

**AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 7, 2007 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

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

**1:30 P. M. - ROLL CALL**

**ADOPT MINUTES OF PREVIOUS MEETING**

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

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

**RECONVENE**

**WEDNESDAY - AUGUST 8, 2007 - 9:00 A. M.**

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

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 1 through 65**

**MISCELLANEOUS** - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment of the following to the **PLANNING COMMISSION**:
  - Position Thirteen - **MS. BETH WOLFF**, for a term to expire 3/31/2009
  - Position Fourteen - **MR. DAVID WYNN ROBINSON**, for an unexpired term ending 9/30/2007

**DAMAGES** - NUMBER 2

2. RECOMMENDATION from City Attorney for settlement of lawsuit styled **CHRISTINE PRESTON v. Roderick Mayfield and City of Houston**; in the 127th Judicial District Court of Harris County, Texas; Cause No. 2005-53231 - \$40,000.00 - Property and Casualty Fund

**AGENDA - AUGUST 8, 2007 - PAGE 2**

**ACCEPT WORK** - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,263,227.63 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Irvington Area, WBS S-000035-00C3-4 1.12% over the original contract amount - **DISTRICT H - GARCIA**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,660,258.66 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in the Junction City Area, WBS S-000035-00C5-4 - 5.76% under the original contract amount - **DISTRICT H - GARCIA**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$11,024,528.48 and acceptance of work on contract with **BRH-GARVER CONSTRUCTION, L.P.** for Construction of 66-Inch Water Line along Aldine-Westfield, Peyton Road, proposed easements, Morales Road, Milner Road, Double Tree Drive, John F. Kennedy Boulevard, and World Houston Parkway from Greens Road to Vickery Drive, WBS S-000900-00A1-4 - 5.99% under the original contract amount - **DISTRICT B - JOHNSON**

**PROPERTY** - NUMBERS 6 through 12

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Bishop Amos O. Oyewale of Preach the Word Evangelical Church, Inc., for sale of ±3,060-square-feet of excess fee-owned Kirkwood Drive Right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision, Parcel SY7-134 - **DISTRICT F - KHAN**
7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James R. Dunn, Chief Financial Officer, Maximus Coffee Group, LP (Carlos de Aldecoa, General Partner), for sale of ±375-square-feet of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87, Parcel SY8-002 - **DISTRICT H - GARCIA**
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from J. MacDonald Ruffeno, P.E. of Walter P. Moore & Associates, on behalf of Rice University (Joseph B. Davidson, Associate General Counsel), for abandonment and sale of a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309, Parcels SY8-001, KY8-061A and KY8-061B - **DISTRICT C - CLUTTERBUCK**
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from James E. Vanderwater, on behalf of Trinity Lutheran Church (Stephen Maynard, Chairman), for abandonment and sale of Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements, all located in North Side Buffalo Bayou, Parcels SY8-003A, SY8-003B, LY8-021A and LY8-021B - **DISTRICT H - GARCIA**

**PROPERTY** - continued

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Nael Ashour, Walter P. Moore & Associates, on behalf of Friedkin Realty - Enclave, LP [The Pyramid Family Group, Inc, (Frank Gruen, President) General Partner], for abandonment and sale of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for conveyance to the City of a 16-foot-wide utility easement, all within Restricted Reserve A, located in the RVB Reserve C Subdivision, Parcels SY8-004 and VY8-031 - **DISTRICT G - HOLM**
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Henry Hernandez, on behalf of Cornelius Morley, declining the acceptance of, rejecting, and refusing the dedication of East 5 ½ Street from Oxford Street to its terminus, but excluding the area within the former M. K. T. Railroad Corridor, within the Houston Heights Addition, Parcel SY7-084 - **DISTRICT H - GARCIA**
12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcels AY6-046 and AY6-047, owned by Impala Investments, Inc., for the **HAYES ROAD PROJECT from Westheimer to Briar Forest**, N-000780-0001-2-01 - **DISTRICT G - HOLM**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 23

13. **FRONTRANGE SOLUTIONS USA, INC** for Software Maintenance and Support Services Agreement for the Information Technology Department - \$64,138.40 - Central Service Revolving Fund
14. **MAXIMUS, INC** for Software Maintenance and Support Services Agreement for the Information Technology Department - \$80,000.00 - Central Service Revolving Fund
15. **KNOWLEDGE COMPUTING CORPORATION** for Software, System Uplifts, and Maintenance Service Agreement for Police Department - \$310,190.00 - Grant Fund
16. **AT&T DATACOMM** for Purchase of Audio-Video Display Equipment, Installation Service, and Maintenance Service through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Police Department - \$366,787.00 - Grant Fund
17. **INFORMATION BUILDERS, INC** for Spending Authority to purchase Software and Professional Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Police Department - \$628,777.00 - Grant Fund
18. **INDUSTRIAL TX CORPORATION** to Modify the Almeda Sims East Lift Station for Department of Public Works & Engineering - \$197,500.00 and contingencies for a total amount not to exceed \$207,375.00 - Enterprise Fund
19. **INFILCO DEGREMONT, INC** for Replacement Parts for Wastewater Treatment Plants for Department of Public Works & Engineering - \$59,328.29 - Enterprise Fund
20. **AMEND MOTION #2007-288, 3/21/07, TO PURCHASE** two additional Water Tank Removals and Replacements for Department of Public Works & Engineering, for a total increase of \$33,000.00, awarded to **TEXANS AUTO CENTER** - Fleet Management Fund
21. **PROFESSIONAL TURF PRODUCTS, L. P.** for Mowers through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for the Department of Public Works & Engineering - \$34,079.78 - Enterprise Fund

**PURCHASING AND TABULATION OF BIDS** - continued

22. **TROY CONSTRUCTION, L.L.P.** to Repair the 24-inch Force Main at 9850-1/2 Goodyear Drive for the Department of Public Works & Engineering - \$79,900.00 and contingencies for a total amount not to exceed \$83,895.00 - Enterprise Fund
23. **SAFETY SHOE DISTRIBUTORS, L.L.P.** for Safety Footwear for Various Departments - \$3,902,931.46 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$3,882,931.46 - General, Enterprise, Fleet Management, Park Special Revenue and Storm Water Funds

**ORDINANCES** - NUMBERS 24 through 65

24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Colombard Drive from Greensgate Drive East ±820 feet to the boundary of the Esplanade Phase One Subdivision, Parcel SY6-082, vacating and abandoning said drive to Industrial Developments International (Texas), L.P., a Georgia Limited Partnership, the abutting owner, in consideration of its conveyance to the City of a 25-foot-wide water line easement, Parcel KY6-207, and its payment of \$16,093.00 and other consideration to the City; the abandonment parcel and the conveyance parcel both lying between Unrestricted Reserve B and Restricted Reserve B of the Esplanade Phase One Subdivision, Houston, Harris County, Texas  
**DISTRICT B - JOHNSON**
25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Bolsover Street from Kelvin Street to Morningside Street (Parcel No. SY6-099A), (2) a sidewalk easement along the north side of Bolsover Street (Parcel No. SY6-099B), and (3) a water line easement (Parcel No. SY6-099C); vacating and abandoning said right-of-way and easements to Lamesa Village, Limited, a Texas Limited Partnership and the abutting owner ("owner"), in consideration of (a) the conveyance to the City of additional street right-of-way along (I) the east side of Kelvin Street (Parcel No. AY7-023A) and (II) the west side of Morningside Street, (Parcel No. AY7-023B), (b) construction of angled on-street parking, and (c) development pursuant to a Development Agreement; all located within West Houston Addition, A. C. Reynolds Survey, A-61, a subdivision plat recorded at Volume 60, Page 184, of the Deed Records of Harris County, Texas; approving and authorizing said development agreement - **DISTRICT C - CLUTTERBUCK**
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of ±2,660 square feet of excess, fee-owned, street right of way, from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, out of the Edmundson Fourth Addition, Houston, Harris County, Texas, Parcel SY7-021, vacating and abandoning said parcel to Paul R. Schielack, the abutting owner, in consideration of his payment of \$14,630.00, and other consideration to the City - **DISTRICT I - ALVARADO**
27. ORDINANCE authorizing and approving Purchase Agreement between the City of Houston, Seller, and **FOUNDATION FOR THE RETARDED, a Texas Non-Profit Corporation, Purchaser**, for the sale of an aggregate of 6.7212 acres of land, more or less, and a 30 foot wide easement for Ingress and Egress, at 3550 West Dallas Street, Houston, Texas, said land and easement being out of the John Austin Survey, A-1, Harris County, Texas, in consideration of the development of said property by Purchaser for the City and the payment of \$6,000,000.00 by purchaser to the City on the terms set forth in the agreement - **DISTRICT D - EDWARDS**
28. ORDINANCE authorizing the creation of the Contractor Responsibility Fund to defray the costs of providing Health Care Services to Uninsured Persons in the Houston Area; approving and authorizing a plan for distribution of monies in the Fund



**ORDINANCES** - continued

29. ORDINANCE consenting to the addition of 25.000 acres of land to **BARKER CYPRESS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district
30. ORDINANCE consenting to the addition of 35.9 acres of land to **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in its district
31. ORDINANCE consenting to the addition of 147.913 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district
32. ORDINANCE consenting to the addition of 1.769 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district
33. ORDINANCE consenting to the addition of 1.771 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district
34. ORDINANCE consenting to the addition of 3.954 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district
35. ORDINANCE consenting to the addition of 4.5930 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district
36. ORDINANCE consenting to the addition of 6.4284 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 191**, for inclusion in its district
37. ORDINANCE consenting to the addition of 19.72 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285**, for inclusion in its district
38. ORDINANCE consenting to the addition of 269.7 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 290**, for inclusion in its district
39. ORDINANCE consenting to the addition of 13.386 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 15**, for inclusion in its district
40. ORDINANCE establishing the north side of the 4400 block of Bell Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO**
41. ORDINANCE establishing the east and west sides of the 1200 block of Columbia Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
42. ORDINANCE establishing the north and south sides of the 900 through 1100 blocks of East 26th Street and the east side of the 2600 block of Baylor Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA**
43. ORDINANCE establishing the north and south sides of the 1900 block of West Lamar Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS**
44. ORDINANCE establishing the south side of the 2300 block of Shakespeare Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK**

**ORDINANCES** - continued

45. ORDINANCE establishing the east and west sides of the 1000 block of Tabor Street and the east side of the 1000 block of Northwood Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas  
**DISTRICT H - GARCIA**
46. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$2,026,494.00 in Emergency Shelter Grant Funds and Community Development Block Grant ("CDBG") Funds for the Administration of an Emergency Shelter Grants Program, which amount includes a limitation on additional funding in the amount of \$1,961,494.00 - 1 Year
47. ORDINANCE approving and authorizing contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY** providing up to \$193,415.00 in Community Development Block Grant Funds, which amount includes a limitation on additional funding in the amount of \$163,415.00, for the operation of a homeless services database and other homeless related information services - 1 Year
48. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **DOMINION COMMUNITY DEVELOPMENT CORPORATION** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT B - JOHNSON**
49. ORDINANCE appropriating \$3,823,840.00 out of Equipment Acquisition Consolidated Fund and authorizing the issuance of purchase orders to **DYONYX, L.P.** and **TEXAS PROCUREMENT CENTER, L.L.C.**, for Phase Three of the City's Network Implementation Project - \$3,230,000.00 Enterprise Funds
50. ORDINANCE renaming a portion of a Street named Spring Street to Sawyer Heights Street  
**DISTRICT H - GARCIA**
51. ORDINANCE approving and authorizing second amendment to Antenna Site License Agreement between **CULLEN ALLEN HOLDINGS, L.P.**, a Delaware Limited Partnership, as licensor, and the City of Houston, Texas, as licensee, for Antenna Space in and upon the Three Allen Center Building, 333 Clay Street, Houston, Texas, for four additional years at a monthly license fee of \$150.00, for use by the Office of Emergency Management - **DISTRICT I - ALVARADO**
52. ORDINANCE appropriating \$350,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 1 to contract between the City of Houston and **ATC ASSOCIATES, INC** for Professional Environmental Consulting Services (Project 580; WBS A-000131-0002-3-01-01) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
53. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **POST, BUCKLEY, SCHUH & JERNIGAN, INC d/b/a PBS&J** for Biomonitoring and Chemical Testing and Regulatory Matters Services for Various Wastewater Treatment Facilities - \$624,000.00 - Enterprise Fund
54. ORDINANCE approving and authorizing Cooperative Agreement between the City of Houston and the **ENVIRONMENTAL PROTECTION AGENCY** for the Wrenwood Subdivision Drinking Water System Improvements - **DISTRICT A - LAWRENCE**
55. ORDINANCE appropriating \$160,890.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an amendment to a Treated Surface Water Supply Contract between the City and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 96**, WBS S-000035-0105-4

**ORDINANCES** - continued

56. ORDINANCE appropriating \$217,390.96 out of Water & Sewer System Consolidated Construction Fund and \$273,000.00 out of the Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Section One of the South Post Oak Manor Subdivision, WBS S-000800-00M8-4, R-000800-00M8-4 & M-000800-00M8-4 - **DISTRICT D - EDWARDS**
57. ORDINANCE appropriating \$430,448.45 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FLEMING LOOP PARTNERS, LTD.** for Construction of Water and Sewer Lines to serve the Fleming Loop Subdivision, WBS S-000802-0051-4 & R-000802-0051-4 - **DISTRICT A - LAWRENCE**
58. ORDINANCE appropriating \$1,069,642.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0108-4; 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 by the Water & Sewer System Consolidated Construction Fund
59. ORDINANCE appropriating \$41,080.00 out of Parks Consolidated Construction Fund; awarding construction contract to **MOMENTUM CONTRACTORS, INC** for Pavilion Replacements (Clark Park, Hennessey Park and Brewster Park), WBS F-000640-0003-4; F-000640-0001-4; and F-000640-0002-4; 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, construction management, environmental project management and air monitoring services, and contingencies relating to construction of facilities financed out of the Parks Consolidated Construction Fund and Community Development Block Grant Fund - \$1,500,000.00 Grant Fund - **DISTRICTS B - JOHNSON and H - GARCIA**
60. ORDINANCE granting to **AGGREGATE HAULERS, L.P., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**
61. ORDINANCE granting to **VEOLIA ES TECHNICAL SOLUTIONS, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING**
62. ORDINANCE No. 2007-869, passed first reading August 1, 2007  
ORDINANCE granting to **DESIGNING TECHNIQUES, LLC, a Texas Limited Liability Corporation, dba DURAN'S YOUR DUMPSTER.COM**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING**

**ORDINANCES** - continued

63. ORDINANCE No. 2007-836, passed second reading August 1, 2007  
ORDINANCE granting to **EAGLE PRENTICE, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**
64. ORDINANCE No. 2007-837, passed second reading August 1, 2007  
ORDINANCE granting to **HAZWASTE ENVIRONMENTAL, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**
65. ORDINANCE No. 2007-838, passed second reading August 1, 2007  
ORDINANCE granting to **SPECIALIZED MAINTENANCE SERVICES, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING**

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 66

**MISCELLANEOUS**

66. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **914 PRESTON L.P.** on the denial of an Application for an Off-Premise Sign Permit at 402 Main Street - **DISTRICT I - ALVARADO**

**MATTERS HELD** - NUMBERS 67 through 84

67. ORDINANCE appropriating \$286,086.46 out of Water & Sewer System Consolidated Construction Fund and \$381,000.00 out of the Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **WATERWAY DEVELOPMENT INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Sterling Village Subdivision, WBS S-000800-00M3-4, R-000800-00M3-4 & M-000800-00M3-4  
**DISTRICT E - WISEMAN**  
**POSTPONED BY MOTION #2007-745, 7/3/07**  
**This was Item 44 on Agenda of July 3, 2007**

**MATTERS HELD** – continued

68. ORDINANCE appropriating \$430,489.32 out of Water & Sewer System Consolidated Construction Fund and \$375,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MIDDLEBURY PROPERTIES, LP** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Fuqua Landing Subdivision, WBS S-000800-00N2-4, R-000800-00N2-4 & M-000800-00N2-4 - **DISTRICT E - WISEMAN**  
**POSTPONED BY MOTION #2007-747, 7/3/07**  
This was Item 45 on Agenda of July 3, 2007
69. ORDINANCE appropriating \$461,639.06 out of Water & Sewer System Consolidated Construction Fund and \$420,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MIDDLEBURY PROPERTIES, LP** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Four of the Clearwood Crossing Subdivision, WBS S-000800-00N1-4, R-000800-00N1-4 & M-000800-00N1-4 - **DISTRICT E - WISEMAN**  
**POSTPONED BY MOTION #2007-748, 7/3/07**  
This was Item 46 on Agenda of July 3, 2007
70. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$827,303.87 and acceptance of work on contract with **APACHE SERVICES, INC** for SHAPE Community Center, WBS Y-00P013-0002-4 - 4.46% over the original contract amount  
**DISTRICT I - ALVARADO**  
**POSTPONED BY MOTION #2007-749, 7/3/07**  
This was Item 47 on Agenda of July 3, 2007
71. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2007 through September 30, 2008, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements  
**TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, GARCIA and GREEN**  
This was Item 3 on Agenda of August 1, 2007
72. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$55,827,573.22 and acceptance of work on contract with **THE MORGANTI GROUP, INC** for Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston, Project 444B - 5.89% over the original contract amount - **DISTRICT B - JOHNSON**  
**TAGGED BY COUNCIL MEMBER GREEN**  
This was Item 4 on Agenda of August 1, 2007
73. RECOMMENDATION from Finance & Administration Department to award to **GRIMM TECHNOLOGIES, INC** for Grimm Portable Aerosol Spectrometer and Accessories for Health & Human Services Department - \$30,650.00 - Health Special Revenue and Grant Funds  
**TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 10 on Agenda of August 1, 2007
74. RECOMMENDATION from Finance & Administration Department to award to **INTEGRATED COMMERCIALIZATION SOLUTIONS, INC dba PARAGARD DIRECT** for Interuterine (IUD) Copper Contraceptive Devices for Health & Human Services Department \$213,808.00 - General Fund - **TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE**  
This was Item 11 on Agenda of August 1, 2007

**MATTERS HELD** – continued

75. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

River Oaks Community Shopping Center  
the north side of W. Gray including 1952-1998 and  
2030-2048 W. Gray and the south side of W. Gray  
Including 1953-2047 W. Gray and the River Oaks  
1952-2050 W. Gray, including the River Oaks  
Theatre at 2009 W. Gray

**DISTRICT D - EDWARDS**

Alabama Community Shopping Center  
and Alabama Theatre including 2900-2946 S. Shepherd Drive,  
including The Alabama Theatre at 2922 S. Shepherd Drive,  
being the entire west side of the 2900 block of  
S. Shepherd Drive between Kipling and W. Alabama

**DISTRICT C - CLUTTERBUCK**

**TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 13 on Agenda of August 1, 2007

76. RESOLUTION transferring full maintenance, operation and jurisdiction of Hempstead Highway from IH 610 to 0.10 miles west of W. 18th Street to Interstate Highway System Inventory

**DISTRICTS A - LAWRENCE and H - GARCIA - TAGGED BY COUNCIL MEMBER GARCIA**

This was Item 14 on Agenda of August 1, 2007

77. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 2007-47 by adding four (4) Captain positions, sixteen (16) Engineer/Operator positions and sixteen (16) Fire Fighter positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance - **TAGGED BY COUNCIL MEMBER JOHNSON**

This was Item 15 on Agenda of August 1, 2007

78. ORDINANCE approving and authorizing the submittal of an application to the Harris County Housing Authority for the continuance of the Focused Care Project that provides Case Management Services to the Hurricane Katrina affected population (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds; if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$4,360,366.20 Grant Fund - **TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 19 on Agenda of August 1, 2007

79. ORDINANCE approving and authorizing contract between the City of Houston and **VIDSYS, INC** for Professional Consulting Services for the City's Public Safety Video Initiative; providing a maximum contract amount - \$375,000.00 - Grant Fund

**TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 34 on Agenda of August 1, 2007

80. ORDINANCE approving and authorizing contract between the City and **MILAM STREET AUTO STORAGE, INC** for Vehicle Towing and Storage (Boot Program) Services for the Convention & Entertainment Department - **DISTRICT I - ALVARADO**

**TAGGED BY COUNCIL MEMBER WISEMAN**

This was Item 35 on Agenda of August 1, 2007

**MATTERS HELD** – continued

81. ORDINANCE amending Ordinance #2006-0973 to increase the maximum contract amount for contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T&T MOTORS, CANNINO WEST, INC, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, KTL ENTERPRISES, INC, WESTSIDE WRECKER SERVICE, INC** and **CORPORATE AUTO SERVICES, INC** for the Safe Clear Major Freeway Towing Program - \$1,869,474.00 - Police Special Services Fund (from METRO Mobility Fund)  
**TAGGED BY COUNCIL MEMBERS WISEMAN and JOHNSON**  
This was Item 36 on Agenda of August 1, 2007
82. ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund for a supplemental allocation for Contract No. 55990 by and between the City of Houston and **4B TECHNOLOGY GROUP, LLC** for Information Technology and Telecommunications Infrastructure Field Inspection Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field, WBS A-000138-0006-3-01; Proj. 577 - **TAGGED BY COUNCIL MEMBER WISEMAN**  
This was Item 42 on Agenda of August 1, 2007
83. ORDINANCE finding and determining the existence of a public necessity for the acquisition of real property interests in connection with the public improvement project known as the Broad Oaks Waterline Replacement Project; authorizing the acquisition, by donation, purchase, or eminent domain proceedings, of permanent easements in, over, under, and across certain property in Lot 8, Block 3 of Broad Oaks Subdivision as recorded in Volume 17, Page 49 of the Map Records of Harris County, Texas, being situated in the Charles Sage Survey, Abstract No. 697, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees  
**DISTRICT G - HOLM - TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE**  
This was Item 48 on Agenda of August 1, 2007
84. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Hurricane Evacuation Education Program - \$34,855.00 - Greater Houston Transportation and Emergency Center Fund  
**POSTPONED BY MOTION #2007-804, 8/1/07**  
This was Item 59 on Agenda of August 1, 2007

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Wiseman 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, AUGUST 7, 2007 at 1:30 p.m. and WEDNESDAY, AUGUST 8, 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 3rd day of AUGUST, 2007.

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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 AUGUST 3, 2007 at       :       p.m.

by \_\_\_\_\_

for Anna Russell  
City Secretary

**CITY COUNCIL CHAMBER – CITY HALL 2<sup>nd</sup> FLOOR – TUESDAY  
AUGUST 7, 2007 - 2:00 P.M.  
AGENDA**

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3MIN.

3MIN.

3MIN.

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**NON-AGENDA**

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3MIN.

3MIN.

3MIN.

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MS. CHERIE GORMAN – 2224 North Blvd – 77098 – 713-529-8098 – Pedestrian death downtown

MS. LINDA CARRIERE – 4202 Belgrade Dr – 77045 – 713-721-1009 – My rental property

MS. JOGRETТА WILLIAMS – (do not wish give address) – Broken promises 4 yrs – problems and promises

MR/COACH R. J. BOBBY TAYLOR - 3107 Sumpter – 77026 – 202-FA3-4511 – Behavior, Coward,  
Conspiracy Campo Sheet Metal, Workers using People Children

MS. KATHY BLUEFORD – DANIELS – Post Office Box 1624 – 77251 – 713-594-5643 – General

MR. JOSEPH BALLARD – 6302 Rocky Nook Dr – Humble – TX – 77396 – 281-850-0388 – Community

MR. STEVEN WILLIAMS – no address – no phone - 99¢ Only Store. Antoine. 7/29/07 murderer of innocents

MR. CLYMER WRIGHT – 6038 Darkwood – 77088 – 281-684-0258 – Neighborhood Protection

MS. YVONNE CHUPP – 12013 Palmcrest St – 77034 – 713-944-0456 - Tickets

**PREVIOUS**

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1MIN.

1MIN.

1 MIN.

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PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 – Impostor Mayor  
W/City Council Chambers W/your – B/Place under Arrest’s – H/County



BILL WHITE  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

AUG 08 2007

COPY TO: [illegible] OF COUNCIL:  
CITY CLERK: 7-20-07  
DATE  
COUNCIL MEMBER: \_\_\_\_\_

July 19, 2007

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to City of Houston Code of Ordinances, Chapter 33, I am nominating the following individuals for appointment to the Planning Commission, subject to Council confirmation:

Ms. Beth Wolff, Position Thirteen, for a term to expire March 31, 2009; and  
Mr. David Wynn Robinson, Position Fourteen, for an unexpired term ending September 30, 2007.

Résumés of the nominees are attached for your review.

Sincerely,

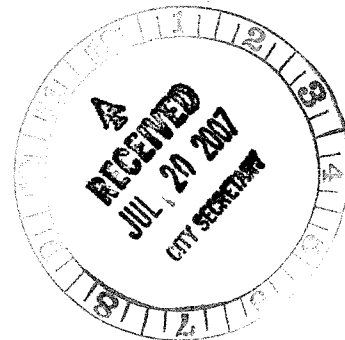
Handwritten signature of Bill White in cursive.

Bill White  
Mayor

BW:CC:jsk

Attachment

cc: Ms. Marlene Gafrick, Director, Planning and Development Department  
Ms. Carol A. Lewis, Chair




<b>SUBJECT:</b> Settlement of lawsuit styled: Cause No. 2005-53231; <i>Christine Preston v. Roderick Mayfield and City of Houston</i> ; In the 127 <sup>th</sup> Judicial District Court of Harris County, Texas	<b>Category</b>	<b>Page</b> 1	<b>Agenda Item #</b> 2
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<b>FROM (Department or other point of origin):</b>  Legal	<b>Origination Date</b> 7/19/07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> General
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<b>For additional information contact: L.A. Teehan</b> Phone: 713.247.1854	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approve the referenced settlement

<b>Amount of Funding:</b> \$40,000.00 - Property & Casualty Fund (Claims & Judgments)	<b>F &amp; A Budget:</b> 
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**SOURCE OF FUNDING:**                     General Fund                     Grant Fund                     Enterprise Fund

Other (Specify)    Fund 1004

**SPECIFIC EXPLANATION:**

**FOR SETTLEMENT PURPOSES ONLY**

This accident occurred on August 19, 2003 when City employee Roderick Mayfield pulled out from a stop sign at the intersection of Wayne and Kelley Streets, without seeing the Plaintiff's vehicle, and struck the left rear quarter panel of Ms. Preston's car. Ms. Preston lost control of her vehicle; it spun out, rolled over, and landed on its roof in the ditch/bayou on the other side of the road. She had to be assisted to get out of the vehicle. Her car was a total loss. Mr. Mayfield testified that his line of sight was obstructed by the docking station for the laptop computer he utilizes in his truck. The docking station was installed by the City.

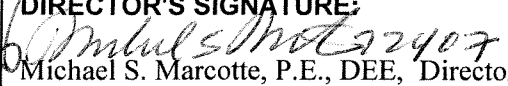


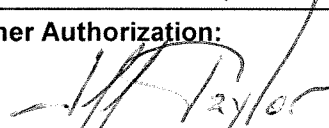
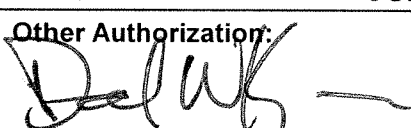
Ms. Preston has provided documentation of \$23,667.36 of actual medical bills, and claims \$840.00 in lost income. Ms. Preston is employed as a housekeeper. An orthopedic surgeon has recommended back surgery and estimates the cost at \$35,500.00.

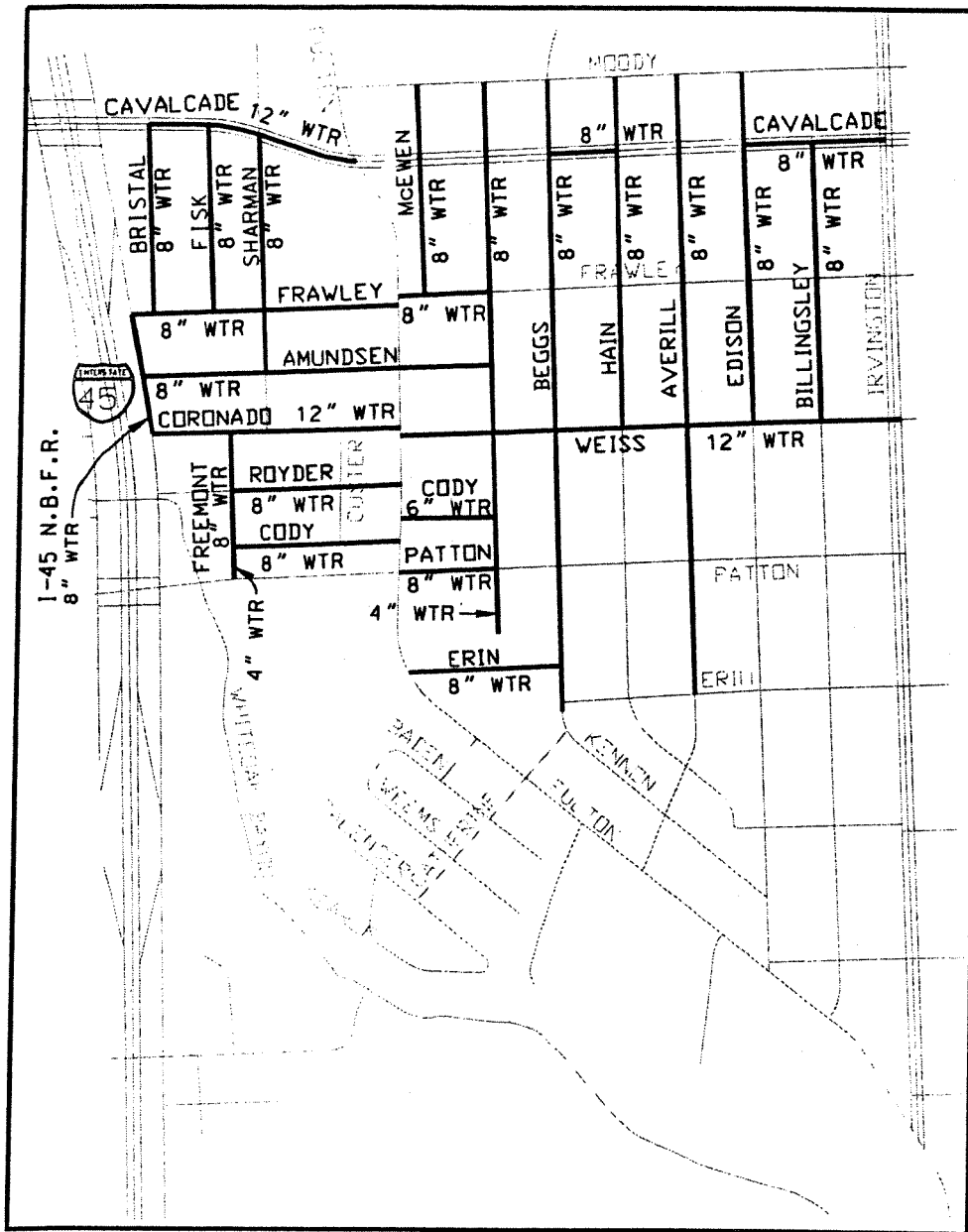
Liability arises under §101.021(1), Texas Civil Practice & Remedies Code, which waives immunity for claims of property damage, personal injury and death arising from an employee's negligence in the use or operation of a motor-driven vehicle, if that employee would otherwise be personally liable to the claimant under Texas law. City employee Roderick Mayfield is employed with Public Works & Engineering Department as a Water Service Inspector. He was driving a City vehicle at the time of the accident, and was in the course and scope of his employment. Mr. Mayfield was ticketed by HPD for failing to yield the right-of-way at a stop sign.

I recommend the City settle Ms. Preston's lawsuit in the amount of **\$40,000.00**, made payable to Christine Preston and her attorney, Rand Allen Mintzer.

