Subject:** Formal Bids Received for Exhaust Repair Services for the Houston Police Department S30-L22156

Category #  
4

Page 1 of 2

Agenda Item

**33**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

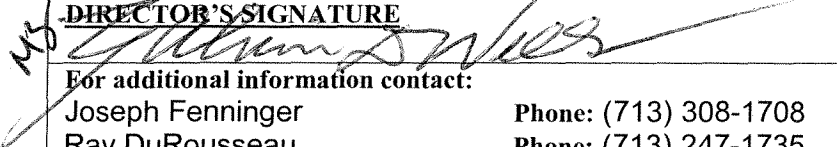
**Origination Date**

February 27, 2007

**Agenda Date**

APR 11 2007

**DIRECTOR'S SIGNATURE**

*MS*  


**Council District(s) affected**  
All

**For additional information contact:**

Joseph Fenninger Phone: (713) 308-1708  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to RBM Capital LLC d/b/a Midas Auto Service Experts on its low bid in amount not to exceed \$307,625.00 for exhaust repair services for the Houston Police Department.

Estimated Spending Authority \$307,625.00

**F & A Budget**

\$307,625,00 General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to extend, for a total five year term, to RBM Capital LLC d/b/a Midas Auto Service Experts on its low bid in an amount not to exceed \$307,625.00 for exhaust repair services for the Houston Police Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This contract will be used to repair exhaust systems on vehicles in the Department's fleet.

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

<u>Company</u>	<u>Total Amount</u>
1. RBM Capital LLC d/b/a Midas Auto Service Experts	\$307,625.00
2. Pronto Muffler Centers, Inc.	\$367,625.00

The scope of work requires the contractor to furnish all labor, tools, parts and facilities necessary to provide exhaust repair services, including but not limited to, mufflers, tailpipes, catalytic converters, and related hardware, extensions, etc. The contractor shall also be required to provide mechanical repairs and any other repair services or alterations necessary to bring the aforementioned equipment into functional status and in compliance with industry standards and application federal, state and local regulations.

**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with a 3% M/WBE participation level. RBM Capital LLC d/b/a Midas Auto Service Experts has designated the below-named company as its certified M/WBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Anderson Radiator Repair	Automotive Repair	\$9,228.75

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*NOT*

Date:  
2/27/2007

Subject: Formal Bids Received for Exhaust Repair Services for the  
Houston Police Department  
S30-L22156

Originator's  
Initials  
RM

Page 2 of 2

The Affirmative Action Division will monitor this award.

Buyer: Richard Morris

<b>Estimated Spending Authority</b>			
<b>DEPARTMENT</b>	<b>FY 2007</b>	<b>OUT YEARS</b>	<b>TOTAL</b>
Police	\$28,937.50	\$278,687.50	\$307,625.00

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7342**

**Subject:** Approve an Ordinance Awarding a Contract for Enterprise Environmental Operations Support System Software Maintenance for the Public Works & Engineering Department  
S29-E22373

Category #  
4 & 5

Page 1 of 1

Agenda Item

**34**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 14, 2007

**Agenda Date**

APR 11 2007

**DIRECTOR'S SIGNATURE**

**For additional information contact:**

Gary Norman                      Phone: (713) 837-7425  
Ray DuRousseau                Phone: (713) 247-1735

**Council District(s) affected**

All

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a sole source contract to Infosol, Inc. in an amount not to exceed \$243,075.00 for software maintenance and support services on the Enterprise Environmental Operations Support System for the Public Works & Engineering Department.

Estimated Spending Authority: \$243,075.00

**F & A Budget**

\$243,075.00 - Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a sole source contract to Infosol, Inc. for a three-year contract, with two one-year options to extend, for a total five-year term in an amount not to exceed \$243,075.00, for software maintenance and support services on the Enterprise Environmental Operations Support System for the Public Works & Engineering Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The Enterprise Environmental Operations Support System is used by the Wastewater Operations Branch's Pretreatment/Industrial Wastewater Service area to comply with the Environmental Protection Agency and Texas Natural Resources Conservation Commission reporting requirements, and to optimize use and cost of sewer plant chemicals.

Infosol, Inc. is the sole developer and copyright holder of the Enterprise Environmental Operations Support System software and there are no authorized service providers. Infosol, Inc. is also a City of Houston certified MBE.

The scope of work requires the contractor to provide software maintenance and support services by telephone and on-site for the Wastewater Operations Branch's Pretreatment/Industrial Wastewater Service area. The contractor will also be required to respond to all requests for software support services made during business hours within two hours after receipt of notification from the City and provide 32 hours of monthly on-site software support and services at the Wastewater Operations Branch Laboratory, located at 10500 Bellaire.

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

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

Buyer: Douglas Moore

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**MOI**



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

From: Douglas Moore

Date: February 27, 2007

Subject: MWBE Participation Form

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

I am requesting a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes  No

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

If requesting a revision, how many solicitations were received: 0

Solicitation Number: S29- E22373 Estimated Dollar Amount: \$243,075.00

Anticipated Advertisement Date: \_\_\_\_\_ Solicitation Due Date: 2/27/07

Goal On Last Contract: NA Was Goal met: Yes  No

If goal was not met, what did the vendor achieve: 0

Name and Intent of this Solicitation:  
Computer Software Maintenance

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):  
(To be completed by SPD)

The M/WBE goal should be waived for the Computer Software Maintenance Contract, due to this solicitation being identified as a Sole Source. The Contractor (INFOSOL) was the company that designed the computer software that is currently being used by the Public Works & Engineering Department, as a result the computer software maintenance and upkeep are performed by (INFOSOL) employees only. Therefore, opportunities afforded to subcontractors are non-existent. In addition, the current sole-source Computer Software Maintenance contract was approved with a zero 0% M/WBE participation goal, as a result of the aforementioned.

Douglas Moore  
SPD Initiator

[Signature]  
Division Manager

[Signature]  
Velma Laws, Director  
Affirmative Action

[Signature]  
Kevin M. Coleman, C.P.M.  
Assistant Purchasing Agent

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

File location: <http://choice.net/spd/forms.html>

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7326

**Subject:** Formal Bids Received for Armored Car Services for Various Departments  
S30-L22268

Category #  
4

Page 1 of 2

Agenda Item

**35**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

March 19, 2007

**Agenda Date**

APR 11 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**For additional information contact:**

Sahira Abdool Phone: (713) 247-5680  
Ray DuRousseau Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Triple D Security, Inc. on its low bid in an amount not to exceed \$1,022,288.80 for armored car services for various departments.

Estimated Spending Authority: \$1,022,288.80

**F & A Budget**

- \$ 646,710.60 (1000) General Fund
- \$ 101,884.72 (2100) Parks Special Revenue Fund
- \$ 90,431.08 (8000) HAS Special Revenue Fund
- \$ 143,250.00 (8601) Civic Center Facility Revenue Fund
- \$ 40,012.40 (8300) Water & Sewer System Operation Fund
- \$1,022,288.80**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a one-year contract, with four one-year options to renew, for a total five-year term, to Triple D Security, Inc. on its low bid in an amount not to exceed \$1,022,288.80 for armored car services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. Under this contract, the contractor shall provide armored car pickup and delivery of monies and securities collected by various Departments citywide.

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

<u>Company</u>	<u>Total Amount</u>
1. Triple D Security, Inc.	\$1,022,288.80
2. Dunbar Armored, Inc.	\$1,438,040.76

The scope of work requires the contractor to provide all supervision, labor, materials, supplies, tools, equipment and transportation necessary to pickup and deliver monies, checks and/or securities within City Departments and/or to the bank. Services will be performed for the Houston Airport System and the Convention & Entertainment Facilities, Finance & Administration, Fire, Health & Human Services, Library, Municipal Courts, Parks & Recreation, Planning & Development, Police, and Public Works & Engineering Departments. Monies and securities are collected from the airport revenues, health clinic fees, golf course and tennis court fees, and library book fines and fees.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

**NDT**

Date: 3/19/2007	Subject: Formal Bids Received for Armored Car Services for Various Departments S30-L22268	Originator's Initials RM	Page 2 of 2
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**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with a 3% M/WBE participation level. Triple D Security, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Dave's Wrecker Service, Inc.	Towing Services	\$30,668.67

This contract will be monitored by the Affirmative Action Division.

**Estimated Spending Authority**






<u>Department</u>	<u>FY 2007</u>	<u>Out Years</u>	<u>Total</u>
Fire	\$ 1,200.00	\$ 30,000.00	\$ 31,200.00
Parks & Recreation	\$ 6,439.68	\$110,000.00	\$ 116,439.68
Planning & Development	\$ 1,609.92	\$ 35,000.00	\$ 36,609.92
Municipal Courts - Administration	\$14,069.64	\$275,000.00	\$ 289,069.64
Library	\$ 8,049.00	\$156,922.60	\$ 164,971.60
Police	\$ 1,341.60	\$ 28,000.00	\$ 29,341.60
Public Works & Engineering	\$ 2,012.40	\$ 38,000.00	\$ 40,012.40
Health & Human Services	\$ 8,452.08	\$ 31,560.32	\$ 40,012.40
Houston Airport System	\$ 4,334.40	\$ 86,096.68	\$ 90,431.08
Finance & Administration	\$ 1,950.48	\$ 39,000.00	\$ 40,950.48
Convention & Entertainment Facilities	\$ 13,250.00	\$130,000.00	\$ 143,250.00
<b>Total</b>	<b>\$62,709.20</b>	<b>\$959,579.60</b>	<b>\$1,022,288.80</b>

Buyer: Richard Morris

Me

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Supplemental allocation to, and extension of, Amended Interagency Agreement between Harris County, Harris County Flood Control District, Texas Department of Transportation, and City of Houston for cooperative effort to implement the Environmental Protection Agency NPDES for the City's storm sewer system.		<b>Category #</b>	<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b>  <b>36</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b>  3/15/07		<b>Agenda Date</b>  APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE		<b>Council District affected:</b>  All Council Districts		
<b>For additional information contact:</b>  Carol Ellinger  Assistant Director <b>Phone:</b> (713) 837-7658		<b>Date and identification of prior authorizing Council action:</b> Ord. 2005-0634 05/18/05 Ord. 2003-447 05/07/03 Ord. 2000-534 06/14/00 Ord. 1999-0179 02/24/99		
<b>RECOMMENDATION: (Summary)</b> Approve an Ordinance authorizing a supplemental allocation of funds to the NPDES Interagency Agreement				
<b>Amount and Source of Funding:</b> \$1,900,000.00 from Storm Water Utility Fund # 2302. Previous funding of \$10,610,898 from Storm Water Utility Fund # 227.			<b>F&amp;A Budget:</b>   02/21/07	
<b>SPECIFIC EXPLANATION:</b>  <p><b>Background:</b> In 1987, Congress amended the Clean Water Act to require National Pollutant Discharge Elimination System (NPDES) permits for discharges from storm sewer systems serving populations over 100,000. In 1990, the Environmental Protection Agency (EPA) issued regulations establishing the permitting process for these permits, which required, among other things, that an application be submitted in two parts.</p> <p>In June 1991, City Council approved an interagency agreement with Harris County and Harris County Flood Control District (HCFCD), who also were required to obtain an NPDES storm water permit. The interagency agreement authorized the parties to submit a joint permit application, form a Joint Task Force (JTF) that would work cooperatively during and after the application process, and provided funds to reimburse Harris County for work performed by their consultant Turner Collie &amp; Braden (TC&amp;B), who assisted in the preparation of Part 1 of the application and performs the required monitoring and reporting tasks for the City of Houston. In November 1992, City Council passed a motion authorizing submittal of Part 2 of the application. In October 1993, through a subsequent interagency agreement, the Texas Department of Transportation joined the JTF.</p> <p>EPA issued a permit to the four agencies effective October 1, 1998. The current EPA permit expired on September 30, 2003. Prior to expiration, the four agencies applied for a permit renewal from the Texas Commission on Environmental Quality (TCEQ). As the TCEQ is five years behind in issuing storm sewer permits for large municipalities, the original permit is currently administratively continued under the original permit requirements.</p>				
<b>REQUIRED AUTHORIZATION</b>				CUIC ID # 20ADK63
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Eric K. Dargan, Deputy Director Right-of-Way & Fleet Maintenance Division		<b>Other Authorization:</b>  Andy Icken, Deputy Director Planning and Development Division	



<b>Date</b>	<b>Subject: Supplemental allocation to, and extension of, Amended Interagency Agreement between Harris County, Harris County Flood Control District, Texas Department of Transportation, and City of Houston for cooperative effort to implement the Environmental Protection Agency NPDES for the City's storm sewer system.</b>	<b>Originator's Initials</b>	<b>Page <u>2</u> of <u>2</u></b>
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The proposed supplemental allocation provides for continued assistance with permit compliance and continues to include:

- Pollutant screening and monitoring of City discharge points
- Public education, including brochures, books covers, training, etc.
- Investigation and cessation of illicit discharges
- Development of technical criteria for storm water pollution controls during and after construction
- Preparation of annual report to EPA and TCEQ
- Development of effective "Best Management Practices" for permanent storm water Pollution prevention measures for new development and /or significant redevelopment.
- Total Maximum Daily Load (TMDL) support and implementation plan.

The recommended funding level of \$1,900,000 will cover these tasks for two years (FY07: \$800,000 and FY08: \$1,100,000)

The following sums have been designated to the program by the co-permittees through FY06:


City of Houston	\$10,610,898.00
Harris County	\$5,913,758.00
HCFC	\$2,102,578.00
TxDOT	\$1,314,007.00


Harris County administers the contract with TC&B for the above-listed items. However, while the other co-permittees perform their own screening and reporting work, the contract provides for those tasks to be performed for the City of Houston by TC&B personnel.

c: Marty Stein  
Eric Dargan  
Waynette Chan  
Gary Norman  
Craig Foster

<b>SUBJECT:</b> Appropriate local match funds for the construction of a City of Houston and Texas Department of Transportation (TxDOT) Bikeway Project: Columbia Tap Union Station Trail WBS No. N-000420-0037-4; TxDOT CSJ 0912-71-801	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <span style="font-size: 2em; font-weight: bold;">37</span>
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<b>FROM :</b> Department of Public Works and Engineering	<b>Origination Date</b> 3-29-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> 1 MS.
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<b>For additional information contact:</b>  Reid K. Mrsny, P.E. (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 02-0843 Date: 09/04/2002 Ordinance No. 04-1114 Date: 11/03/2004
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**RECOMMENDATION:** Appropriate funds for City of Houston (City) Local Match.

**Amount and Source of Funding:** \$535,000.00 from Street and Bridge Consolidated Construction Fund No. 4506. Previous appropriation of \$3,984.00 from Fund No. 437.

**PROJECT NOTICE/JUSTIFICATION:** The Houston Bikeway Program provides design and construction of approximately 334 miles of bikeways and trails in the City of Houston. To date, 290 miles of "On-street" bikeways and "Off-street" trails have been completed. Another 44 miles (19 projects), mostly off-street trails, are currently under design.

The Houston Bikeway Program was implemented to develop a citywide network of bicycle facilities projected to be integrated into an overall transportation network for the Houston area. The eligible costs of the project are 80% funded by the Federal Highway Administration under the Intermodal Surface Transportation Efficiency Act (ISTEA) and the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) Programs. The 20% local match funding is provided by both the City of Houston and the Metropolitan Transit Authority (METRO). In addition to the local match, the City is responsible for paying 100% of the costs in excess of federal participation.

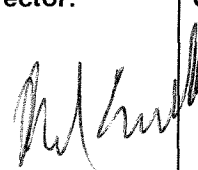
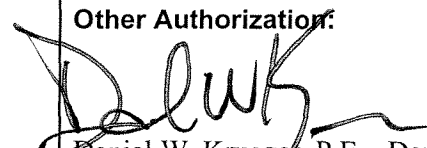
**DESCRIPTION/SCOPE:** This project consists of constructing an approximately 0.94 miles long and 10 feet wide reinforced concrete hike and bike trail along with the related signage, pavement markings, and landscaping.

**LOCATION:** The trail is generally bounded by Texas on the north, Polk on the south, Velasco on the east and U.S. 59 on the west. Key Map 493RV and 494NS.

**PREVIOUS HISTORY:** City Council approved an Advanced Funding Agreement with TxDOT on September 4, 2002, via Ordinance 2002-0843 and appropriated \$3,984.00 for the review costs. On November 3, 2004, City Council approved Ordinance No. 04-1114 to substitute a revised advanced funding agreement with TxDOT to add documentation audit procedures.

**PROJECT COST/JUSTIFICATION:** The current estimated project cost including construction, TxDOT construction management, construction contingencies and review cost is \$1,197,337.60. Based on a TxDOT funding letter the estimated federal participation amounts to \$707,027.00. The remaining local match is \$486,326.60. TxDOT will register the project with the Texas Department of Licensing and Regulations (TDLR) before letting for construction in May 2007.

**REQUIRED AUTHORIZATION** **CUIC ID #20MHS111**

<b>F&amp;A Director:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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Date	<b>SUBJECT:</b> Appropriate local match funds for the construction of a City of Houston and Texas Department of Transportation (TxDOT) Bikeway Project Columbia Tap Union Station Trail WBS No. N-000420-0037-4; TxDOT CSJ 0912-71-801	Originator Initials <i>M.S.</i>	Page 2 of 2
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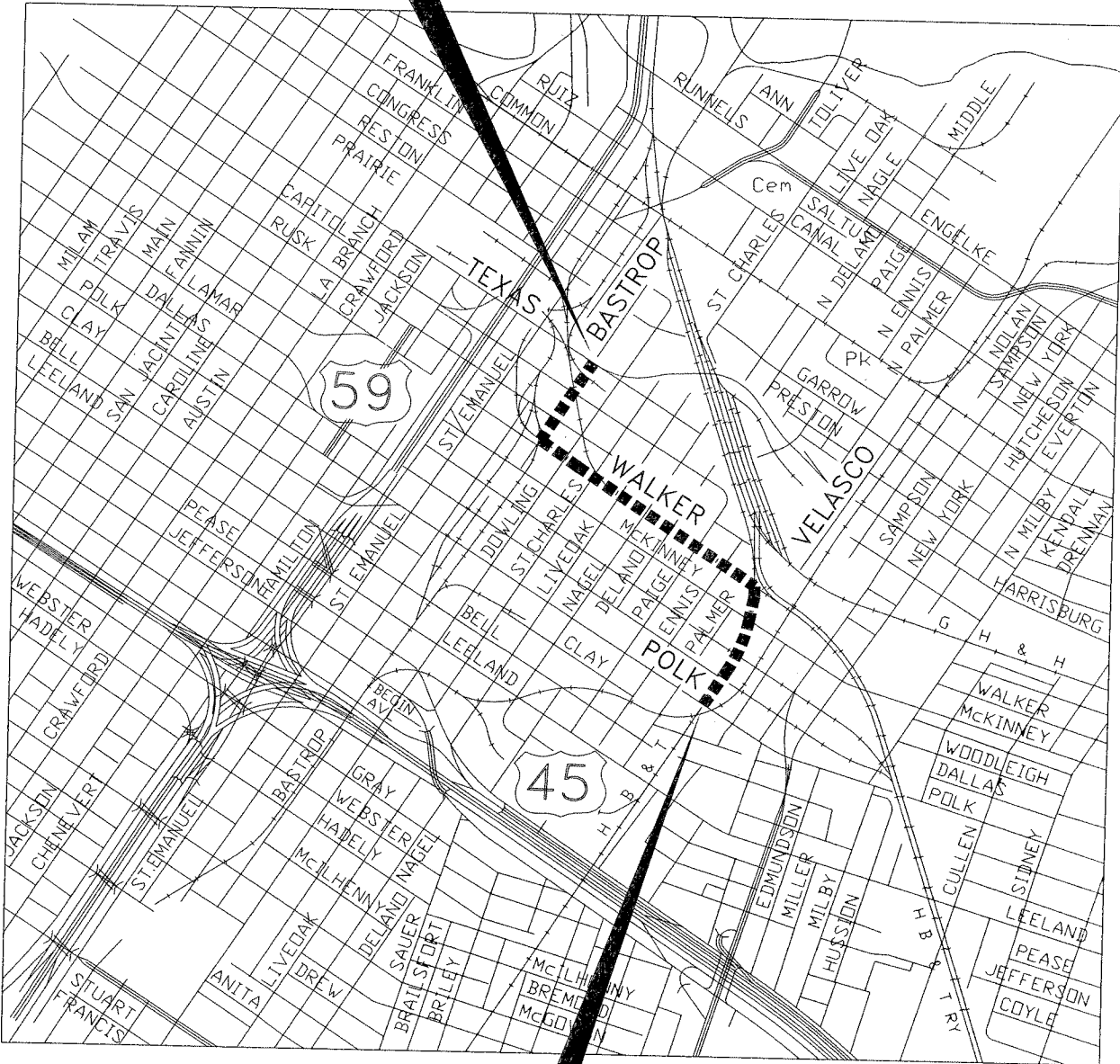
**ACTION RECOMENDED:** Appropriate funds for the City of Houston local match in the amount of \$535,000.00 to be appropriated as follows: \$486,326.60 to TxDOT for local match and \$48,673.40 for project management.

**M/WBE INFORMATION:** TxDOT will bid the projects for construction according to TxDOT M/WBE requirements.

*MSM* *DMS*  
MSM:DWK:RKM:MAM:BB:MHS:dv  
S:\design\A-NP-DIV\Engineering (BW)\RCAs\RCA (Columbia Tap - Jan 18 07.DOC

- c: Marty Stein
- Daniel W. Krueger, P.E.
- Susan Bandy
- Velma Laws
- Craig Foster
- File No. N-0420-37-2

PROJECT START @ TEXAS AVE.



PROJECT END @ POLK ST.

COLUMBIA TAP UNION STATION TRAIL  
CDH WBS N-000420-0037-4  
TxDOT CSJ NO. 0912-71-801  
VICINITY MAP

KEY MAP 493 RV/494 NS

COUNCIL DISTRICT I

CUIC # 20MHS111

<b>SUBJECT:</b> Professional Architectural Services Contract Stern and Bucek Architects, PLLC Miller Outdoor Theatre Pedestrian Walkway & Improvements WBS No. D-000125-0001-3		<b>Page</b> 1 of 2	<b>Agenda Item</b> 38
<b>FROM (Department or other point of origin):</b> Building Services Department		<b>Origination Date</b> 3/28/07	<b>Agenda Date</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Dadoush 3/20/07</i>	<b>Council District:</b> D		
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 713-247-1814		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION:</b> Approve professional architectural services contract and appropriate funds for the project.			
<b>Amount and Source of Funding:</b> \$200,000 General Improvements Consolidated Construction Fund (4509)		<b>F&amp;A Budget:</b> <i>MSL</i>	
<b>SPECIFIC EXPLANATION:</b> The Building Services Department and the Convention and Entertainment Facilities Department recommend that City Council approve the professional architectural services contract with Stern and Bucek Architects, PLLC to provide the design for a pedestrian walkway and address accessibility issues at the Miller Outdoor Theatre.			
<b>PROJECT LOCATION:</b> 100 Concert Drive / Hermann Park (533A)			
<b>PROJECT DESCRIPTION:</b> The project will address accessibility issues around the covered seating area; improve the pedestrian traffic flow between the canopy seating area and the grass seating area; reconfigure the audio/visual control stations; and the addition of electrical service. These improvements are necessary to increase public safety during large performances. The scope of work consists of architectural, civil engineering, structural engineering, mechanical engineering, surveying, geotechnical and landscape architectural professional services. In addition, the design is required to meet proper building code requirements and Texas Accessibility Standards.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b> <i>Wendy Heger</i> Wendy Teas Heger, AIA Chief of Design and Construction Division		<b>Other Authorization:</b>	<b>Convention &amp; Entertainment Facilities Department:</b> <i>Dawn Ullrich</i> Dawn R. Ullrich, Director

<b>Date</b>	<b>SUBJECT:</b> Professional Architectural Services Contract Stern and Bucek Architects, PLLC Miller Outdoor Theatre Pedestrian Walkway & Improvements WBS No. D-000125-0001-3	<b>Originator's Initials</b>  RJO	<b>Page</b>  2 of 2
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**SCOPE OF CONTRACT AND FEE:** The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis. Under the terms of the contract, the Consultant will perform Phase I – Preliminary Design services; Phase II – Final Design with specifications and drawings; Phase III – Construction Administration services.

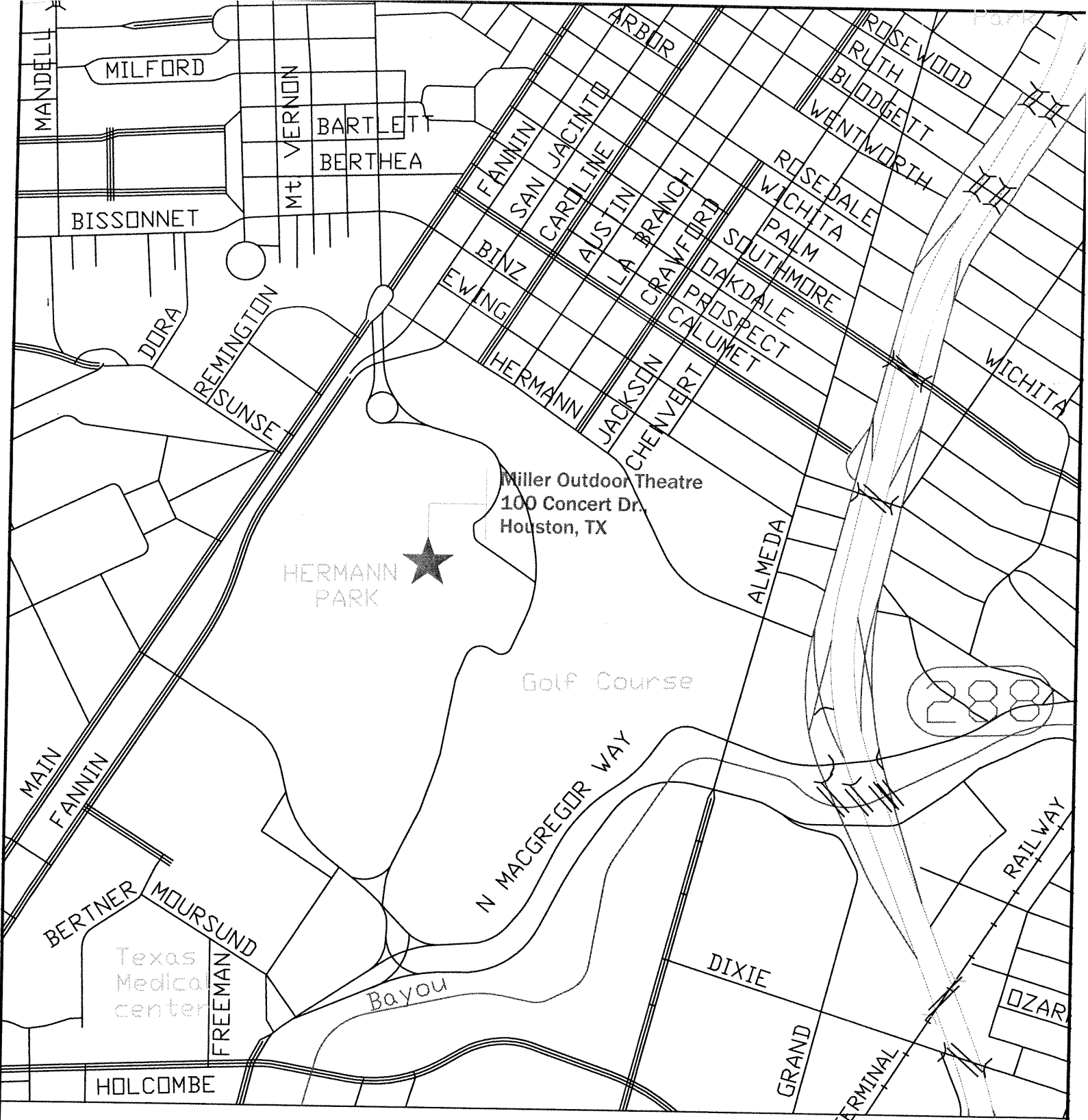
\$	120,000.00	Basic Services Fee
\$	72,000.00	Total Additional Services Fee
\$	<b>192,000.00</b>	<b>Total Contract Services</b>
\$	8,000.00	Reimbursables
\$	<b>200,000.00</b>	<b>Total Funding</b>

**MWBE INFORMATION:** A MWBE goal of 24% has been established for this contract. The Consultant has submitted the following certified firms to achieve this goal:

<u>FIRM</u>	<u>WORK</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
1. Henderson + Rogers, Inc.	Structural Engineer	\$ 15,000.00	7.50%
2. Hunt & Hunt Engineering Corp.	MEP Engineer	\$ 17,000.00	8.50%
3. The Maddox Group, Inc.	Cost Estimator	\$ 3,600.00	1.80%
4. RPM Architects, Inc.	Landscape Architect	\$ 7,000.00	3.50%
5. Accessibility Check	ADA Consultant	\$ 1,500.00	0.75%
6. Western Group Consultants	Surveyor	\$ <u>6,500.00</u>	<u>3.25%</u>
	<b>Total</b>	<b>\$ 50,600.00</b>	<b>25.30%</b>

*M*  
IZD:WTH:RJO:JLN:JJR:mp.

c: Marty Stein  
Jacquelyn L. Nisby  
Russell Clark  
Liliana Rambo  
Brenda Bazan  
Gloria Salinas  
Velma Laws  
James Tillman, IV  
File



# Miller Outdoor Theatre

## 100 Concert Dr. Houston, TX

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Award Construction Contract C.F. McDonald Electric, Inc. Solid Waste S.W. & S.E. Facility Backup Generators WBS No. L-000070-0001-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> <div style="text-align: right; font-size: 2em; font-weight: bold;">39</div>
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<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 3-29-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E.	<b>Council District(s) affected:</b> C, I
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JLN</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:** Award construction contract and appropriate funds for the project.