<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> Accept Work for Water Line Replacement in Irvington Area. WBS No. S-000035-00C3-4.		Page 1 of 1	Agenda Item # <b>3</b>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		Origination Date 8/2/07	Agenda Date AUG 08 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council Districts affected:</b> H	
<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. #06-209 dated 03/01/2006 	
<b>RECOMMENDATION: (Summary)</b> Pass a motion to approve the final Contract Amount of \$2,263,227.63 or 1.12% 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 \$2,633,200.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.			<b>F&amp;A Budget:</b>
<b>SPECIFIC EXPLANATION:</b>			
<b>PROJECT NOTICE/JUSTIFICATION:</b> This project was part of the City's water line replacement program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation, and fire protection.			
<b>DESCRIPTION/SCOPE:</b> The project consisted of 441 linear feet of 4-inch, 23,878 linear feet of 8-inch, 4,095 linear feet and 12-inch diameter water line replacement, fire hydrants, valves, and appurtenances. Van De Wiele Engineering, Inc. designed the project with 280 calendar days allowed for construction. The project was awarded to R. K. Wheaton, Inc. with an original Contract Amount of \$2,238,189.00.			
<b>LOCATION:</b> The project area is generally bound by Moody Street on the north, Erin Street on the south, Irvington Blvd. on the east and I-45 North Bound Frontage Road on the west. The project is located in the Key Map grids 453-U & Y.			
<b>CONTRACT COMPLETION AND COST:</b> The Contractor, R. K. Wheaton, Inc. has completed the Work under the subject contract. The project was completed within the Contract Time with 5 additional days allowed by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$2,263,227.63, an increase of \$25,038.63 or 1.12% over the original Contract Amount.			
The increased cost is primarily a result of an overrun in Base Unit Item No. 21 – 8-inch Diameter Water Line w/Restrained Joints by Augering and Base Unit Item No. 45 – 8" x 8" TS&V, Complete in Place, and previously approved Change Order No. 1.			
<b>M/WBE PARTICIPATION:</b> The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 16.54%. The Contractor achieved a "Satisfactory" rating for M/WBE Compliance.			
MSM:JTL:AR:DO:mq SAE&C Construction\North Sector\CM's-s-000035-00C3-4\Irvington\S-000035-00C3-4-Irvington\Closeout\RCA\RCA_CL-2-rev2.DOC			
c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E.      Craig Foster      File No. 10785 - Closeout			
<b>REQUIRED AUTHORIZATION</b>			<b>CUIC ID# 20DO088</b>
<b>F&amp;A Director:</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	



PROJECT NAME: WATER LINE REPLACEMENT IN IRVINGTON AREA  
 PROJECT LOCATION: 453U & 453Y  
 COUNCIL DISTRICT H  
 GIMS MAP Nos.: 5459C 5359D



<b>Van DeWiele</b> Engineering Incorporated <small>Consulting          Engineers</small>	<small>2425 Briarclark - Suite 275          Houston, Texas 77042-3778          713/782-0042</small>
	<b>CITY OF HOUSTON</b> DEPARTMENT OF PUBLIC WORKS AND ENGINEERING <b>WATER LINE REPLACEMENT IN          IRVINGTON AREA</b> GFS No. S-0035-C3-3 FILE No. WA10785 VICINITY MAP

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

<b>SUBJECT:</b> Accept Work for Water Line Replacement in the Junction City Area. WBS No. S-000035-00C5-4.	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>4</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8/2/07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council Districts affected:</b> H 
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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. #06-336 dated 04/12/2006 
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**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$1,660,258.66 or 5.76% under 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 \$2,042,800.00 for construction and contingencies 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:** This project was part of the City's water line replacement program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation, and fire protection.

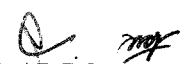
**DESCRIPTION/SCOPE:** The project consisted of 26,787 linear feet of 8-inch and 4-inch diameter water line replacement, fire hydrants, and appurtenances. Jaymark Engineering Corporation designed the project with 245 calendar days allowed for construction. The project was awarded to RWL Construction, Inc. with an original Contract Amount of \$1,761,824.60.

**LOCATION:** The project area is generally bound by Westford Street on the north, Reid Street on the south, Cochran and Frisco Streets on the east and Helmers Steet on the west. The project is located in the Key Map grids 453-L, M, Q, & R.

**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 \$1,660,258.66, a decrease of \$101,565.94 or 5.76% 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. 13 – Lime Stabilized Subgrade, Base Unit Item No. 14 – 8-inch Diameter Water Line with Restrained Joints, by Augering, Base Unit Item No. 19 – 8-inch Diameter Water Line by Open Cut, and Base Unit Item No. 26 -5/8-inch to 1-inch Diameter Taps and Copper Service Line Meter Box, Short Side, and Work not requiring use of Extra Unit Items.


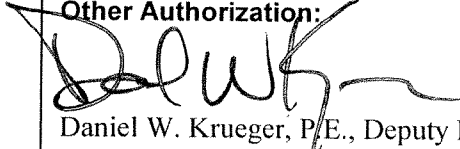
**M/WBE PARTICIPATION:** The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 17.57%. The Contractor achieved a "Satisfactory" rating for M/WBE Compliance.

  
MSM:JTL:AR:DO:mq  
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c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E.      Craig Foster      File No. 10787 - Closeout

NDT

**REQUIRED AUTHORIZATION      CUIC ID# 20DO087**

<b>F&amp;A Director:</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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WATER LINE LAYOUT  
DISTRICT H



**JAYMARK ENGINEERING CORPORATION**  
1111 NORTH FREEWAY, SUITE 210  
HOUSTON, TEXAS 77060

WATER LINE REPLACEMENT  
IN THE JUNCTION CITY AREA  
GFS NO. S-0035-C5-3; FILE NO. WA10787

SCALE: NTS

PROJECT NO.: 04-100

DATE: 01/20/06



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

**SUBJECT** Accept Work for Construction of 66-Inch Water Line along Aldine-Westfield, Peyton Road, Proposed Easements, Morales Road, Milner Road, Double Tree Drive, John F. Kennedy Boulevard, and World Houston Parkway from Greens Road to Vickery Drive. WBS. No. S-000900-00A1-4.

Page  
1 of 2

Agenda Item #

5

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

Department of Public Works and Engineering


**Origination Date**

8/2/07

**Agenda Date**

AUG 08 2007

**DIRECTOR'S SIGNATURE:**


  
Michael S. Marcotte, P.E., DEE, Director

**Council Districts affected:**

B

**For additional information contact:**

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

  
Phone: (713) 837-7074

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

Ord. # 2005-200 dated 03/09/2005  
Ord. #2005-178 dated 3/2/2005

**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$11,024,528.48 or 5.99% under the original Contract Amount, accept the Work, and authorize final payment.

**Amount and Source of Funding:** No additional funding required.

A total appropriation of \$13,445,700.00 for construction and contingencies: \$7,664,049.00 from Water and Sewer Contributed Capital Fund, Fund No. 733 and \$5,781,651.00 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 Surface Water Transmission Program (SWTP) and it will help the City meet groundwater well withdrawal criteria mandated by the Harris/Galveston Coastal Subsidence District (HGCSD) and water quality parameters issued by the United States Environmental Protection Agency (USEPA). The City had coordinated with the North Harris County Regional Water Authority (NHCRWA) for its participation in cost sharing for upsizing proposed surface water transmission lines in the Greenspoint area. City Council approved the Interlocal Agreement for this project with NHCRWA on March 2, 2005 – Ordinance No. 2005-178. Cost sharing was expected to recover approximately \$7,664,049.00 for this project.

**DESCRIPTION/SCOPE:** The project consisted of construction of 16,147 linear feet of 66-inch water line, valves and appurtenances. Lockwood, Andrews & Newnam, Inc. designed the project with 270 calendar days allowed for construction. The project was awarded to BRH-Garver Construction, L.P. with an original Contract Amount of \$11,727,443.74.

**LOCATION:** The project area is located along Aldine-Westfield, Peyton Road, Proposed Easements, Morales Road, Milner Road, Double Tree Drive, John F. Kennedy Boulevard, and World Houston Parkway from Greens Road Vickery Drive. The project is located in Key Map grids 373-R and 374-N, P, Q & U.

**CONTRACT COMPLETION AND COST:** The Contractor, BRH-Garver Construction, L.P. 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 and previously approved Change Order Nos. 1 through 5 is \$11,024,528.48, a decrease of \$702,915.26 or 5.99% under the original Contract Amount.

The decreased cost is primarily due to Change Order No. 1, an underrun in Base Unit Item No. 11 – Ground Water Control for Open-Cut Construction and Base Unit Item No. 34 – Lime, and the Work not requiring use of most Extra Unit Price Items.

**M/WBE PARTICIPATION:** M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 21.04 %. The Contractor achieved an “Outstanding” rating for MWDBE Compliance.

MSM:JTL:AR:BK:mq

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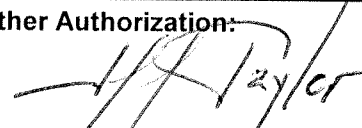
c: Daniel W. Krueger, P.E.      Velma Laws      Michael Ho, P.E      Craig Foster      File No. 10448-04 - Closeout      NDT

**REQUIRED AUTHORIZATION**

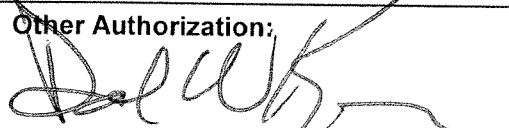
**CUIC ID# 20BK012**

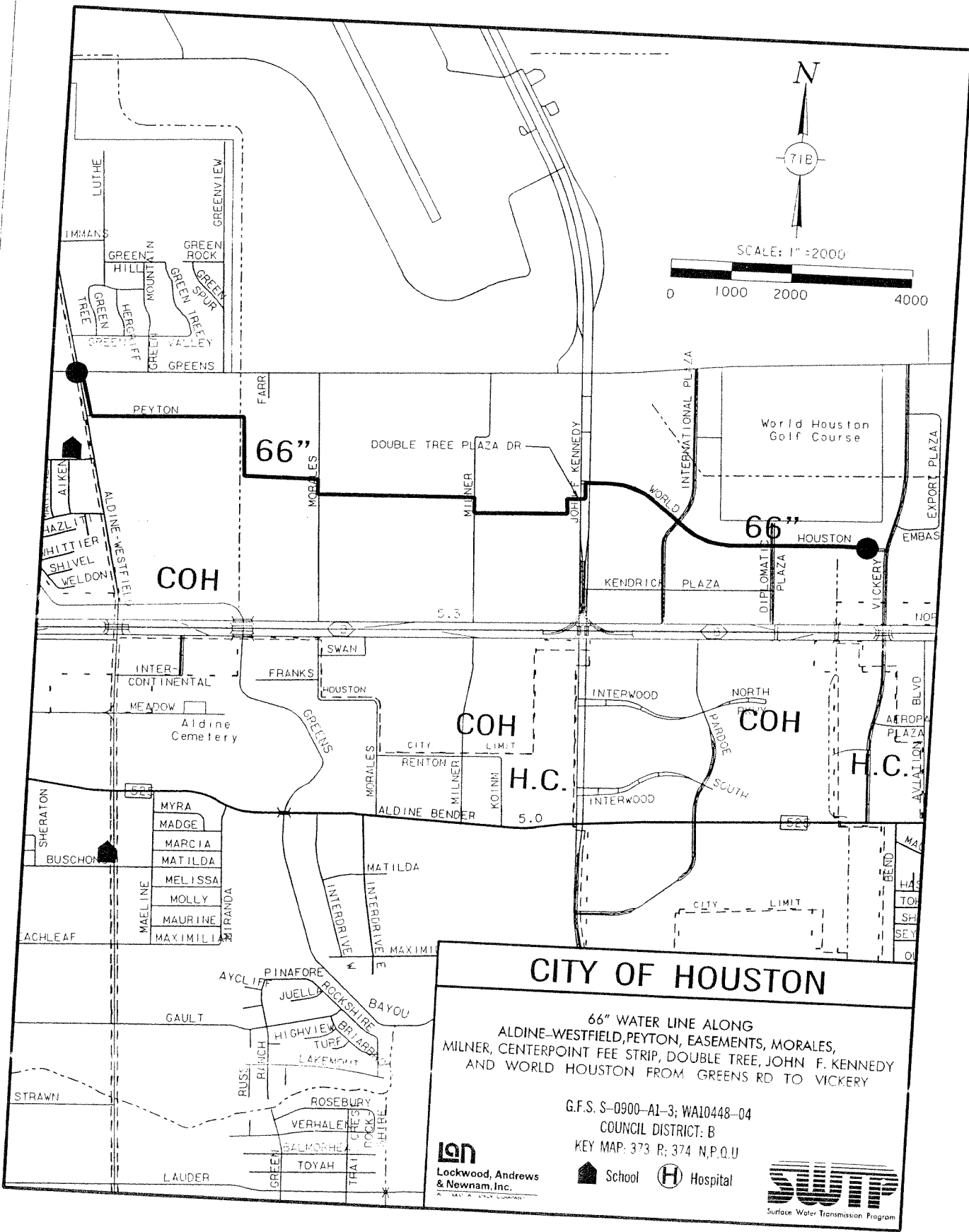
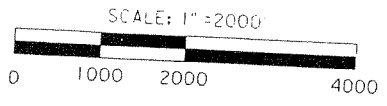
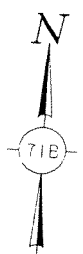
**F&A Director:**

**Other Authorization:**

  
Jeff Taylor, Deputy Director  
Public Utilities Division

**Other Authorization:**

  
Daniel W. Krueger, P.E., Deputy Director  
Engineering and Construction Division



**CITY OF HOUSTON**

66" WATER LINE ALONG  
 ALDINE-WESTFIELD, PEYTON, EASEMENTS, MORALES,  
 MILNER, CENTERPOINT FEE STRIP, DOUBLE TREE, JOHN F. KENNEDY  
 AND WORLD HOUSTON FROM GREENS RD TO VICKERY

G.F.S. S-0900-A1-3; WA10448-04  
 COUNCIL DISTRICT: B  
 KEY MAP: 373 R; 374 N.P.Q.U

Lockwood, Andrews & Newnam, Inc.  
A QUALITY WATER COMPANY

School Hospital

**SWTP**  
 Surface Water Transmission Program

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

<b>SUBJECT:</b> Request for the sale of ±3,060-square-feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. <b>Parcel SY7-134</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>1</u>	<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>	<b>Agenda Date</b> AUG 08 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> F
	Key Map 529A <i>90</i>

<b>For additional information contact:</b> Nancy P. Collins <b>Phone:</b> (713) 837-0881 <i>mpc</i> 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 sale of ±3,060-square-feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. **Parcel SY7-134**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
Bishop Amos O. Oyewale of Preach The Word Evangelical Church, Inc., 4134 South Kirkwood Drive, Houston, Texas, 77072, requested the sale of ±3,060-square-feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. Preach The Word Evangelical Church, Inc, the abutting property owner, wants to incorporate the property being sold into its abutting property for additional vehicle parking.

By deed filed on September 6, 2000 recorded under Harris County Clerk's File Number U606077, the City acquired a 4,420-square-foot tract of land as street right-of-way for the Kirkwood Paving project. Following completion of the project construction, a ±3,060-square-foot portion of right-of-way being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision 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, Preach The Word Evangelical Church, 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 ±3,060-square-feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision;
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 not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

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\sy7-134.rc1.doc CUIC #20DOB8872

**REQUIRED AUTHORIZATION**

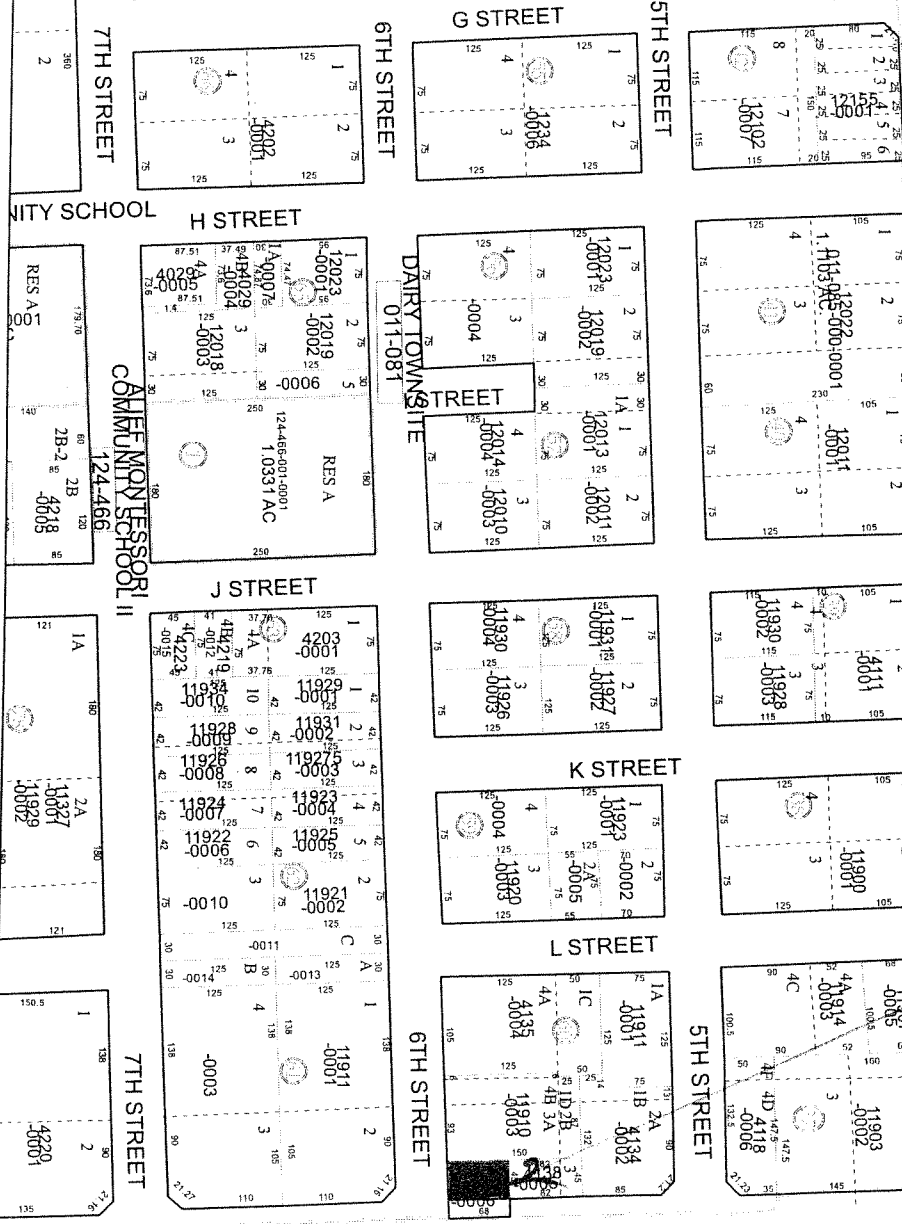
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken, Deputy Director Planning and Development Services Division
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**SUBJECT:** Request for the sale of ±3,060-square-foot of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. Parcel SY7-134

WEST HOUSTON CENTER BL

-CLODINE ROAD

4855D1



DAIRY  
011-081  
12900  
011-982-000-0005  
2.8100 AC

RES A  
1000

RES A  
1000

RES A  
1000

RES A  
1000

RES A  
1000

RES A  
1000

DAIRY TOWNSITE  
011-081

DAIRY TOWNSITE  
011-081

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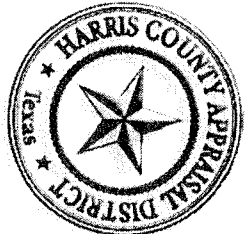
KIRKWOOD DRIVE

INTERNATIONAL  
OF LIFE MINISTRI  
123-945

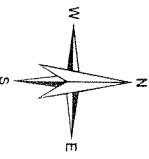
RES A  
123-945-001-0001  
1.5050 AC

90M  
1.2504 AC  
4117  
011-134-000-0010

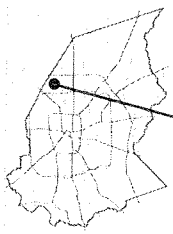
4855D3



0 100 200  
PUBLICATION DATE:  
5/16/2007



MAP LOCATION



**FACET**  
**4855D**

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

4855D6

UNITY SCHOOL

RES A  
1000

RES A  
1000

RES A  
1000

RES A  
1000

RES A  
1000

RES A  
1000

DAIRY TOWNSITE  
011-081

DAIRY TOWNSITE  
011-081

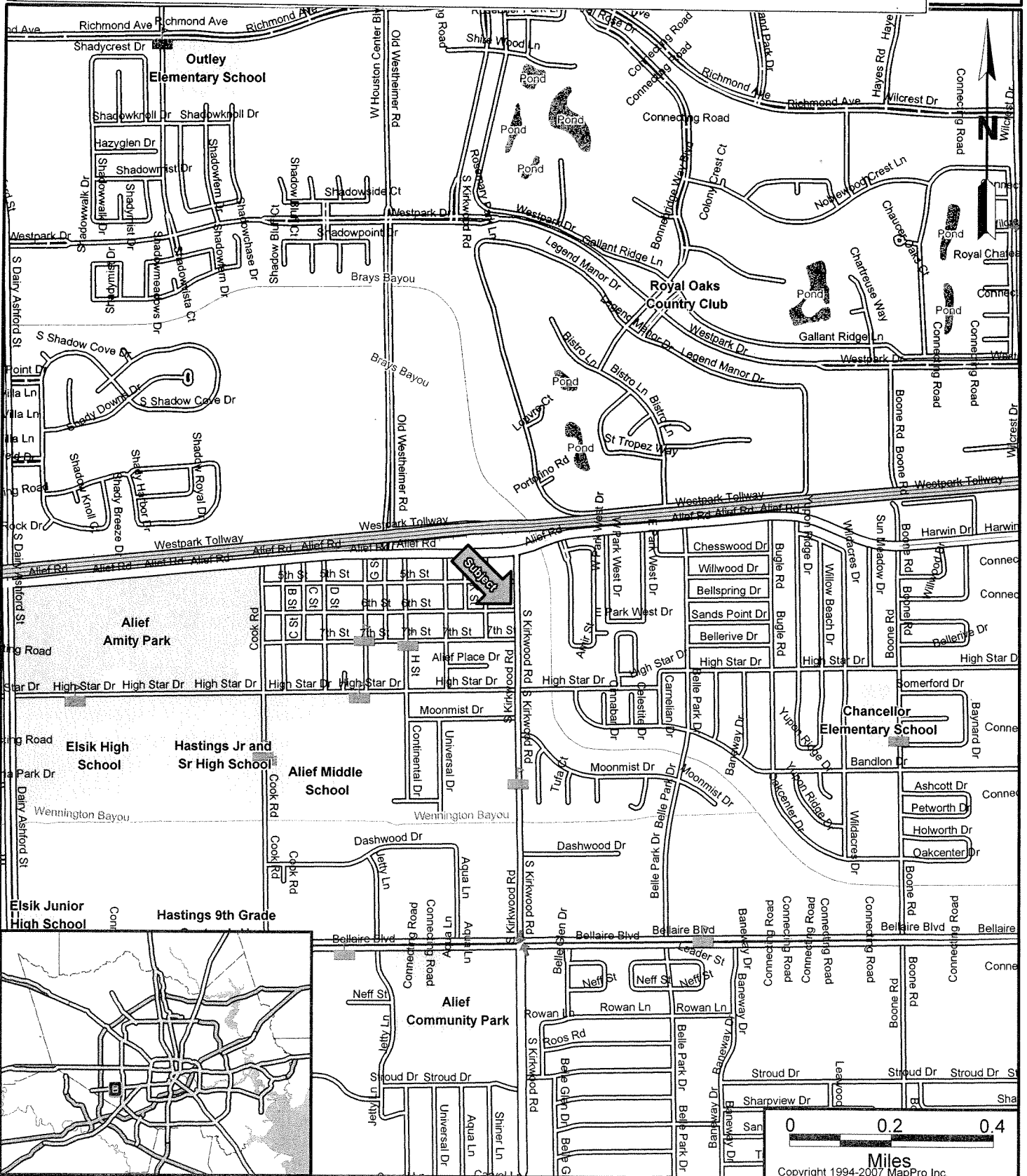
DAIRY TOWNSITE  
011-081

DAIRY TOWNSITE  
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DAIRY TOWNSITE  
011-081

# LOCATION MAP

**SUBJECT:** Request for the sale of ±3,060-square-feet of excess fee-owned Kirkwood Drive right-of-way, being part of Tract 3B, Block 60 of the Dairy Townsite Subdivision. **Parcel SY7-134**





**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.

**SUBJECT:** Request for the sale of ±375-square-feet of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87. **Parcel SY8-002**

<b>Category #</b> 7	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 7
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> H Key Map 494S 
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<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the sale of ±375-square-feet of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87. **Parcel SY8-002**


<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
James R. Dunn, Chief Financial Officer, Maximus Coffee Group, LP (Carlos de Aldecoa, General Partner), 3900 Harrisburg Boulevard, Houston, Texas, 77003, requested the sale of ±375-square-feet of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87. Maximus Coffee Group, LP, the abutting property owner, plans to use the subject property for a turnabout for large trucks. Currently it leases the subject property from the City for this purpose. The subject property is under the jurisdiction of the Public Utilities Division (PUD). PUD has determined that the subject portion out of the overall ±4,621-square-foot lift station and relief sewer site is surplus and available for sale.

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 of ±375-square-feet of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property interest is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM:NPC:dob

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

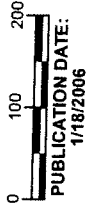
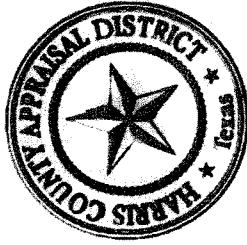
s:\dob\sy8-002.rc1.doc CUIC #20DOB8891

**REQUIRED AUTHORIZATION**

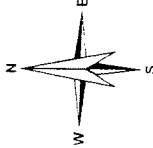
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  for Andrew F. Icken, Deputy Director Planning and Development Services Division
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**SUBJECT:** Request for the sale of ±375-square-foot of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87. Parcel SY8-002

# Harris County Appraisal District



5457D11



MAP LOCATION



## FACET 5457D

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



- Parcel SY8-002
- Maximus Coffee Group, LP
- City of Houston

5457D9

5456B2



# LOCATION MAP

**SUBJECT:** Request for the sale of ±375-square-foot of excess fee-owned property within the Texas Avenue Lift Station and York Relief Sewer site, being part of Lot 9A, Block 620 of the Rangers Extension, out of the S. M. Williams Survey, A-87. Parcel SY8-002




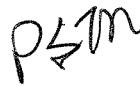
**CAUTION:**


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 a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309. <b>Parcels SY8-001, KY8-061A, and KY8-061B</b>	<b>Category</b> # 7	<b>Page</b> 1 of 2	<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>  8-2-07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> C  Key Map 532D
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<b>For additional information contact:</b>  Nancy P. Collins  Phone: (713) 837-0881 Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b>
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**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309. **Parcels SY8-001, KY8-061A, and KY8-061B**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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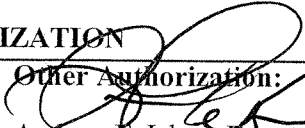
**SPECIFIC EXPLANATION:**  
 J. MacDonald Ruffeno, P.E. of Walter P. Moore & Associates, 3131 Eastside, Second Floor, Houston, Texas 77098, on behalf of Rice Univ. (Joseph B. Davidson, Associate General Counsel), requested the abandonment and sale of a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309. Rice Univ., the property owner, plans to remove this easement encumbrance to facilitate the construction of additional student housing, a cafeteria, and two master's houses for the university.

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 subject to the additional conveyance to the City of a 10-foot by 10-foot fire hydrant easement. Therefore, it is recommended:

1. The City abandon and sell a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309;
2. The applicant be required to: (a) cut, plug, and abandon the existing 8-inch water line within the easement being abandoned and sold and construct a new 8-inch water line within the new water line easement being conveyed to the City; (b) relocate the existing fire hydrant into the new fire hydrant easement being conveyed to the City; and (c) pay the depreciated value for the water line and fire hydrant being abandoned. All of the foregoing items must be completed at no cost to the City and under the proper permits;
3. The applicant be required to prepare drawings that show the water line and the fire hydrant being abandoned, constructed, and relocated as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;

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**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
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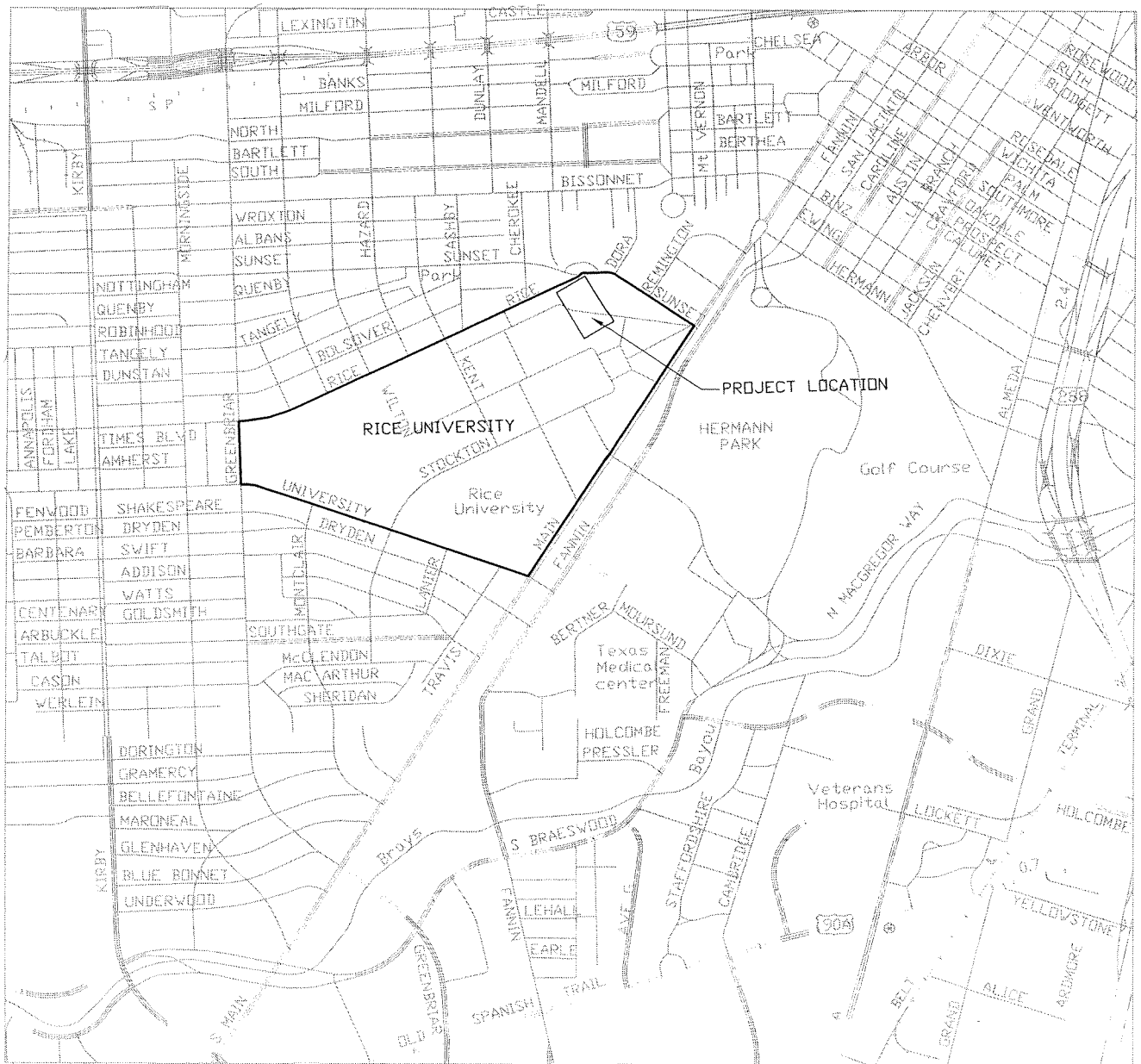
<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309. <b>Parcels SY8-001, KY8-061A, and KY8-061B</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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4. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Item 2 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
5. 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;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the property interest is not expected to exceed \$25,000.00, that the value be established by staff appraisal, according to City policy.