<b>AMOUNT AND SOURCE OF FUNDING:</b> \$470,013.00 Solid Waste Consolidated Construction Fund (4503)	<b>F &amp; A Budget:</b> <i>WLN</i>
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**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council award a construction contract to C.F. McDonald Electric, Inc. on its low bid amount of \$428,869.00 for services in connection with construction and installation of two Facility Backup Generators for the Solid Waste Management Department.

**PROJECT LOCATIONS:** Southwest Service Center 11500 S. Post Oak (571G)  
 Southeast Service Center 1502 1/2 Central Street (535G)

**PROJECT DESCRIPTION:** This project is for the installation of two stationary standby power systems to supply power during normal utility power failure at two Solid Waste Service Centers. Each system will consist of a liquid cooled diesel engine, an AC alternator with system controls and an Automatic Transfer Switch with all necessary accessories for a complete operating system. These standby power systems must meet all Federal, State and City codes and laws.

The contract duration for this project is 180 days. Hunt and Hunt Engineering Corp. is the design consultant and construction manager.

**BIDS:** The following three bids were received on January 18, 2007:

<u>Bidder</u>	<u>Bid Amount</u>
1. C.F. McDonald Electric, Inc.	\$428,869.00
2. Jerdon Enterprise, L.P.	\$431,289.00
3. Resicom, Inc.	\$477,578.00

**REQUIRED AUTHORIZATION** CUIC ID# 25WTH26 *NDT*

**Authorization:**  
*Wendy Heger*  
 Wendy Teas Heger, AIA  
 Chief of Design and Construction Division  
 Building Services Department

**Authorization:**  
*Thomas M Buchanan*  
 Thomas Buchanan, Director  
 Solid Waste Management Department



<b>Date</b>	<b>Subject:</b> Award Construction Contract C.F. McDonald Electric, Inc. Solid Waste S.W. & S.E. Facility Backup Generators WBS No. L-000070-0001-4	<b>Originator's Initials</b> CF	<b>Page</b> 2 of 2
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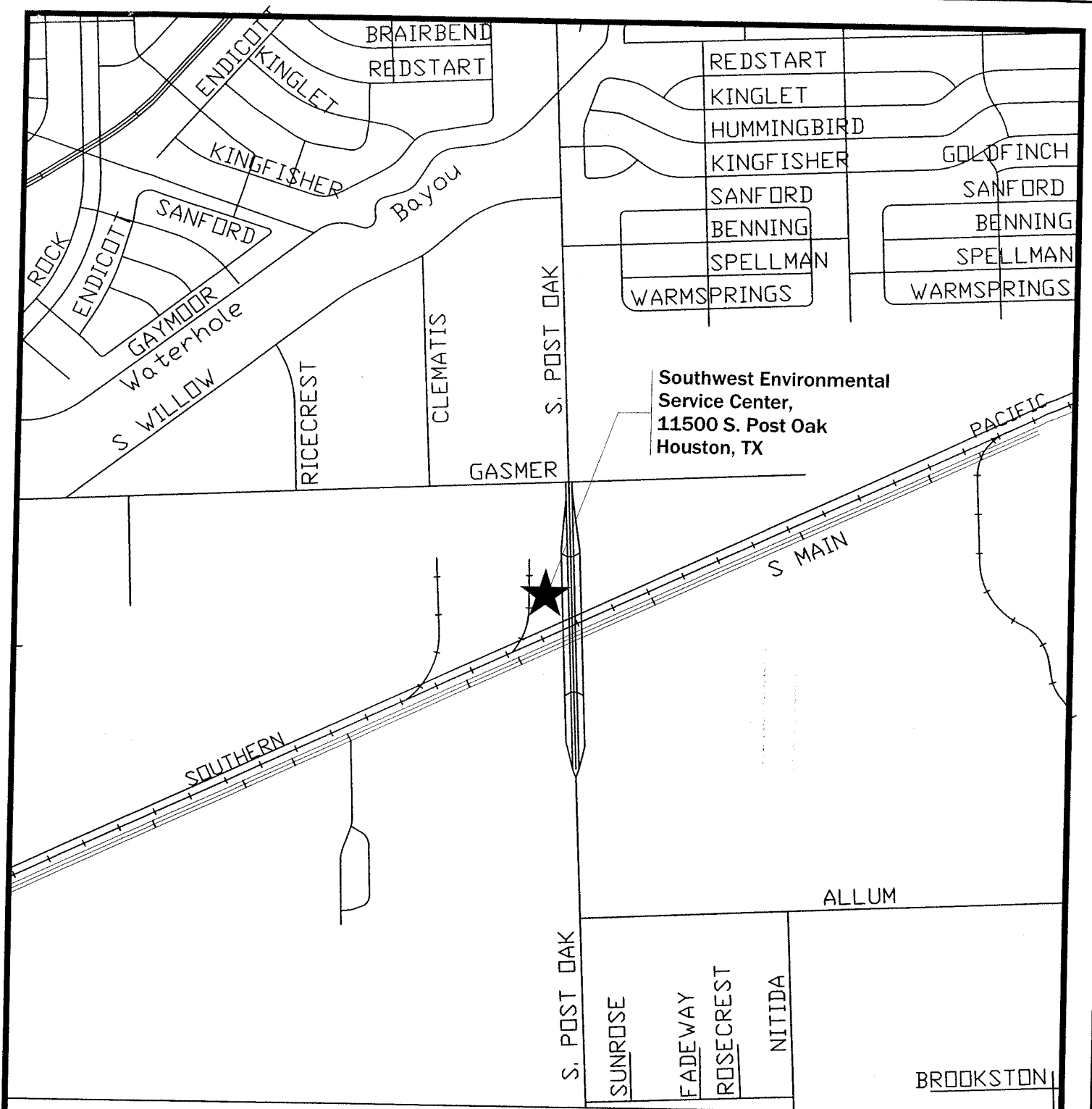
**AWARD:** It is recommended that City Council award the construction contract to C.F. McDonald Electric, Inc. and appropriate funds for the project, including an additional appropriation of \$19,700.55 for construction management and administration services under the existing contract with Hunt and Hunt Engineering Corp.

**FUNDING SUMMARY:**

\$ 428,869.00	Construction Contract
<u>\$ 21,443.45</u>	5% Contingency
<b>\$ 450,312.45</b>	<b>Total Contract Services</b>
<u>\$ 19,700.55</u>	Construction Management and Administration
<b>\$ 470,013.00</b>	<b>Total Appropriation</b>

IZD:WTH:RJO:JLN:CF:cf

c: Marty Stein, Wendy Heger, Richard Odlozil, Gary Readore, Jacquelyn L. Nisby, Charlie Lee  
Velma Laws, Joseph Kurian, Mary Villarreal, Project File 813



Southwest Environmental  
 Service Center,  
 11500 S. Post Oak  
 Houston, TX

Southwest Environmental  
 Service Center Facility Backup Generator  
 11500 S. Post Oak

COUNCIL DISTRICT "C"

KEYMAP No. 571G

<b>SUBJECT:</b> Award Construction Contract Eagle Construction and Environmental Services, L.P. LPST Site 91472 - Soil Remediation and Underground Storage Tank Replacement WBS No. D-000073-0006-4		<b>Page</b> 1 of 2	<b>Agenda</b> Item <b>40</b>
<b>FROM (Department or other point of origin):</b> Building Services Department		<b>Origination Date</b> 4-5-07	<b>Agenda Date</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush</i> 3/22/07	<b>Council District Affected:</b>  H		
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> None		
<b>RECOMMENDATION:</b> Award construction contract and appropriate funds for the project.			
<b>Amount and Source of Funding:</b> \$1,331,542.40 General Improvements Consolidated Construction Fund (4509)		<b>F&amp;A Budget:</b> <i>[Signature]</i>	
<b>SPECIFIC EXPLANATION:</b> The Building Services Department recommends that City Council award a construction contract to Eagle Construction and Environmental Services, L.P., on its low bid amount of \$1,077,088.00.			
<b>PROJECT LOCATION:</b> 61 Riesner, Houston, Texas (Key Map 493-L)			
<b>PROJECT DESCRIPTION:</b> The project involves soil remediation and closure of leaking petroleum storage tanks at 61 Riesner as required by the Texas Commission on Environmental Quality (TCEQ). The scope of work consists of removal and disposal of two 12,000 gallon gasoline underground storage tanks (UST) and associated equipment, piping and closing in-place one 5,000 gallon diesel UST formerly used with an emergency generator. Installation of one 5,000-gallon diesel UST and two 12,000-gallon double wall fiberglass reinforced plastic (FRP) UST's, ancillary equipment, vent lines and dispensers. The work also includes saw-cutting, demolition and removal of concrete paving over the USTs, off-site disposal of concrete, product lines and debris generated as a result of all activities, backfilling and compaction, waste classification, loading, hauling and proper disposal.			
The contract duration for this project is 90 calendar days.			
<b>BIDS:</b> The following two bids were received on February 22, 2007:			
	<b>Bidder</b>	<b>Bid Amount</b>	
1.	Eagle Construction and Environmental Services, L.P.	\$1,077,088.00	
2.	Geo Environmental Consultants, Inc.	\$3,345,234.00	
This contract relates to the preservation and protection of public health and safety, and is therefore exempt from the competitive bid laws.			
<b>REQUIRED AUTHORIZATION</b>		CUIC ID # 25GM155	
<b>Building Services Department:</b> <i>Wendy Teas Heger</i> Wendy Teas Heger, AIA Chief of Design and Construction	<b>Other Authorization:</b>	<i>NDT</i>	

<b>Date</b>	<b>SUBJECT:</b> Award Construction Contract Eagle Construction and Environmental Services, L.P. LPST Site 91472 - Soil Remediation and Underground Storage Tank Replacement WBS No. D-000073-0006-4	<b>Originator's Initials</b>  GM	<b>Page</b>  2 of 2
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Building Services reviewed the price disparity between the two bids and determined it is based on a mathematical error on the part of Geo Environmental Consultants, Inc. Geo submitted a unit price with a misplaced decimal point, which inflated its final bid price. Building Services confirmed that Eagle Construction's bid is reasonable for the work.

**AWARD:** It is recommended that City Council award the construction contract to Eagle Construction and Environmental Services, L.P., and appropriate funds for the project, including additional appropriations of \$6,000.00 for engineering testing services under the existing contract with Professional Service Industries, Inc., and \$194,600.00 for project management and construction oversight services under the existing contract with Malcolm Pirnie, Inc., which includes, but is not limited to groundwater sampling, analytical testing, monitoring three Mobile Dual Phase Extraction (MDPE) events, and request for site closure approval from Texas Commission on Environmental Quality (TCEQ).

**FUNDING SUMMARY:**

\$ 1,077,088.00	Construction Contract Services
<u>\$ 53,854.40</u>	5% Contingency
<b>\$ 1,130,942.40</b>	<b>Total Contract Services</b>
\$ 6,000.00	Engineering Testing
<u>\$ 194,600.00</u>	Project Management and Construction Oversight
<b>\$ 1,331,542.40</b>	<b>Total Funding</b>

**M/WBE INFORMATION:** A M/WBE goal of 24% has been established for this project. The contractor has submitted the following certified M/WBE firms to achieve the goal.

<u>Firm</u>	<u>Services</u>	<u>Amount</u>	<u>Percentage (%)</u>
Rao Environmental	Environmental Services (MDPE)	\$ 232,000	21.5
Pulido Trucking	Trucking & Hauling	\$ 20,000	1.8
A&B Laboratories	Analytical Testing	\$ <u>8,000</u>	<u>0.7</u>
<b>TOTAL</b>		<b>\$ 260,000</b>	<b>24.0%</b>

IZD:WTH:JLN:GM:FK:fk

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Professional Construction Management and Inspection Services Contract between the City of Houston and JVG Industries, LLC. (JVG), for Rehabilitation of Roark #1 Lift Station project. WBS No. R-000267-00F9-4.	<b>Category</b> # 1,9	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 41
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 3-29-07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> C
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<b>For additional information contact:</b> J. Timothy Lincoln, P.E. Phone: (713) 837-7074 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approve Professional Construction Management and Inspection Services Contract with JVG and appropriate funds.

<b>Amount and Source of Funding:</b> \$66,000.00 from Water & Sewer Consolidated Construction Fund, Fund No. 8500.	<b>F &amp; A Budget:</b> <i>Velma Laws</i>
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**SPECIFIC EXPLANATION:**

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's lift station rehabilitation/replacement program.

**DESCRIPTION/SCOPE:** This Contract provides for Construction Management and Inspection Services for Rehabilitation of the Roark #1 Lift Station project.

**LOCATION:** The project is located at 11435 Roark Road. The project is located in Key Map grid 569-C.

**SCOPE OF CONTRACT AND FEE:** This Contract will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

The requested appropriation of \$66,000.00 will provide funding for all construction management and inspection service for JVG on a lump sum basis.

**M/WBE PARTICIPATION:** JVG has proposed the following firms to achieve the 24% M/WBE goal for this project:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>	<u>Amount</u>
1. Kennedy Coating Inspection, Inc.	Inspection/Administrative Services	5%	\$3,300.00
2. Zarinkelk Engineering Services, Inc.	Inspection/Administrative Services	19%	\$12,540.00
<b>Total</b>		<b>24%</b>	<b>\$15,840.00</b>

MSM:JTL:CWS:mq  
S:\constr\Admin\CONST\Consultants\JVG, LLC\RCA.DOC

C: Daniel W. Krueger, P.E.      Velma Laws      File No. Admin

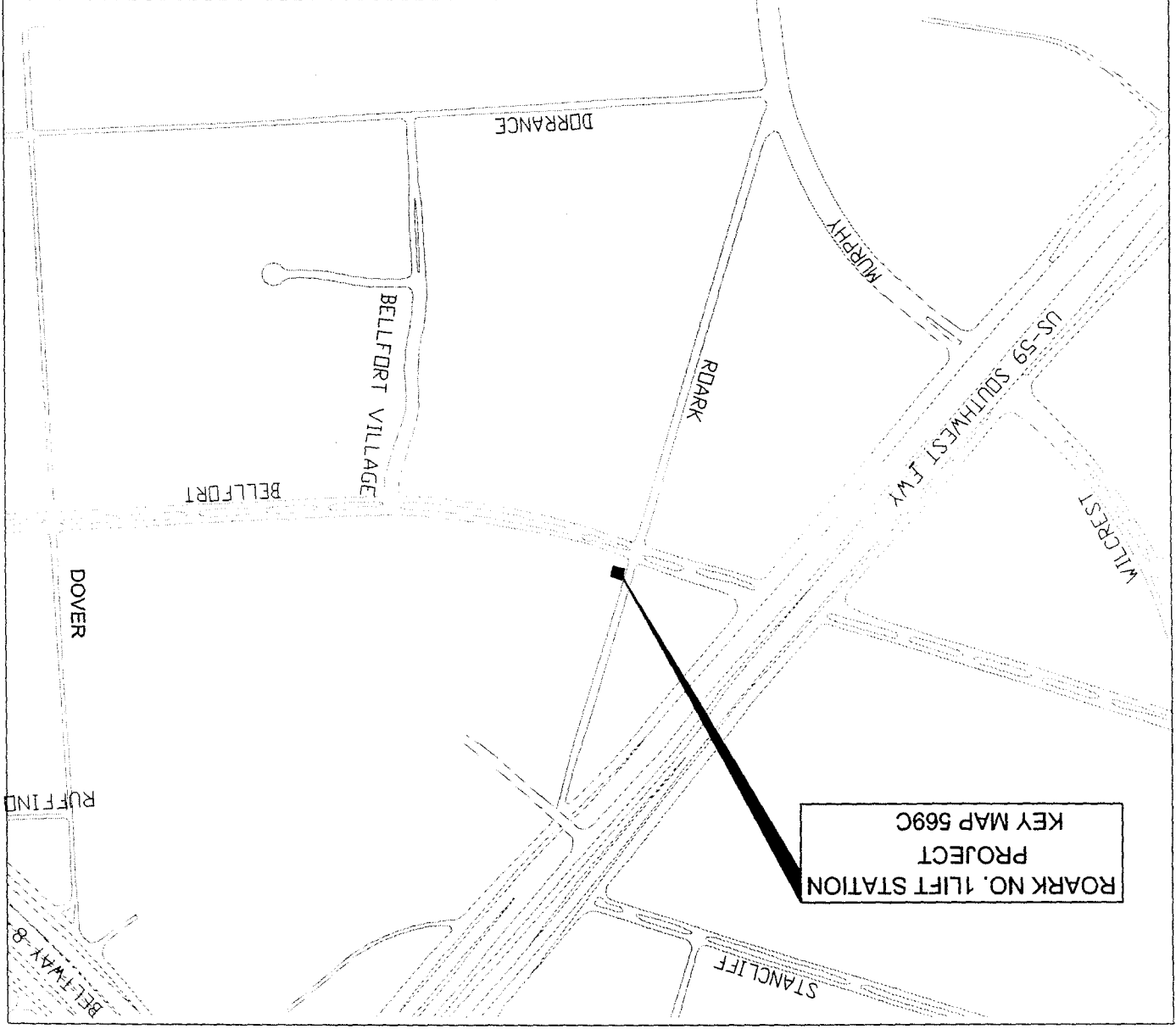
**REQUIRED AUTHORIZATION** CUIC ID # 20CWS41

<b>F&amp;A Director:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utility Division	<b>Other Authorization:</b> <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	NDT
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WBS R-000267-00F9-4  
INFRASTRUCTURE ASSOCIATES, INC.  
6117 RICHMOND AVENUE, SUITE 100  
HOUSTON, TEXAS 77057  
(713) 622-0120 PH (713) 622-0557 FAX



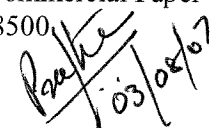

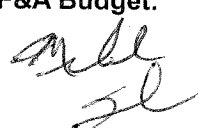
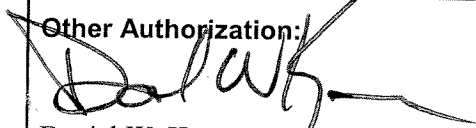
**Infrastructure Associates**

PROJECT VICINITY MAP  
CITY OF HOUSTON  
ROARK NO. 1 LIFT STATION  
REHABILITATION



ROARK NO. 1 LIFT STATION  
PROJECT  
KEY MAP 569C



<b>SUBJECT:</b> Contract Award for Cook Road Paving Improvements from Bissonnet Road to Bellaire Boulevard. W.B.S. No. N-000639-0001-4, R-000500-0052-4 and S-000500-0052-4		<b>Page</b> 1 of 2	<b>Agenda Item #</b> 42
<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date:</b> 3-29-07	<b>Agenda Date:</b> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E. DEE		<b>Council District affected:</b> F 5c	
<b>For additional information contact:</b>  Reid K. Mrsny, P.E. Senior Assistant Director Phone: (713) 837-0452		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> Accept low bid, award construction Contract and appropriate funds.			
<b>Amount and Source of Funding:</b> Total of \$12,178,000.00 with \$10,089,184.00 from the Metro Project Commercial Paper Series E Fund No. 4027 and \$2,088,816.00 from the Water & Sewer Consolidated Construction Fund No. 8500. 			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project is part of the Street & Traffic Control Improvement program and is required to improve traffic flow/circulation and reduce traffic congestion and hazards in service area.			
<b>DESCRIPTION/SCOPE:</b> This project consists of the reconstruction of approximately 9,800 linear feet of dual 24 foot wide concrete roadway with curb and gutter, raised median, two H.C.F.C.D. bridge crossings, necessary underground utilities and street lighting. The Contract duration for this project is 500 calendar days. This project was designed by Walter P. Moore and Associates, Inc.			
<b>LOCATION:</b> The project area is generally bounded by Bellaire Blvd. on the north and Bissonnet Rd. on the south. The project is located in Key Map Grids 529S, N & J.			
<b>BIDS:</b> Bids were received on December 21, 2006. The Five (5) bids are as follows:			
<b>Bidder</b>		<b>Bid Amount</b>	
1. Reytec Construction Resources, Inc.		\$9,997,653.85	
2. Texas Sterling Construction, L.P.		\$11,898,352.71	
3. Pace Services, L.P.		\$12,020,960.20	
4. Conrad Construction Co., LTD		\$13,910,844.06	
5. Total Contracting Limited		\$14,299,910.35	
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID#20SMC14 </span>			
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division	

<b>Date</b>	<b>Subject:</b> Contract Award for Cook Road Paving Improvements from Bissonnet Road to Bellaire Boulevard. W.B.S. No. N-000639-0001-4, R-000500-0052-4 and S-000500-0052-4	<b>Originator's Initials</b> <i>SC</i>	<b>Page</b> 2 of 2
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**AWARD:** It is recommended that this construction Contract be awarded to Reytec Construction Resources, Inc. with a low bid of \$9,997,653.85 and that Addenda Numbers 1, 2 and 3 be made a part of this Contract.

**PROJECT COST:** The total cost of this project is \$12,178,000.00 to be appropriated as follows:

• Bid Amount	\$9,997,653.85
• Contingencies	\$500,000.00
• Engineering and Testing Services	\$295,000.00
• Project Management	\$800,040.15
• Construction Management	\$585,306.00

Engineering and Testing Services will be provided by Tolunay-Wong Engineering, Inc. under a previously approved contract.

Construction Management Services will be provided by Cobb Fendley & Associates, Inc. under a previously approved contract.

Bonus for early completion is \$180,000.00 maximum. This represents the number of days between the contract substantial completion date and the early completion date, 60 calendar days maximum, multiplied by \$3,000.00 per day. The actual amount, if applicable, will be based upon the early completion date.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed program to satisfy the 15 % M/WBE goal and 5 % SBE goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. M&M Asphalt & Supply, Inc.	Supply and Install Sand, Asphalt & Aggregate	\$700,000.00	7.00%
2. Rebar Supply Company, LTD	Reinforcing Steel	\$160,000.00	1.60%
3. Tunnels & Shafts Construction Contractors, Inc.	Construct Storm Sewer	\$200,000.00	2.00%
4. P.A. Berrios Trucking	Hauling Services	\$350,000.00	3.50%
5. Access Data Support Services.	Storm Conduit Supplier	<u>\$150,000.00</u>	<u>1.50%</u>
	<b>TOTAL</b>	<b>\$1,560,000.00</b>	<b>15.60%</b>

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Shumaker-Harvey Equipment Company, Inc.	TV Inspection of Sewers	\$35,000.00	0.35%
2. PRV Services, Inc.	Underground Utilities	\$355,000.00	3.55%
3. Traffic Control Products	Traffic Control Devices	<u>\$160,000.00</u>	<u>1.60%</u>
	<b>TOTAL</b>	<b>\$550,000.00</b>	<b>5.50%</b>

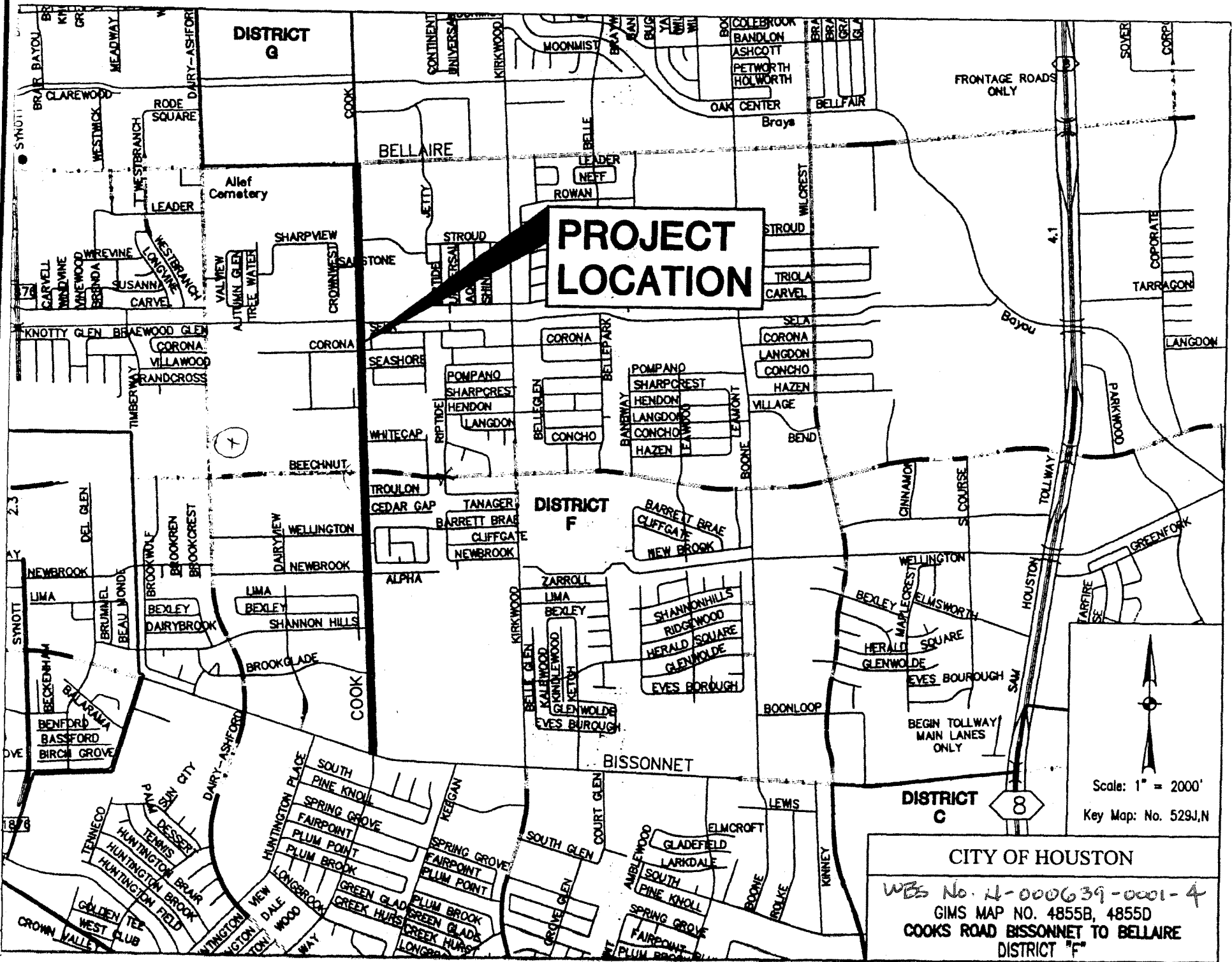
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

*MSM:DWK:RKM:MLL:SMC*  
c: Marty Stein  
Michael Ho, P.E.

Velma Laws  
Susan Bandy

Craig Foster  
File N-000639-0001-4 - 3.7 Const RCA





**PROJECT  
LOCATION**



Scale: 1" = 2000'  
Key Map: No. 529J,N

**CITY OF HOUSTON**  
 WBS No. 4-000639-0001-4  
 GIMS MAP NO. 4855B, 4855D  
 COOKS ROAD BISSONNET TO BELLAIRE  
 DISTRICT "F"

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-00E5-4		<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 43												
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 3/22/07	<b>Agenda Date</b> APR 11 2007													
<b>DIRECTOR'S SIGNATURE:</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> All														
<b>For additional information contact:</b> Jeff Taylor Deputy Director Phone: (713) 837-0448		<b>Date and identification of prior authorizing Council action:</b>														
<b>RECOMMENDATION: (Summary)</b> Reject low bid, return bid bond, award construction contract to second low bidder and appropriate funds.																
<b>Amount and Source of Funding:</b> \$889,286.00 from Water and Sewer Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Title II. <i>Brette</i> 11/15/06			<b>F&amp;A Budget:</b> <i>Jeff Taylor</i>													
<b>SPECIFIC EXPLANATION:</b>  <b>PROJECT NOTICE/JUSTIFICATION:</b> This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.  <b>DESCRIPTION/SCOPE:</b> This project consists of sanitary sewer rehabilitation by point repair method. The Contract duration for this project is 365 calendar days.  <b>LOCATION:</b> The project area is generally bounded by the City Limits.  <b>BIDS:</b> Five (5) bids were received for this project on December 15, 2005, as follows:																
<table border="0"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. DEW Contracting Company - (Reject)</td> <td>\$ 740,242.56</td> </tr> <tr> <td>2. Troy Construction, LLP</td> <td>\$ 816,307.93</td> </tr> <tr> <td>3. Reliance Construction Services, L.P.</td> <td>\$ 845,563.84</td> </tr> <tr> <td>4. Insituform Technologies, Inc.</td> <td>\$ 902,782.95</td> </tr> <tr> <td>5. DL Elliott Enterprises, Inc.</td> <td>\$ 929,045.24</td> </tr> </tbody> </table>					<u>Bidder</u>	<u>Bid Amount</u>	1. DEW Contracting Company - (Reject)	\$ 740,242.56	2. Troy Construction, LLP	\$ 816,307.93	3. Reliance Construction Services, L.P.	\$ 845,563.84	4. Insituform Technologies, Inc.	\$ 902,782.95	5. DL Elliott Enterprises, Inc.	\$ 929,045.24
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5. DL Elliott Enterprises, Inc.	\$ 929,045.24															
<b>File/Project No. WW 4235-29</b>		<b>REQUIRED AUTHORIZATION</b>		<b>CUIC ID #20RBW108</b>												
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Jeff Taylor</i> MDT Jeff Taylor Deputy Director, Public Works & Engineering														

<b>Date</b>	<b>Subject:</b> Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-00E5-4	<b>Originator's Initials</b>	<b>Page <u>2</u> of <u>2</u></b>
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**AWARD:** The apparent low bidder, D.E.W. Contracting Company refused to extend their bid of \$740,242.56. City Legal has ruled that the award can go to the second lowest bidder, Troy Construction, LLP with a bid of \$816,307.93. It is recommended that this construction contract be awarded to Troy Construction, LLP with a bid of \$816,307.93 and that Addendum No. 1, dated 12/12/2005 be made part of this contract.