MSM: NPC:psm

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

# VICINITY MAP RICE UNIVERSITY

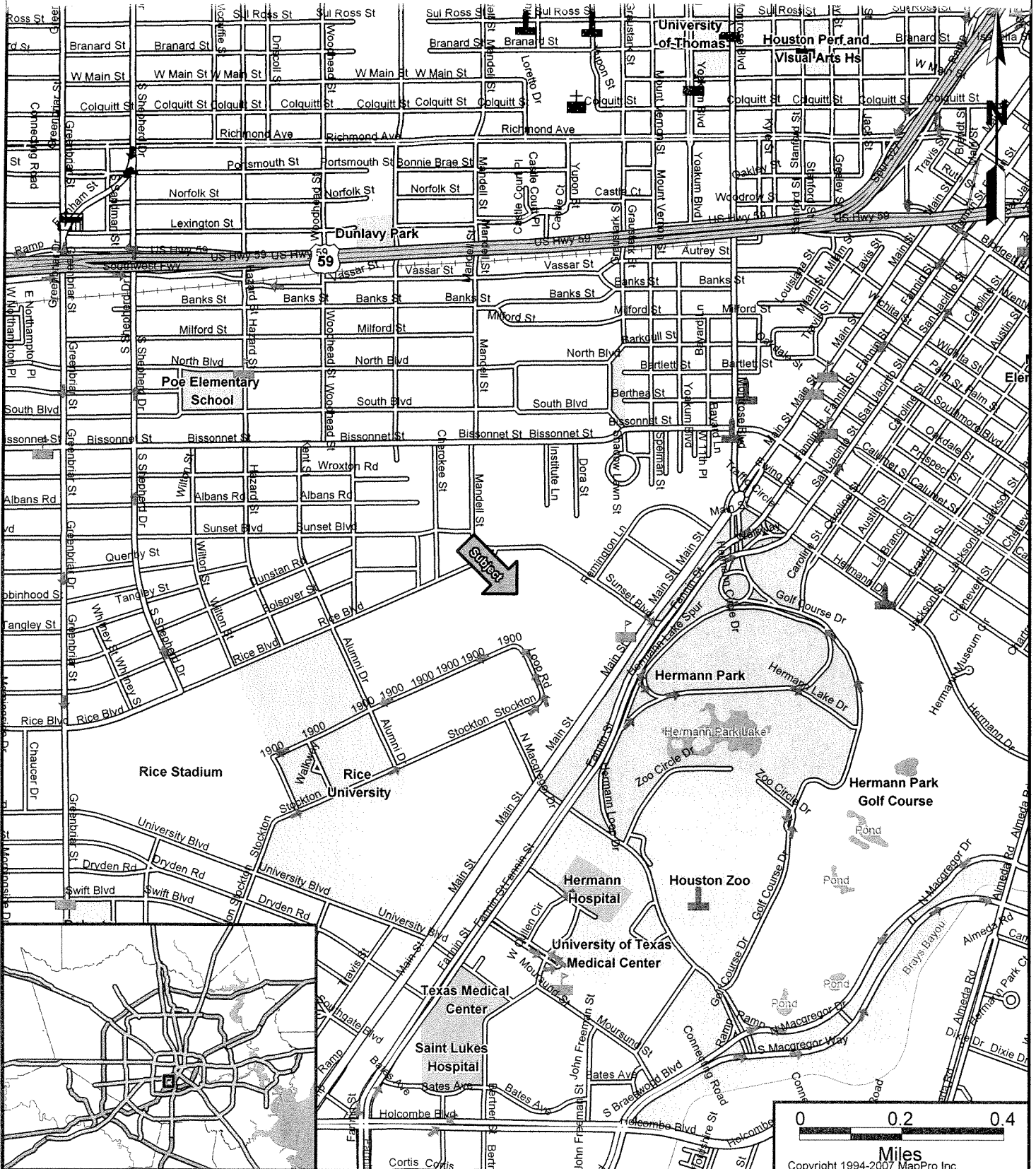


Abandonment and sale of a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309.  
**Parcels SY8-001, KY8-061A, and KY8-061B**

# LOCATION MAP

## Description:

Abandonment and sale of a 20-foot-wide prescriptive water line easement in exchange for the conveyance to the City of a 20-foot-wide water line easement and a 10-foot by 10-foot fire hydrant easement, all located in Tracts 3 and 4, out of the Joseph Gamble Survey, A-309. **Parcels SY8-001, KY8-061A, and KY8-061B**

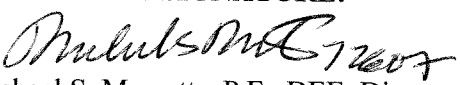


### CAUTION:

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 Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements, all located in North Side Buffalo Bayou. <b>Parcels SY8-003A, SY8-003B, LY8-021A, and LY8-021B</b>	<b>Category #</b> 7	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  9
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> H  <b>Key Map:</b> 493L <span style="float: right;">90</span>
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<b>For additional information contact:</b> Nancy P. Collins <span style="float: right;">Phone: (713) 837-0881</span> 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 Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements, all located in North Side Buffalo Bayou. **Parcels SY8-003A, SY8-003B, LY8-021A, and LY8-021B**

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


James E. Vanderwater, 9011 Linkmeadow Lane, Houston, Texas, 77025, on behalf of Trinity Lutheran Church (Stephen Maynard, Chairman), requested the abandonment and sale of Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two storm sewer easements, all located in North Side Buffalo Bayou. Since the City of Houston is an adjacent property owner to the portion of Morin Place to be abandoned and sold, the Houston Police Department provided its clearance as the owning department. Signs notifying the public of the pending street abandonment application were posted for at least thirty days. Trinity Lutheran Church, an abutting owner, plans to combine its portion of the streets being abandoned and sold into its abutting property to expand its current campus.

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. Therefore, it is recommended:

1. The City abandon and sell Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements centered over the existing storm sewers in Hickory Street and Morin Place, all located in North Side Buffalo Bayou;
2. The applicant be required to (a) cut, plug, and abandon or convert to private service the 8-inch sanitary sewer line in Hickory Street, from the terminating manhole in Hickory Street to the southern property line of 1105 Hickory Street, and pay the depreciated value for the sanitary sewer line and (b) install a back-end manhole at the new terminus of the sanitary sewer line. All of the foregoing items must be completed at no cost to the City and under the proper permits;

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**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   for Andrew F. Icken, Deputy Director Planning and Development Services Division
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<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements, all located in North Side Buffalo Bayou. <b>Parcels SY8-003A, SY8-003B, LY8-021A, and LY8-021B</b>	<b>Originator's Initials</b>  RW	<b>Page</b> <u>2</u> of <u>2</u>
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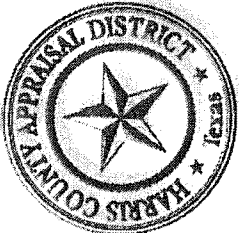
3. The applicant be required to (a) cut, plug, and abandon the 8-inch water line in Hickory Street, from its terminus in Hickory Street to the southern property line of 1105 Hickory Street and pay the depreciated value for the water line and (b) install a fire hydrant at the new terminus of the water line. All of the foregoing items must be completed at no cost to the City and under the proper permits;
4. The applicant be required to eliminate the public street appearance of Hickory Street at its intersection with Washington Avenue, at no cost to the City and under the proper permits;
5. The applicant be required to prepare drawings that show all public utilities (water, sanitary sewer, and storm sewer) and streets that are abandoned, relocated, and constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the council motion shall be attached to the plan set when it is submitted for plan review;
6. In the interest of expediting the abandonment and sale process, the applicant may choose to provide the City with a Letter of Credit (LOC), subject to the City's concurrence, covering the estimated construction cost for work required in Items 2, 3, and 4 above in lieu of performing such work prior to finalization of the ordinance for this transaction. Should this option be selected, the applicant will be required to provide a LOC showing the City of Houston as beneficiary and in the amount of the estimated construction cost approved by the City. The LOC will be for a specific time period which may be less than but not longer than twelve months from the effective date of the ordinance for the transaction. Upon the applicant's satisfactory completion of the construction-related work as evidenced by written inspection clearance/approval by the Office of the City Engineer, PWE, at the applicant's request the City will release the LOC;
7. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the streets being abandoned and sold;
8. 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;
9. The Legal Department be authorized to prepare the necessary transaction documents; and
10. 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 – John Fox and Patrick O'Connor.

MSM:NPC:psm

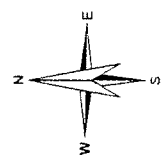
- c: Phil Boriskie  
Raymond D. Chong, P.E., P.T.O.E.  
Eric Dargan  
Marlene Gafrick  
Daniel W. Krueger, P.E.  
Arturo G. Michel  
Reid K. Mrsny, P.E.  
Marty Stein

**SUBJECT:** Request for the abandonment and sale of Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements, all located in North Side Buffalo Bayou. **Parcels SY8-003A, SY8-003B, LY8-021A, and LY8-021B**

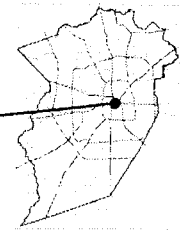
# Harris County Appraisal District



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PUBLICATION DATE:  
1/19/2007

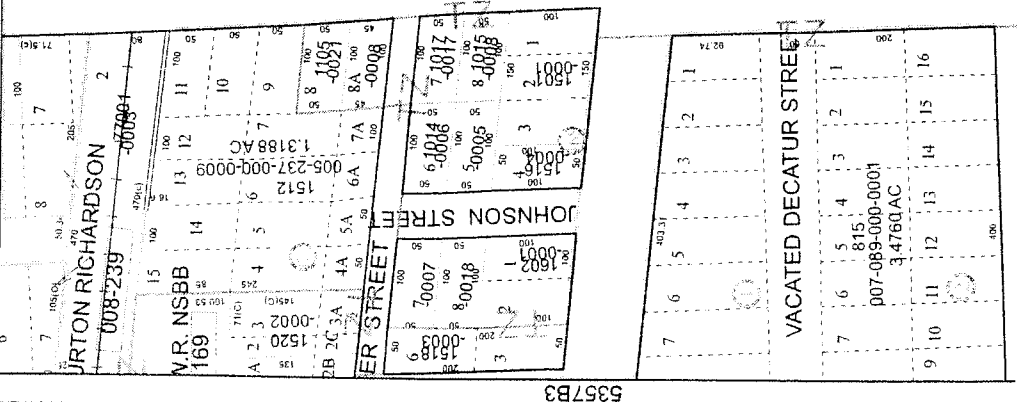
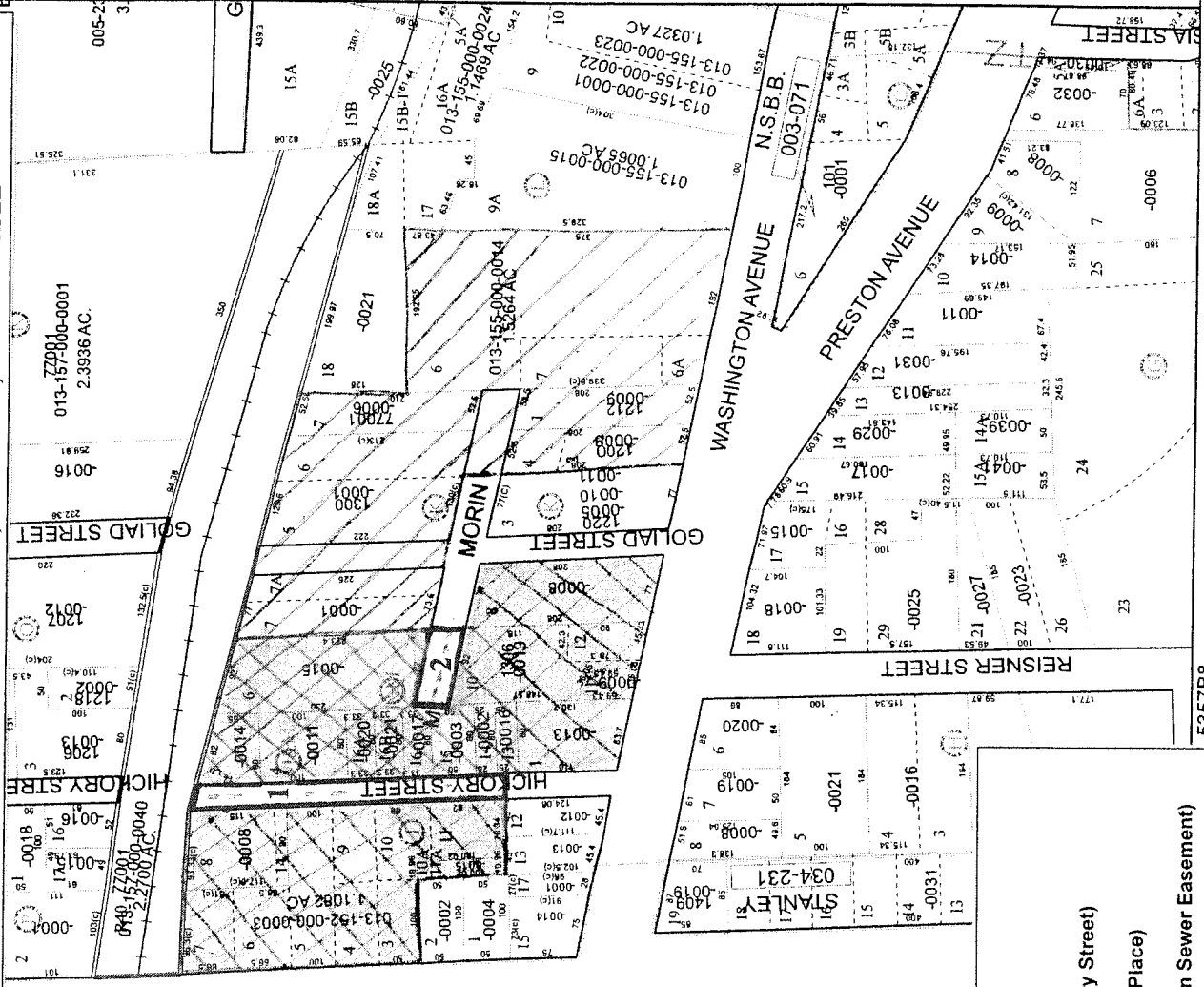


MAP LOCATION



## FACET 5357B

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



- Trinity Lutheran Church
- City of Houston (HPD)
- Abandonment Parcel SY8-003A (Hickory Street)
- Abandonment Parcel SY8-003B (Morin Place)
- Conveyance Parcel LY8-021A (20' Storm Sewer Easement)
- Conveyance Parcel LY8-021B (20' Storm Sewer Easement)

5357B3

5357B8



# LOCATION MAP

**SUBJECT:** Request for the abandonment and sale of Hickory Street from the Texas and New Orleans Railroad south ±356 feet and Morin Place from its western terminus east ±92 feet, in exchange for the conveyance to the City of two 20-foot-wide storm sewer easements, all located in North Side Buffalo Bayou. **Parcels SY8-003A, SY8-003B, LY8-021A, and LY8-021B**



**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

**SUBJECT:** Request for the abandonment and sale of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for conveyance to the City of a 16-foot-wide utility easement, all within Restricted Reserve A, located in the RVB Reserve C Subdivision. **Parcels SY8-004 and VY8-031**

**Category**  
# 7

**Page**  
1 of 1

**Agenda Item #**  
  
**10**

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

Department of Public Works and Engineering

**Origination Date**

8-2-07

**Agenda Date**

AUG 08 2007

**DIRECTOR'S SIGNATURE:**

Michael S. Marcotte, P.E., DEE, Director

**Council District affected:** G

Key Map 488L

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)** It is recommended City Council approve a council motion authorizing the abandonment and sale of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for conveyance to the City of a 16-foot-wide utility easement, all within Restricted Reserve A, located in the RVB Reserve C Subdivision. **Parcels SY8-004 and VY8-031**

**Amount and Source of Funding:** Not Applicable

**F & A Budget:**

**SPECIFIC EXPLANATION:**

Nael Ashour, Walter P. Moore & Associates, 3131 Eastside, Second Floor, Houston, Texas, 77098, on behalf of Friedkin Realty – Enclave, LP [The Pyramid Family Group, Inc. (Frank Gruen, President) General Partner], requested the abandonment and sale of a 16-foot-wide utility easement, within Restricted Reserve A, located in the RVB Reserve C Subdivision. As the RVB Reserve C Subdivision plat includes an aerial easement adjacent to all utility easements, the aerial easement will be extinguished as part of this transaction. Friedkin Realty – Enclave LLC, the property owner, plans to construct two office towers, a training center, and a garage for Gulf States Toyota on the property in the location of the easement to be abandoned and sold.

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 subject to the applicant conveying to the City a 16-foot-wide utility easement along the northern property line of the property and east of the utility easement to be abandoned and sold. Therefore, it is recommended:

1. The City abandon and sell a 16-foot-wide utility easement and the attendant aerial easement, in exchange for conveyance to the City of a 16-foot-wide utility easement along the northern property line and east of the utility easement to be abandoned and sold, all within Restricted Reserve A, located in the RVB Reserve C Subdivision;
4. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;
5. 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;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the property interests is expected to exceed \$25,000.00, that the City Council appoint the following two independent real estate appraisers to establish the value – George Sims and Michael Copland.

MSM: NPC: dob

c: Phil Boriskie  
Marlene Gafrick

Daniel W. Krueger, P.E.  
Arturo G. Michel

Marty Stein  
Jeff Taylor

s:\dob\sy8-004.rc1.doc

CUIC #20DOB8886

**REQUIRED AUTHORIZATION**

**F&A Director:**

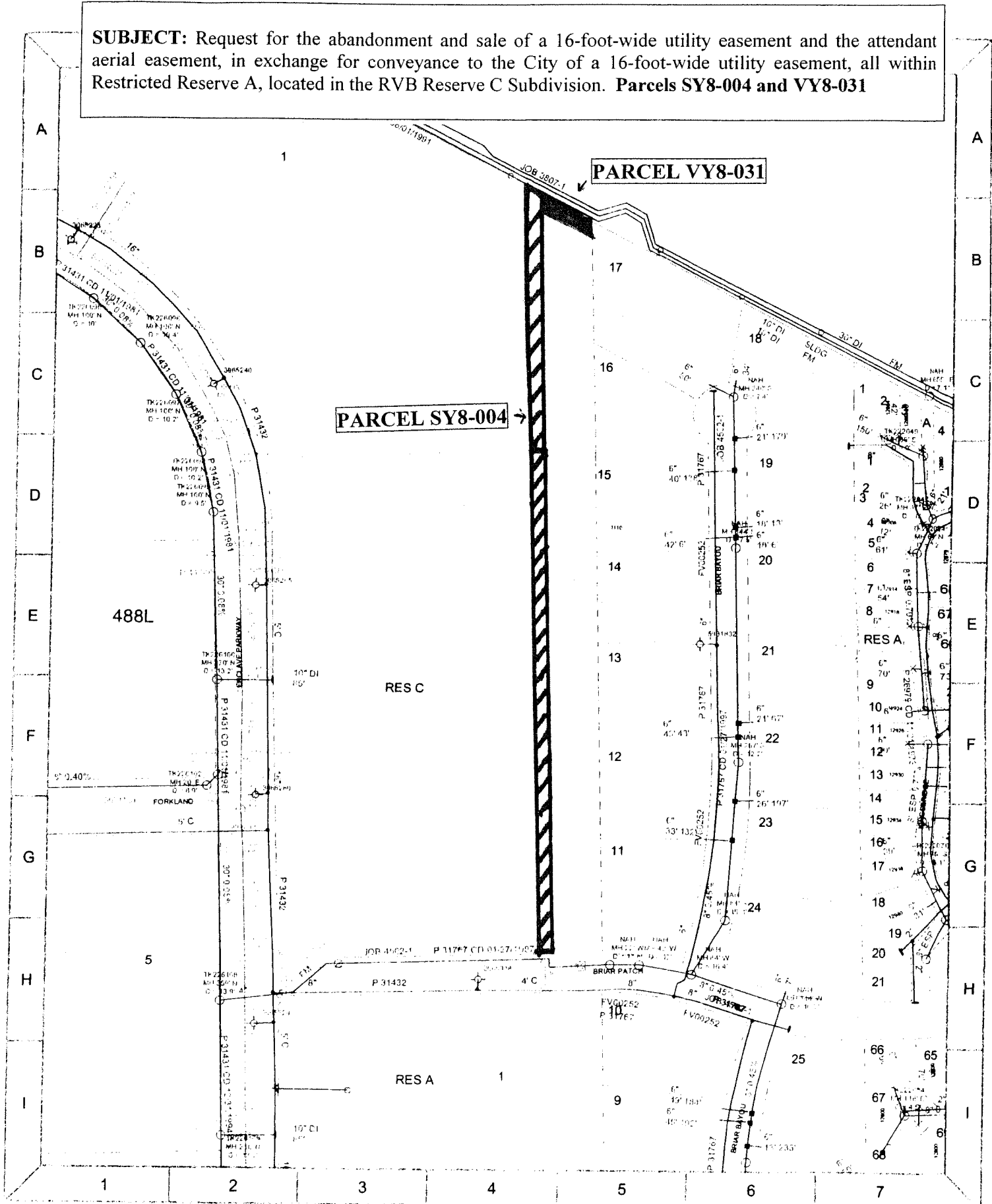
**Other Authorization:**

**Other Authorization:**

for Andrew F. Icken, Deputy Director

Planning and Development Services Division

**SUBJECT:** Request for the abandonment and sale of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for conveyance to the City of a 16-foot-wide utility easement, all within Restricted Reserve A, located in the RVB Reserve C Subdivision. **Parcels SY8-004 and VY8-031**



1 inch equals 200 feet  
 0 50 100 150 200  
 Feet



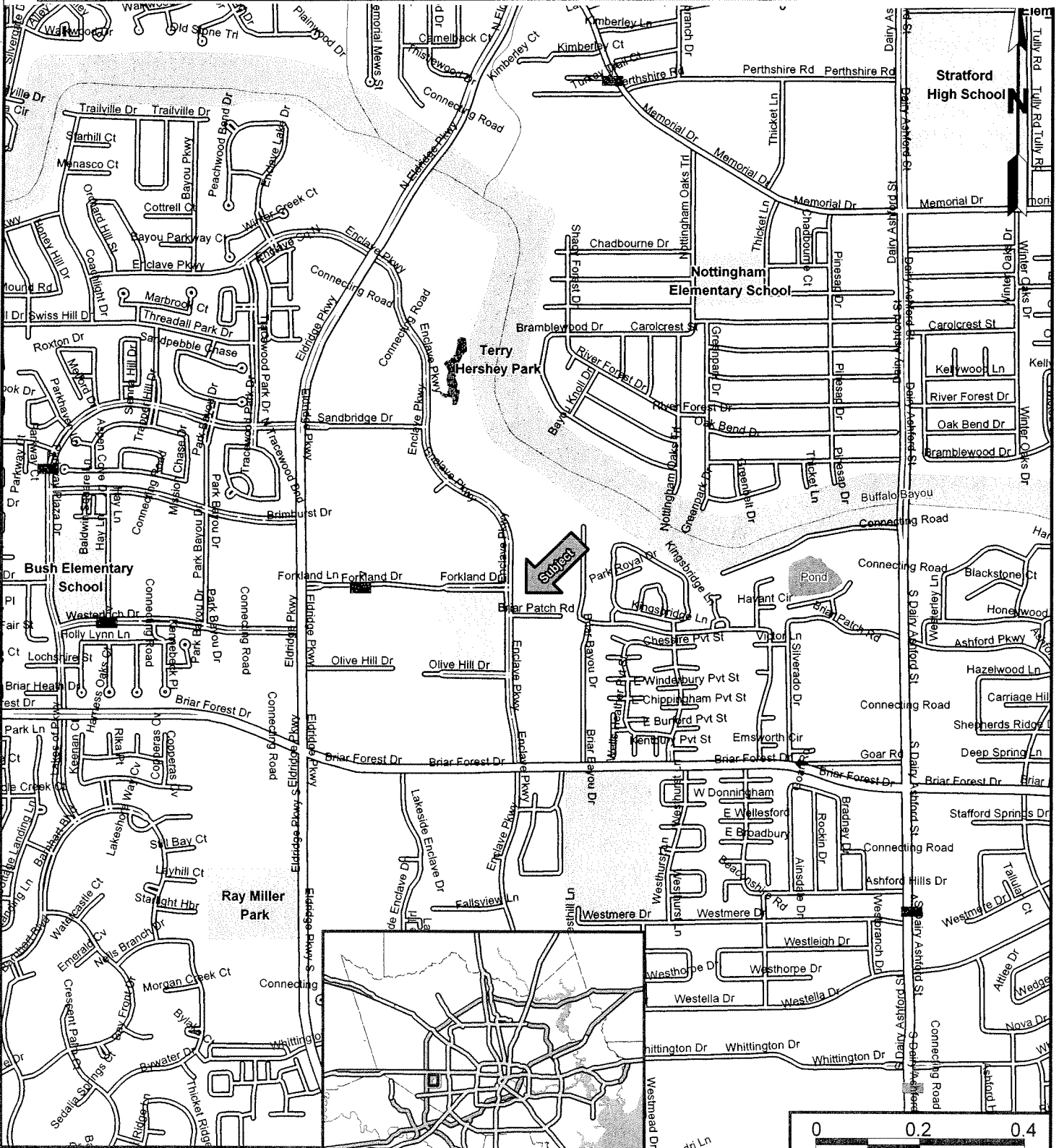
**CITY OF HOUSTON**  
 Department of Public Works & Engineering  
 Geographic Information & Management System (GIMS)



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

# LOCATION MAP




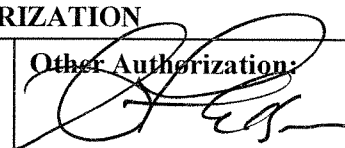
**SUBJECT:** Request for the abandonment and sale of a 16-foot-wide utility easement and the attendant aerial easement, in exchange for conveyance to the City of a 16-foot-wide utility easement, all within Restricted Reserve A, located in the RVB Reserve C Subdivision. **Parcels SY8-004 and VY8-031**

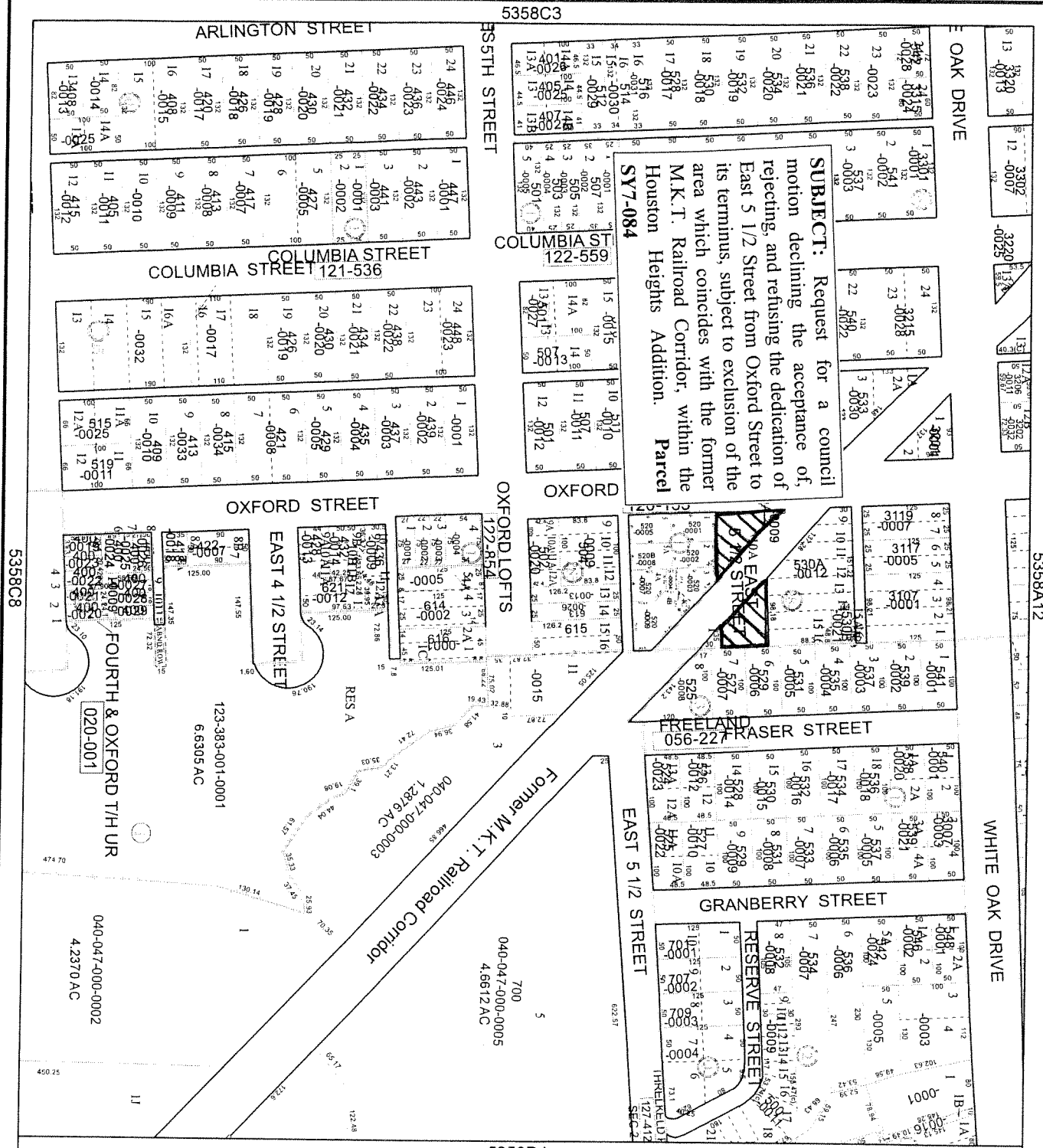


Subject: Forkland Drive @ Enclave

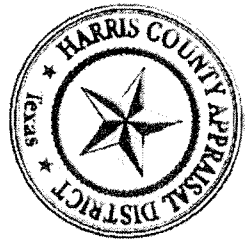
**CAUTION:**

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.

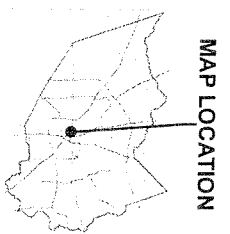
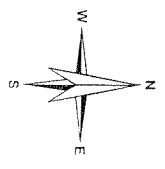
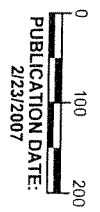
<b>SUBJECT:</b> Request for a council motion declining the acceptance of, rejecting, and refusing the dedication of East 5 1/2 Street from Oxford Street to its terminus, but excluding the area within the former M.K.T. Railroad Corridor, within the Houston Heights Addition. <b>Parcel SY7-084</b>		<b>Category #</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> 8/2/07		<b>Agenda Date</b> AUG 08 2007
<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director		<b>Council District affected:</b> H Key Map 493A 		
<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>		
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve a council motion declining the acceptance of, rejecting, and refusing the dedication of East 5 1/2 Street from Oxford Street to its terminus, but excluding the area within the former M.K.T. Railroad Corridor, within the Houston Heights Addition. <b>Parcel SY7-084</b>				
<b>Amount and Source of Funding:</b> Not Applicable			<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> Henry Hernandez, 1501 C California, Houston, Texas, 77006, on behalf of Cornelius Morley, requested the non-acceptance of East 5 1/2 Street from Oxford Street to its terminus, located in the Houston Heights Addition. The street right-of-way was dedicated to the City by the Houston Heights Addition plat recorded on October 1, 1892 in Volume 1, Page 114, Harris County Map Records. The subject street right-of-way has never been opened nor has the City used it for utility purposes. Further, the City has identified no future need for the segments of street right-of-way not included in the area within the former M.K.T. Railroad Corridor. The abutting property owners, Cornelius Morley, Bernard C. Hedge, Lucy F. Walker, Howard Yorek, and John Marsh, plan to incorporate the property being non-accepted into their respective abutting properties. The Joint Referral Committee reviewed the request and determined the request could be processed as a non-acceptance.  Therefore, it is recommended City Council approve a council motion declining the acceptance of, rejecting, and refusing the dedication of East 5 1/2 Street from Oxford Street to its terminus, but excluding the area within the former M.K.T. Railroad Corridor, as described by metes and bounds on attached Exhibit A, within the Houston Heights Addition.  MSM: NPC: dob  cc: Phil Boriskie Raymond D. Chong, P.E., P.T.O.E. Marlene Gafrick Daniel W. Krueger, P.E. Arturo G. Michel Reid K. Mrsny, P.E. Jack Sakolosky, P.E. Marty Stein Jeff Taylor Robert Towery Lilibeth Andre				
dob\sy7-084.rcl.doc			CUIC #20DOB8850	
<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 a council motion declining the acceptance of, rejecting, and refusing the dedication of East 5 1/2 Street from Oxford Street to its terminus, subject to exclusion of the area which coincides with the former M.K.T. Railroad Corridor, within the Houston Heights Addition. Parcel SY7-084



**Harris County Appraisal District**



**FACET 5358C**

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5358C8

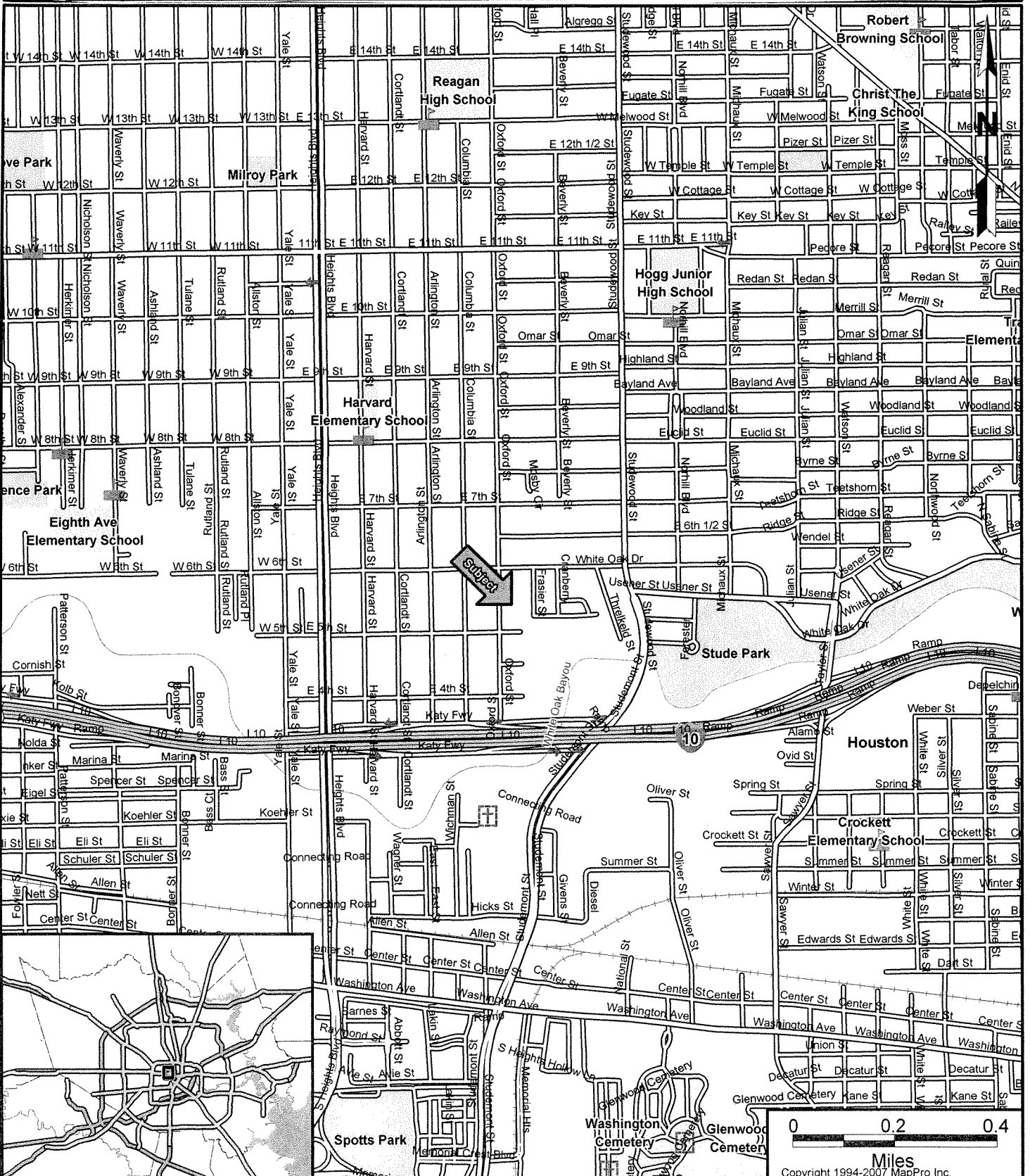
5358C3

5358A12

5358D1

# LOCATION MAP

**SUBJECT:** Request for a council motion declining the acceptance of, rejecting, and refusing the dedication of East 5 1/2 Street from Oxford Street to its terminus, subject to exclusion of the area which coincides with the former M.K.T. Railroad Corridor, within the Houston Heights Addition. **Parcel SY7-084**



**CAUTION:**

The location of property arrows 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:</b> PROPERTY: CONDEMNATION of Parcels AY6-046 and AY6-047 for the HAYES ROAD PROJECT (from Westheimer to Briar Forest) N-000780-0001-2-01	<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> 8-2-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> G Key Map 489P 
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<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2005-397, Passed April 20, 2005
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**RECOMMENDATION: (Summary)**  
Authority be given through Council Motion to CONDEMN Parcels AY6-046 and AY6-047

<b>Amount and Source of Funding:</b> To be determined by condemnation proceedings (covered under Blanket Appropriation Ordinance 2005-397 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 437)	<b>F&amp;A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The project provides for improvements to HAYES ROAD to improve traffic flow, reduce congestion and eliminate potential hazards in connection with the HAYES ROAD PROJECT (from Westheimer to Briar Forest)

**CONDEMNATION:**  
The City desires to acquire the parcels listed below. Condemnations are recommended to acquire these properties because both owners had title issues which could not be resolved. The properties were appraised by Gerald A. Teel, Independent Fee Appraiser. The valuations were reviewed and recommended for approval by a senior staff appraiser of this department. The appraised value for each parcel is as follows:

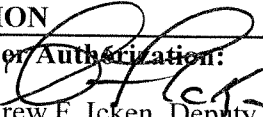
Parcel AY6-046 (easement)	
LAND.....	\$1,294.00
Parcel AY6-047 (easement)	
LAND.....	\$1,463.00
TOTAL CONSIDERATION.....	\$2,757.00

It is recommended that authority be given through Council Motion to condemn the land and improvements thereon, if applicable, for Parcels AY6-046 and AY6-047 as described below:

Parcel AY6-046 owned by Impala Investments, Inc contains 112.50 square feet situated in the Christiana Williams Survey, Abstract 834 in Harris County, Texas being out of 6.8688 acre tract conveyed unto Impala Investments, Inc. (f/k/a Impala Electronics, Inc.) by deed recorded under Harris County Clerk's File No. Y540007 of the Official Public Records of Real Property in said Harris County, Texas.

CUIC ID# 20cdr13

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
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<b>SUBJECT:</b> PROPERTY: CONDEMNATION of Parcels AY6-046 and AY6-047 for the HAYES ROAD PROJECT (from Westheimer to Briar Forest) N-000780-0001-2-01	<b>Category</b> #7	<b>Page</b> 2 of 2	<b>Agenda Item</b> #
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Parcel AY6-047 owned by Estate of Guillermo Sazo contains 112.50 square feet situated in the Christina Williams Survey, Abstract 834 in Harris County, Texas, being out of Lot 1 of Executive Row Townhouses Subdivision, a subdivision according to the plat thereof recorded in Volume 210, Page 113 of the Harris County Map Records in said Harris County, Texas. Said Lot 1 being conveyed unto Guillermo O. Sazo by deed recorded under Harris County Clerk's File No. T899836 of the Official Public Records for Real Property in said Harris County, Texas.

MSN:NPC:cr  
S/Rosborough/Hayes/Condemnation










cc: Marty Stein

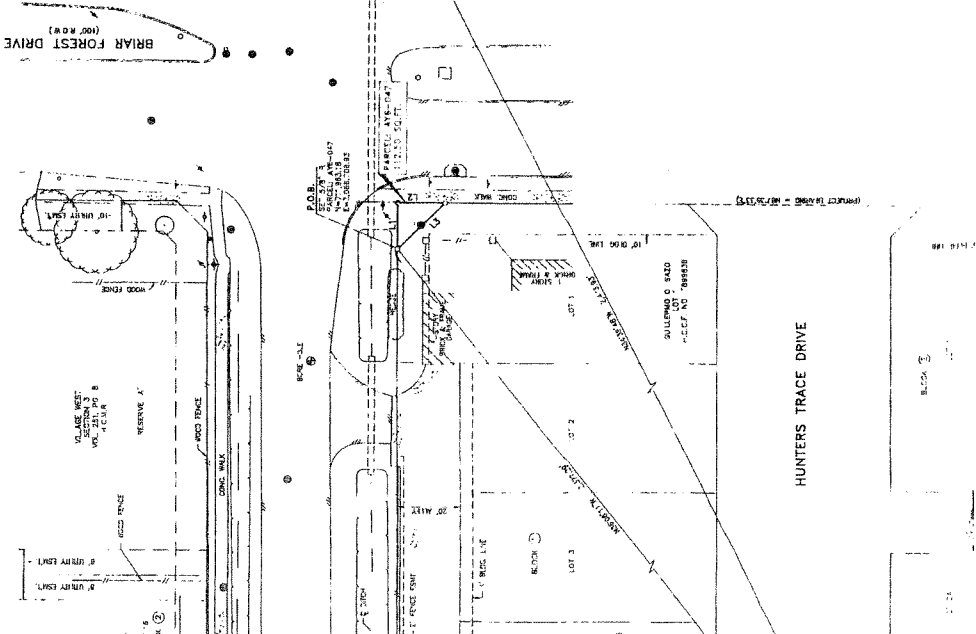


NOTES:

1. SET POINT MON RECORD AT ALL POINTS. SHOWING WALKER 7-7-1981 SHOWS.
2. BEARING OBSERVATION AND COORDINATES SHOWN. BEARING ARE BASED UPON THE MERIDIAN. THE COORDINATES ARE BASED UPON THE 1983 NAD 83 DATUM.
3. THE TITLE AND DESCRIPTION ARE CORRECT AND SHOWN AS SHOWN ON THE PLAT.
4. THE TITLE AND DESCRIPTION ARE CORRECT AND SHOWN AS SHOWN ON THE PLAT.
5. THE TITLE AND DESCRIPTION ARE CORRECT AND SHOWN AS SHOWN ON THE PLAT.
6. THE TITLE AND DESCRIPTION ARE CORRECT AND SHOWN AS SHOWN ON THE PLAT.

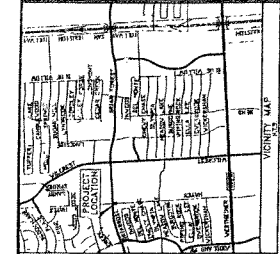
LEGEND

	POWER POLE
	NO. ROW
	ROAD
	WALKER
	WALKER MARK
	WALKER MARK
	WALKER MARK
	WALKER MARK
	WALKER MARK



LINE TABLE

LINE NO.	BEARING	DISTANCE
L-1	N07°14'01"W	15.00'
L-2	N87°53'33"E	15.00'
L-3	S47°53'44"W	15.00'
L-4	N07°14'01"W	15.00'
L-5	S47°53'15"E	21.24'
L-6	S87°53'33"W	15.00'



**SURVEYOR'S CERTIFICATION**

I, the undersigned, being a duly licensed Surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original records on file in my office.

WESTERN GROUP CONSULTANTS  
 13111 MAY PRESBY, SUITE 502  
 HOUSTON, TEXAS 77078  
 (713) 485-6685

WESTERN GROUP CONSULTANTS  
 13111 MAY PRESBY, SUITE 502  
 HOUSTON, TEXAS 77078  
 (713) 485-6685

NEIGHBORHOOD RECONSTRUCTION  
 HAYES ROAD BETWEEN  
 WESTMEIER PARCEL MARK

CITY OF HOUSTON  
 PUBLIC WORKS DEPARTMENT  
 ENGINEERING DIVISION

DATE: 4/17/05  
 BY: [Signature]

DATE: 4/17/05  
 BY: [Signature]



DRAWING NO. 41051

4/16/05

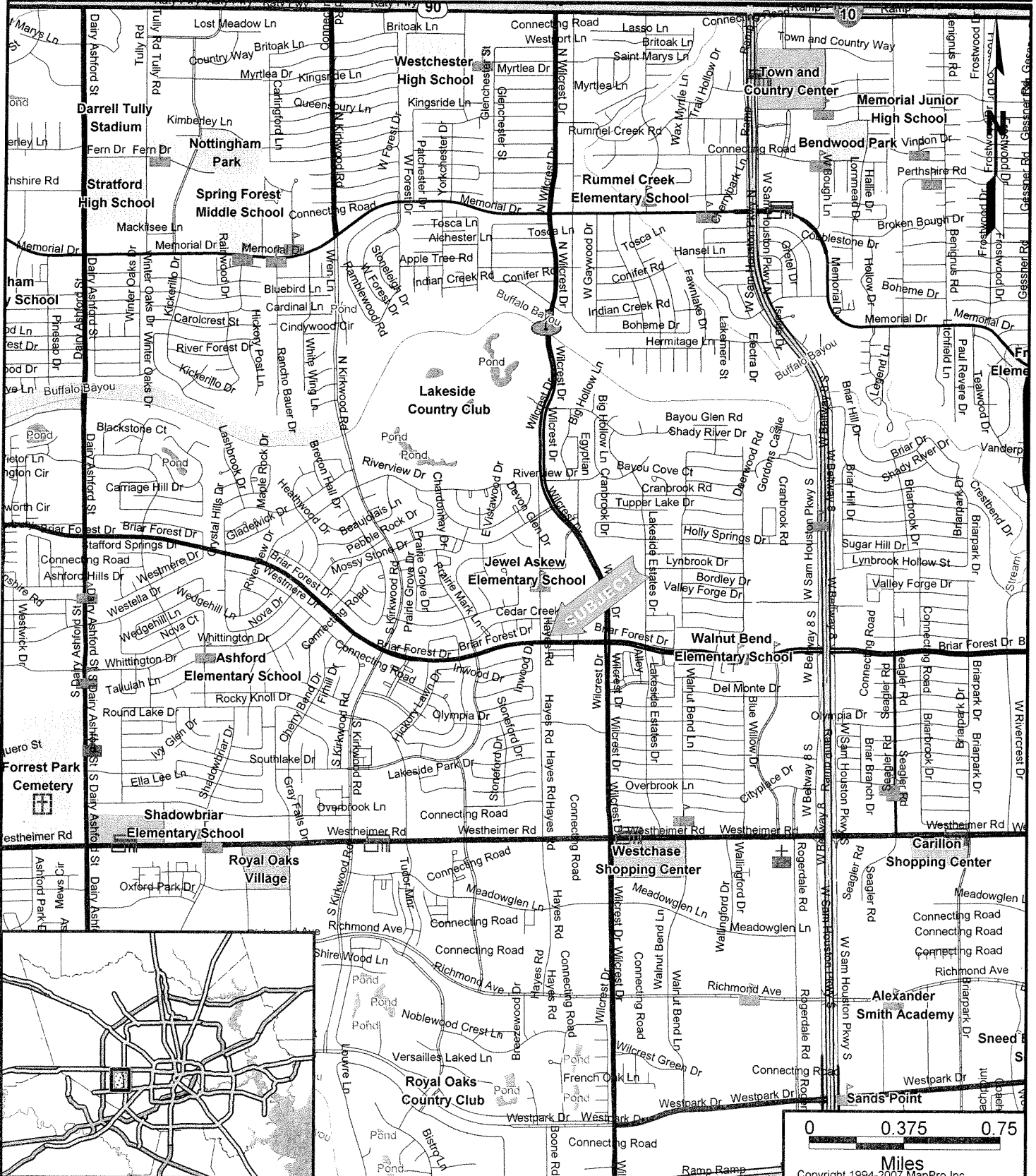
# LOCATION MAP

Description: Hayes Road (From Westheimer to Briar Forest)

Parcels AY6-046 and AY6-047

Key Map 489 P, Council District G

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.

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7465**

**Subject:** Sole Source Purchase of a Software Maintenance and Support Services Agreement for the Information Technology Department.

Category #  
5

Page 1 of 1

Agenda Item

**13**

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

May 22, 2007

**Agenda Date**

AUG 08 2007

**DIRECTOR'S SIGNATURE**

*Richard Lewis for 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:**

**RECOMMENDATION: (Summary)**

Approve the sole source purchase from FrontRange Solutions USA, Inc. in the total amount of \$64,138.40 for a HEAT software services and support maintenance agreement for the Information Technology Department.

Award Amount- \$64,138.40

**F & A Budget**

\$64,138.40 Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**

The Information Technology Department recommends that City Council approve the sole source purchase from FrontRange Solutions USA, Inc. in the total amount of \$64,138.40 for a 36-month term for a software maintenance and support services agreement and that authorization be given to issue a purchase order.

FrontRange Solutions USA, Inc. is the software developer and the sole source provider for software maintenance and support services. They have no dealer networks, distributorships, or third-party providers for software maintenance and support services.

The scope of work requires the contractor to provide all supplies, equipment, labor and supervision necessary to provide software maintenance and support services for the HEAT Tracking System. The HEAT Tracking System is utilized to track and monitor work orders for the Information Technology Department

Under the terms of the contract, the contractor is required to provide software maintenance and support services as follows:

- Unlimited toll-free phone support
- Emergency after-hours pager support
- Access to support desk via email
- Access to product new releases and updates

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

**REQUIRED AUTHORIZATION**

F&A Director:

*William D. Wells*

Other Authorization:

Other Authorization:

**NDT**

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7542**

**Subject:** Sole Source Purchase of a Software Maintenance and Support Services Agreement for the Information Technology Department

Category #  
5

Page 1 of 1

Agenda Item

**14**

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

Richard Lewis  
Chief Information Officer  
Information Technology

**Origination Date**

July 17, 2007

**Agenda Date**

AUG 0 8 2007

**DIRECTOR'S SIGNATURE**

*Earl Lambert*

**Council District(s) affected**

All

**For additional information contact:**

Richard Lewis                      Phone: (832) 393-0065  
Earl M. Lambert                      Phone: (832) 393-0038

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

**RECOMMENDATION: (Summary)**

Approve the Sole Source Purchase from Maximus, Inc. in the amount of \$80,000.00 for the City's Fleet Maintenance System (GEMS2000) annual license and software support.

Award Amount- \$80,000.00

**F & A Budget**

\$80,000.00 Central Service Revolving Fund (1002)

**SPECIFIC EXPLANATION:**

The Information Technology Department recommends that City Council approve the sole source purchase from Maximus, Inc. in the amount of \$80,000.00 for annual license, maintenance, and software support for the City's Fleet Management System (GEMS 2000) and that authorization be given to issue a purchase order.

Maximus, Inc. is the software developer and the sole source provider for these software maintenance and support services. They have no dealer networks, distributorships, or third-party providers for software maintenance and support services.

GEMS 2000 is used to manage the City's fleet and related equipment. GEMS tracks these items from original purchase to salvage and over this life will track all vehicle work orders, maintenance and repair costs, mileage, fuel usage, location and parts inventory.

The current system is beyond end of life and requires almost daily maintenance to ensure its integrity. The IT Department is currently developing a Request for Proposal to procure a new Fleet System. The Maximus software license and support service will cover a 12-month period and will provide software updates and required software support while the City proceeds with the acquisition of a new system.

Under the terms of this agreement, the contractor will be required to provide:

- Program updates, fixes, security alerts, and critical patches
- Unlimited phone support for 12 months
- Unlimited access to support desk via e-mail for 12 months

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

**REQUIRED AUTHORIZATION**

F&A Director:

*Calvin D. Williams*

Other Authorization:

Other Authorization:

**NDT**

*mje*

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7539

Subject: Sole Source Purchase of Software, System Uplifts, and Maintenance Service Agreement for the Police Department

Category #  
4

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

July 24, 2007

Agenda Date

AUG 08 2007

DIRECTOR'S SIGNATURE

*MS*  


Council District(s) affected

1

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 the sole source purchase from Knowledge Computing Corporation in the amount of \$310,190.00 for software, system uplifts, and a maintenance service agreement for the Police Department.

Award Amount - \$310,190.00

F & A Budget



\$310,190.00 - State Grant Fund (5010)

SPECIFIC EXPLANATION:

This purchase is for the HPD 24/7 Crime Analysis & Command Center. State grant funds of \$1.6 Million have been included in the adopted FY08 budget for this purpose. The division is reorganizing to take advantage of available technology and provide on demand assistance in real time to all patrol units being dispatched to significant events as well as support investigative officers in the field. This information will be made immediately available at crime scenes and will assist in improving case closures. The redesign of the division will further enable the police department to quickly respond to community needs at a time when crime is increasing and citizens are more concerned for their safety.

The City Purchasing Agent recommends that City Council approve the sole source purchase from Knowledge Computing Corporation in the total amount of \$310,190.00 for Coplink software, system uplifts, and a maintenance service agreement for the Police Department. Knowledge Computing Corporation is the Coplink software developer and sole source provider for this application. It has no dealer networks, distributorships, or third-party providers for their maintenance and support services.

The scope of service requires the contractor to provide an expansion of the existing Coplink analysis tool that will include additional data sources and maintenance related to Harris County Probation Information, Warrants Division, Jail Division, Houston Automated Fingerprint Identification System, and Gang databases. This purchase will increase existing software user licenses to 1000 users which will allow patrol and investigative units access to the databases. Coplink's relationship analysis of data will quickly provide users with all available information from various databases about a particular suspect, address or incident.

Under the terms of the maintenance service agreement, the vendor will be required to provide:

- Unlimited toll-free phone support
- Technical support Monday – Friday 8 AM to 5 PM
- Access to support desk via email
- Access to product new releases and updates

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

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

NOT

F&A Director:

Other Authorization:

Other Authorization:

*ms*

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7543

Subject: Purchase of Audio-Video Display Equipment, Installation Service, and Maintenance Service through the City's Master Agreement with the DIR for Texas CISV Master Catalog Purchases Under Chapter 2157 of the Government Code (Contract No. C56844)

Category #  
4

Page 1 of 2

Agenda Item

16

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

July 25, 2007

Agenda Date

AUG 08 2007

DIRECTOR'S SIGNATURE

*Calvin D. Wells*

Council District(s) affected

1

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 the purchase of audio-video display equipment, installation service, and a maintenance service agreement in the total amount of \$366,787.00 through the City's Master Agreement with the Texas Department of Information Resources (DIR) Texas CISV Master Catalog Purchases.

Award Amount: \$366,787.00

F & A Budget

*[Signature]*

\$366,787.00 - State Grant Fund (5010)

SPECIFIC EXPLANATION:

This purchase is for the HPD 24/7 Crime Analysis & Command Center. State grant funds of \$1.6 Million have been included in the adopted FY08 budget for this purpose. The division is reorganizing to take advantage of available technology and provide on demand assistance in real time to all patrol units being dispatched to significant events as well as support investigative officers in the field. This information will be made immediately available at crime scenes and will assist in improving case closures. The redesign of the division will further enable the police department to quickly respond to community needs at a time when crime is increasing and citizens are more concerned for their safety.

The City Purchasing Agent recommends that City Council approve the purchase of audio-video display equipment, installation service, and a maintenance service agreement in the total amount of \$366,787.00 through the City's Master Agreement with Department of Information Resources (DIR) for the Texas CISV Master Catalog Purchases for the Police Department, and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, AT&T Datacomm.

This purchase consists of a high-definition DVD/VCR recorder, a 17" touch screen controller, a video scan converter, a 50" plasma television, a 50" plasma monitor, an integrated control system, an audio-digital sound processor, a dual channel mixer, two audio-video matrix switchers, three digital light processing projectors, and additional equipment and supplies. The contractor will also be required to provide installation, configuration, system overview, engineering, and management services.

This purchase will provide the design and implementation of a real-time Crime Analysis Center (CAC) and Command/Conference room for the Houston Joint Intelligence Center. The CAC will utilize audio and video technologies to facilitate a real-time display of information to the CAC staff analysts and commander/operator. The adjacent Command/Conference room will be used for meetings and audio-video teleconferences.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

*[Handwritten initials]*

Date: 7/25/2007	Subject: Purchase of Audio-Video Display Equipment, Installation Service, and Maintenance Service through the City's Master Agreement with the DIR for Texas CISV Master Catalog Purchases Under Chapter 2157 of the Government Code (Contract No. C56844)	Originator's Initials MS	Page 2 of 2
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This equipment will come with a limited one-year warranty and will have a life expectancy of five years.

Under the terms of this maintenance service agreement, the contractor is required to provide:

- One year of maintenance support
- Next-business-day onsite labor and replacement parts
- Telephone technical support Monday – Friday 8 AM to 5 PM
- Software updates and software upgrades

Buyer: Murdock Smith III

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7548

Subject: Spending Authority to Purchase Software and Professional Services from the State of Texas Building and Procurement Commission's Contract for the Police Department

Category #  
4 & 5

Page 1 of 2

Agenda Item

17

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

July 24, 2007

Agenda Date

AUG 08 2007

DIRECTOR'S SIGNATURE

MS

*Calvin D. Wells*

Council District(s) affected

1

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 spending authority to purchase software and professional services from the State of Texas Building and Procurement Commission's Contract in an amount not to exceed \$628,777.00 for the Police Department.

Award Amount: \$628,777.00

F & A Budget

*[Signature]*

\$628,777.00 State Grant Fund (5010)

SPECIFIC EXPLANATION:

This purchase is for the HPD 24/7 Crime Analysis & Command Center. State grant funds of \$1.6 Million have been included in the adopted FY08 budget for this purpose. The division is reorganizing to take advantage of available technology and provide on demand assistance in real time to all patrol units being dispatched to significant events as well as support investigative officers in the field. This information will be made immediately available at crime scenes and will assist in improving case closures. The redesign of the division will further enable the police department to quickly respond to community needs at a time when crime is increasing and citizens are more concerned for their safety.

The City Purchasing Agent recommends that City Council approve spending authority to purchase software and professional services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program in an amount not to exceed \$628,777.00 for the Police Department (HPD), and that authorization be given to issue a purchase order to the State Contract Vendor, Information Builders, Inc.

The scope of services requires the contractor to provide all labor, equipment, supplies and transportation necessary to furnish and install a customizable off the shelf software solution that will allow HPD the ability to access and analyze data from multiple sources such as Computer Aided Design, Records Management Solution, criminal history and incidents reports. The software solution includes web-based incident reporting, a Key Performance Indicators dashboard and interactive-mapping capabilities. By analyzing criminal offender databases and quickly identifying a correlation between similar types of crimes, the Department will have the ability to take action to prevent violence before it occurs. Additionally, the contractor will be required to provide professional services such as system engineering and configuration services.

*ms*

REQUIRED AUTHORIZATION

NDI

F&A Director:

Other Authorization:

Other Authorization:



Date: 7/24/2007	Subject: Spending Authority to Purchase Software and Professional Services from the State of Texas Building and Procurement Commission's Contract for the Police Department	Originator's Initials FR	Page 2 of 2
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**M/WBE Subcontracting:**

Information Builders, Inc. has agreed to subcontract 10% of the professional services portion of this contract and has designated the below-named company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Precision Task Group	Professional Services	\$12,672.00

This contract will be monitored by the Affirmative Action Division.

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

Buyer: Frank Rodriguez

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7532**

**Subject:** Formal Bids Received to Modify the Alameda Sims East Lift Station for the Public Works & Engineering Department S25-C22487

Category #  
4

Page 1 of 2

Agenda Item

18

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 12, 2007

**Agenda Date**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

D

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to Industrial TX Corporation on its low bid in the amount of \$197,500.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$9,875.00 for a total amount not to exceed \$207,375.00 to modify the Alameda Sims East Lift Station for the Public Works & Engineering Department.

Award Amount: \$207,375.00

**F & A Budget**

\$207,375.00 Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Industrial TX Corporation on its low bid in the amount of \$197,500.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$9,875.00 for a total amount not to exceed \$207,375.00 to modify the Alameda Sims East Lift Station for the Public Works & Engineering Department, and that authorization be given to issue purchase orders as necessary. This project is necessary to repair and bring the lift station into compliance with the State of Texas environmental regulations.

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

<u>Company</u>	<u>Total Amount</u>
1. Industrial TX Corporation	\$197,500.00
2. Boyer, Inc.	\$328,482.00
3. Peltier Brothers Construction, LLC	\$341,935.00

- Due to the disparity between the bids, Strategic Purchasing spoke with a representative of Industrial TX Corporation to discuss and review the scope of work for this project. Industrial TX Corporation's representative stated that its bid includes all costs associated with performing the work called for in the bid specifications. The contractor has successfully performed similar work at this wastewater treatment plant in the past. Additionally, the contractor has provided the City with performance, maintenance and payment bonds in the amount of 100% of the contract price. Based on the aforementioned, Strategic Purchasing is confident that the recommended company can perform the specified work for the price bid.

The scope of work requires the construction contractor to provide all material, labor, equipment, transportation and other services necessary to modify the sewer discharge line at the Alameda Sims East Lift Station, located

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

MOT

Date: 7/12/2007	Subject: Formal Bids Received to Modify the Alameda Sims East Lift Station for the Public Works & Engineering Department S25-C22487	Originator's Initials TS	Page 2 of 2
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at 12319-1/2 Alameda Road. The work will include removal and replacement of the 30-inch pipe header from each of the plug discharge valves of the lift pumps, and removal and replacement of the discharge piping to ten feet outside the lift station as needed to complete the modification. The 8-inch air release piping will be connected to the 30-inch discharge piping. These modifications will result in a fully functional flanged discharge system. The contractor will have 150 days to complete the work on this project upon receipt of the notice-to-proceed.

Buyer: Tom Smyer

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7536**

**Subject:** Sole Source Purchase of Replacement Parts for Wastewater Treatment Plants for the Public Works & Engineering Department S25-N22526

Category #  
4

Page 1 of 1

Agenda Item

19

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 06, 2007

**Agenda Date**

AUG 08 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:**

**RECOMMENDATION: (Summary)**

Approve the sole source purchase of replacement parts for wastewater treatment plants from Infilco Degremont, Inc. in the total amount of \$59,328.29 for the Public Works & Engineering Department.

Award Amount: \$59,328.29

**F & A Budget**

\$59,328.29 Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sole source purchase of replacement parts for wastewater treatment plants from Infilco Degremont, Inc. in the total amount of \$59,328.29 for the Public Works & Engineering Department and that authorization be given to issue a purchase order. These replacement parts are needed to repair and maintain the bar screens at the 69<sup>th</sup> Street and Almeda Sims Wastewater Treatment Plants, located at 2525 S/Sgt. Marcario Garcia Drive and 12319-1/2 Almeda Road, respectively.

Infilco Degremont, Inc. is the sole distributor, manufacturer, and supplier of these replacement parts which are manufactured specifically for the custom-designed equipment at the wastewater treatment plants.

This purchase consists of one wiper assembly, one rake shelf, six rake teeth, six sprockets, one Bellville washer assembly, two drive shafts, two drive shaft rollers, two follower shafts, four follower shaft rollers and two rakes. These replacement parts will come with a one-year warranty on workmanship and an unknown life expectancy. These parts are manufactured in Germany and will take approximately 75 days to ship after receipt of the purchase order.

Buyer: Tom Smyer

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

MOT

*msj*

7-20-07

0

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7520

Subject: Amend Council Motion No. 2007-0288, Passed 3/21/07, for Two Additional Water Tank Removals and Replacements for the Public Works & Engineering Department S29-N22234-A1

Category # 4

Page 1 of 1

Agenda Item

20

FROM (Department or other point of origin):

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

Origination Date

July 25, 2007

Agenda Date

AUG 08 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:

Council Motion 2007-0288; Passed March 21, 2007

RECOMMENDATION: (Summary)

Amend Council Motion No. 2007-0288, passed March 21, 2007, for two additional water tank removals and replacements for a total increase of \$33,000.00 for the Public Works & Engineering Department.

Award Amount: \$33,000.00

F & A Budget

\$33,000.00 - Fleet Management Fund (1005)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion No. 2007-0288, passed March 21, 2007, for two additional water tank removals and replacements for a total increase of \$33,000.00 for the Public Works & Engineering Department and that authorization be given to issue a purchase order to the awarded contractor, Texans Auto Center.

In January 2007, as a result of advertising this bid in accordance with the requirements of the State of Texas bid laws, one bid was received from Texans Auto Center. The bid document included a provision allowing the City to increase quantities for water tank removals and replacements if the contractor agrees to honor the original bid price. Texans Auto Center has agreed, in writing, to honor its original unit price bid of \$16,500.00 for two trucks that require water tank removals and replacements as requested in this award.

The scope of work requires the contractor to provide all labor, tools, parts, testing, facilities, supervision and transportation necessary to remove and replace two 3,500-gallon capacity steel tanks with two 4,000-gallon capacity polypropylene material tanks for two trucks.

Buyer: Douglas Moore

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NDT

3-16-07

MC

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7521**

**Subject:** Approve the Purchase of Mowers through the Texas Local Government Purchasing Cooperative for the Public Works & Engineering Department  
S34-N22532-B

Category #  
4

Page 1 of 1

Agenda Item

**21**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 17, 2007

**Agenda Date**

AUG 08 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:**

**RECOMMENDATION: (Summary)**

Approve the purchase of mowers through the Texas Local Government Purchasing Cooperative in the amount of \$34,079.78 for the Public Works & Engineering Department.

Award Amount: \$34,079.78

**F & A Budget**

\$34,079.78 - Combined Utility System General Purchase Fund (8305)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the purchase of two rotary-riding mowers through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative in the amount of \$34,079.78 for the Public Works & Engineering Department, and that authorization be given to issue a purchase order to the Texas Local Government Purchasing Cooperative contractor, Professional Turf Products, L. P. These mowers will be used citywide by Department personnel to maintain the grass at various wastewater treatment plants and lift stations.