**PROJECT COST:** The total cost of this project is \$889,286.00 to be appropriated as follows:

- Bid Amount \$816,307.93
- Contingencies \$40,815.40
- Project Management \$8,162.67
- Engineering Testing Services \$24,000.00

Engineering Testing Services will be provided by Tolunay-Wong Engineers, Inc., under a previously approved contract.

**M/WDBE PARTICIPATION:** No M/WDBE participation goal has been established for this project.

All known rights-of-way and easements required for this project have been acquired.

MSM:JT:RBW:JGM:DBB:jsc


cc: Marty Stein  
Susan Bandy, CPA  
John Sakolosky, P.E.  
Velma Laws  
Craig Foster  
Michael Ho, P.E.  
Carol Ellinger, P.E.  
File No. WW 4235-29

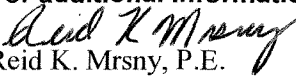
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Water Line Replacement in the Montrose South Area. WBS No. S-000035-00E4-4	<b>Page</b> 1 of 2	<b>Agenda</b> Item # <b>44</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 4/5/07	<b>Agenda Date</b> APR 11 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i>  Michael S. Marcotte, P.E., DEE, Director <i>for Mike Marcotte</i>	<b>Council District affected:</b> C <i>AW</i>
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<b>For additional information contact:</b>  Reid K. Mrsny, P.E. <b>Phone:</b> (713) 837-0452 Senior Assistant Director	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION:**  
Accept low bid, award construction contract and appropriate funds.

**Amount and Source of Funding:**  
\$4,914,000.00 Water and Sewer System Consolidated Construction Fund *85002/27/07*

**PROJECT NOTICE/JUSTIFICATION:** This project is part of the City's Water Line Replacement program. This program is required to replace and upgrade water lines within the City to increase circulation and availability of water.


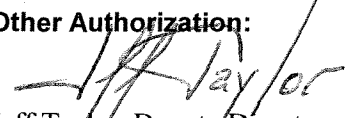
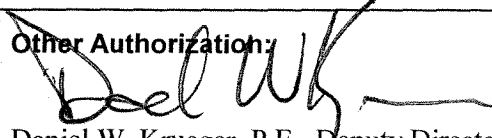
**DESCRIPTION/SCOPE:** This project consists of approximately 25,331 linear feet of 8-inch, 1,220 linear feet of 6-inch and 705 linear feet of 4-inch diameter water lines, valves, and appurtenances. The contract duration for this project is 265 calendar days. This project was designed by Othon, Inc.

**LOCATION:** The project area is generally bound by Autrey on the north, Bissonnet on the south, Main on the east and Mandell on the west. The project is located in Key Map Grids 492Z & 493W.

**BIDS:** Bids were received on December 14, 2006. The five (5) bids are as follows:

Bidder	Bid Amount
1. Pace Services, L.P.	\$4,318,838.00
2. C. E. Barker, Ltd.	\$4,364,210.02
3. D. L. Elliott Enterprises, Inc.	\$4,870,709.69
4. Reliance Construction Services, L.P	\$4,934,826.69
5. Collins Construction, L.L.C.	\$4,805,826.00

**REQUIRED AUTHORIZATION** **CUIC ID #20AV23**

<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>  Jeff Taylor, Deputy Director Public Utilities Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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<b>Date</b>	<b>Subject:</b> Contract Award for Water Line Replacement in the Montrose South Area. WBS No. S-000035-00E4-4	<b>Originator's Initials</b> <i>AV</i>	<b>Page</b> <u>2</u> of <u>2</u>
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**AWARD:** It is recommended that this construction contract be awarded to Pace Services, L.P. with a low bid of \$4,318,838.00.

**PROJECT COST:** The total cost of this project is \$4,914,000.00 to be appropriated as follows:

- Bid Amount \$4,318,838.00
- Contingencies \$215,941.90
- Engineering and Testing Services \$120,000.00
- Project Management \$259,220.10

Engineering and Testing Services will be provided by Aster L.P. under a previously approved contract.

**M/WBE PARTICIPATION:** The low bidder has submitted the following proposed M/WBE participation of 15% and SBE participation of 5% to satisfy the goal for this project.

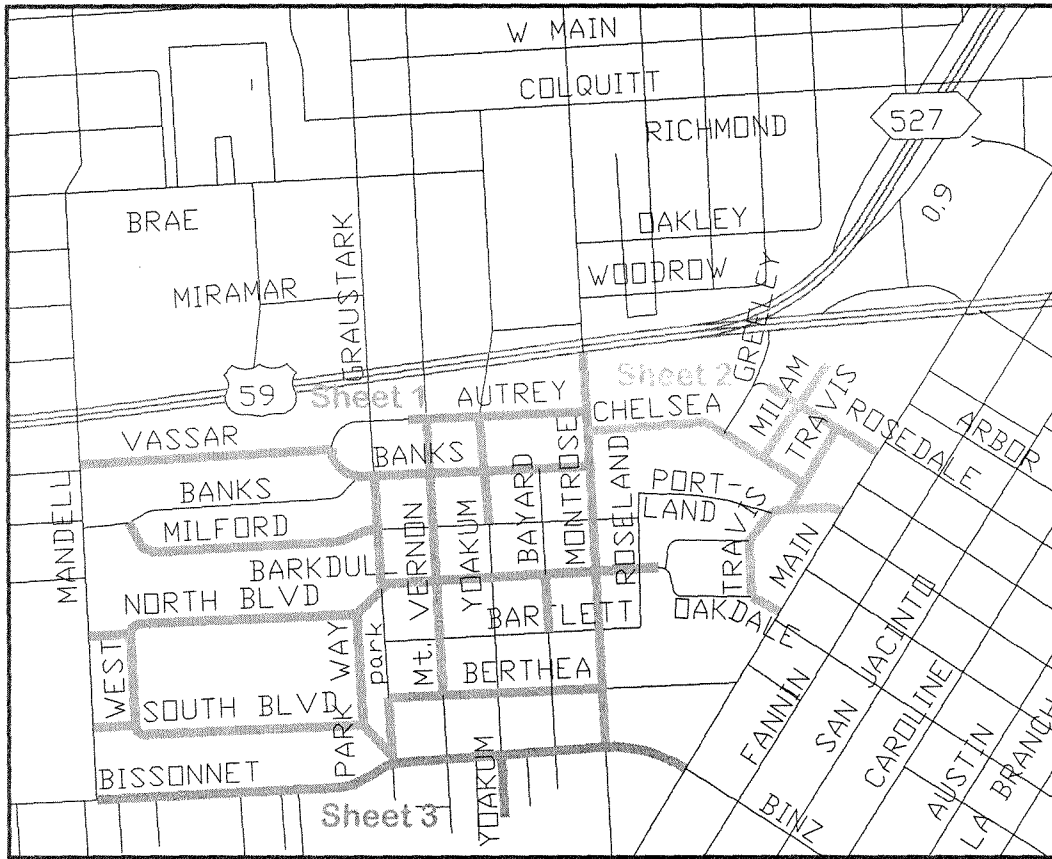
<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Oil Products Distribution, Ltd.	Fuel & Oil	\$90,000.00	2.08%
2. Curb Planet, Inc.	Curbs & Wheelchair Ramps	\$10,000.00	0.23%
3. Paradigm Outsourcing Services	Preconstruction TV / Video	\$10,000.00	0.23%
4. Jimerson Underground, Inc.	<u>Water Services</u>	<u>\$721,000.00</u>	<u>16.70%</u>
	<b>MWBE Subtotal</b>	<b>\$831,000.00</b>	<b>19.24%</b>
1. Gama Contracting Services	<u>Water Line Installation</u>	<u>\$225,000.00</u>	<u>5.21%</u>
	<b>SBE Subtotal</b>	<b>\$225,000.00</b>	<b>5.21%</b>
	<b>TOTAL</b>	<b>\$1,056,000.00</b>	<b>24.45%</b>

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

*RKM HH AV*  
MSM:DWK:RKM:HH:AV:itj  
S:\design\A-WS-DIV\WPDATA\AV\2005 Projects\RCA's\RCA(Const.) Montrose South.doc

- c:** Marty Stein  
Velma Laws  
Susan Bandy  
Michael Ho, P.E.  
Craig Foster  
File - S-000035-00E4-4 (3.7)

# MONTROSE SOUTH AREA



KEY MAP 493W , GIMS NOS. 5356C, 5356D  
492Z

SCALE: N.T.S.

1 - ★



## MONTROSE SOUTH AREA WATER LINE REPLACEMENT

STREET NAME	FROM	TO	SIZE (INCH)	LENGTH (FEET)
Vassar	Mandell	Graustark	8	1570
Banks	Montrose	Graustark	8	1130
Milford	Graustark	Banks	8	1400
North Blvd	Park Way	Mandell	8	1400
West	North Blvd	South Blvd	6	490
South Blvd	Park Way	Mandell	8	1400
Bissonnet	Graustark	Mandell	8	1540
Graustark	Banks	Barkdull	8	610
Graustark	Berthea	Bissonnet	8	450
Park Way	Barkdull	Bissonnet	8	940
Autrey	Montrose	8" Line	8	920
Barkdull	Oakdale	Graustark	8	1550
Berthea	Montrose	Graustark	8	1110
Mt Vernon	Autrey	Berthea	8	1420
Bissonnet	Main	Graustark	8	1730
Yoakum	Bissonnet	cul-de-sac	4	400
Yoakum	Autrey	Milford	8	600
Bayard	Barkdull	Bartlet	6	330
Montrose	US-59	Bissonnet	8	1900
Chelsea	Montrose	Travis	8	1280
Portland	Main	Travis	8	300
Oakdale	Main	Travis	8	120
Travis	Rosedale	Oakdale	8	1090
Milam	Chelsea	end	4,8	475
Rosedale	Greeley	Main	8	620
<b>TOTAL =</b>				<b>24,775</b>



OTHON, INC., CONSULTING ENGINEERS  
Civil, Transportation, Environmental, CM  
11111 Wilcrest Green Drive, Suite 128  
Houston, Texas 77042

### CITY OF HOUSTON

WATER LINE REPLACEMENT IN THE  
MONTROSE SOUTH AREA  
WBS NO. S-000035-00E4-4

VICINITY MAP

Exhibit

B

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Consolidation of parking related ordinances into a new Chapter 26 for the Code of Ordinances.		<b>Category #</b>	<b>Page</b> 1 of 7	<b>AGENDA ITEM</b> 45 13
<b>FROM (DEPARTMENT OR OTHER POINT OF ORIGIN):</b> Convention & Entertainment Facilities Department		<b>ORIGINATION DATE</b> 3-29-07		<b>AGENDA DATE</b> <del>APR 04 2007</del> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> Dawn Ullrich <i>Dawn Ullrich</i>		<b>COUNCIL DISTRICT AFFECTED:</b> All		
<b>FOR ADDITIONAL INFORMATION CONTACT:</b> Steve Lewis                      Liliana Rambo 713/853-8888                      713/853-8276		<b>DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION:</b>		

**RECOMMENDATION: (SUMMARY)**

That City Council approve amendments to the Code of Ordinances to create a new Chapter 26 for parking that consolidates on-street and off-street parking, updates obsolete items and incorporates changes recommended by the Public Parking Commission.

**AMOUNT:**  
**SOURCE OF FUNDING: N/A**

*Redline emailed to members of Council (Item 13 - 4-4-07)*

**SPECIFIC EXPLANATIONS:**


**OVERVIEW OF PARKING ORDINANCE**

The Parking Management Division of the Convention and Entertainment Facilities Department, working with the Traffic & Transportation Division of the Public Works and Engineering Department, the Municipal Courts Judicial Department, the Legal Department, and the Houston Police Department, undertook a comprehensive reorganization of the City's parking-related ordinances. The goals of this reorganization include creating a more user-friendly Code of Ordinances by consolidating on-street and off-street parking regulations into one chapter to be known as the "Parking Ordinance," updating numerous obsolete items, and implementing changes recommended by the Public Parking Commission. The proposed new Chapter 26 was presented to and recommended by the Transportation, Infrastructure and Aviation Committee.

**Generally, this reorganization:**

- Contains a new article on "Parking Management" which includes the powers and duties of the parking official (Ch. 26, Art. I);
- Relocates provisions relating to the Public Parking Commission from Chapter 12, "Convention and Entertainment Facilities Department" to Chapter 26, Art. I;
- Relocates parking-related provisions, both administrative and regulatory, from Chapter 45, "Traffic" to Chapter 26 (currently named "Off-Street Parking") and renaming Chapter 26 "Parking." On-street parking provisions that were relocated from Chapter 45 include:
  - Parking Offenses (Ch. 26, Art. II)
  - Parking Meters (Ch. 26, Art. III)
  - Commercial Vehicle Loading Zones (Ch. 26, Art. IV)
  - Booting and Towing Delinquent Vehicles (Ch. 26, Art. V)
  - Residential Parking Permits (Ch. 26, Art. VI)
  - Valet Parking Zones (Ch. 26, Art. VII)
- Relocates provisions relating to the adjudication of parking citations from Chapter 45, "Traffic" to Chapter 16, "Municipal Courts" (Art. IV, Ch. 16);
- Updates the Code of Ordinances to reflect the previous transfer of certain parking-related duties from the chief clerk of the Municipal Courts and the Municipal Courts Administration Department to the Convention and Entertainment Facilities Department and the parking official; and
- Provides a general update of various parts of Chapters 2, 12, 26, 45, and 46 of Code of Ordinances, including updating obsolete references to state law.