These new mowers will come with a full two-year warranty and the life expectancy is five years. These units will replace two units that have exceeded their life expectancy and are being sent to auction for disposition. The units being replaced are shop numbers 24983 and 33024 which are 12 and 5 years old, respectively. Unit 33024 caught fire and the cost to repair it has been estimated between \$10,000.00 and \$12,000.00.

Buyer: Larry Benka  
PR. No. 10030134

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

5-15-07

*MJ*

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7534

**Subject:** Formal Bids Received to Repair the 24-inch Force Main at 9850-1/2 Goodyear Drive for the Public Works & Engineering Department  
S25-C22494

Category #  
4

Page 1 of 1

Agenda Item

**22**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 06, 2007

**Agenda Date**

AUG 0 8 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

1

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to Troy Construction, L.L.P. on its low bid in the amount of \$79,900.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$3,995.00 for a total amount not to exceed \$83,895.00 to repair the 24-inch force main at 9850-1/2 Goodyear Drive for the Public Works & Engineering Department.

Award Amount: \$83,895.00

**F & A Budget**

\$83,895.00 Water & Sewer System Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Troy Construction, L.L.P. on its low bid in the amount of \$79,900.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$3,995.00 for a total amount not to exceed \$83,895.00 to repair the 24-inch force main at 9850-1/2 Goodyear Drive for the Public Works & Engineering Department and that authorization be given to issue purchase orders as necessary. This project is necessary because the force main is broken and causing a dramatic reduction in the lift station capacity to pump wastewater.

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

<u>Company</u>	<u>Total Amount</u>
1. Troy Construction, L.L.P.	\$ 79,900.00
2. Boyer, Inc.	\$ 93,869.00
3. Reliance Construction	\$110,475.00

The scope of work requires the construction contractor to provide all material, labor, equipment, supervision and transportation necessary to repair the 24-inch force main, located at 9850-1/2 Goodyear Drive. The work will include removal and replacement of approximately 30 lineal feet of 24-inch ductile pipe, including all elbows and fittings, and removal and restoration of affected concrete pavement. These repairs will result in a fully functional 24-inch force main discharge system. The contractor will have 30 days to complete the work on this project upon receipt of the notice-to-proceed.

Buyer: Tom Smyer

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*mqr*

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA# 7447

**Subject:** Reverse Auction Bids Received for Safety Footwear for Various Departments  
S07-S22322RA

Category #  
4

Page 1 of 2

Agenda Item

**23**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 20, 2007

**Agenda Date**

AUG 08 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Karen Dupont Phone: (713) 859-4934  
Desiree Heath Phone: (713) 247-1722

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

**RECOMMENDATION: (Summary)**

Approve an award to Safety Shoe Distributors, L.L.P. on its low bid in an amount not to exceed \$3,902,931.46, minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services required under contract with the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$3,882,931.46 for safety footwear for various departments.

Estimated Spending Authority: \$3,882,931.46

**F & A Budget**

- \$2,811,826.00 General Fund (1000)
- \$ 86,632.80 Fleet Management Fund (1005)
- \$ 43,180.00 Park Special Revenue Fund (2100)
- \$ 103,958.40 Storm Water Utility Fund (2302)
- \$ 335,705.46 HAS - Revenue Fund (8001)
- \$ 501,628.80 Water & Sewer System Operating Fund (8300)
- \$3,882,931.46**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Safety Shoe Distributors, L.L.P. on its low bid in an amount not to exceed \$3,902,931.46, minus a reverse auction commission fee (the lesser of 2% or \$20,000.00) to the Texas Procurement Center, L.L.C., for a net award amount not to exceed \$3,882,931.46. It is further requested that authorization be given to make purchases, as needed, for a 60-month term. This award, consisting of two price lists for safety footwear; which includes, but is not limited to, various protective and occupational shoes used by the Houston Airport System and by the Public Works & Engineering, Police, Fire, Parks & Recreation, Health & Human Services, Solid Waste Management, and Convention & Entertainment Departments.

*Facilities*

This is a price list solicitation. The best discount, which determines the low bid for a price list, is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Departments. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60 month term based on the low bid submitted for the representative samples.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Bids were selected using the "reverse auction" methodology, and 36 bids were received as detailed in the attached support document.

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*117*



Date: 7/20/2007	Subject: Reverse Auction Bids Received for Safety Footwear for Various Departments S07-S22322RA	Originator's Initials CC	Page 2 of 2
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**M/WBE Subcontracting:**

This bid was issued with a 3% goal for M/WBE participation. Safety Shoe Distributors, L.L.P. has designated the below-named company as its certified M/WBE subcontractor.

<u>COMPANY</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>
General Truck Body Mfg., Inc.	General Automotive Repair	\$116,487.94

The Affirmative Action Division will monitor this award.

Item No. 2 is not being awarded.

Buyer: Casey Crossnoe

**Estimated Spending Authority:**

<u>DEPARTMENT</u>	<u>FY 08</u>	<u>OUT YEARS</u>	<u>TOTAL</u>
POLICE	\$1,000.00	\$4,000.00	\$5,000.00
FIRE	\$475,650.00	\$1,902,600.00	\$2,378,250.00
PUBLIC WORKS & ENGINEERING	\$170,264.00	\$650,156.00	\$820,420.00
SOLID WASTE MANAGEMENT	\$33,800.00	\$133,600.00	\$167,400.00
HEALTH & HUMAN SERVICES	\$2,891.20	\$9,564.80	\$12,456.00
HOUSTON AIRPORT SYSTEM	\$67,481.09	\$268,224.37	\$335,705.46
CONVENTION & ENTERTAINMENT	\$3,000.00	\$10,000.00	\$13,000.00
PARKS & RECREATION	\$25,400.00	\$125,300.00	\$150,700.00
GRAND TOTAL	\$779,486.29	\$3,103,445.17	\$3,882,931.46

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

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of Colombard Drive, from Greensgate Drive east ±820 feet to the boundary of the Esplanade Phase One Subdivision, in exchange for the conveyance to the City of a 25-foot-wide water line easement, all located in Unrestricted Reserve B, Simon Contreras Survey, A-220. <b>Parcels SY6-082 and KY6-207</b>	<b>Category #7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b>  <span style="font-size: 2em; font-weight: bold;">24</span>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  7-19-07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: B</b>  Key Map 372V <span style="float: right;">DO</span>
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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> C.M. 2006-0405 (5/24/06)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of Colombard Drive, from Greensgate Drive east ±820 feet to the boundary of the Esplanade Phase One Subdivision, in exchange for the conveyance to the City of a 25-foot-wide water line easement, all located in Unrestricted Reserve B, Simon Contreras Survey, A-220. **Parcels SY6-082 and KY6-207**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 By Council Motion 2006-0405, City Council authorized the subject transaction. Industrial Developments International (Texas), L.P. [ID International (Texas), L.P. (Henry D. Gregory, Jr., Chief Executive Officer), sole general partner], the property owner, plans to construct a private access driveway for a proposed industrial/warehouse development.

Industrial Developments International (Texas), L.P. has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City will abandon and sell to Industrial Developments International (Texas), L.P.:

<b>Parcel SY6-082</b>	
50,747-square-foot street right-of-way easement	\$20,299.00
In exchange, Industrial Developments International (Texas), L.P. will pay:	
Cash	•\$16,093.00
Plus convey to the City:	
<b>Parcel KY6-207</b>	
21,032-square-foot water line easement	\$4,206.00
<b>TOTAL CASH AND CONVEYANCE</b>	<b><u>\$20,299.00</u></b>

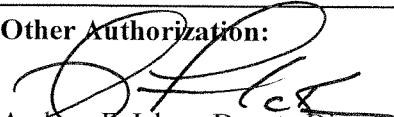
Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of Colombard Drive, from Greensgate Drive east ±820 feet to the boundary of the Esplanade Phase One Subdivision, in exchange for the conveyance to the City of a 25-foot-wide water line easement, all located in Unrestricted Reserve B, Simon Contreras Survey, A-220.

MSM:NPC:dob

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

s:\dob\sy6-082.rc2.doc CUIC #20DOB012

**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
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CITY OF HOUSTON  
 MONUMENT NO.  
 5265-1401  
 X=3,137,728.43 GRID FEET  
 Y=782,272.21 GRID FEET

NUMBER	R=	L=	CD=	LC=
C1	25.00	39.28	S42°4'16"W	35.36
C2	25.00	39.24	S47°45'52"E	35.34

Abandonment and sale of Colombard Drive,  
 Greensgate Drive east ±820 feet to the boundary  
 of the Esplanade Phase One Subdivision, located  
 in Unrestricted Reserve B, Simon Contreras  
 Survey, A-220

PIERCE SULLIVAN SURVEY  
 ABSTRACT NO. 749

30' WIDE DRAINAGE EASEMENT  
 TO  
 HARRIS COUNTY  
 VOLUME 6789, PAGE 490  
 D.R.H.C.T.

ESPLANADE PHASE ONE  
 RESTRICTED RESERVE "B"  
 VOLUME 316, PAGE 69  
 M.R.H.C.T.

60' WIDE OUTFALL DRAINAGE EASEMENT  
 TO  
 STATE OF TEXAS  
 VOLUME 5753, PAGE 75  
 D.R.H.C.T.

PLACE OF COMMENCING  
 ACCOMPANYING DESCRIPTION  
 X=3,138,642.189 FEET  
 Y=782,296.717 FEET

PLACE OF BEGINNING  
 ACCOMPANYING DESCRIPTION

GREENSGATE DRIVE  
 (UNIMPROVED ROADWAY)  
 STREETS DEDICATED PER PLATS  
 VOLUME 316, PAGE 69 AND VOLUME 331,  
 PAGE 72 M.R.H.C.T.

1.165 ACRES

85' BUILDING LINE PER PLAT  
 VOLUME 115, PAGE 563 M.R.H.C.T.  
 15' WIDE  
 RIGHT-OF-WAY EASEMENT  
 TO  
 IMPERIAL VALLEY MUNICIPAL UTILITY DISTRICT  
 CLERKS FILE NO. E512128  
 O.R.H.C.T.

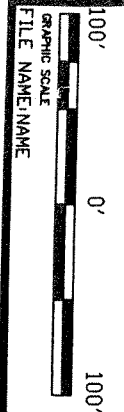
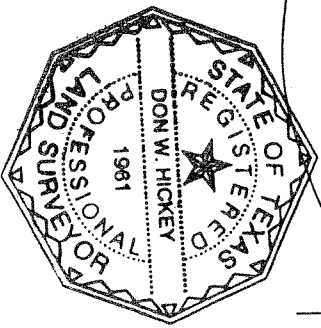
10' WIDE WATER LINE EASEMENT  
 TO  
 IMPERIAL VALLEY MUNICIPAL UTILITY  
 DISTRICT  
 CLERKS FILE NO. E546401 AND  
 CORRECTED IN CLERKS FILE NO.  
 F880013  
 O.R.H.C.T.

ESPLANADE PHASE ONE  
 UNRESTRICTED RESERVE "B"  
 VOLUME 316, PAGE 69  
 M.R.H.C.T.

SURVEY ABSTRACT NO. 220  
 SIMON CONTRERAS

Sketch showing all of Colombard Drive lying between ESPLANADE PHASE ONE UNRESTRICTED RESERVE "B" and RESTRICTED RESERVE "B" according to the plat thereof recorded in volume 316, page 69 of the Map Records of Harris County, Texas.

We marked the corners as shown hereon.  
 The basis for bearings is the Texas Coordinate System South Central Zone NAD 27 based on the City of Houston Control Monuments. The lengths shown hereon are horizontal ground lengths. To convert horizontal ground lengths to grid lengths multiply by 0.999913355.  
 Prepared March 6, 2006 from previous survey dated November, 2006.  
 BROOKES BAKER SURVEYORS



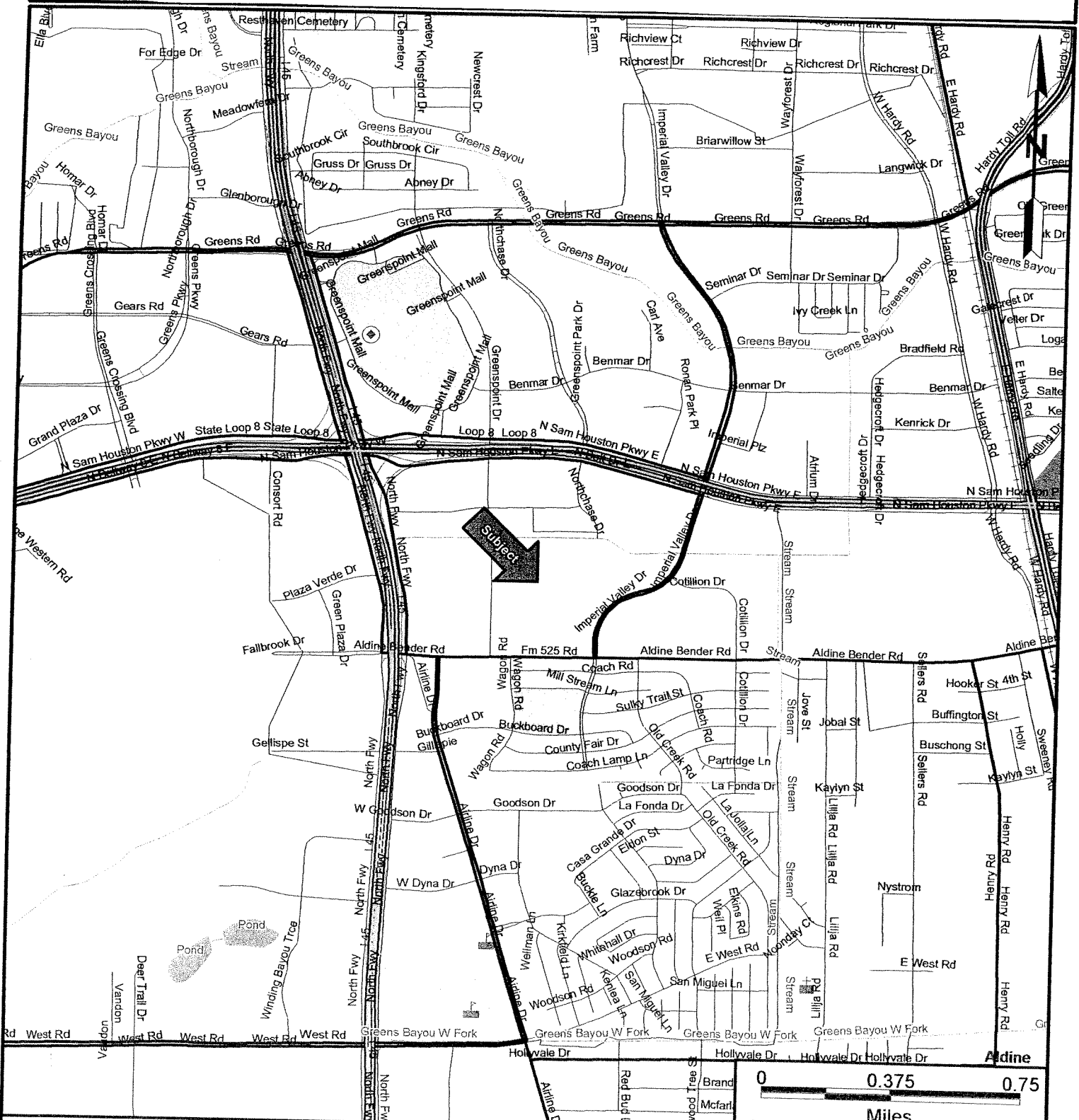
FILE NAME: NAME

BROOKES BAKER SURVEYORS  
 930 HICKEY COURT  
 GRANBURY, TEXAS 76049  
 (817) 279-0232  
 (817) 279-9694 FAX  
 dlnh@brookesbakersistors.com

ESPLANADE PHASE TWO  
 FILM CODE NO. 395098  
 M.R.H.C.T.

# LOCATION MAP

Abandonment and sale of Colombard Drive, from Greensgate Drive east ±820 feet to the boundary of the Esplanade Phase One Subdivision, located in Unrestricted Reserve B, Simon Contreras Survey, A-220 Parcel SY6-082



**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:</b> Ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; and authorize a Development Agreement addressing these requirements; all located within West Houston Addition; A.C. Reynolds Survey. <b>Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B</b>	<b>Category # 7</b>	<b>Page</b> <u>1</u> of <u>2</u>	<b>Agenda Item #</b>  <div style="text-align: right; font-size: 2em; font-weight: bold;">25</div>
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8-3-07	<b>Agenda Date</b> AUG 08 2007	
<b>DIRECTOR'S SIGNATURE:</b> <div style="font-family: cursive; font-size: 1.5em;">MS <i>Michael S. Marcotte</i> 8/3/07</div> Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: C</b> Key Map 532C <span style="font-family: cursive; font-size: 1.5em;">P5M</span>		
<b>For additional information contact:</b> Nancy P. Collins <sup>D.O.</sup> Senior Assistant Director-Real Estate <b>Phone:</b> (713) 837-0881	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2006-0956 (10/18/06)		
<b>RECOMMENDATION: (Summary)</b> It is recommended City Council approve an ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for a consideration of \$1,529,146.00 plus the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; and authorize a Development Agreement addressing these requirements; all located within West Houston Addition; A.C. Reynolds Survey. <b>Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B</b>			
<b>Amount and Source of Funding:</b> N/A		<b>F &amp; A Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> By Council Motion 2006-0956, City Council authorized the subject transaction. Thereafter, Item #7 regarding the reconstruction study was deleted from the transaction. Lamesa Village, Limited, a Texas limited partnership [Lamesa Village Holdings, LLC (Julie S. Tysor, Manager), General Partner], the property owner, plans to combine the property being abandoned and sold with its abutting property for future commercial and mid-rise residential development. As the construction requirements in items 1, 2, 3, 4, and 5 of the council motion will be completed after City Council passes the ordinance, Lamesa Village, Limited has submitted to the City two letters of credit (LOC) to cover the estimated construction costs. Construction items associated with the LOC in the amount of \$55,315.00 for items 2 and 3 must be completed within twelve months of the effective date of the ordinance. Construction items associated with the LOC in the amount of \$86,052.00 for items 1, 4, and 5 must be completed within five years of the effective date of the ordinance.  In addition to the foregoing the council motion requires the fulfillment of a number of requirements including (1) the reversion or rededication of Bolsover Street to the City in the event the developer's project is not completed within a prescribed period of time as substantially presented to the community and (2) the developer's agreement to pay a proportionate share of the cost to install a traffic signal at the intersection of Rice Boulevard and Morningside Street, should traffic conditions in the area change and such change warrants installation of a traffic signal during the five years following the closing of this transaction. The council motion also provides that council will, on the final approval of the contract, specify the approved use of the abandoned parcel. The developer's project consists of, among other things, a multi-level residential development not to exceed seven levels with a public pedestrian plaza on all or a part of the portion of Bolsover Street being abandoned and sold, 19 on-street angled surface parking spaces on Morningside Drive and 21 additional on-street angled parking spaces on Kelvin Drive, or in such numbers as are permitted under applicable City codes and regulations at the time the parking spaces are constructed. The attached Development Agreement addresses all of the foregoing requirements. It is therefore recommended City Council authorize the Mayor to execute and the City Secretary to attest the Development Agreement.			
s:\psm\sy6-099.rc2.doc		CUIC #20PSM198B	
<b>REQUIRED AUTHORIZATION</b>			
<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b> <div style="font-family: cursive; font-size: 1.2em;"> <i>Carol Ellinger for Andy Icken</i>                      Andrew F. Icken, Deputy Director                      Planning and Development Services Division                 </div>	

<b>Date:</b>	<b>Subject:</b> Ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; and authorize a Development Agreement addressing these requirements; all located within West Houston Addition; A.C. Reynolds Survey. <b>Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B</b>	<b>Originator's Initials</b>	<b>Page</b> <u>2</u> of <u>2</u>
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Lamesa Village, Limited has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full. The City's offer was based upon the highest value established by independent appraisals received by the City.

The City will abandon and sell to Lamesa Village, Limited:

**Parcel SY6-099A**

25,000-square-foot portion of Bolsover Street \$1,550,806.00

**Parcel SY6-099B**

3,000-square-foot street and sidewalk easement \$180,000.00

**Parcel SY6-99C**

300-square-foot water line easement \$9,000.00

**TOTAL ABANDONMENTS**

**\$1,739,806.00**

In exchange, Lamesa Village, Limited will pay

Cash \$1,529,146.00

Plus convey to the City:

**Parcel AY7-023A**

2,200-square-foot right of way \$132,000.00

**Parcel AY7-023B**

1,311-square-foot right of way \$78,660.00

**TOTAL CASH AND CONVEYANCE**

**\$1,739,806.00**

Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for a consideration of \$1,529,146.00 plus the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; all located within West Houston Addition; A.C. Reynolds Survey. It is also recommended City Council authorize the Mayor to execute and the City Secretary to attest the Development Agreement. The proceeds associated with the street parcels (\$1,520,146.00) will be deposited in the Limited Use Roadway & Mobility Capital Fund (Fund 4034) and will be used for project(s) specifically targeting the area surrounding the abandoned portion of Bolsover Street, i.e. Morningside Street improvements. The proceeds associated with the water line parcel (\$9,000.00) will be deposited into the W & S System Operating Fund (Fund 8300).

MSM: NPC: psm

- c: Raymond D. Chong, P.E., PTOE
- Daniel W. Krueger, P.E.
- Reid K. Mrsny, P.E.
- Marty Stein
- Jeff Taylor

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 D. Reed Phillips of R. G. Miller Engineers, Inc., 12121 Wickchester Lane, Suite 200, Houston, Texas 77079, on behalf of Lamesa Village, Ltd., for the abandonment and sale of: (1) Bolsover Street and a 6-foot-wide sidewalk and street easement, from  $\pm 180.1$  feet east of Kelvin Street to a point  $\pm 179.3$  feet west of Morningside Street; and (2) a 3-foot by 100-foot water line easement; all located within West Houston Addition, A.C. Reynolds Survey, Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A and AY7-023B, be adopted as follows:

1. The City abandon and sell: (1) Bolsover Street, from Kelvin Street to Morningside Street, (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street, and (3) a 3-foot by 100-foot water line easement, in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street, and construction of angled on-street parking, all located within West Houston Addition, A.C. Reynolds Survey. The City will require a reversion of Bolsover Street, or other legally binding assurance, to ensure that the project is developed within a prescribed period as substantially presented to the community;
2. The applicant be required to: (a) cut, plug, and abandon the 8-inch water line within Bolsover Street and (b) relocate the existing storm sewer inlets in Bolsover Street into Morningside Street, all at no cost to the City and under the proper permits, and pay the depreciated value of the water line being abandoned;
3. The applicant be required to eliminate the appearance of the public street at the intersections of Bolsover Street and Kelvin Street and Bolsover Street and Morningside Street;

Seconded by Council Member Alvarado

Council Member Clutterbuck moved to amend the above motion to provide that Council will, on the final approval of the contract, specify the approved use of the abandoned parcel.

Seconded by Council Member Lawrence

VOTE ON MOTION TO AMEND:

Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Green and Berry voting aye

Nays none

Council Members Johnson, Alvarado and Sekula-Gibbs absent

MOTION TO AMEND CARRIED

VOTE ON MAIN MOTION AS AMENDED:

Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Green and Berry voting aye

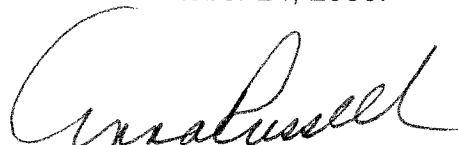
Nays none

Council Members Johnson, Alvarado and Sekula-Gibbs absent

MAIN MOTION AS AMENDED CARRIED

PASSED AND ADOPTED this 18th day of October, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is October 24, 2006.



Ann Russell  
City Secretary





5255B3

BALLY PARK  
123-849

DUNSTAN ROAD  
1 2 3 4 5 6 7 8 9 10  
593500-0001  
037-017200-0011  
1,280 AC.

BOLSOVER DRIVE  
RES A  
124-246-001-0001  
2,4793 AC

RY RICE BOULEVARD SHOPPING CENTER  
120-722-124-246  
RES A  
124-246

Abandonment and sale of: (1) Bolsover Street, from Kelvin Street to Morningside Street; (2) a 6-foot-by 500-foot street and sidewalk easement along the north side of Bolsover Street; and, (3) a 3-foot by 100-foot water line easement; in exchange for the conveyance to the City of additional street right of way along the east side of Kelvin Street and the west side of Morningside Street, from Dunstan Street to Bolsover Street; and construction of angled on-street parking; all located within West Houston Addition; A.C. Reynolds Survey. **Parcels SY6-099A, SY6-099B, SY6-099C, AY7-023A, and AY7-023B**

**Abandonment Parcels**

- SY6-099A (Bolsover Street)
- SY6-099B (Street and Sidewalk Easement)
- SY6-099C (Water Line Easement)

**Conveyance parcels**

- AY7-023A (Right of Way/Kelvin Street)
- AY7-023B (Right of Way/Morningside Street)

122-506  
SOUTHAMPTON EXTN

BOLSOVER  
1 2 3 4 5 6 7 8 9 10  
242300-0001  
14A, 13A, 12, 12A, 11

BOLSOVER  
1 2 3 4 5 6 7 8 9 10  
242300-0001  
14A, 13A, 12, 12A, 11

RICE BOULEVARD  
1 2 3 4 5 6 7 8 9 10  
244700-0001  
20A, 19A, 18, 17, 16, 15, 14, 13, 12, 11

WEST HOUSTON  
037-001  
244500-0001  
5,6310 AC.  
RESTRICTED RESERVE 'A'  
AMHERST AVENUE  
UNDER CITY COUNCIL ORDINANCE No 99-039

5255B4  
122-507  
SOUTHAMPTON PLACE

BOLSOVER ROAD  
1 2 3 4 5 6 7 8 9 10  
236900-0001  
10A, 9A, 8A, 7A, 6A, 5A, 4A, 3A, 2A, 1A

BOLSOVER ROAD  
1 2 3 4 5 6 7 8 9 10  
236900-0001  
10A, 9A, 8A, 7A, 6A, 5A, 4A, 3A, 2A, 1A

CHRIST THE KING EVANGELICAL LUTHERAN CHURCH  
RES A  
122-292-001-0001  
1,2745 AC  
122-292



WINDERMERE  
060-046-012-0002  
1,5794 AC.


5255B12

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

<b>SUBJECT:</b> Ordinance authorizing the abandonment and sale of ±2,660-square-foot of excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, out of the Edmundson Fourth Addition. <b>Parcel SY7-021</b>	<b>Category</b> # 7	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>26</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8-2-07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>   Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected: I</b>  Key Map 534C 
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<b>For additional information contact:</b> Nancy P. Collins      Phone: (713) 837-0881  Senior Assistant Director-Real Estate	<b>Date and identification of prior authorizing Council Action:</b> C.M. 2006-1049 (11/15/06)
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**RECOMMENDATION: (Summary)** It is recommended City Council approve an ordinance authorizing the abandonment and sale of ±2,660-square-foot of excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, out of the Edmundson Fourth Addition. **Parcel SY7-021**

<b>Amount and Source of Funding:</b> Not Applicable	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
 By Council Motion 2006-1049, City Council authorized the subject transaction. Paul Schielack dba B & R Distributing Company, the property owner, plans to use the subject property for vehicle parking, for which he is currently leasing the property from the City.

Paul Schielack has complied with the council motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to Paul Schielack:


<b>Parcel SY7-021</b>	
2,660-square-foot tract of land	\$14,630.00
<b>TOTAL ABANDONMENT</b>	<b><u>\$14,630.00</u></b>

MSM: NPC: dob

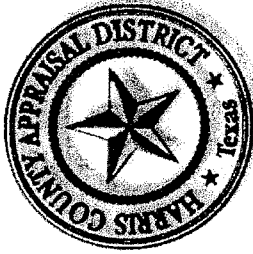
- c: Marlene Gafrick  
 Daniel W. Krueger, P.E.  
 Marty Stein  
 Jeff Taylor

s:\dob\sy7-021.rc2.doc CUIC #20DOB017

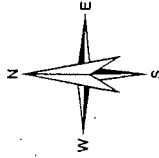
**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>   Andrew F. Icken, Deputy Director Planning and Development Services Division
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# Harris County Appraisal District



PUBLICATION DATE:  
3/10/2006



MAP LOCATION



## FACET 5555A

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

**SUBJECT:** Request for the abandonment and sale of ±2,600-square-foot of excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, out of the Edmondson Fourth Addition. **Parcel SY7-021**

041-007-024-0020  
2.9506 AC.

ROAD PLACE

ELEPHONE ROAD

NEWINGTON  
022-059

DISMUKE STREET

NEWPORT STREET

HATWELL STREET

I-45

GRTR E END MGMT DIST

5330  
079-171-000-0001  
2.9000 AC.

GULF TERMINALS  
079-171

B & R Dist. Co.  
City of Houston

BURWELL STREET

LEONARD STREET

041-007-024-0002  
5.9271 AC.

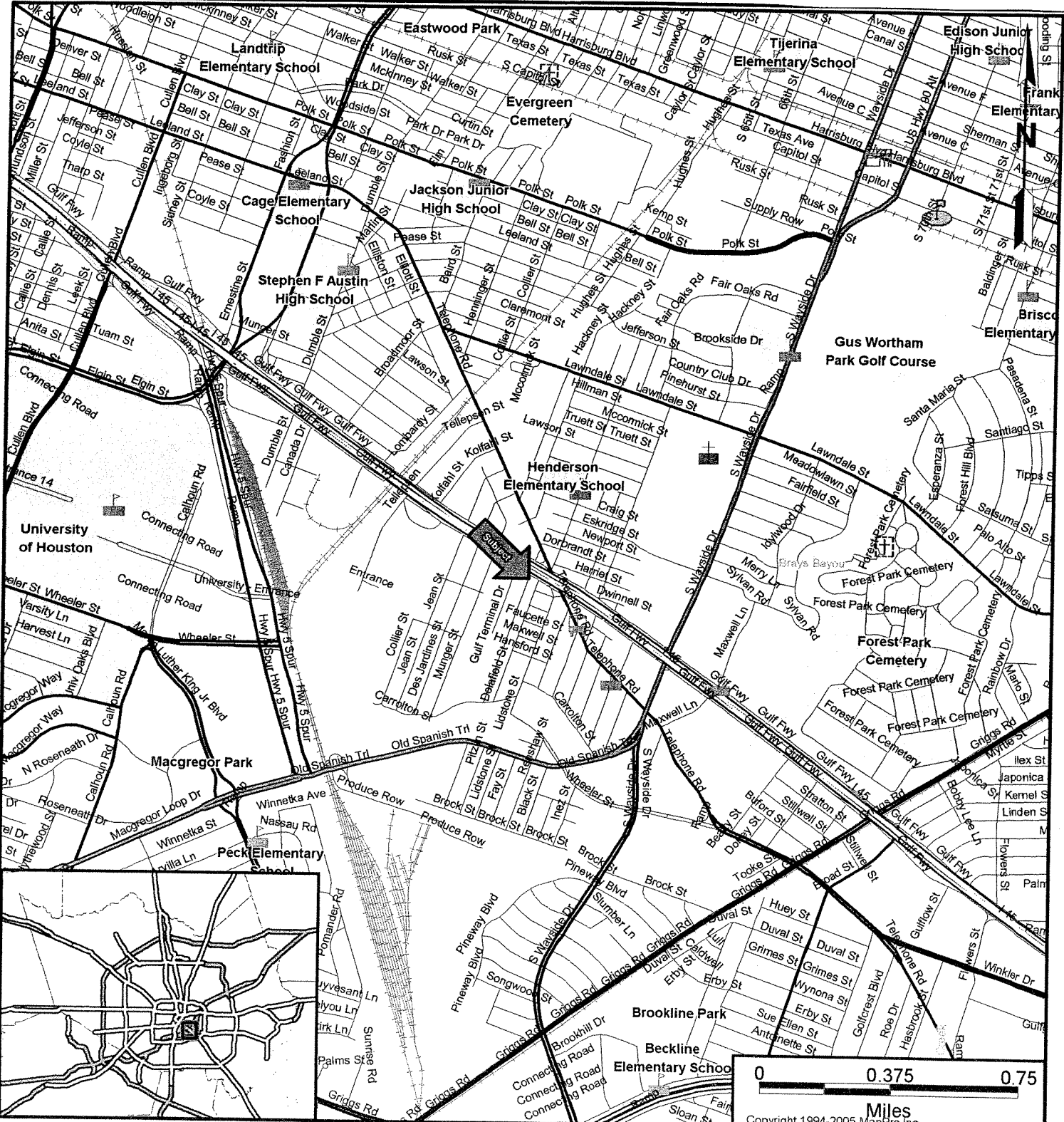
5555A1

5555A6

5555A3

# LOCATION MAP

**SUBJECT:** Request for the abandonment and sale of ±2,600-square-feet of excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, out of the Edmundson Fourth Addition. Parcel SY7-021



**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 1994-2005 MapPro Inc.

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 Paul Schielack of B & R Distributing Company, for the abandonment and sale of ±2,610-square-feet of excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, in the Edmundson Fourth Addition, Parcel SY7-021, be adopted as follows:

1. The City abandon and sell ±2,610-square-feet of excess fee-owned street right-of-way from Knoblock Street to Delafield Street, located at 5400 Gulf Freeway, in the Edmundson Fourth Addition;
2. 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 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. Mr. George Coleman and Mr. Frank Flores, independent real estate appraisers, are hereby appointed to establish the value, inasmuch as the value of the property interest is expected to exceed \$25,000.00.

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Johnson,  
Clutterbuck, Edwards, Khan, Holm, Garcia, Alvarado,  
Brown, Lovell, Green and Berry voting aye  
Nays none

Council Member Wiseman absent on City business

PASSED AND ADOPTED this 15th day of November, 2006.

Pursuant to Article VI, Section 6 of the City Charter, the  
effective date of the foregoing motion is November 21, 2006.

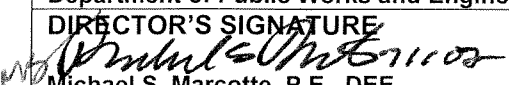

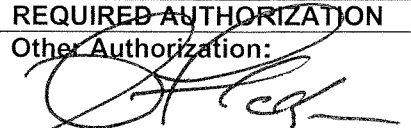
  
City Secretary

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

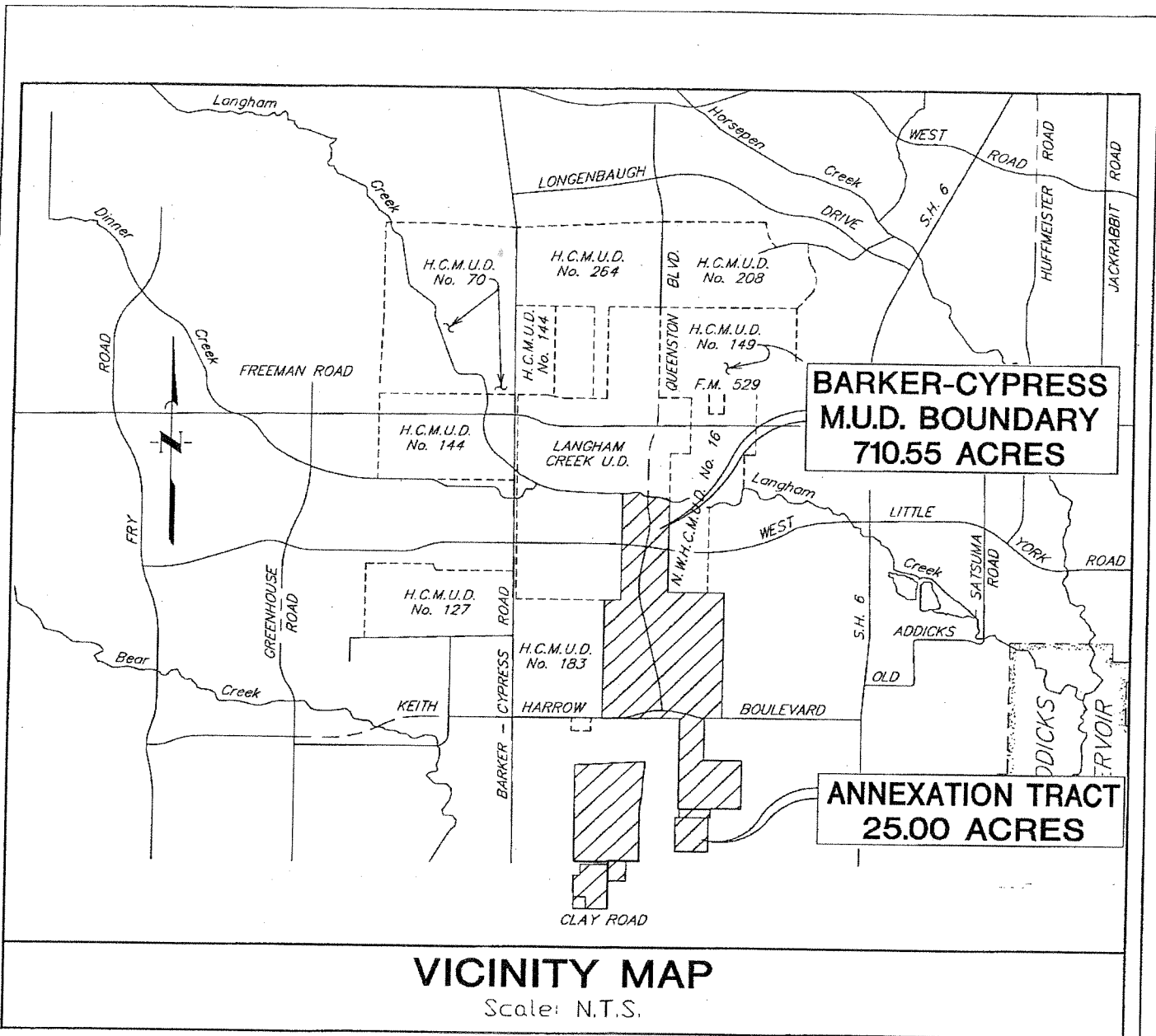
<b>SUBJECT:</b> Purchase Agreement between the Foundation for the Retarded (Buyer) and the City of Houston (Seller) for the property at 3550 West Dallas Street, being an aggregate of 6.7212 acres of land, more or less, and a 30-foot wide easement for ingress and egress.		<b>Page</b> 1 of 1	<b>Agenda Item</b>  <b>27</b>
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> AUG 08 2007
<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 8/2/07</i>		<b>Council District affected:</b> D	
<b>For additional information contact:</b> Jacquelyn L. Nisby 713-247-1814		<b>Date and identification of prior authorizing Council action:</b> Ord. #63-1688, 11/5/63; Ord. #64-0101, 1/21/64; Ord. #64-1029, 6/10/64; Ord. #72-1527, 8/24/72; Ord. #96-0414, 5/1/96	
<b>RECOMMENDATION:</b> Approve and authorize a Purchase Agreement between the Foundation for the Retarded (Buyer) and the City of Houston (Seller) for 6.7212 acres of land, more or less, and a 30-foot wide easement for ingress and egress located at 3550 West Dallas Street for a purchase price of \$6,000,000.00.			
<b>Amount and Source Of Funding:</b> Revenue: \$6,000,000.00		<b>F&amp;A Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> The City proposes to sell the property at 3550 West Dallas Street currently occupied by the Center Serving Persons with Mental Retardation (the "Center") to the Center's supporting organization, the Foundation for the Retarded, a Texas non-profit corporation (the "Foundation") for a purchase price of \$6,000,000.00.</p> <p>This tract is the subject of a number of leases and amendments between the City and the Center: one, covering .72 acres, is an expired \$1 per year lease under which the Center has a "first and preferential right" upon expiration; a second, covering 1 acre, is a 30-year \$1 per year lease which expires in 2026; a third, covering 5 acres, is a 99-year \$1 per year lease which expires in 2062. This sale will settle certain disputes between the City and the Center regarding the validity and enforceability of these leases and the Center's right to occupy the property.</p> <p>This sale is in consideration of the execution of a promissory note in the amount of \$6,000,000.00 to the City by the Foundation, as well as for the Foundation's promise to formulate a capital improvements program for the development and possible expansion of the property. The Center agrees to provide services to the mentally retarded and to manage and operate facilities on the property in connection therewith. Payments on the note are not due for three years. After three years, interest only at 5% is due, and at the end of 15 years all principal and interest will be due. The property will be deed restricted to providing services to the mentally retarded for three years after closing. In the event the Foundation sells the property, the Foundation must use the net proceeds to provide services to the mentally retarded for ten years after closing. The Foundation waives all claims against the City, including environmental claims, and agrees to indemnify the City from losses resulting from the Foundation's or the Center's negligence in operating the property after closing.</p> <p>This sale is in accordance with Section 272.001(b)(4) of the Texas Local Government Code, which authorizes a municipality to sell land to an independent foundation for development, and with Article 9, Section 13 of the Texas Constitution, which specifically authorizes cities to support mental retardation services and to expend public monies for such purposes.</p> <p>Therefore, the General Services Department recommends that City Council approve and authorize a Purchase Agreement with the Foundation for 6.7212 acres of land, more or less, and a 30-foot wide easement for ingress and egress located at 3550 West Dallas Street for a purchase price of \$6,000,000.00.</p> <p>The proceeds of this sale will be deposited in the General Fund.</p> <p>IZD:BC:JLN:ddc xc: Marty Stein, Jacquelyn L. Nisby, Anna Russell</p>			
<b>REQUIRED AUTHORIZATION</b> <span style="float: right;">CUIC ID# 25 BC 03</span>			
<b>General Services Department:</b>  <i>Forest R. Christy, Jr.</i> Forest R. Christy, Jr. Director, Real Estate Division		<b>Other Authorization:</b>	

<b>SUBJECT:</b> Ordinance approving and authorizing the creation of the Contractor Responsibility Fund, pursuant to Ordinance 2007-534 and Executive Order 1-7, regarding health benefits for employees of City contractors and bidders on certain City contracts		<b>Category</b>	<b>Page</b> 1	<b>Agenda Item #</b> 28
<b>FROM (Department or other point of origin):</b> Mayor's Office of Health and Environmental Policy		<b>Origination Date:</b> July 31, 2007	<b>Agenda Date:</b> AUG 08 2007	
<b>DIRECTOR'S SIGNATURE:</b> Elena Marks <i>Elena Marks/MS</i>		<b>Council District affected:</b>		
<b>For additional information contact:</b> <b>Phone:</b> Phyllis Epps – 713.247.2852 Velma Laws – 713.837.9015		<b>Date and Identification of prior authorizing Council action:</b> Ordinance 2007-534		
<b>RECOMMENDATION: (Summary)</b>		<b>Adopt ordinance to create the Contractor Responsibility Fund, an account for the collection and disbursement of funds collected through the Pay or Play program.</b>		
<b>Amount of Funding:</b> N/A		<b>F &amp; A Budget:</b>		
<b>SOURCE OF FUNDING:</b> N/A				
<b>SPECIFIC EXPLANATION:</b> Pursuant to Ordinance 2007-534 and Executive Order 1-7, the City requires certain contractors to offer certain employees a minimal level of health benefits or to contribute a designated amount to be used to offset the costs of providing health care to uninsured people in the Houston/Harris County area, via the Pay or Play program. Contractors that elect to comply by paying will contribute \$1 for each regular hour of work performed by covered employees. All payments to the City under this program shall be deposited in the Contractor Responsibility Fund, which shall not be used for any other purpose except to defray the costs of providing health care services to uninsured persons in the Houston area. The funds may be used for the following purposes: <ol style="list-style-type: none"> <li>To support the subsidy fund of a community-based multi-share insurance program developed to decrease the number of uninsured persons in the Houston area.</li> <li>To provide support to safety net providers who are members of the Harris County Healthcare Alliance and demonstrate that the funds will be used to support the costs of providing services to uninsured persons.</li> <li>To support direct services provided to the uninsured by the Harris County Hospital District.</li> </ol> Funds will be distributed at least annually and may be distributed more frequently if the amount collected exceeds \$50,000.				
(continued)				
<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> Petition for the City's consent to the addition of 25.00 acres of land to Barker-Cypress Municipal Utility District (Key Map No. 447-C)		<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>29</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 7-12-07	<b>Agenda Date</b> AUG 08 2007	
<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE		<b>Council District affected:</b> "ETJ"		
<b>For additional information contact:</b>  Jun Chang, P.E.  Senior Assistant Director    Phone: (713) 837-0433		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of 25.00 acres of land to Barker-Cypress Municipal Utility District be approved.				
<b>Amount of Funding:</b>  NONE REQUIRED			<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>SPECIFIC EXPLANATION:</b>  <p>Barker-Cypress Municipal Utility District has petitioned the City of Houston for consent to add 25.00 acres of land, located in the city's extraterritorial jurisdiction, to the district.</p> <p>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.</p> <p>The district is located in the vicinity of Clay Road, Keith Harrow Boulevard, Barker-Cypress and Highway 6. The district desires to add 25.00 acres, thus yielding a total of 735.5507 acres. The district is served by the Jackrabbit Road PUD Regional Sewer Treatment Plant. Other districts served by this plant are Harris County Municipal Utility District Nos. 6, 136, 183 and 276, and Langham Creek Utility District. The nearest major drainage facility for Barker-Cypress Municipal Utility District is Bear Creek which flows to South Mayde Creek, then to Buffalo Bayou and finally into the Houston Ship Channel.</p> <p>Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.</p> <p>The Utility District Review Committee recommends that the subject petition be approved.</p> <p>Attachments</p> <p>cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky          Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman</p>				
<b>F &amp; A Director</b>		<b>REQUIRED AUTHORIZATION</b> 20JZC309		
		<b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning & Development Services Div.		<b>Other Authorization:</b>





**BARKER-CYPRESS  
M.U.D. BOUNDARY  
710.55 ACRES**

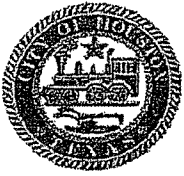
**ANNEXATION TRACT  
25.00 ACRES**

**VICINITY MAP**  
Scale: N.T.S.

**BARKER-CYPRESS M.U.D. BOUNDARY  
AND ANNEXATION TRACT**  
SEPTEMBER 2006

**JONES & CARTER, INC.**  
ENGINEERS • PLANNERS • SURVEYORS  
8701 New Trails Drive, Suite 200 The Woodlands, Texas 77381 (281) 363-4039

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# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the creation/addition of 25.00 acres to Barker-Cypress MUD under the provisions of Chapter 49 Texas Water Code.

  
Attorney for the District

**Attorney: Mr. Spencer Creed**

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

**Engineer: Mr. Bradley Jenkins, P.E.**

Address: 8701 New Trails Dr., Ste. 200, The Woodlands, TX Zip: 77381 Phone: 281-363-4039

**Owners: Pine Forest Landing, Ltd.**

Address: 19203 Foxtree Lane, Houston, TX Zip: 77094 Phone: 281-647-6119

(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 County

Survey W.C.R.R. Co.

Abstract 1027

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

North of: Clay Road

East of: Barker Cypress

South of: Keith Harrow Blvd.

West of: Hwy 6

**WATER DISTRICT DATA**

Total Acreage of District: 710.5507

Existing Plus Proposed Land: 735.5507

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

Single Family Residential

Multi-Family Residential

Commercial

Industrial

Institutional

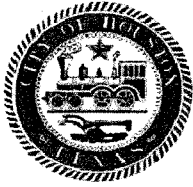
Sewage generated by the District will be served by a : District Plant

Regional Plant

Sewage Treatment Plant Name: Jackrabbit Road PUD Regional STP

NPDES/TPDES Permit No: 11290-001

TCEQ Permit No: 11



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 5.1

Ultimate Capacity (MGD): 5.1

Size of treatment plant site: 7.3 acres square feet/acres.

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

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

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

Total permitted capacity: 5.10

MGD of (Regional Plant).

Name of District: Barker-Cypress MUD

MGD Capacity Allocation 1.130

or property owner(s)

Name of District: Jackrabbit PUD

MGD Capacity Allocation 1.120

Water Treatment Plant Name: 5531 Queenston, Houston, TX 77084 (WP#2)

Water Treatment Plant Address: 5810 Queenston, Houston, TX 77084 (WP#3)

Well Permit No: 120580, 120581

### Existing Capacity:

Well(s): 2,200 GPM

Booster Pump(s): 3,100 GPM

Tank(s): .856 MG

### Ultimate Capacity:

Well(s): 2,200(1) GPM

Booster Pump(s): 3,100 GPM

Tank(s): 856,000 MG

Size of Treatment Plant Site: Water Plant No. 2-4.42 ac ; Water Plant No. 3-1.72 ac. ~~square-foot/acres.~~

Comments or Additional Information: (1) Surface water is expected to be available to the District by July 2007. The West Harris County Regional Water Authority is proposing to provide the District the average daily flow.

Additional Sewage Treatment Plant Data (Continued from Page 2)

<u>Name of District</u>	<u>MGD Capacity Allocation</u>
Harris County MUD No. 183	0.635
Harris County MUD No. 136	0.500
Harris County MUD No. 6	1.552
Harris County MUD No. 276	0.163

Total Permitted Capacity 2.0 MGD of (Regional Plant)

Name of District: Barker-Cypress MUD	0.306 MGD Capacity Allocation
Langham Creek UD	1.694 MGD Capacity Allocation

F:\9226\Annex.PineForestLanding  
\Attachment-WaterDistrictConsentApplication

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 35.9 acres of land to Cinco Southwest Municipal Utility District No. 2 (Key Map No. 524-F)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>30</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 7-19-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>jc</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
  
The petition for the addition of 35.9 acres of land to Cinco Southwest Municipal Utility District No. 2 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund  
  
 Other (Specify)

**SPECIFIC EXPLANATION:**

Cinco Southwest Municipal Utility District No. 2 has petitioned the City of Houston for consent to add 35.9 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Fry Road, Cinco Terrace Drive, and Cinco Southwest Ditch DS. The district desires to add 35.9 acres, thus yielding a total of 860.0 acres. The district is served by the Cinco Southwest Wastewater Treatment Plant. The nearest major drainage facility for Cinco Southwest Municipal Utility District No. 2 is Little Prong Creek which flows into Buffalo Bayou and finally into the Houston Ship Channel.

Potable water is provided by Cinco Southwest Water Supply Plant. 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.

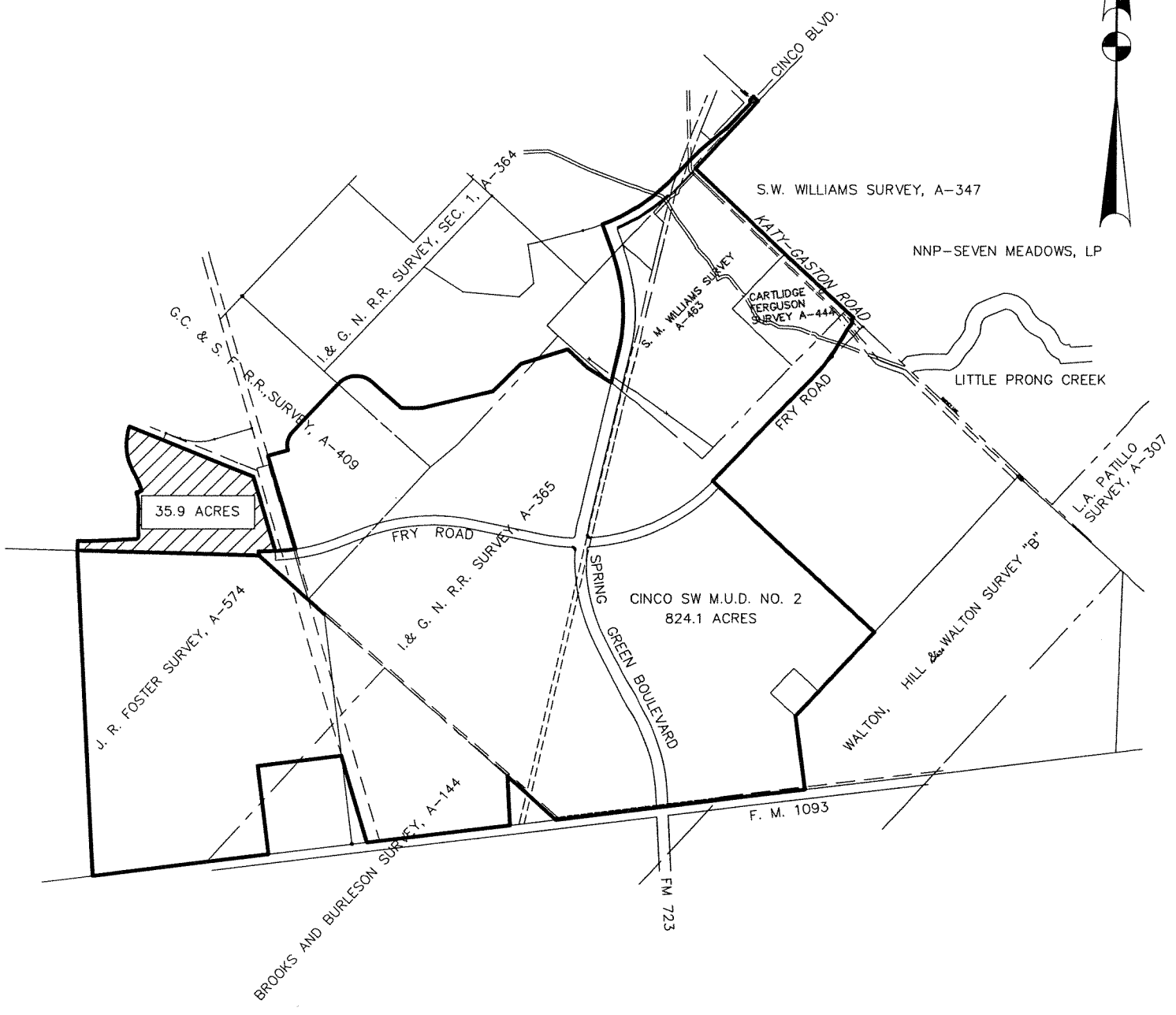
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman


<b>REQUIRED AUTHORIZATION</b>		20JZC312
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>

E.M. McGINNIS SURVEY, A-653



VICINITY MAP  
KEY MAP PAGE # 524-F

**ANNEXATION OF  
35.9-ACRE  
CINCO SW MUD NO. 2  
FORT BEND COUNTY, TEXAS**

 <p><b>SURVCON INC.</b> PROFESSIONAL SURVEYORS 5757 WOODWAY HOUSTON, TEXAS 77057 PH. (713) 780-4123 www.survcon.com</p>		
DATE: 07-05-07	F.B. NO.	
DWN BY: JBM	CHKD BY: RKM	PROJECT: CINCO SW



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 35.9 acres to Cinco Southwest MUD No. 2 under the provisions of Chapter 49 Texas Water Code.

*[Signature]*  
Attorney for the District

**Attorney:** Stephen M. Robinson, Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6408

**Engineer:** TCB

Address: 5757 Woodway, Suite 101 West, Houston, TX Zip: 77057 Phone: 713-267-2762

**Owners:** Terrabrook Cinco Ranch Southwest, L.P.

Address: c/o Newland Communities, 10235 West Little York, Suite 300, Houston, TX Zip: 77040 Phone: 713-575-9006

(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) Fort Bend  
Survey \_\_\_\_\_ Abstract \_\_\_\_\_

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

North of: Fry Road East of: Cinco Terrace Drive  
South of: \_\_\_\_\_ West of: Cinco Southwest Ditch DS

### WATER DISTRICT DATA

Total Acreage of District: 824.1 Existing Plus Proposed Land 860.0

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

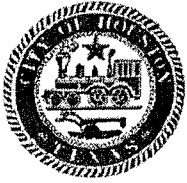
Single Family Residential 100% Multi-Family Residential \_\_\_\_\_

Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: Cinco Southwest Wastewater Treatment Plant

NPDES/TPDES Permit No: TX 0098957 TCEQ Permit No: WQ 0014343001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): .45

Ultimate Capacity (MGD): 1.25

Size of treatment plant site: 415,829/9.546 square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: .45 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: Cinco Southwest Water Supply Plant

Water Treatment Plant Address: \_\_\_\_\_

Well Permit No: 13065

**Existing Capacity:**

Well(s): 1500 GPM

Booster Pump(s): 10,600 GPM

Tank(s): 1.4 MG

**Ultimate Capacity:**

Well(s): 7500 GPM

Booster Pump(s): 17500 GPM

Tank(s): 4.2 MG

Size of Treatment Plant Site: 195,304/4.484

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

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



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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 147.913 acres of land to Harris County Municipal Utility District No. 165 (Key Map No. 406-G)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>31</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  8/2/07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>JC</i> Senior Assistant Director    Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
  
The petition for the addition of 147.913 acres of land to Harris County Municipal Utility District No. 165 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
------------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 165 has petitioned the City of Houston for consent to add 147.913 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Langham Creek, State Highway 290, and Fry Road. The district desires to add 147.913 acres, thus yielding a total of 2,273.433 acres. The district is served by the Harris County Municipal Utility District No. 165 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 165 is Langham Creek which flows to South Mayde Creek, then to Buffalo Bayou and finally into the Houston Ship Channel.

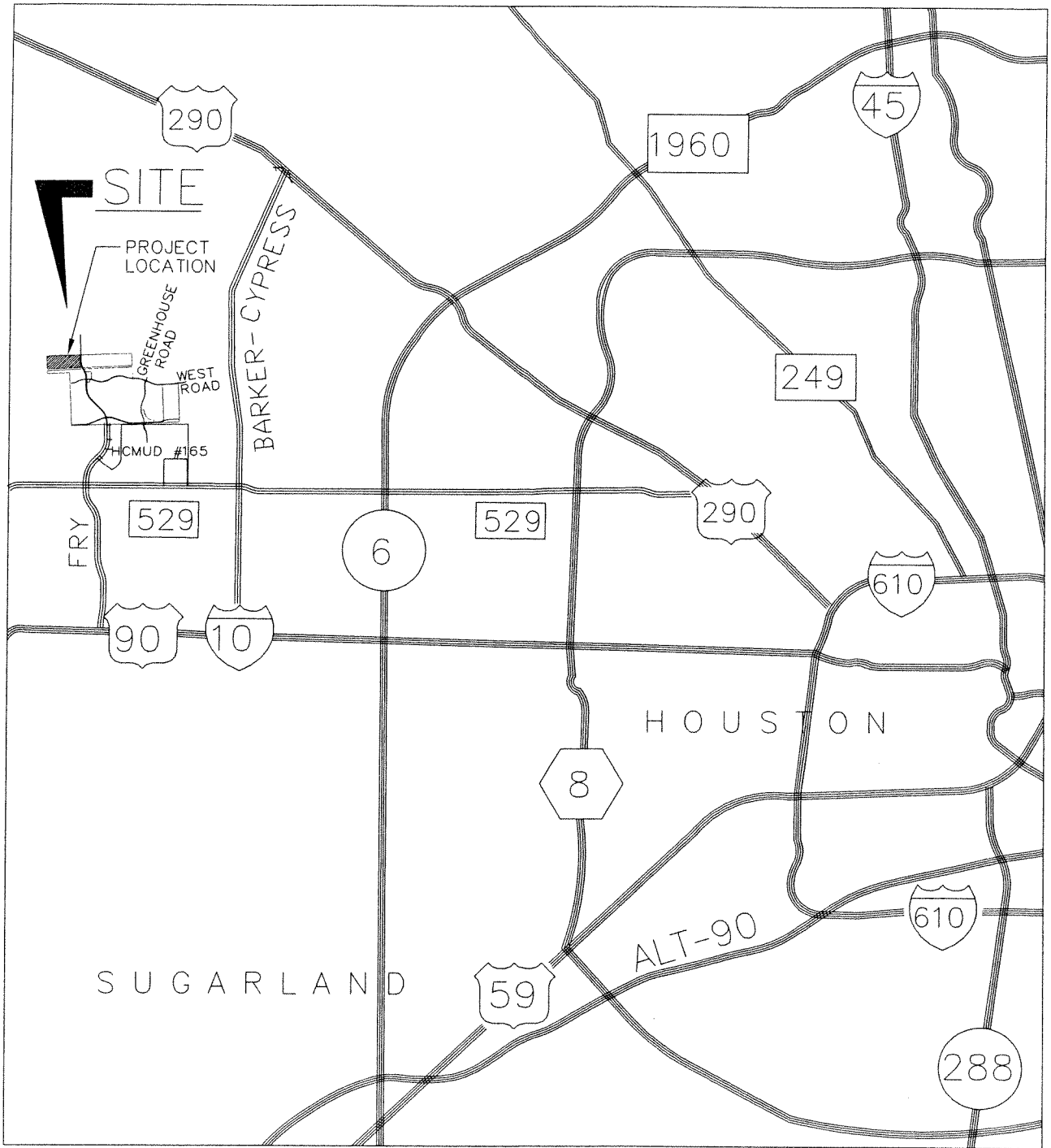
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their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

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

**Attachments**

cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky  
Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

<b>REQUIRED AUTHORIZATION</b> 20JZC323	
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.
	<b>Other Authorization:</b>



**KMS Engineering, LLP**

2550 GRAY FALLS - SUITE 215  
281-598-0000 HOUSTON, TEXAS ZIP 77077

H.C.M.U.D. NO. 165  
ANNEXATION  
147.913 TRACT

VICINITY MAP

DRAWN BY: PGM    CHECKED BY: DBK    APPROVED BY: DBK

DATE: JULY 2007

KMS PROJECT No: 8165-0700

*Handwritten initials/signature*



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

07-13-07A10:35 CFMD *Y.O.*

Application is hereby made for consent of the City of Houston to the  creation/  addition of 147.913 acres to Harris County MUD No. 165 under the provisions of Chapter 49 Texas Water Code.

*J. Holoubek*  
\_\_\_\_\_  
Attorney for the District

**Attorney:** Jessica Holoubek, Allen Boone Humphries Robinson

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6406

**Engineer:** KMS Engineering, LLP

Address: 2550 Gray Falls, Suite 215, Houston, TX Zip: 77077 Phone: 281-598-0000

**Owners:** Fry Road Venture, L.P.

Address: c/o Houman Samanian, Ersa Grae Corp., 9801 Westheimer, Ste 250, Houston TX Zip: 77042 Phone: 713-627-1015

(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 H & TC RR Co. Survey Abstract A-464

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

North of: Langham Creek East of: \_\_\_\_\_

South of: HWY 290 West of: Fry Road

### WATER DISTRICT DATA

Total Acreage of District: 2,125.52 Existing Plus Proposed Land 2,273.433 ✓

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

Single Family Residential 100% Multi-Family Residential \_\_\_\_\_

Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: HC MUD 165 Wastewater Treatment Plant

NPDES/TPDES Permit No: WQ00114583001 TCEQ Permit No: \_\_\_\_\_



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0

Ultimate Capacity (MGD): 2.0

Size of treatment plant site: 5 ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 2.0 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: HC MUD 165 Water Plants No. 1 & 2

Water Treatment Plant Address: River Pines Dr. & Raven Rock Ln.

Well Permit No: 121545

### Existing Capacity:

Well(s): 1500, 1200 GPM

Booster Pump(s): 8 @ 1,500 GPM

Tank(s): 1.1 MG

### Ultimate Capacity:

Well(s): Surface GPM

Booster Pump(s): 16@ 1,500 GPM

Tank(s): 2.3 MG

Size of Treatment Plant Site: 2 ac Ea.