<b>F&amp;A DIRECTOR:</b>	<b>OTHER AUTHORIZATION:</b>	<b>OTHER AUTHORIZATION:</b>
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 **E-MAILED**  
3/23/07

<p><b>SUBJECT:</b> Consolidation of parking related ordinances into a new Chapter 26 for the Code of Ordinances.</p>	<p><b>Category #</b></p>	<p><b>Page 2 of 2</b></p>	<p><b>AGENDA ITEM #</b></p>
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**SPECIFIC EXPLANATION (CONTINUED):**

**Substantive amendments to the parking regulations include:**

- A requirement that delinquent parking citations be resolved before City permits will be issued for:
  - bagging of parking meter (Sec. 26-183)
  - commercial vehicle loading zone (Sec. 26-224)
  - residential parking (Sec. 26-341)
- Authority for the parking official, with the approval of the traffic engineer, to install signage in commercial vehicle loading zones (Sec. 26-221), valet zones (Sec. 26-371), tow away zones (Sec. 45-136), and no parking zones (Secs. 45-117, 45-118, 45-119).
- Updated provisions relating to “commercial vehicle loading zones,” previously referred to as “curb loading zones” and “truck loading zones” (Ch. 26, Art. IV).
- New definitions in Chapter 26 including “parking enforcement officer,” “parking management division,” and “parking meter collector” (Sec. 26-2). Definitions no longer used in Chapters 26 and 45 have been deleted.
- **Public Parking Commission:**
  - Adds an ex-officio member designated by the Houston Commission on Disabilities.
  - Amends the membership requirements to allow one of the regular members to be a non-resident of the City as long as he/she works full-time or owns a business within the City (Sec. 26-42(d)).
- **Parking Meters:**
  - Authorizes the parking official, with the approval of the traffic engineer, to install on-street parking meters (Sec. 26-152).
- **Commercial Vehicle Loading Zones:**
  - Transfers administration of commercial vehicle loading zone permits from the Public Works and Engineering Department to the parking official, effective May 1, 2007 (Sec. 26-224).
  - Adds a provision that net fees and/or revenues generated from the use of commercial vehicle loading zones will first be expended to defray all signage and administration costs. The remainder will be divided evenly among the transportation special revenue fund and the police special services fund (Sec. 26-231).
- **Booting and Towing:**
  - As recommended by the Parking Commission, amends the definition of “delinquent vehicle” to include a vehicle with a single unresolved parking citation for parking in a disabled parking space. This could result in a vehicle being booted and/or towed if the owner fails to make an appearance after receiving notice from Parking Management that the vehicle will be placed on the delinquent vehicle list (Sec. 26-261).
- **Residential Parking Permits:**
  - As recommended by the Parking Commission:
    - makes one-day visitor and service provider permits available to residents (Sec. 26-342)
    - allows residents to request residential parking permit areas with or without tow-away zones (Sec. 26-312).
  - Limits consideration of an area for residential parking permits to once every 12 months (Sec. 26-312).
  - Requires a \$50 non-refundable application fee with each request for a residential parking permit area (Sec. 26-312).
- **Valet Parking Zone:**
  - Authorizes parking enforcement officers to issue written citations to valet operators who park vehicles in on-street parking spaces in the central business district, a Class C misdemeanor (Sec. 26-371).
- **Neighborhood traffic projects:**
  - Adds the parking official to the interdepartmental review committee (Sec. 45-361).

The Convention & Entertainment Facilities Department recommends that City Council approve the subject amendments to the Code of Ordinances.

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<b>SUBJECT:</b> Ordinance amending Article VII of Chapter 33, Code of Ordinances, Houston, Texas, relating to historic preservation.		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> 46 #4
<b>FROM (Department or other point of origin):</b> Planning and Development Department		<b>Origination Date</b> March 28, 2007		<b>Agenda Date</b> <del>APR 04 2007</del> APR 11 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>Marilyn A. Sepuck</i>		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Randy Pace Phone: 713-837-7796		<b>Date and identification of prior authorizing Council action:</b> Ord. 95-228 3/5/1995; Ord. 2005-969, 8/17/05; Ord. 2006-073, 07/25/06		
<b>RECOMMENDATION: (Summary)</b> Adopt ordinance amending Article VII of Chapter 33 of the Code of Ordinances relating to historic preservation.				
<b>Amount and Source of Funding:</b> NA			<b>F &amp; A Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> To enhance the Historic Preservation Ordinance as a more effective tool in expediting the designation and preservation of more historic sites and areas in Houston, the Planning and Development Department recommends changes to the Historic Preservation Ordinance as follows:</p> <p>First, amend Section 33-222 (b) (1) to reduce the percentage required for owner support to create a historic district by petition from 67% to 51%, a simple majority, which would be more in line with other preservation ordinances.</p> <p>Second, create Section 33-203 (d) to provide that if a city designated site is demolished illegally without a certificate of appropriateness, then the owner may not obtain building permits for that site for a period of 5 years, and a lien on said property would be filed in the Deed Records of Harris County. This provision is used by other municipalities to protect historic sites from being demolished illegally.</p> <p>Third, amend Section 33-223 and 228 that the Certificate of Non-Designation shall be an application considered by the HAHC, and if the HAHC determines that the building is worthy of designation, said certificate will not be granted for a period of 180 days to protect the site while the HAHC considers initiation of designation, other alternatives for preservation are explored and public input is sought.</p> <p>Fourth, amend Section 33-226 to allow for notifications regarding designations to be sent to property owners listed on the most recent city tax roll, which is consistent with other city ordinances, and to announce during the HAHC public hearing for a designation the date of the public hearing before the Planning Commission to expedite the designation process for property owners seeking designation.</p> <p>Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on March 14, 2007 and March 15, 2007 respectively. Both commissions recommended to City Council the adoption of Amendments to Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, relating to Historic Preservation.</p>				
xc: Marty Stein, Agenda Director Arturo Michel, City Attorney Deborah McAbee, Legal Department		Jill Jewett, Mayor's Liaison for Cultural Affairs Phil Boriskie, Fire Chief Harold L. Hurtt, Chief of Police		
<b>REQUIRED AUTHORIZATION</b>				
<b>F &amp; A Director:</b>	<b>Other Authorization:</b>		<b>Other Authorization:</b>	

MS

APR 11 2007

~~APR 04 2007~~

**PROPOSED AMENDMENTS TO HISTORIC PRESERVATION ORDINANCE  
COMPARISON OF AMENDMENTS TO CURRENT CHAPTER 33  
SECTIONS AFFECTED**

**Sec. 33-203. Enforcement and penalties; remedies cumulative; other action not limited.**

(a) The procedures set forth in this article are cumulative of all other remedies available to the city relating to the subject matter hereof. Specifically, the city attorney may institute any legal action necessary to enforce this article or enjoin or otherwise cause the abatement of any violations hereof, including legal action necessary to recover damages or require restoration or reconstruction under section 315.006 of the Texas Local Government Code. The city council finds that alteration, rehabilitation, restoration, construction, relocation or demolition of any building, structure, object or site that is subject to the provisions of this article without a certificate of appropriateness as required under this article adversely affects the structural, physical or visual integrity of the building, structure, object or site.

(b) The building official shall not issue a building permit for any activity that requires a certificate of appropriateness pursuant to this article unless the applicant for the building permit presents a certificate of appropriateness or a 90-day waiver certificate issued pursuant to section 33-250 of this Code.

(c) Any person who violates any provision of this article shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than \$50.00 nor more than \$500.00 for each violation. Each day during which any violation of this article continues shall constitute a separate offense.

<(d) If a landmark or protected landmark or a contributing or potentially contributing structure located in an historic district is demolished without a certificate of appropriateness required by this article or a 90-day waiver certificate issued pursuant to section 33-250 of this Code, the building official shall not issue a building permit, and no other person shall issue any other city permit, for the site where the landmark, protected landmark or structure was formerly located for a period of 5 years after the date of the demolition. The director shall cause notice of suspension of permitting pursuant to this subsection to be recorded in the real property records of the county in which the property is located. The owner of the site may appeal the denial of a permit under this subsection to the HAHC, which shall consider the circumstances under which the demolition occurred and whether the applicant has demonstrated an unreasonable economic hardship or unusual or compelling circumstance. The decision of the HAHC on the appeal shall be final.>

**Sec. 33-222. Application.**

(a) Application for designation of a landmark or an archaeological site shall be initiated by either:

- (1) The owner of the property for which the application is made or the owner's authorized representative; or
- (2) The HAHC upon instructing the planning official to prepare an application for designation. Within ten working days following the action of the HAHC initiating an application, the planning official shall mail notice to the owner of the property or the owner's agent, as shown on the most recent city tax roll, that the HAHC has initiated an application.

(b) Application for designation of an historic district shall be initiated by either:

- (1) The owners of at least ~~{67}~~ <51> percent of the tracts in the proposed district, which tracts shall constitute 51 percent of the land area within the proposed district exclusive of street, alley and fee simple pipeline or utility rights-of-way and publicly owned land, as determined by the planning official. In case of a dispute over whether the percentage requirements have been satisfied, it shall be the burden of the challenger to establish by a preponderance of the evidence through the real property records of the county or counties in which the proposed historic district is located or other public records that the applicants have not satisfied the percentage requirements; or
- (2) The HAHC upon instructing the planning official to prepare an application for designation.

(c) Application for designation of a protected landmark shall be initiated by the owner of the property proposed for designation. Application may be made in conjunction with an application for designation of a landmark or at any time after the city council has designated the property as a landmark.

(d) The application for designation of a landmark, protected landmark, historic district or archaeological site shall be filed with the department in the form prescribed by the planning official. The application shall include a description and photographs of the property or properties and shall address each of the applicable criteria for designation contained in section 33-224 of this Code. The application for designation of an historic district shall also identify with respect to each building, structure, object or site within the proposed historic district whether it is proposed for designation as a contributing structure, a potentially contributing structure or a noncontributing structure. The application for designation of a protected landmark shall include an instrument suitable for recording in the real property records, in a form approved by the city attorney, signed by the owner indicating that the 90-day waiver provision of section 33-250 of this Code shall not apply to the protected landmark and that the property is subject to the demolition by neglect provisions of section 33-254 of this Code.

**Sec. 33-223. Property pending designation.**

(a) Upon initiation of an application for designation of a landmark, archaeological site or historic district that satisfies the minimum age criteria of section 33-224(b) <of this Code>, the building, structure, object or site proposed for designation as a landmark or archaeological site and any building, structure, object or site located in an area proposed for designation as an historic district shall be subject to the requirements of division 4 of this article as though the building, structure, object, site or area had been designated by the city council. The protected status provided by the foregoing shall not apply to any building, structure or object that is less than 50 years old or that is located in a proposed historic district in which the majority of buildings, structures and objects are less than 50 years old. <If the HAHC denies an application for certificate of non-designation for any property pursuant to section 33-228 of this Code, the property shall also be subject to the provisions of this section.>

(b) The protected status provided in subsection (a) above ends on the earliest of the following dates:

- (1) The day after an action of the city council rejecting an application for designation;
- (2) In the case of an application initiated by the HAHC, the day after an action of the HAHC recommending against the designation; {or  
}
- (3) In the case of an application for designation of a landmark or archaeological site initiated by the property owner, the day after the withdrawal of the application by the property owner<; or
- (4) In the case of the denial of a certificate of non-designation by the HAHC, the 181<sup>st</sup> day after the decision of the HAHC.>{.}

For purposes of this article, an application for designation is initiated immediately upon the occurrence of either the filing of an application for designation by the requisite owners pursuant to section 33-222 of this Code or, in the case of an application initiated by the HAHC, the date a majority of the HAHC votes to authorize the preparation of an application.

**Sec. 33-226. Notice requirements.**

(a) The planning official shall give notice of a public hearing before the HAHC on the designation of a landmark or archaeological site initiated by the HAHC not less than 30 days before the date of the public hearing to the owner of the property at the name and address ~~{shown on the last deed recorded in the real property records of the county in which the proposed landmark or archaeological site is located}~~ <as shown on the recently

approved ad valorem tax roll of the city. If the notice address for the owner as shown on the ~~{real property records}~~ <most recently approved ad valorem tax roll of the city> does not coincide with the street address of the property ~~{or if the last deed shows no address}~~, then the planning official shall also send a notice addressed ~~{“occupant”}~~ <‘occupant’> to the street address for the proposed landmark or archaeological site. The planning director shall also publish notice of the public hearing in a newspaper of general circulation in the city not less than 30 days before the date of the public hearing.

(b) The planning director shall provide notice of a public hearing on the designation of a landmark or archaeological site by letter, first class mail, postage paid, by facsimile transmission or by electronic mail no later than the fifth day before the date of the public hearing to:

- (1) Any civic association registered with the planning official within whose service area the potential landmark or archaeological site is located; and
- (2) If the owner of the landmark or archaeological site initiated the application for designation, the owner.

(c) The planning official shall give notice of a public hearing before the HAHC on the designation of an historic district not less than 30 days before the date of the public hearing on designation as follows:

- (1) Notice shall be given by mail (i) if the owner joined in the application, to the owner or the owner's representative at the notice address shown on the application; (ii) if the owner did not join in the application, ~~{then}~~ to the name and address shown on the ~~{last deed recorded in the real property records of the county in which the historic district is located}~~ <most recently approved ad valorem tax roll of the city>, and, if the notice address for the owner as shown on the ~~{real property records}~~ <most recently approved ad valorem tax roll of the city> does not coincide with the street address of the property ~~{or if the last deed shows no address}~~, then a notice shall also be sent addressed ~~{“occupant”}~~ <‘occupant’> to the street address for the property proposed to be included in the historic district; and (iii) to any civic associations registered with the planning official within whose service area all or part of the historic district is located;
- (2) Notice shall be published in a newspaper of general circulation in the city; and
- (3) Notice shall be posted by sign in at least four locations within the district selected by the planning official at locations reasonably calculated to be seen easily by residents of the district and where each sign will be visible from at least one public right-of-way. In addition, where, in the opinion of the planning official, because of the size, configuration, traffic patterns or other

characteristics of the proposed historic district, additional signs would be beneficial in providing notice, the planning official shall cause an appropriate number of additional signs to be posted. The signs shall conform to specifications prescribed by the planning official.

(d) ~~At each public hearing conducted under this division before the HAHC, the planning official shall maintain a register upon which interested persons may place their names and mailing addresses. Notice of a public hearing before the commission under this division shall be given by mail to each person on the register not less than 30 days prior to the date of the hearing}~~ <HAHC, upon making its recommendation to the commission regarding an application for landmark, protected landmark or historic district designation, shall also announce the date of the public hearing at which the commission will consider the application>.

(e) Written notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the fact that notice was mailed constitutes prima facie evidence that notice has been given as required by this section.

(f) Additional notice need not be given if the public hearing is adjourned or continued to another date, provided that the date, time and place to which the public hearing is adjourned or continued are specified in the public hearing.