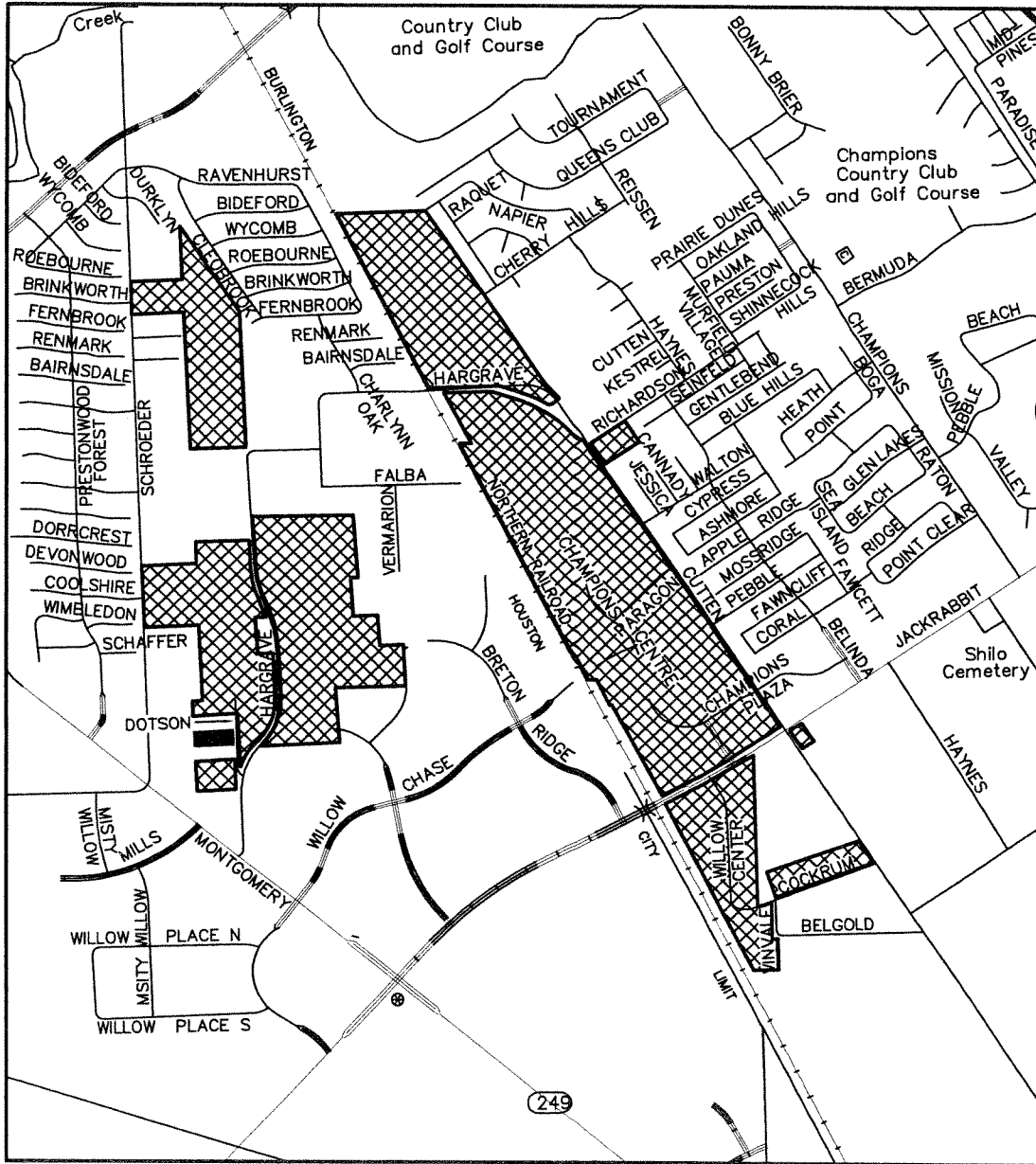
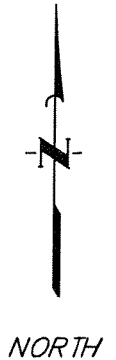
square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 1.769 acres of land to Harris County Municipal Utility District No. 191 (Key Map No. 369-H)		<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>32</b>
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 7/20/07	<b>Agenda Date</b> AUG 08 2007	
<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE		<b>Council District affected:</b> "ETJ"		
<b>For additional information contact:</b>  Jun Chang, P.E. <i>gc</i> Senior Assistant Director Phone: (713) 837-0433		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of 1.769 acres of land to Harris County Municipal Utility District No. 191 be approved.				
<b>Amount of Funding:</b>  NONE REQUIRED			<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>SPECIFIC EXPLANATION:</b>  Harris County Municipal Utility District No. 191 has petitioned the City of Houston for consent to add 1.769 acres of land, located in the city's extraterritorial jurisdiction, to the district.  The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.  The district is located in the vicinity of FM 249, Cypresswood Boulevard, Schroeder Road, and Dotson Road. The district desires to add 1.769 acres, thus yielding a total of 424.3290 acres. The district is served by the Harris County Municipal Utility District No. 191 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 191 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.  Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.  The Utility District Review Committee recommends that the subject petition be approved.  Attachments  cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky Bill Zrioka Waynette Chan Deborah McAbee Gary Norman				
		<b>REQUIRED AUTHORIZATION</b>		20JZC319
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.		<b>Other Authorization:</b>	



LEGEND



PROPOSED TRACT



EXISTING DISTRICT

VICINITY MAP  
OF  
**1.769 ACRE PROPOSED  
ANNEXATION TRACT**

HARRIS COUNTY, TEXAS  
MARCH 2007

319

**JC JONES & CARTER, INC.**  
ENGINEERS • PLANNERS • SURVEYORS

6335 Gulfton Dr., Suite 100 Houston, Texas 77081 (713) 777-5337



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 1.769 acres to Harris County MUD #191 under the provisions of Chapter 49 Texas Water Code. (Tract #33)

Attorney for the District

**Attorney:** Michael A. Cole, Michael A. Cole, P.C.

Address: 5120 Bayard Lane, Houston, TX Zip: 77006 Phone: 713-880-3800

**Engineer:** Richard S. Golden, P.E. - Jones & Carter, Inc.

Address: 6335 Gulfton, Suite 100, Houston Zip: 77081-1169 Phone: 713-777-5337

**Owners:** S.R. Venkatesh, Srinivas Vodnala and D.K. Puppala

Address: 11301 Fallbrook #210 Houston Zip: 77055 Phone: 281-955-0338

(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 A. Herrington Abstract 380

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

North of: FM 249 East of: Schroeder Road  
South of: Cypresswood Blvd. West of: Dotson Road

### WATER DISTRICT DATA

Total Acreage of District: 404.0436 Existing Plus Proposed Land 424.3290  
(+3.954, 6.4284, 1.771, 1.769, 1.770, 4.5930)

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

Single Family Residential 0% Multi-Family Residential 0%  
Commercial 100% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: Harris County MUD #191

NPDES/TPDES Permit No: TX0090476 TCEQ Permit No: 12556-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.476 MGD

Ultimate Capacity (MGD): 0.6 MGD

Size of treatment plant site: 2.163 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.6 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: Harris County MUD #191

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 45240

### Existing Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

### Ultimate Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

Size of Treatment Plant Site: 0.6039 Acre

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_



TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the addition of 1.771 acres of land to Harris County Municipal Utility District No. 191 (Key Map No. 369-H)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>33</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  7/20/07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>jc</i> Senior Assistant Director    Phone:    (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 1.771 acres of land to Harris County Municipal Utility District No. 191 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
------------------------------------------------	--------------------------

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 191 has petitioned the City of Houston for consent to add 1.771 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

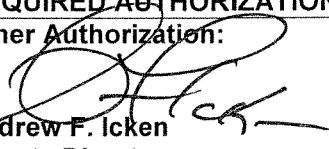
The district is located in the vicinity of FM 249, Cypresswood Boulevard, Schroeder Road and Dotson Road. The district desires to add 1.771 acres, thus yielding a total of 424.3290 acres. The district is served by the Harris County Municipal Utility District No. 191 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 191 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

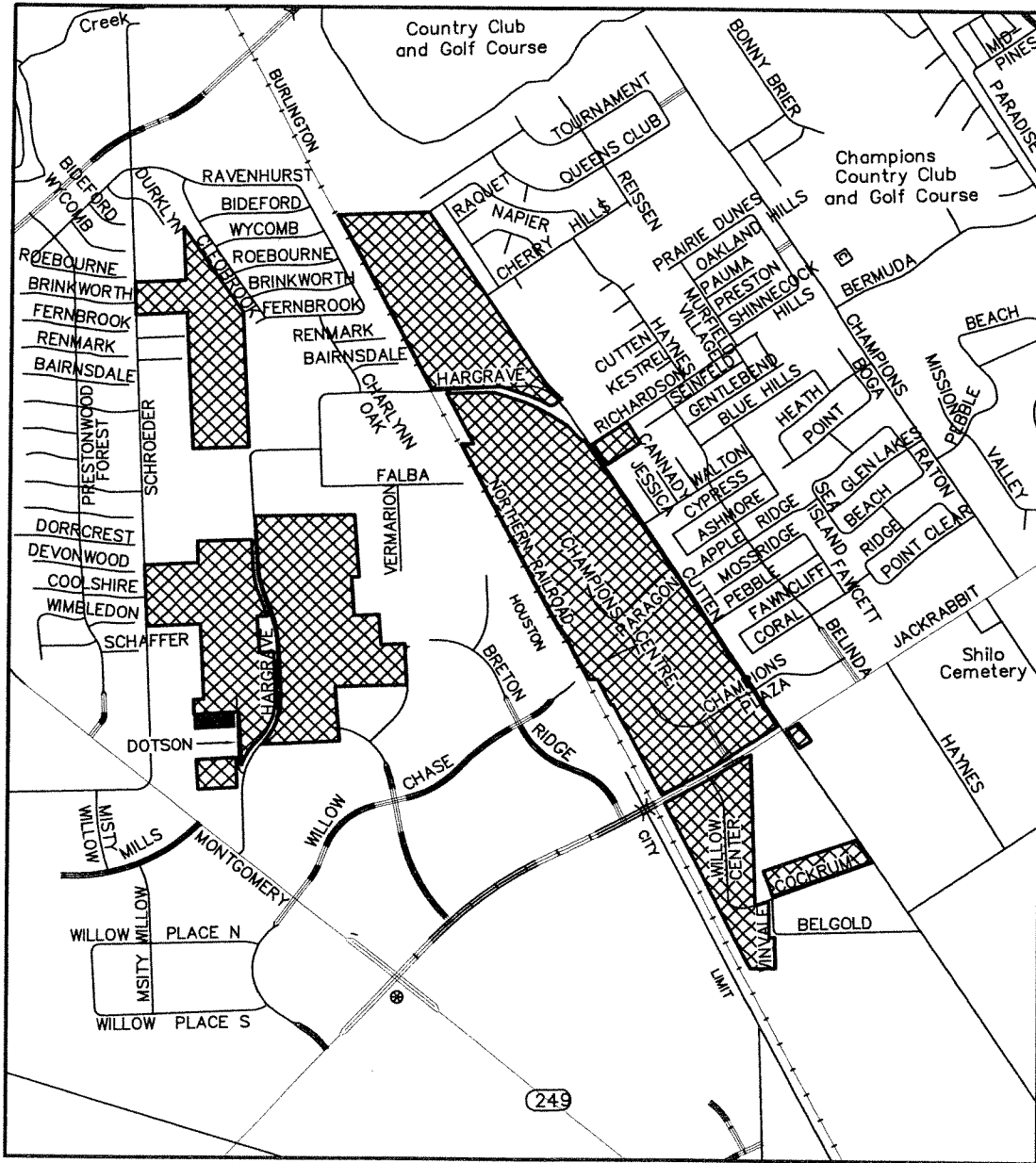
Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their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

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

**Attachments**

cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky  
Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

<b>REQUIRED AUTHORIZATION</b> 20JZC318	
<b>F &amp; A Director</b>	<b>Other Authorization:</b>   Andrew F. Icken Deputy Director Planning & Development Services Div.
	<b>Other Authorization:</b>



NORTH

VICINITY MAP  
OF  
**1.771 ACRE PROPOSED  
ANNEXATION TRACT**  
HARRIS COUNTY, TEXAS  
MARCH 2007

LEGEND



PROPOSED TRACT

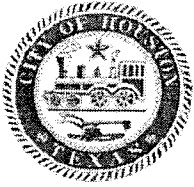


EXISTING DISTRICT

**JC JONES & CARTER, INC.**  
ENGINEERS • PLANNERS • SURVEYORS

6335 Gulfton Dr., Suite 100 Houston, Texas 77081 (713) 777-5337

316



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

07-02-07A11:57 CFHD J0-

Application is hereby made for consent of the City of Houston to the  Creation  Addition of 1.771 acres to Harris County MUD #191 under the provisions of Chapter 49 Texas Water Code. (Tract #32)

Attorney for the District

**Attorney: Michael A. Cole, Michael A. Cole, P.C.**

Address: 5120 Bayard Lane, Houston, TX Zip: 77006 Phone: 713-880-3800

**Engineer: Richard S. Golden, P.E. - Jones & Carter, Inc.**

Address: 6335 Gulfton, Suite 100, Houston Zip: 77081-1169 Phone: 713-777-5337

**Owners: Sansai, Ltd.**

Address: 36 Lake Sterling Gate Drive Spring, TX Zip: 77379 Phone: 281-827-5109

(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  
Abstract 380

Survey A. Herrington

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

North of: FM 249 East of: Schroeder Road  
South of: Cypresswood Blvd. West of: Dotson Road

### WATER DISTRICT DATA

Total Acreage of District: 404.0436 Existing Plus Proposed Land 424.3290  
(+3.954, 6.4284, 1.771, 1.769, 1.770, 4.5930)

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

Single Family Residential 0% Multi-Family Residential 0%  
Commercial 100% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: Harris County MUD #191

NPDES/TPDES Permit No: TX0090476 TCEQ Permit No: 12556-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.476 MGD

Ultimate Capacity (MGD): 0.6 MGD

Size of treatment plant site: 2.163 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.6 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: Harris County MUD #191

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 45240

### Existing Capacity:

Well(s): 1,300

GPM

Booster Pump(s): 4,000

GPM

Tank(s): 429,200

MG

### Ultimate Capacity:

Well(s): 1,300

GPM

Booster Pump(s): 4,000

GPM

Tank(s): 429,200

MG

Size of Treatment Plant Site: 0.6039 Acre

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_

TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the addition of 3.954 acres of land to Harris County Municipal Utility District No. 191 (Key Map No. 369-H)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>34</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  7/20/07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>gc</i> Senior Assistant Director    Phone:    (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 3.954 acres of land to Harris County Municipal Utility District No. 191 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
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**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 191 has petitioned the City of Houston for consent to add 3.954 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

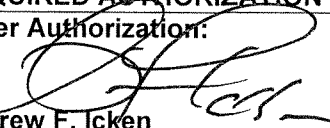
The district is located in the vicinity of FM 249, Cypresswood Boulevard, Schroeder Road, and Dotson Road. The district desires to add 3.954 acres, thus yielding a total of 424.3290 acres. The district is served by the Harris County Municipal Utility District No. 191 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 191 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

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

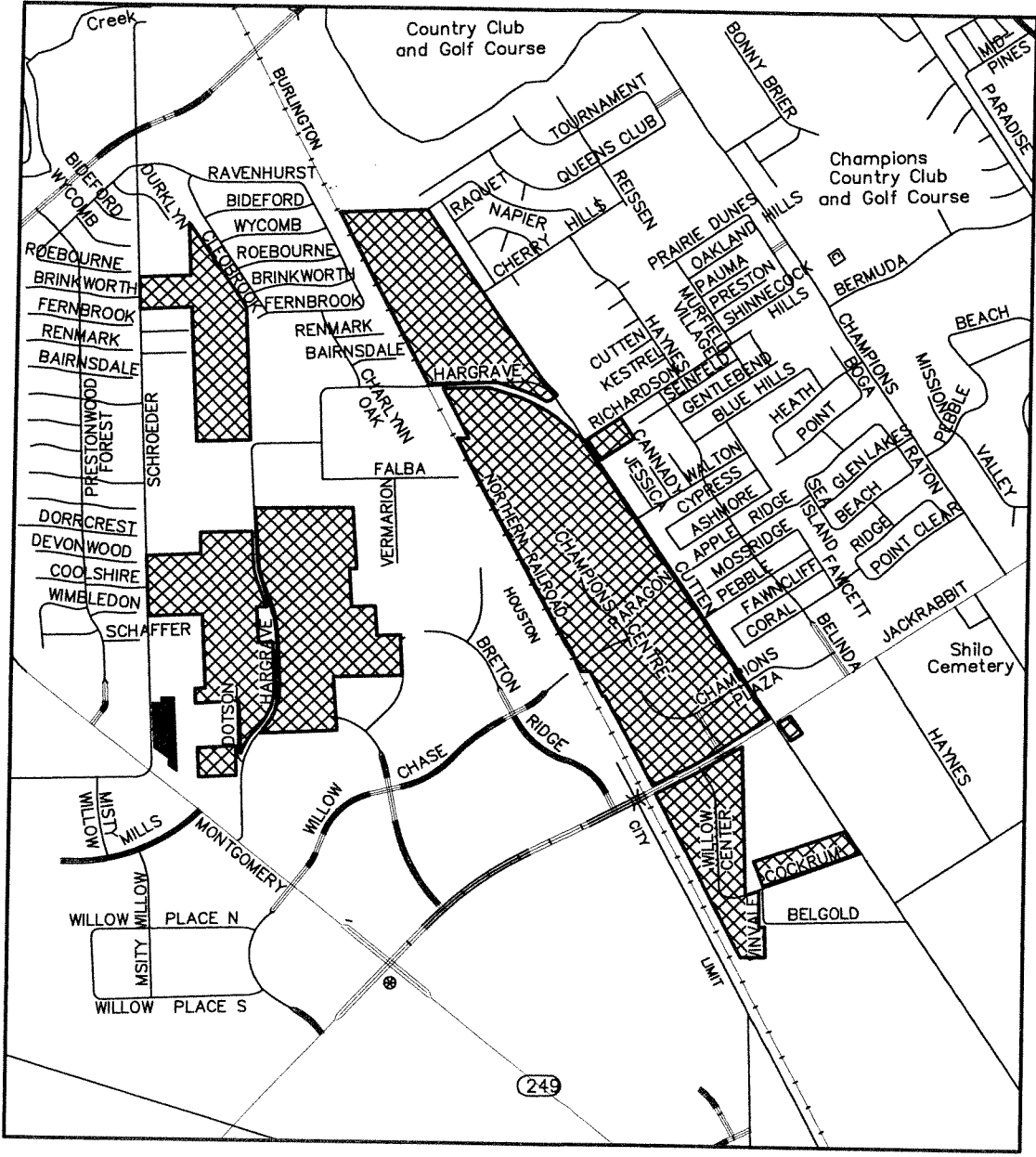
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky  
Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

<b>REQUIRED AUTHORIZATION</b> 20JZC316	
<b>F &amp; A Director</b>	<b>Other Authorization:</b>   Andrew F. Icken Deputy Director Planning & Development Services Div.
	<b>Other Authorization:</b>



*mjc*



NORTH

VICINITY MAP  
 OF  
**3.954 ACRE PROPOSED ANNEXATION TRACT**  
 HARRIS COUNTY, TEXAS  
 MARCH 2007

LEGEND

-  PROPOSED TRACT
-  EXISTING DISTRICT

**JC JONES & CARTER, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS  
 6335 Gulfton Dr., Suite 100 Houston, Texas 77081 (713) 777-5337

2/10



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

07-05-07A11:40 CFMD *v.o.*

Application is hereby made for consent of the City of Houston to the  creation  addition of 3.954 acres to Harris County MUD #191 under the provisions of Chapter 49 Texas Water Code. (Tract #30)

Attorney for the District

**Attorney: Michael A. Cole, Michael A. Cole, P.C.**

Address: 5120 Bayard Lane, Houston, TX Zip: 77006 Phone: 713-880-3800

**Engineer: Richard S. Golden, P.E. - Jones & Carter, Inc.**

Address: 6335 Gulfton, Suite 100, Houston Zip: 77081-1169 Phone: 713-777-5337

**Owners: SH 249 Schroeder 3.9, Ltd.**

Address: 13430 Northwest Freeway, #425 Zip: 77040 Phone: 713-690-0000

(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 A. Herrington Abstract 380

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

North of: FM 249 East of: Schroeder Road  
South of: Cypresswood Blvd. West of: Dotson Road

### WATER DISTRICT DATA

Total Acreage of District: 404.0436 Existing Plus Proposed Land 424.3290  
(+3.954, 6.4284, 1.771, 1.769, 1.770, 4.5930)

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

Single Family Residential 0% Multi-Family Residential 0%  
Commercial 100% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: Harris County MUD #191

NPDES/TPDES Permit No: TX0090476 TCEQ Permit No: 12556-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.476 MGD

Ultimate Capacity (MGD): 0.6 MGD

Size of treatment plant site: 2.163 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.6 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: Harris County MUD #191

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 45240

### Existing Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

### Ultimate Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

Size of Treatment Plant Site: 0.6039 Acre

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

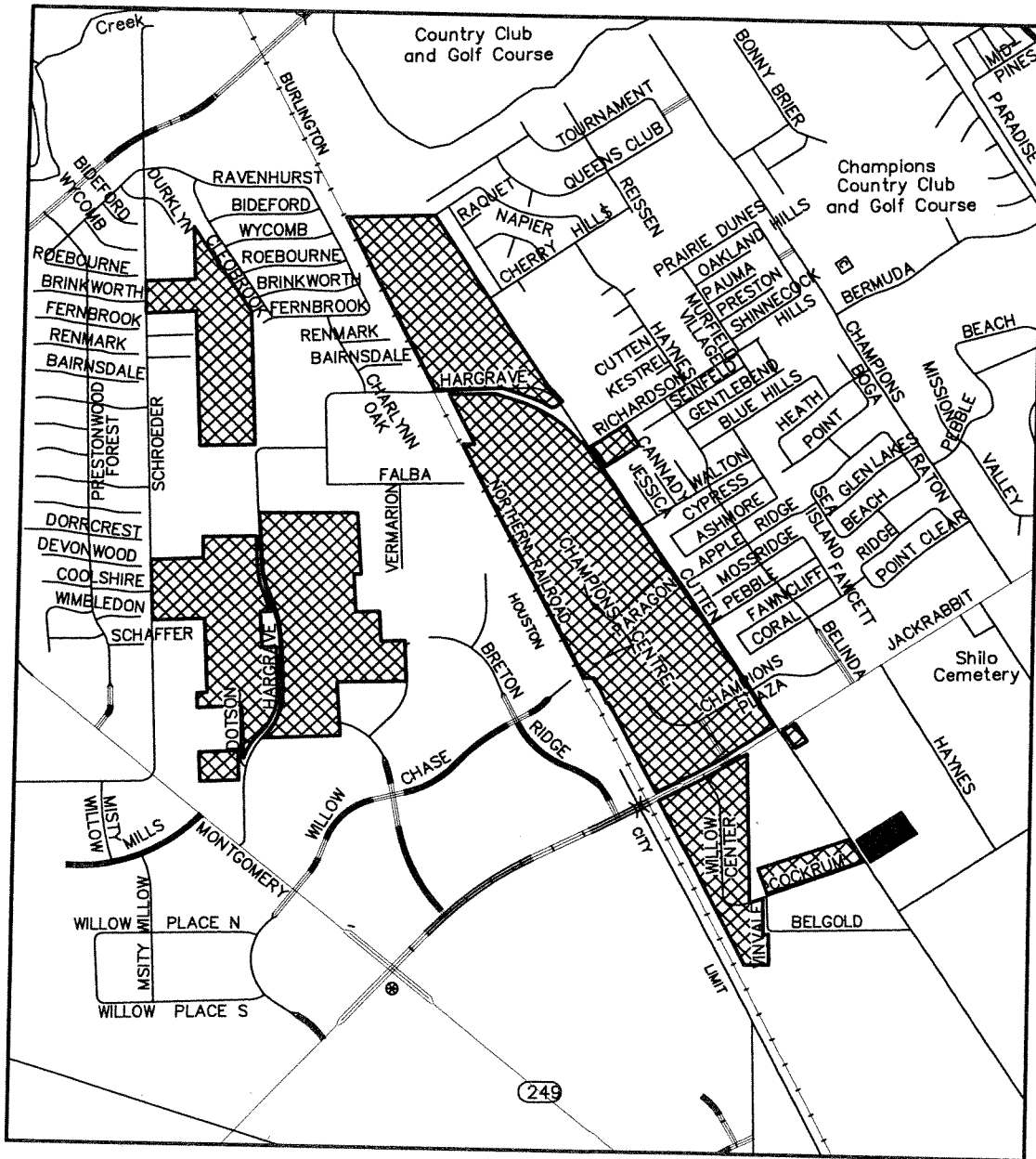
\_\_\_\_\_

\_\_\_\_\_



TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Petition for the City's consent to the addition of 4.5930 acres of land to Harris County Municipal Utility District No. 191 (Key Map No. 370-F)		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b>  35
<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering		<b>Origination Date</b> 7/20/07	<b>Agenda Date</b> AUG 08 2007	
<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE		<b>Council District affected:</b> "ETJ"		
<b>For additional information contact:</b> Jun Chang, P.E. <i>JK</i> Senior Assistant Director    Phone: (713) 837-0433		<b>Date and identification of prior authorizing Council action:</b>		
<b>RECOMMENDATION: (Summary)</b>  The petition for the addition of 4.5930 acres of land to Harris County Municipal Utility District No. 191 be approved.				
<b>Amount of Funding:</b>  NONE REQUIRED			<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>SPECIFIC EXPLANATION:</b>  Harris County Municipal Utility District No. 191 has petitioned the City of Houston for consent to add 4.5930 acres of land, located in the city's extraterritorial jurisdiction, to the district.  The Utility District Review Committee has evaluated the application with respect to wastewater collection and treatment, potable water distribution, storm water conveyance, and other public services.  The district is located in the vicinity of Greens Bayou, FM 1960, Cutten Road, and Haynes Road. The district desires to add 4.5930 acres, thus yielding a total of 424.3290 acres. The district is served by the Harris County Municipal Utility District No. 191 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 191 is Greens Bayou which flows into the Houston Ship Channel.  Potable water is provided by the district. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, and storm water collection systems within the district must be approved by the City of Houston prior to their construction.  The Utility District Review Committee recommends that the subject petition be approved.  Attachments  cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman				
		<b>REQUIRED AUTHORIZATION</b>		20JZC321
<b>F &amp; A Director</b>	<b>Other Authorization:</b> <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.		<b>Other Authorization:</b>	



LEGEND



PROPOSED TRACT

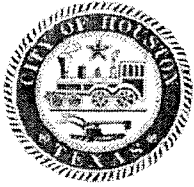


EXISTING DISTRICT

VICINITY MAP  
 OF  
**4.5930 ACRE PROPOSED  
 ANNEXATION TRACT**  
 HARRIS COUNTY, TEXAS  
 MARCH 2007

**JC JONES & CARTER, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS

6335 Gulfon Dr., Suite 100 Houston, Texas 77081 (713) 777-5337



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

07-05-07A11:27 CEHD *V.O.*

Application is hereby made for consent of the City of Houston to the  creation/  addition of 4.5930 acres to Harris County MUD #191 under the provisions of Chapter 49 Texas Water Code. (Tract #35)

Attorney for the District

**Attorney: Michael A. Cole, Michael A. Cole, P.C.**

Address: 5120 Bayard Lane, Houston, TX Zip: 77006 Phone: 713-880-3800

**Engineer: Richard S. Golden, P.E. - Jones & Carter, Inc.**

Address: 6335 Gulfton, Suite 100, Houston Zip: 77081-1169 Phone: 713-777-5337

**Owners: WCP Cutten Road Venture, LP**

Address: 21175 Tomball Pkwy, #313 Houston, TX Zip: 77070 Phone: 281-583-5561

(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 WCRR Survey Abstract 932

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

North of: Greens Bayou East of: Cutten Road  
South of: FM 1960 West of: Haynes Road

### WATER DISTRICT DATA

Total Acreage of District: 404.0436 Existing Plus Proposed Land 424.3290  
(+3.954, 6.4284, 1.771, 1.769, 1.770, 4.5930)

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

Single Family Residential 0% Multi-Family Residential 0%  
Commercial 100% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: Harris County MUD #191

NPDES/TPDES Permit No: TX0090476 TCEQ Permit No: 12556-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.476 MGD

Ultimate Capacity (MGD): 0.6 MGD

Size of treatment plant site: 2.163 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.6 MGD.

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(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: Harris County MUD #191

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 45240

### Existing Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

### Ultimate Capacity:

Well(s): 1,300 GPM

Booster Pump(s): 4,000 GPM

Tank(s): 429,200 MG

Size of Treatment Plant Site: 0.6039 Acre

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 6.4284 acres of land to Harris County Municipal Utility District No. 191 (Key Map No. 369-H)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>36</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b>  7/20/07	<b>Agenda Date</b>  AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E. <i>jc</i> Senior Assistant Director    Phone:    (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 6.4284 acres of land to Harris County Municipal Utility District No. 191 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
------------------------------------------------	--------------------------

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 191 has petitioned the City of Houston for consent to add 6.4284 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of FM 249, Cypresswood Boulevard, Schroeder Road and Dotson Road. The district desires to add 6.4284 acres, thus yielding a total of 424.3290 acres. The district is served by the Harris County Municipal Utility District No. 191 Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Harris County Municipal Utility District No. 191 is Cypress Creek which flows into Spring Creek and then to the San Jacinto River and finally into Lake Houston.

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

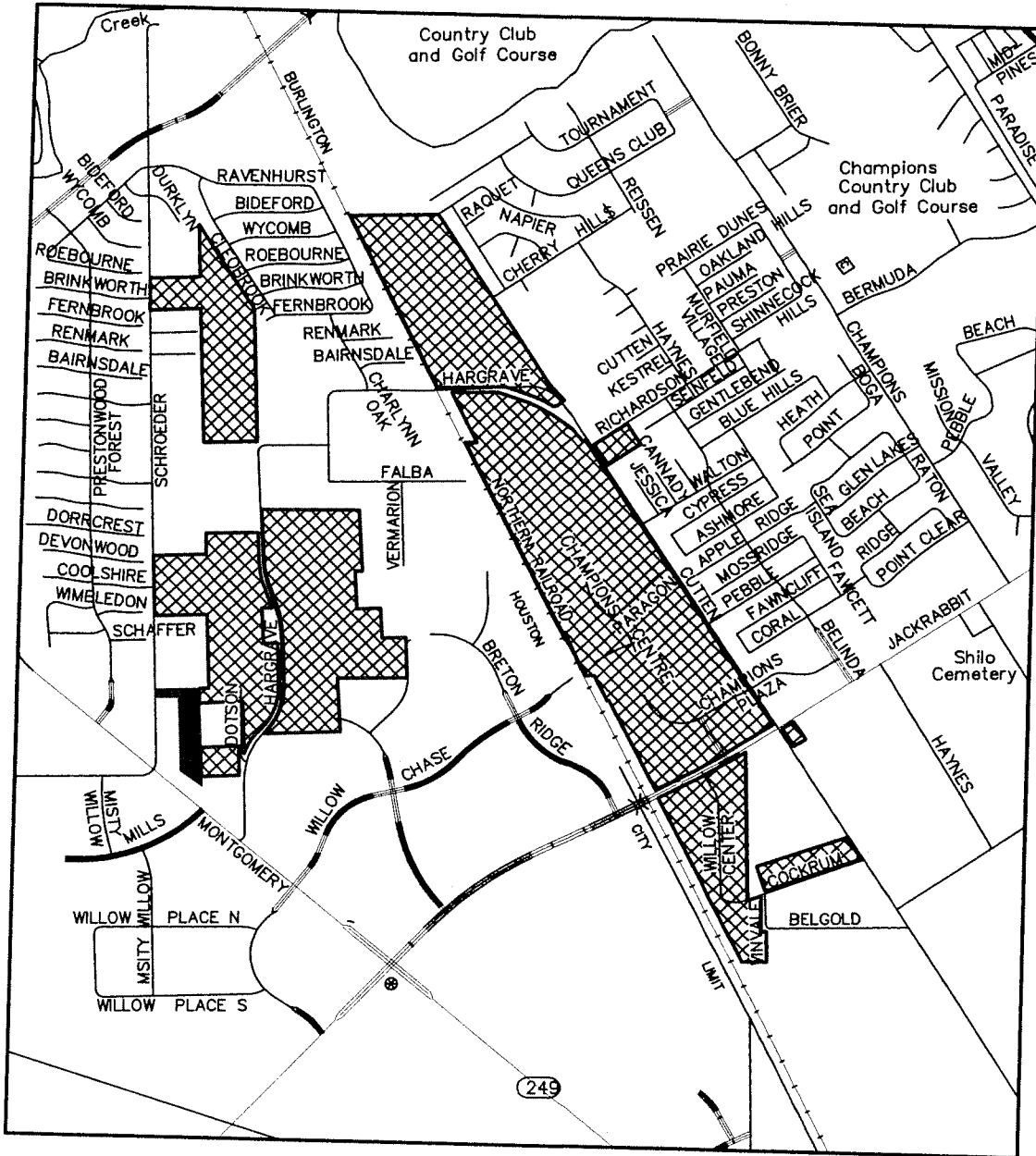
The Utility District Review Committee recommends that the subject petition be approved.

Attachments

cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky  
Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

**REQUIRED AUTHORIZATION**      20JZC317

<b>F &amp; A Director</b>	<b>Other Authorization:</b>  <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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LEGEND



PROPOSED TRACT

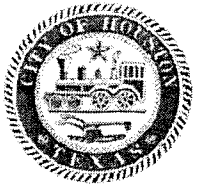


EXISTING DISTRICT

VICINITY MAP  
OF  
**6.4284 ACRE PROPOSED  
ANNEXATION TRACT**  
HARRIS COUNTY, TEXAS  
MARCH 2007

**JC JONES & CARTER, INC.**  
ENGINEERS • PLANNERS • SURVEYORS

6335 Gulfton Dr., Suite 100 Houston, Texas 77081 (713) 777-5337



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

07-05-07A11:39 CFMD 10.

Application is hereby made for consent of the City of Houston to the  creation/  addition of 6.4284 acres to Harris County MUD #191 under the provisions of Chapter 49, Texas Water Code. (Tract #31)

Attorney for the District

**Attorney:** Michael A. Cole, Michael A. Cole, P.C.

Address: 5120 Bayard Lane, Houston, TX Zip: 77006 Phone: 713-880-3800

**Engineer:** Richard S. Golden, P.E. - Jones & Carter, Inc.

Address: 6335 Gulfton, Suite 100, Houston Zip: 77081-1169 Phone: 713-777-5337

**Owners:** Hammett Investments, LP

Address: 3020 Rogerdale Road, Houston Zip: 77042 Phone: 713-819-6100

(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 A. Herrington Abstract 380

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

North of: FM 249 East of: Schroeder Road  
South of: Cypresswood Blvd. West of: Dotson Road

### WATER DISTRICT DATA

Total Acreage of District: 404.0436 Existing Plus Proposed Land 424.3290  
(+3.954, 6.4284, 1.771, 1.769, 1.770, 4.5930)

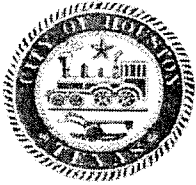
**Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential 0% Multi-Family Residential 0%  
Commercial 100% Industrial 0% Institutional 0%

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

Sewage Treatment Plant Name: Harris County MUD #191

NPDES/TPDES Permit No: TX0090476 TCEQ Permit No: 12556-01



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.476 MGD

Ultimate Capacity (MGD): 0.6 MGD

Size of treatment plant site: 2.163 acres square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.6 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: Harris County MUD #191

Water Treatment Plant Address: 7150 Paragon Court

Well Permit No: 45240

### Existing Capacity:

Well(s): 1,300

GPM

Booster Pump(s): 4,000

GPM

Tank(s): 429,200

MG

### Ultimate Capacity:

Well(s): 1,300

GPM

Booster Pump(s): 4,000

GPM

Tank(s): 429,200

MG

Size of Treatment Plant Site: 0.6039 Acre

square feet/acres.

Comments or Additional Information: \_\_\_\_\_

\_\_\_\_\_



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

<b>SUBJECT:</b> Petition for the City's consent to the addition of two (2) tracts of land totaling 19.72 acres to Harris County Municipal Utility District No. 285 (Key Map No. 457-T)	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> <b>37</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 7-12-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> Jun Chang, P.E. <i>jc</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 19.72 acres of land to Harris County Municipal Utility District No. 285 be approved.

<b>Amount of Funding:</b> NONE REQUIRED	<b>F &amp; A Budget:</b>
--------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 285 has petitioned the City of Houston for consent to add 19.72 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

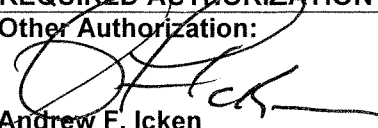
The district is located in the vicinity of Wallisville Road, Owendale Drive, Castlegory Road, Big Gulch, Wallisville Road, Highway 90, East Beltway 8 North and Uvalde Road. The district desires to add 19.72 acres, thus yielding a total of 1,227.40 acres. The district is served by the Harris County Municipal Utility District No. 285 Wastewater Treatment Plant Nos. 1 and 2. The nearest major drainage facility for Harris County Municipal Utility District No. 285 is Greens Bayou which flows into the Houston Ship Channel.

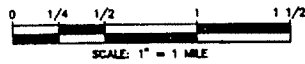
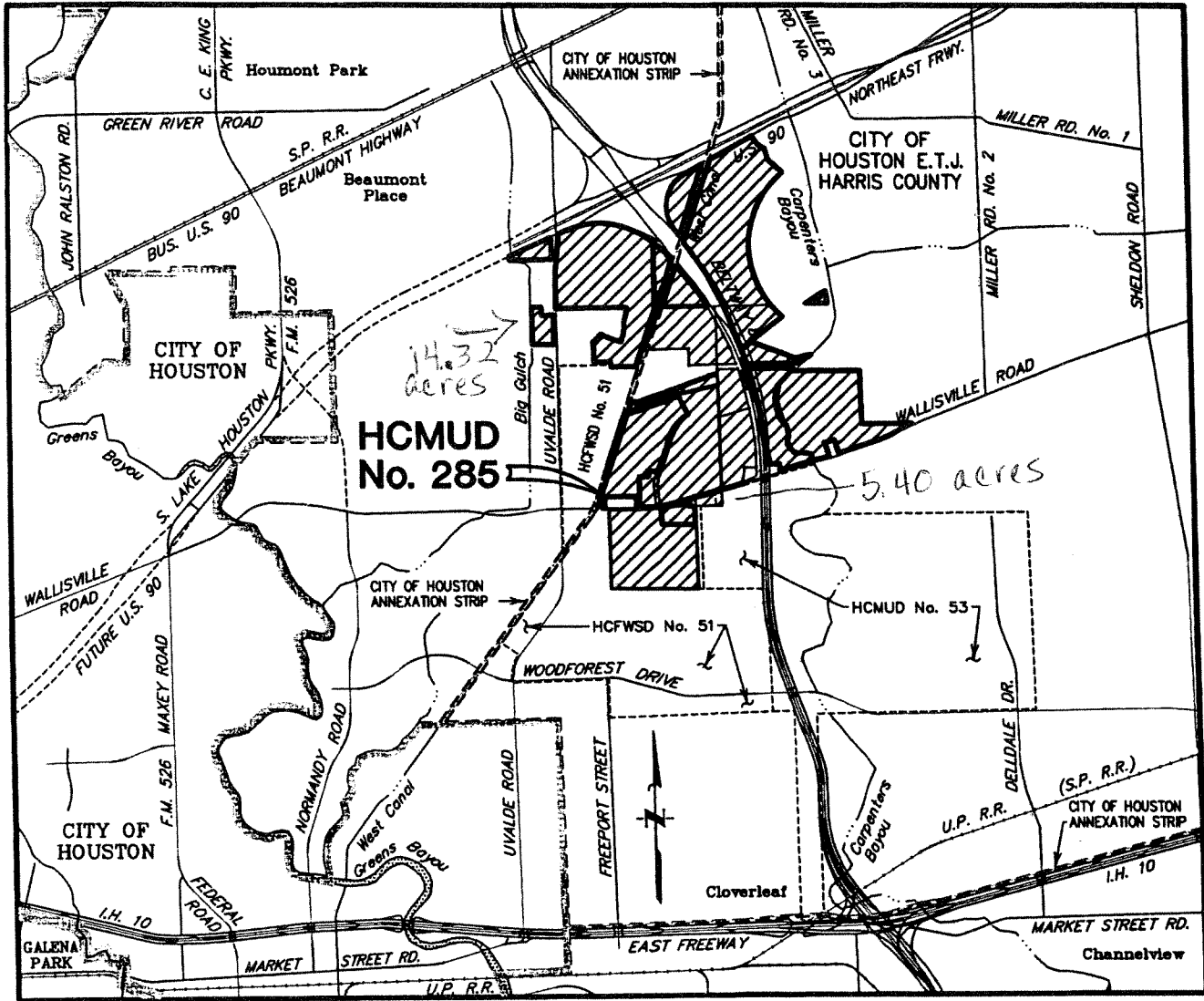
Potable water is provided by Harris County Municipal Utility District No. 285 and Harris County Fresh Water Supply District No. 51 Regional Water Supply System. By executing the Petition for Consent, the district has acknowledged that all plans for the construction of water conveyance, wastewater collection, 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 Dan Krueger Jack Sakolosky  
 Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

<b>REQUIRED AUTHORIZATION</b> 20JZC300	
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning & Development Services Div.
	<b>Other Authorization:</b>



LOCATION MAP  
 OF  
**HARRIS COUNTY M.U.D  
 No. 285**  
 HARRIS COUNTY, TEXAS  
 MAY 2007

**JC JONES & CARTER, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS

6335 Gulfon Dr., Suite 100 Houston, Texas 77081 (713) 777-5337



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

06-06-07P12:39 CFID *[Handwritten Signature]*

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 19.72 acres to HCMUD No. 285 under the provisions of 49, Texas Water Code.

*[Handwritten Signature]*  
Attorney for the District

**Attorney:** Allen Boone Humphries Robinson LLP

Address: 3200 Southwest Freeway, Suite 2600 Houston, TX Zip: 77027 Phone: 713-860-6410

**Engineer:** Jones & Carter, Inc.

Address: 6335 Gulfton, Suite 100, Houston, Texas Zip: 77081 Phone: 713-777-5337

**Owners:** Black Rock Land Company, LLC, and Ley-Lane Partnership No. 8, L.P.

Address: 4544 Post Oak Place Drive, Suite 375, Houston, TX Zip: 77027 Phone: 713-439-0788

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

### LOCATION

INSIDE CITY  OUTSIDE CITY

Survey T.O. Meux & John Anderson

NAME OF COUNTY (S) Harris County  
Abstract No. 596 & 97 (Respectively)

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

North of: Owendale Dr. & Wallisville Rd.

East of: Castlegory Rd. & Big Gulch

South of: Wallisville Rd. & U.S. 90

West of: E. Beltway 8 N. & Uvalde Rd.

### WATER DISTRICT DATA

Total Acreage of District: 1,207.68

Existing Plus Proposed Land 1,227.40

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

Single Family Residential 73%

Multi-Family Residential 0

Commercial 27%

Industrial 0

Institutional 0

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

Sewage Treatment Plant Name: HCMUD No. 285 WTP No. 1 & HCMUD No. 285 WTP No. 2

NPDES/TPDES Permit No: 12928001 & 12716001

TCEQ Permit No: 12928001 & 12716001

#### NOTES:

First Item Listed Relates To Tract 19 on Boundary Map.

Second Item Listed Relates to Tract 18 on Boundary Map.



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 0.60 & 0.20

Ultimate Capacity (MGD): 0.60 & 1.50

Size of treatment plant site: 2.599 Ac & 2.79 Ac square feet/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.60 & 0.75 MGD.

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

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

Total permitted capacity: Not Applicable

MGD of (Regional Plant).

Name of District: Not Applicable

MGD Capacity Allocation Not Applicable

or property owner(s)

Name of District: Not Applicable

MGD Capacity Allocation Not Applicable

Water Treatment Plant Name: HCMUD No. 285 & HCFWSD No. 51 Regional

Water Treatment Plant Address: St. Finans Way, Uvalde Road, Regal Pass Lane

Well Permit No: 122260, 122261, 122280

**Existing Capacity:**

Well(s): 3,359 GPM

Booster Pump(s): 12,000 GPM

Tank(s): 2,850 MG

**Ultimate Capacity:**

Well(s): 4,559 GPM

Booster Pump(s): 14,700 GPM

Tank(s): 3,530 MG

Size of Treatment Plant Site: 1.846 Ac, 0.6 Ac, 2.25 Ac square feet/acres.

Comments or Additional Information: HCMUD No. 285 and HCFWSD No. 51 operate a regional water supply system that will have sufficient capacity to serve the proposed annexation tract of the 5.40 Acres upon completion of the future expansion.

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

<b>SUBJECT:</b> Petition for the City's consent to the addition of 269.70 acres of land to Harris County Municipal Utility District No. 290 (Key Map No. 377-F, K)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>38</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 7/12/07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> Jun Chang, P.E. <i>gc</i> Senior Assistant Director Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
The petition for the addition of 269.70 acres of land to Harris County Municipal Utility District No. 290 be approved.

<b>Amount of Funding:</b> NONE REQUIRED	<b>F &amp; A Budget:</b>
--------------------------------------------	--------------------------

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

**SPECIFIC EXPLANATION:**

Harris County Municipal Utility District No. 290 has petitioned the City of Houston for consent to add 269.70 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Will Clayton Parkway and Timber Forest Drive. The district desires to add 269.70 acres, thus yielding a total of 895.62 acres. The district is served by the Trail of the Lakes Wastewater Treatment Plant. The nearest major drainage facility for Harris County Municipal Utility District No. 290 is Williams Gully which flows into Greens Bayou and then into the Houston Ship Channel.

Potable water is provided by the Eagle Springs Water Plant. 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.

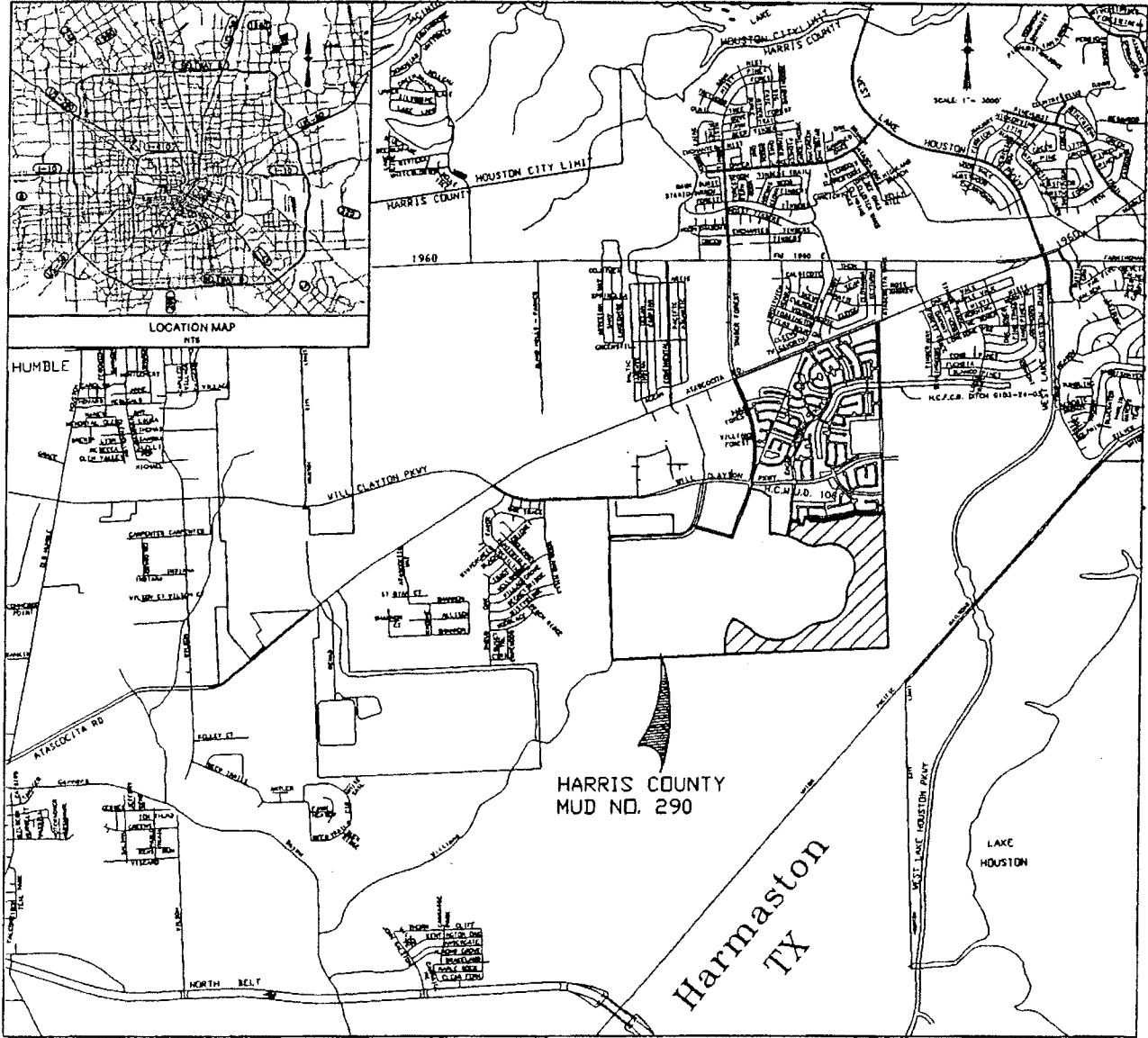
Attachments

cc: Marty Stein Marlene Gafrick Jeff Taylor Dan Krueger Jack Sakolosky  
Bill Zrioka Waynette Chan Deborah McAbee Gary Norman

**REQUIRED AUTHORIZATION** 20JZC307

<b>F &amp; A Director</b>	<b>Other Authorization:</b>  <i>Andrew E. Icken</i> Andrew E. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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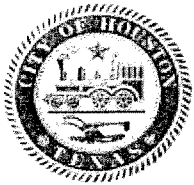
ATTACHMENT I



VICINITY MAP

NOT TO SCALE

307



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

06-20-07P03:39 CFHD *[Signature]*

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

Application is hereby made for consent of the City of Houston to the  creation/  addition of 269.70 acres to Harris County MUD No. 290 under the provisions of Chapter 49 Texas Water Code.

*[Signature]*  
Attorney for the District

**Attorney: Lynne Humphries, Allen Boone Humphries RobinsonLLP**

Address: 3200 Southwest Freeway, Suite 2600, Houston, TX Zip: 77027 Phone: 713-860-6406

**Engineer: Melinda Garza, P.E., TCB**

Address: 5757 Woodway, Suite 101 West, Houston, TX Zip: 77057 Phone: 713-780-4100

**Owners: Terrabrook Eagle Springs, L.P.**

Address: 10235 W. Little York Road, Suite 300, Houston, TX Zip: 77040 Phone: 713-575-9000

(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) \_\_\_\_\_  
Survey Englebert Ruhl Abstract 657

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

North of: \_\_\_\_\_ East of: Timber Forest Drive  
South of: Will Clayton Parkway West of: \_\_\_\_\_

### WATER DISTRICT DATA

Total Acreage of District: 625.92 Existing Plus Proposed Land 895.62 ✓

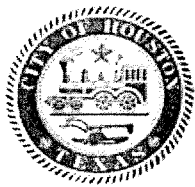
**Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential 100% Multi-Family Residential \_\_\_\_\_  
Commercial \_\_\_\_\_ Industrial \_\_\_\_\_ Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: Trail of the Lakes Wastewater Treatment Plant

NPDES/TPDES Permit No: TX 0074021 TCEQ Permit No: 11901-001



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 1.14

Ultimate Capacity (MGD): 1.75

Size of treatment plant site: 203,900 square feet square feet/acres.

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

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

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

Total permitted capacity: 1.14

MGD of (Regional Plant).

Name of District: Trail of the Lakes MUD

MGD Capacity Allocation .76

or property owner(s)

Name of District: Harris County MUD No. 290

MGD Capacity Allocation .38

Water Treatment Plant Name: Eagle Springs Water Plant

Water Treatment Plant Address: 12630 Will Clayton Parkway

Well Permit No: 115686

### Existing Capacity:

Well(s): 1500

GPM

Booster Pump(s): 6,600

GPM

Tank(s): 1,000,000

MG

### Ultimate Capacity:

Well(s): 3000

GPM

Booster Pump(s): 8,800

GPM

Tank(s): 2,000,000

MG

Size of Treatment Plant Site: 121,365 square feet

square feet/acres.

Comments or Additional Information: The water plant is shared with HCMUD No. 106

Water Well No. 2 is under construction.

An expansion of the water plant is also under construction.




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

<b>SUBJECT:</b> Petition for the City's consent to the addition of three (3) tracts of land totaling 13.386 acres to Northwest Harris County Municipal Utility District No. 15 (Key Map No. 328-C, G & 329-E, J)	<b>Category #</b>	<b>Page</b> 1 of <u>1</u>	<b>Agenda Item #</b>  <b>39</b>
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<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering	<b>Origination Date</b> 7-12-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b>  Jun Chang, P.E.  Senior Assistant Director    Phone: (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**

The petition for the addition of 13.386 acres of land to Northwest Harris County Municipal Utility District No. 15 be approved.

<b>Amount of Funding:</b>  NONE REQUIRED	<b>F &amp; A Budget:</b>
------------------------------------------------	--------------------------

**SOURCE OF FUNDING:**     General Fund     Grant Fund     Enterprise Fund

Other (Specify)

**SPECIFIC EXPLANATION:**

Northwest Harris County Municipal Utility District No. 15 has petitioned the City of Houston for consent to add 13.386 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

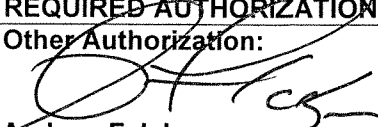
The district is located in the vicinity of Spring Cypress Road, Boudreaux Road, Telge and State Highway 249. The district desires to add 13.386 acres, thus yielding a total of 548.023 acres. The district is served by the Northpointe Regional Wastewater Treatment Plant. Other districts served by this plant are Northwest Harris County Municipal Utility District No. 5, Harris County Municipal Utility District No. 280 and Harris County Municipal Utility District No. 281. The nearest major drainage facility for Northwest Harris County Municipal Utility District No. 15 is Pilot Gulley which flows into Cypress Creek then to Spring Creek and finally into the Houston Ship Channel.

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

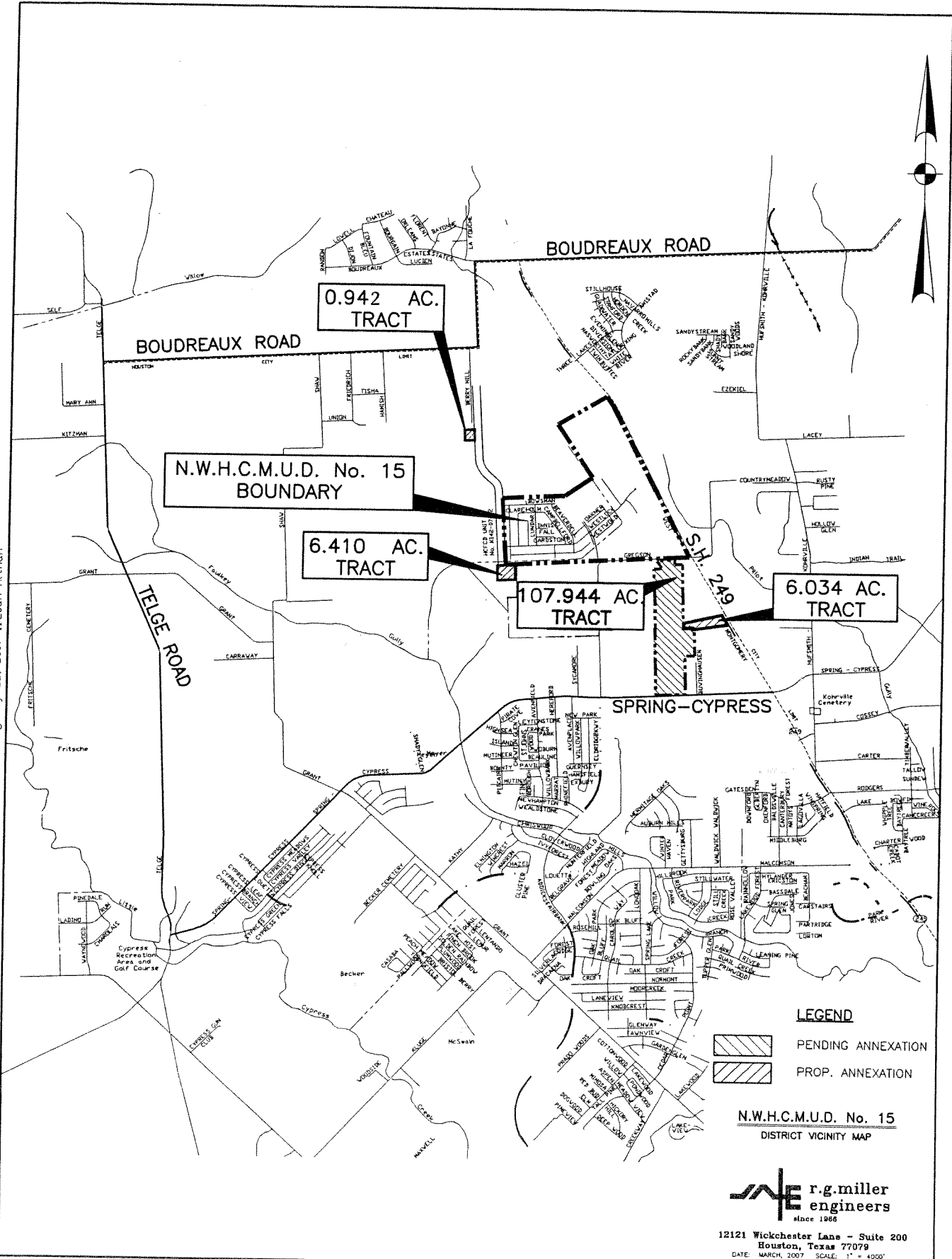
The Utility District Review Committee recommends that the subject petition be approved.

Attachments



cc: Marty Stein    Marlene Gafrick    Jeff Taylor    Dan Krueger    Jack Sakolosky  
Bill Zrioka    Waynette Chan    Deborah McAbee    Gary Norman

<b>REQUIRED AUTHORIZATION</b>		20JZC310
<b>F &amp; A Director</b>	<b>Other Authorization:</b>  Andrew F. Icken Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>

L:\2250\_NWHCMUD\_15\2250-00\_District\CAD\Exhibits\NWHCMUD15-ANNEXMAP2-5-22-07.dwg May 22, 2007-11:20am Altman



**LEGEND**

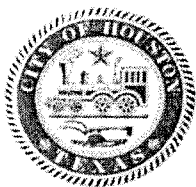
-  PENDING ANNEXATION
-  PROP. ANNEXATION

**N.W.H.C.M.U.D. No. 15**  
DISTRICT VICINITY MAP



12121 Wickchester Lane - Suite 200  
Houston, Texas 77079  
DATE: MARCH, 2007 SCALE: 1" = 4000'

3/10



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

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

00-25-03AP0101 RCV0 ✓

Application is hereby made for consent of the City of Houston to the  creation/  addition of 13.386 acres to NW HC MUD No. 15 under the provisions of Chapters 49 & 54 of the Texas Water Code.

Attorney for the District

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

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

**Engineer: R.G. Miller Engineers, Inc.**

Address: 12121 Wickchester Lane, Suite 200 Houston, Texas Zip: 77079 Phone: 713-461-9600

**Owners: Tomball Partners, L.P. (see additional page)**

Address: 7720 Westview Drive, Houston, Texas Zip: 77055 Phone: 713-681-1100

(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 William Perkins Abstract 621

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

North of: Spring Cypress Road East of: Telge Road  
South of: Boudreaux Road West of: SH 249

### WATER DISTRICT DATA

Total Acreage of District: (see comments) Existing Plus Proposed Land 548.023 ✓

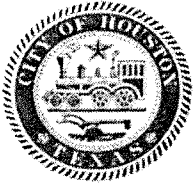
**Development Breakdown (Percentage) for tract being considered for annexation:**

Single Family Residential \_\_\_\_\_ Multi-Family Residential \_\_\_\_\_  
Commercial 82% Industrial 18% Institutional \_\_\_\_\_

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

Sewage Treatment Plant Name: Northpointe Regional Wastewater Treatment Plant

NPDES/TPDES Permit No: 11939-001 TCEQ Permit No: TX0075795



# CITY OF HOUSTON



Department of Public Works and Engineering  
Water District Consent Application Form

Existing Capacity (MGD): 1.56

Ultimate Capacity (MGD): 2.50

Size of treatment plant site: 6.41 ~~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: 2.5

MGD of (Regional Plant).

Name of District: NW Harris Cty M.U.D.No.15

MGD Capacity Allocation 0.676

or property owner(s)

Name of District: NW Harris Cty M.U.D.No.5

MGD Capacity Allocation 0.042

Water Treatment Plant Name: NWHCMUD 15 Water Plant

Water Treatment Plant Address: 13723 Boudreaux Road, Tomball, Texas 77377

Well Permit No: 3269, 7736, 6164

### Existing Capacity:

Well(s): 2000 GPM

Booster Pump(s): 4500 GPM

Tank(s): 0.549 MG

### Ultimate Capacity:

Well(s): 2000 GPM

Booster Pump(s): 6000 GPM

Tank(s): 0.600 MG

Size of Treatment Plant Site: 0.99

~~square feet~~ acres.

Comments or Additional Information: The District has 426.693 acres currently within its

boundaries, and 107.944 acres will be annexed pending City of Houston consent (application filed March 28, 2007), for a total of 534.637 acres. ✓

R

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 4400 block of Bell Street, north side, between Eastwood and Fashion Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>40</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b>	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Marlene L. Gafrick</i>	<b>Council District affected:</b> I
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<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 4400 block of Bell Street, north side, between Eastwood and Fashion Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with former Section 42-213 of the Code of Ordinances, the property owner of Lot 18, Block 51, of the Eastwood Subdivision initiated an application for the designation of a special lot size area. A subsequent amendment to Chapter 42 of the Code of Ordinances created Section 42-194 relating to the establishment of special minimum lot size areas and repealed Section 42-213. This application was received and processed under the rules in effect at the time the application was filed, and the Planning and Development Department recommends that prior Section 42-213 be applied for that purpose. The application includes written evidence of support from 7 of the 11 property owners (64%). Notification was mailed to the 11 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 6,350 sf.

MLG:jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Minimum Lot Size Requirement Area No. 233  
Planning Director's Approval**

Planning Director's Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area include all property within the block faces;</i></p> <p><b>The application is for the 4400 block of Bell Street, north side.</b></p>
X		<p><i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i></p> <p><b>82% of the properties are developed with not more than two SF residential units per property. 9 of the 11 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by 64% of the property owners.</b></p>
X		<p><i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i></p> <p><b>A (6,350 sf) prevailing lot size character exists.</b></p>
X		<p><i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i></p> <p><b>The MLS area contains 11 lots – 2 are corner lots, 9 of the 9 lots are within 10% of the average lot size (100%). The average lot size is 6,350 sf.</b></p>

**The Special Minimum Lot Size Requirement Area meets the criteria.**

Marlene L. Gafrick      3/19/07  
 Marlene L. Gafrick, Director      Date

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

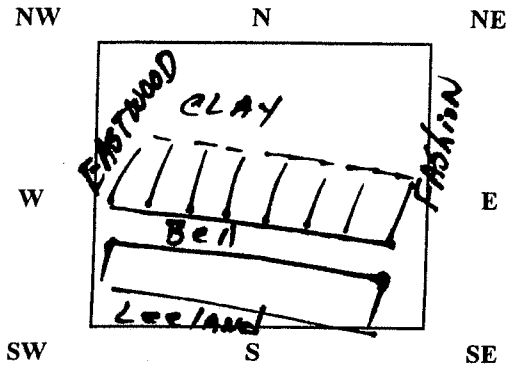
PLANNING & DEVELOPMENT DEPARTMENT

## PREVAILING LOT SIZE APPLICATION

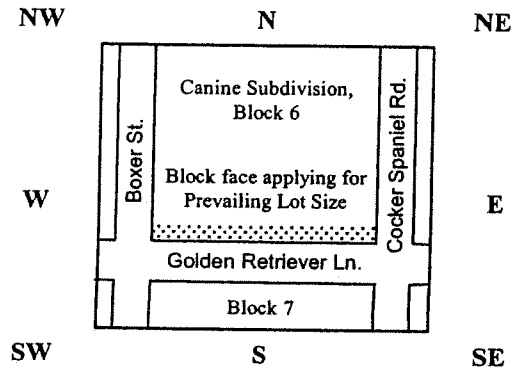
To expedite this application, please complete entire application form.

Staff will complete shaded items.

### LOCATION



### LOCATION EXAMPLE



#### 1. BOUNDARY:

Block no.: 51  
 Lot nos.: 12-28  
 Subdivision name: EASTWOOD  
 Street name & side: Bell  
 Lot(s) Address: 4400 BIK OF BELL  
 Odd/Even Addresses: Odd Addresses

#### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

#### 2. PROJECT INFO.:

File no.:   
 Lambert:   
 Key Map:   
 SN:   
 TIRZ:

Census Tract:   
 Zip Code: 77023

School Dist.: H.I.S.D.  
 City Council Dist.: I  
 Co. Comm. Prct.: A

#### 3. CONTACTS:

Applicant: ANN GARCIA SENA GARCIA  
 Address: 4405 Bell 4415 Bell Phone: 713/502-7128 Fax: \_\_\_\_\_  
 City: HOU HOU State: TX Zip: 77023

Other: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

#### 4. SUBMITTAL REQUIREMENTS

PVL BL

- Completed application form
- Map or sketch showing the address and land use of all lots within boundary
- Data showing the actual size of each lot
- Signed petition
- Evidence of support from the property owners within the boundary

(Date) 1-8-07

PETITION

I, Jenalia Moreno Gandy, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block 51, Lot 18, of Eastwood, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block 51, Lot(s) 18-22 in Eastwood through the application of and creation of a special minimum lot size requirement area.

Jenalia Moreno Gandy

Jenalia Moreno Gandy

Print Name



# EASTWOOD