### **Sec. 33-228. Certificate of non-designation.**

(a) ~~The planning official shall issue}~~ <owner or owner's agent of any property may submit an application for> a certificate of non-designation with respect to any building, structure, object, site, property or area~~{, upon application by the owner of the building, structure, object, site, property or area or the owner's agent, if}~~ <that has not been designated as a landmark, protected landmark, contributing or potentially contributing structure in an historic district or an archaeological site. Applications shall be filed with> the planning official ~~{finds that}~~ <and shall contain the following information:

(1) The name, address and daytime telephone number of the owner and the applicant, if different from the owner;

(2) The address and general description of the property that is> the subject of the application{;}<:>

~~{(1) Has not been designated by the city council as a landmark or archaeological site; and}~~

<(3) A current photograph of the property that is the subject of the application; and>

~~{(2) Is not located within the boundaries of}<~~

(4) Information demonstrating whether the property is eligible for designation as

a landmark or protected landmark or as a contributing or potentially contributing structure in an historic district ~~{designated by the city council; or, if located within an historic district, has been withdrawn from the requirements of division 4 of this article pursuant to section 3 of Ord. No. 95-228; and}~~ <or an archaeological site. >

~~{(3) Is not the subject of an application for designation of a landmark or archaeological site filed with the department or requested by the HAHC to be prepared; and~~

~~(4) Is not located in an area for which application for designation as an historic district has been filed with the department or has been requested by the HAHC to be prepared; and~~

~~(5) Has not been issued or denied a certificate of non-designation within the 12 months preceding the application.~~

~~(b)}~~ The application for a certificate of non-designation shall be accompanied by a nonrefundable fee of \$25.00.

<(b) The HAHC shall consider an application for certificate of non-designation at a regular meeting within 35 days of the date a complete application for the certificate is filed with the planning official or at a later time mutually agreed upon in writing by the planning official and the applicant. The HAHC may continue its consideration of an application for a certificate of designation to its next regular meeting upon finding that specific information is needed by the HAHC to enable it to reach its decision or upon agreement with the applicant for a continuance. If the HAHC does not act upon an application for a certificate of non-designation within the later of 70 days from the date the application is filed with the planning official or 35 days after the date mutually agreed on by the applicant and planning official for review of the application by the HAHC, the application shall be deemed approved, unless the applicant consents in writing to an extension to a specified date.

(c) The HAHC shall not grant the certificate of non-designation if it finds any of the following:

- (1) The building, structure, object, site, property or area is the subject of an pending application for designation as a landmark, protected landmark or archaeological site;
- (2) The building, structure, object, site, property or area is within an area that is the subject of a pending application for designation of an historic district;
- (3) The building, structure, object, site, property or area is eligible for designation as a landmark, protected landmark or archaeological site;

- (4) The building, structure, object, site, property or area is located in an area that is eligible for designation as an historic district; or
- (5) The building, structure, object, site, property or area is located in an area that is eligible for designation as an historic district, and meets the criteria for contributing or potentially contributing structure if the area were to be designated as an historic district.

Otherwise, the HAHC shall grant the certificate of non-designation.>

(c) The certificate of non-designation shall expire six months after the date of its issuance and shall be evidence that the subject of the certificate of non-designation will not be subject to the provisions of this article for a period of six months from the date of issuance of the certificate of non-designation. The certificate of non-designation shall run with the land and may not be transferred to any other building, structure, object, site, property or area.

(d) If the ~~{planning official}~~ <HAHC> finds that the subject of an application does not qualify for a certificate of non-designation, the ~~{planning official}~~ <HAHC> shall deny the application and shall notify the applicant in writing of the denial. <If the HAHC denies the certificate of non-designation, the property shall be subject to the provisions of section 33-223 of this Code for the time specified therein.>

(e) Following notice and an opportunity for hearing, the ~~{planning official}~~ <HAHC> may revoke a certificate of non-designation that is found to have been issued in error.

(f) If the city council designates as a landmark or archaeological site a building, structure, object or site that is the subject of an unexpired certificate of non-designation, the designation shall not be effective until the expiration of the certificate of non-designation. If the city council designates an historic district, the designation shall not be effective with respect to an individual building, structure, object or site located within the historic district that is the subject of an unexpired certificate of non-designation until the expiration of the certificate of non-designation with respect to the individual building, structure, object or site.



City of Houston, Texas, Ordinance No. 2007-\_\_\_\_\_

**AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO HISTORIC PRESERVATION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Houston adopted Ordinance No. 95-228 and subsequent amendments thereto, codified as Article VII of the Code of Ordinances, City of Houston, Texas (the "Historic Preservation Ordinance"), which established a program of historic preservation for landmarks, protected landmarks, historic districts and archaeological sites within the City; and

**WHEREAS**, the City Council finds that the Historic Preservation Ordinance has been beneficial to the health, safety, and welfare of the public by preserving historic assets within the City; and

**WHEREAS**, the City Council finds that a committee of members of the HAHC has evaluated the effectiveness of the Historic Preservation Ordinance and recommended certain amendments to improve the effectiveness and administration of the ordinance; and

**WHEREAS**, the City Council finds that the HAHC conducted a public hearing on and considered the proposed amendments at its regularly scheduled meeting on March 14, 2007, and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council finds that the Houston Planning Commission conducted a hearing on and considered the proposed amendments at its regularly

scheduled meeting on March 15, 2007, and recommended approval of the proposed amendments; and

**WHEREAS**, the City Council finds that the adoption of amendments to the Ordinance would further enhance the benefits derived to the public health, safety, and welfare through preservation of historic assets; **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 part of this Ordinance.

**Section 2.** That Section 33-203 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (d), which shall read as follows:

“(d) If a landmark or protected landmark or a contributing or potentially contributing structure located in an historic district is demolished without a certificate of appropriateness required by this article or a 90-day waiver certificate issued pursuant to section 33-250 of this Code, the building official shall not issue a building permit, and no other person shall issue any other city permit, for the site where the landmark, protected landmark or structure was formerly located for a period of 5 years after the date of the demolition. The director shall cause notice of suspension of permitting pursuant to this subsection to be recorded in the real property records of the county in which the property is located. The owner of the site may appeal the denial of a permit under this subsection to the HAHC, which shall consider the circumstances under which the demolition occurred and whether the applicant has demonstrated an unreasonable economic hardship or unusual or compelling circumstance. The decision of the HAHC on the appeal shall be final.”

**Section 3.** That Item (1) of Subsection (b) of Section 33-222 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(1) The owners of at least 51 percent of the tracts in the proposed district, which tracts shall constitute 51 percent of the land area

within the proposed district exclusive of street, alley and fee simple pipeline or utility rights-of-way and publicly owned land, as determined by the planning official. In case of a dispute over whether the percentage requirements have been satisfied, it shall be the burden of the challenger to establish by a preponderance of the evidence through the real property records of the county or counties in which the proposed historic district is located or other public records that the applicants have not satisfied the percentage requirements; or”

**Section 4.** That Section 33-223 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**“Sec. 33-223. Property pending designation.**

(a) Upon initiation of an application for designation of a landmark, archaeological site or historic district that satisfies the minimum age criteria of section 33-224(b) of this Code, the building, structure, object or site proposed for designation as a landmark or archaeological site and any building, structure, object or site located in an area proposed for designation as an historic district shall be subject to the requirements of division 4 of this article as though the building, structure, object, site or area had been designated by the city council. The protected status provided by the foregoing shall not apply to any building, structure or object that is less than 50 years old or that is located in a proposed historic district in which the majority of buildings, structures and objects are less than 50 years old. If the HAHC denies an application for certificate of non-designation for any property pursuant to section 33-228 of this Code, the property shall also be subject to the provisions of this section.

(b) The protected status provided in subsection (a) above ends on the earliest of the following dates:

- (1) The day after an action of the city council rejecting an application for designation;
- (2) In the case of an application initiated by the HAHC, the day after an action of the HAHC recommending against the designation;

- (3) In the case of an application for designation of a landmark or archaeological site initiated by the property owner, the day after the withdrawal of the application by the property owner; or
- (4) In the case of the denial of a certificate of non-designation by the HAHC, the 181<sup>st</sup> day after the decision of the HAHC.

For purposes of this article, an application for designation is initiated immediately upon the occurrence of either the filing of an application for designation by the requisite owners pursuant to section 33-222 of this Code or, in the case of an application initiated by the HAHC, the date a majority of the HAHC votes to authorize the preparation of an application."

**Section 5.** That Subsection (a) of Section 33-226 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) The planning official shall give notice of a public hearing before the HAHC on the designation of a landmark or archaeological site initiated by the HAHC not less than 30 days before the date of the public hearing to the owner of the property at the name and address as shown on the recently approved ad valorem tax roll of the city. If the notice address for the owner as shown on the most recently approved ad valorem tax roll of the city does not coincide with the street address of the property, then the planning official shall also send a notice addressed 'occupant' to the street address for the proposed landmark or archaeological site. The planning director shall also publish notice of the public hearing in a newspaper of general circulation in the city not less than 30 days before the date of the public hearing."

**Section 6.** That Item (1) of Subsection (c) of Section 33-226 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- "(1) Notice shall be given by mail (i) if the owner joined in the application, to the owner or the owner's representative at the notice address shown on the application; (ii) if the owner did not join in the application, to the name and address shown on the most recently approved ad valorem tax roll of the city, and, if the notice address for the owner as shown on the most recently approved ad valorem tax roll of the city does not coincide with the street address of the property, then a notice

shall also be sent addressed 'occupant' to the street address for the property proposed to be included in the historic district; and (iii) to any civic associations registered with the planning official within whose service area all or part of the historic district is located;"

**Section 7.** That Subsection (d) of Section 33-226 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(d) At each public hearing conducted under this division before the HAHC, the HAHC, upon making its recommendation to the commission regarding an application for landmark, protected landmark or historic district designation, shall also announce the date of the public hearing at which the commission will consider the application."

**Section 8.** That Section 33-228 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 33-228. Certificate of non-designation.**

(a) The owner or owner's agent of any property may submit an application for a certificate of non-designation with respect to any building, structure, object, site, property or area that has not been designated as a landmark, protected landmark, contributing or potentially contributing structure in an historic district or an archaeological site. Applications shall be filed with the planning official and shall contain the following information:

- (1) The name, address and daytime telephone number of the owner and the applicant, if different from the owner;
- (2) The address and general description of the property that is the subject of the application;
- (3) A current photograph of the property that is the subject of the application; and
- (4) Information demonstrating whether the property is eligible for designation as a landmark or protected landmark or as a contributing or potentially contributing structure in an historic district or an archaeological site.

The application for a certificate of non-designation shall be accompanied by a nonrefundable fee of \$25.00.

(b) The HAHC shall consider an application for certificate of non-designation at a regular meeting within 35 days of the date a complete application for the certificate is filed with the planning official or at a later time mutually agreed upon in writing by the planning official and the applicant. The HAHC may continue its consideration of an application for a certificate of designation to its next regular meeting upon finding that specific information is needed by the HAHC to enable it to reach its decision or upon agreement with the applicant for a continuance. If the HAHC does not act upon an application for a certificate of non-designation within the later of 70 days from the date the application is filed with the planning official or 35 days after the date mutually agreed on by the applicant and planning official for review of the application by the HAHC, the application shall be deemed approved, unless the applicant consents in writing to an extension to a specified date.

(c) The HAHC shall not grant the certificate of non-designation if it finds any of the following:

- (1) The building, structure, object, site, property or area is the subject of an pending application for designation as a landmark, protected landmark or archaeological site;
- (2) The building, structure, object, site, property or area is within an area that is the subject of a pending application for designation of an historic district;
- (3) The building, structure, object, site, property or area is eligible for designation as a landmark, protected landmark or archaeological site;
- (4) The building, structure, object, site, property or area is located in an area that is eligible for designation as an historic district;  
or
- (5) The building, structure, object, site, property or area is located in an area that is eligible for designation as an historic district; and meets the criteria for contributing or potentially contributing structure if the area were to be designated as an historic district.

Otherwise, the HAHC shall grant the certificate of non-designation.

(c) The certificate of non-designation shall expire six months after the date of its issuance and shall be evidence that the subject of the certificate of non-designation will not be subject to the provisions of this article for a period of six months from the date of issuance of the certificate of non-designation. The certificate of non-designation shall run with the land and may not be transferred to any other building, structure, object, site, property or area.

(d) If the HAHC finds that the subject of an application does not qualify for a certificate of non-designation, the HAHC shall deny the application and shall notify the applicant in writing of the denial. If the HAHC denies the certificate of non-designation, the property shall be subject to the provisions of section 33-223 of this Code for the time specified therein.

(e) Following notice and an opportunity for hearing, the HAHC may revoke a certificate of non-designation that is found to have been issued in error.

(f) If the city council designates as a landmark or archaeological site a building, structure, object or site that is the subject of an unexpired certificate of non-designation, the designation shall not be effective until the expiration of the certificate of non-designation. If the city council designates an historic district, the designation shall not be effective with respect to an individual building, structure, object or site located within the historic district that is the subject of an unexpired certificate of non-designation until the expiration of the certificate of non-designation with respect to the individual building, structure, object or site.”

**Section 9.** That the provisions of this Ordinance, other than Section 2, shall apply to applications for designation of a landmark, protected landmark, historic district or archaeological site and applications for certificates of non-designation, as those terms are defined or used in Article VII of Chapter 33 of the Code of Ordinances, Houston, Texas, that are filed on or after the effective date of this Ordinance. Applications filed before the effective date of this Ordinance shall be governed by the former provisions of the Code of

Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications. The provisions of Section 2 of this Ordinance shall become effective immediately upon the effective date of this Ordinance.

**Section 10.** That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability 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 11.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on that date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Mayor of the City of Houston



Prepared by the Legal Dep't 1 ~~DORAN FA/C/DEE~~  
DFM:dfm April 2, 2007 Senior Assistant City Attorney  
Requested by Marlene L. Gafrick, Director  
Planning and Development Department  
L.D. File No. 0619400053007  
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**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**Subject:** Definitive Agreements for the private financing and management of a Citywide Wireless Network, i.e. Network License Agreement and a Wireless Service Agreement for City Government Use

Category #

Page 1 of 2

Agenda Item

47 24

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

March 20, 2007

**Agenda Date**

~~APR 04 2007~~  
APR 11 2007

**DIRECTOR'S SIGNATURE**

*Richard Lewis*

**Council District(s) affected**

All

**For additional information contact:**

Richard Lewis Phone: (832) 393-0065  
Janis Jefferson Phone: (832) 393-0004

**Date and Identification of prior authorizing**

**Council Action:** February 28, 2007 Ordinance # 07-0271  
Approving Term Sheet

**RECOMMENDATION: (Summary)**

Approve a Wireless Broadband Network License Agreement and a Wireless Service Agreement with EarthLink, Inc.

Spending Authority: \$2,500,000.00 - Wireless Services Agreement

N/A

- Wireless Broadband Network License Agreement

**F & A Budget**

Source: Central Services Revolving Fund (1002) - FY07 - \$0.00 Out Years - \$2,500,000.00

**SPECIFIC EXPLANATION:**

This request for Council action follows Council approval of a term sheet on February 28, 2007 between the City and Earthlink outlining eighteen essential terms for the private financing and management of a citywide wireless network. Two agreements are being recommended, i.e., a Wireless Broadband Network License Agreement and a Wireless Services Agreement (city government's use of the network).

Broadband Network License

This agreement provides the terms that will obligate the City and Earthlink over the initial 10 year term and two five year renewal periods consistent with the term sheet approved by Council on February 28, 2007. The agreement provides authorization for use of the public rights of way, including a master lease for City property, describes the network undertaking to be required, provides compensation to the City, outlines an implementation plan, and includes assignment, termination, remedies and insurance provisions.

Coverage requirements and measurement metrics as well as specific acceptance testing processes have been delineated in the License Agreement. In addition, network performance and related service levels, which will be periodically tested by the City, have been specified in the License Agreement.

Payments to the City, i.e., 3% of subscriber revenue, MWBE participation, low-income accounts, a 24 month build out plan secured by a \$5 million letter of credit, and free public access for up to 5% of the City's geographic areas have all been included consistent with the term sheet.

Wireless Services

This agreement specifies the rates and minimum obligations for the city government's use of the network. The basic rate for a city government user is \$120 per year compared to \$540 per year for comparable connectivity through a commercial carrier. Currently mobile computing by civilian city field workers is limited to building inspectors, restaurant inspectors and Blackberry users. The field inspectors have seen a significant increase in productivity in the past few years by entering inspection reports wirelessly, thus limiting travel and office time. It is anticipated that other civilian inspectors as well as maintenance crews will use the Wi-Fi connectivity to realize similar productivity improvements.

**REQUIRED AUTHORIZATION**

NDT

F&A Director:

Other Authorization:

Other Authorization:

Date: 3/20/07	Subject: Term Sheet relating to a Definitive Agreement for the private financing and management of a Citywide Wireless Network	Originator's Initials RL	Page 2 of 2
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Public Safety responders have limited mobile computing in police and fire/EMS vehicles. With the advent of this wireless network across the City, efforts will be made to provide photography, video, maps, and building plans for these mission critical responders as well as "office in the vehicle" concepts.

During the two year build out period, the City's IT organizations will begin to develop the wireless applications to achieve productivity increases by field and mobile workers. The Services Agreement includes an "anchor tenant" obligation for the City to purchase a minimum of \$500,000 of wireless services per year for the first five years after completion of the network build out. There are special service and change order provisions, given the term of the agreement (potentially 20 years) and the likelihood that wireless products/services will evolve overtime. These provisions will be subject to the maximum spending cap approved by City Council, i.e., initially \$2.5 million, that can be increased by City Council. The appropriation for the purchase of these wireless services will be included in budgets, potentially in FY08 and more likely in FY09, as approved by City Council.

Conclusion

With approval of these two agreements, Houston will be positioned to have the largest Wi-Fi deployment in North America and to benefit by improving City employees productivity, providing broadband consumers additional choices and bridging the digital divide for low-income communities.

Attachment: RCA related to Council Consideration of a Term Sheet between the City and EarthLink for a privately financed and managed Wireless Broadband Network.

48  
APR 11 2007

MOTION NO. 2007 0336

MOTION by Council Member Wiseman that the following item be postponed  
for one week:

Item 41 - Ordinance consenting to the addition of 28.099 acres of land  
to Harris County Municipal Utility District No. 460; for  
inclusion in its district

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Clutterbuck,  
Edwards, Wiseman, Khan, Holm, Garcia, Alvarado,  
Brown, Lovell and Berry voting aye  
Nays none

Council Member Johnson absent on personal business

Council Member Green absent due to being ill

PASSED AND ADOPTED this 4th day of April, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is April 10, 2007.

City Secretary

TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

SUBJECT: Petition for the City's consent to the annexation of two (2) tracts of land totaling 28.099 acres to the in-city district, Harris County Municipal Utility District No. 460 (Key Map No. 574N,P)      Category #      Page 1 of 48      Agenda Item # 41-26

FROM (Department or other point of origin): Department of Public Works and Engineering      Origination Date: 3/22/07      Agenda Date: MAR 28 2007

DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director      Council District affected: "D"      APR 04 2007      APR 11 2007

For additional information contact: Jun Chang, P.E. Senior Assistant Director      Phone: (713) 837-0433      Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) The petition for the annexation of 28.099 acres of land to the in-city district, Harris County Municipal Utility District No. 460 be approved.

Amount of Funding: NONE REQUIRED      F & A Budget:

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

SPECIFIC EXPLANATION:  
Harris County Municipal Utility District No. 460 has petitioned the City of Houston for consent to annex 28.099 acres to its district located entirely within the corporate limits of the city.  
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 South Sam Houston Parkway East, Schurmier, South Wayside and Mykawa. The district desires to add 28.099 acres, thus yielding a total of 449.4786 acres. The district will be served by the City of Houston's Chocolate Bayou Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 460 is Clear Creek which flows into Clear Lake and finally into Galveston Bay.  
Potable water for the district will be provided by the City of Houston. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.  
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Earl Travis    Dan Krueger  
Jack Sakolosky    Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

REQUIRED AUTHORIZATION      20JZC245

F & A Director      Other Authorization: Andrew F. Icken, Deputy Director, Planning & Development Services Division      Other Authorization:



**City of Houston**  
CITY COUNCIL

Interoffice

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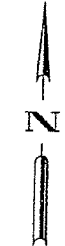
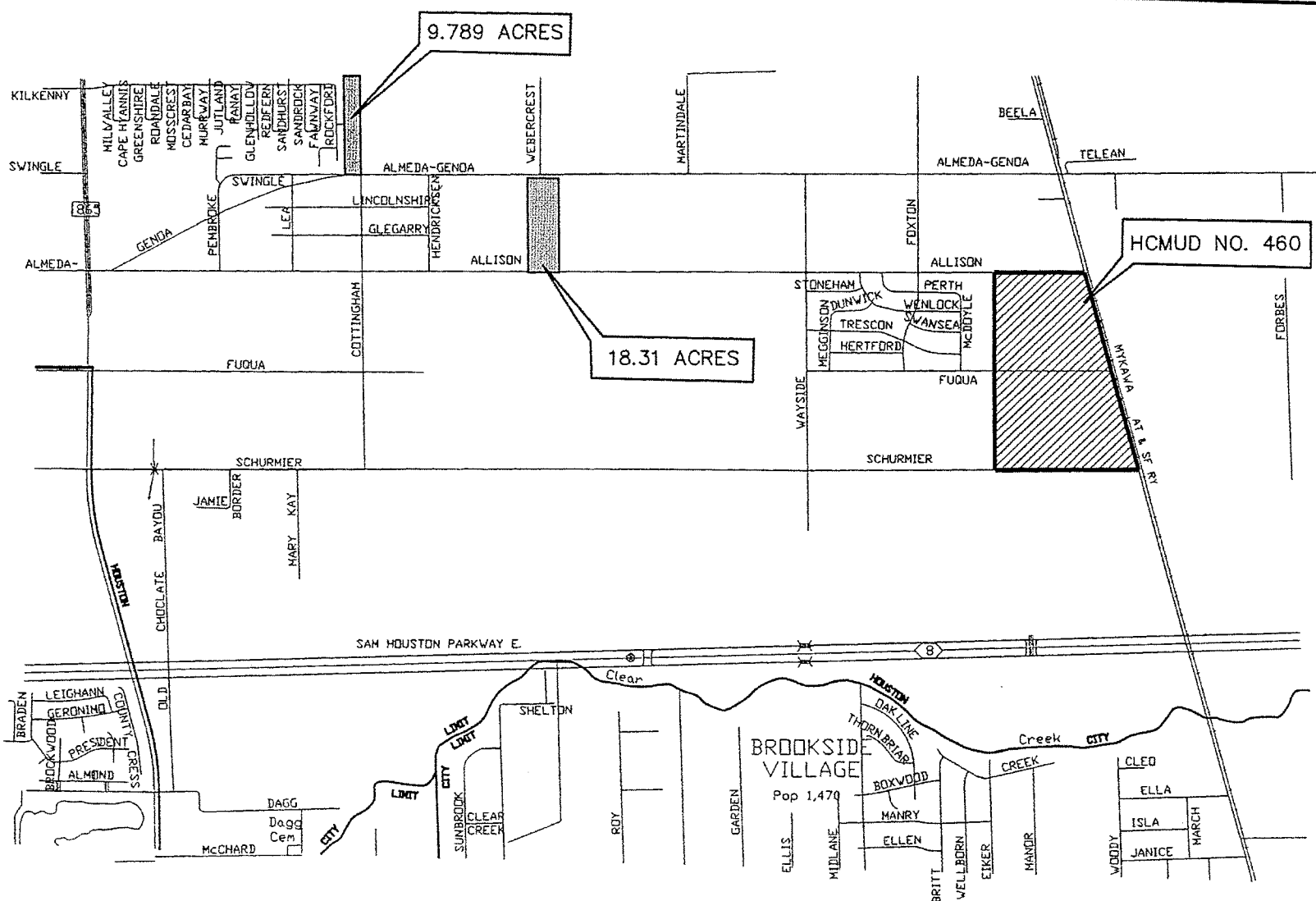
Correspondence

**Ada Edwards**  
City Council Member  
District D

To: Gary Norman  
Senior Staff Analyst  
Public Works and Engineering Department

From: Council Member Ada Edwards  
Date: March 12, 2007  
Subject: Annexation of 28.099 acres  
of land to MUD 460

I am in full support of the annexation of 28.099 acres of land to Harris County MUD 460. If you have any questions, please contact my Chief of Staff, Karen Haller at 713.247.2557



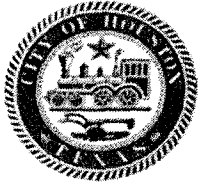
**VICINITY MAP**

HARRIS COUNTY KEY MAP PAGE 574

**BROWN & GAY** CIVIL ENGINEERS & SURVEYORS  
 10777 WESTHEIMER, SUITE 400  
 HOUSTON, TEXAS 77042  
 (281) 668-8700

ANNEXATION OF  
 28.099 ACRES

Scale:	Job No.:	Date:	Exhibit:
N.T.S.	46060	FEB. 2007	1



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

**Application Accepted as Complete** (to be completed by PW&E) *revised/resubmit. 2/9/07 v.o.*

Application is hereby made for consent of the City of Houston to the  creation/  addition of 28.099 acres to Harris Co. MUD No. 460 under the provisions of Chapters 49 & 54 Texas Water Code.

*Julian B. Kugle/Att*  
Attorney for the District

**Attorney: Coats Rose Yale Ryman & Lee, Julianne B. Kugle**

Address: 3 Greenway Plaza, Suite 2000 Zip: 77046 Phone: 713.651.0111

**Engineer: Brown & Gay Engineers, Rodney R. Heisch, PE**

Address: 10777 Westheimer Zip: 77042 Phone: 281.558.8700

**Owners: See Attachment No. 1**

Address: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

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

### LOCATION

INSIDE CITY  OUTSIDE CITY  NAME OF COUNTY (S) Harris  
Survey See Attachment No. 2 Abstract \_\_\_\_\_

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

North of: \_\_\_\_\_ East of: \_\_\_\_\_

South of: \_\_\_\_\_ West of: \_\_\_\_\_

### WATER DISTRICT DATA

Total Acreage of District:  $\frac{129.84 \pm}{167.8856 \text{ (pending)}}$  Existing Plus Proposed Land 449.4786  
 $\pm 124.454 \text{ (pending)}$

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

Single Family Residential 100% Multi-Family Residential N/A

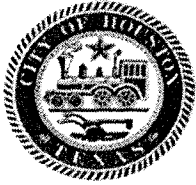
Commercial N/A Industrial N/A Institutional N/A

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

Sewage Treatment Plant Name: City of Houston -- Chocolate Bayou WWTP

NPDES/TPDES Permit No: \_\_\_\_\_ TCEQ Permit No: \_\_\_\_\_





# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): \_\_\_\_\_

Ultimate Capacity (MGD): \_\_\_\_\_

Size of treatment plant site: \_\_\_\_\_ square feet/acres.

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

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

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

Total permitted capacity: \_\_\_\_\_

MGD of (Regional Plant).

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

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

or property owner(s)

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

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

Water Treatment Plant Name: City of Houston

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: \_\_\_\_\_

**Existing Capacity:**

Well(s): \_\_\_\_\_

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): \_\_\_\_\_

MG

**Ultimate Capacity:**

Well(s): \_\_\_\_\_

GPM

Booster Pump(s): \_\_\_\_\_

GPM

Tank(s): \_\_\_\_\_

MG

Size of Treatment Plant Site: \_\_\_\_\_

square feet/acres.

Comments or Additional Information: The District is located within the corporate limits of the City of Houston and receives both water and sanitary sewer service from the City.

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APR 11 2007

MOTION NO. 2007 0334

MOTION by Council Member Garcia that the following item be postponed for one week:

Item 42 - Ordinance approving and authorizing one-year contract between the City of Houston and Patriot Advertising, Inc. for Advertising Services for the Houston Police Department \$300,000.00

Seconded by Council Member Wiseman and carried.

Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown and Lovell voting aye  
Nays none  
Council Member Berry absent

Council Member Johnson absent on personal business

Council Member Green absent due to being ill

PASSED AND ADOPTED this 4th day of April, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is April 10, 2007.

City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract with Patriot Advertising, Inc., for Advertising Services for the Houston Police Department	Category # 9	Page 49	Agenda Item # <del>42548</del>
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FROM (Department or other point of origin): Harold L. Hurtt, Chief of Police Houston Police Department	Origination Date March 22, 2007	Agenda Date <del>APR 04 2007</del> MAR 28 2007
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DIRECTOR'S SIGNATURE: <i>H. L. Hurtt Acting Chief of Police</i>	Council District affected: All	APR 11 2007
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For additional information contact: Kirk Munden, Assistant Chief Phone: 713-308-1890 Approved by: Joseph A. Fenninger, Deputy Director Phone: 713-308-1708	Date and identification of prior authorizing Council action:
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**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing a contract with Patriot Advertising, Inc., in an amount not to exceed \$300,000 for advertising services for the Houston Police Department.

Amount and Source of Funding: \$ 300,000 General Fund FY07 - 1 year	F & A Budget:
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**SPECIFIC EXPLANATION:**

The Chief of Police recommends that City Council approve a one-year contract to Patriot Advertising Inc., for advertising services in an amount not to exceed \$300,000 for the Houston Police Department. Patriot Advertising has performed probono work for the Houston Police Department's open house for approximately one year and is familiar with our recruiting program practices. At no cost to HPD, Patriot Advertising, Inc., has interviewed police officers to determine what attracts them to their choice of career, thereby building advertising goals to recruit more officers. The agency has presented aggressive recruiting ideas, which would be cost effective.

The scope of services requires the contractor to develop a public relations and media advertising campaign plan to recruit qualified applicants as Houston Police Officer Trainees and Senior Police Trainees. The plan will specify the (1) target audience, (2) media to be used, (3) type and frequency of advertising and (4) estimated total costs. The plan shall also include proposed Website work.

**M/WBE Subcontracting:**  
The contract has a 5% M/WBE participation goal. Patriot Advertising, Inc., has designated the below-named company as its certified M/WBE subcontractor. The Affirmative Action Department will monitor this award.

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
The Premier Company	Printing Services	\$15,000

hlh:jaf:jpe

REQUIRED AUTHORIZATION		
F&A Director:	Other Authorization:	Other Authorization: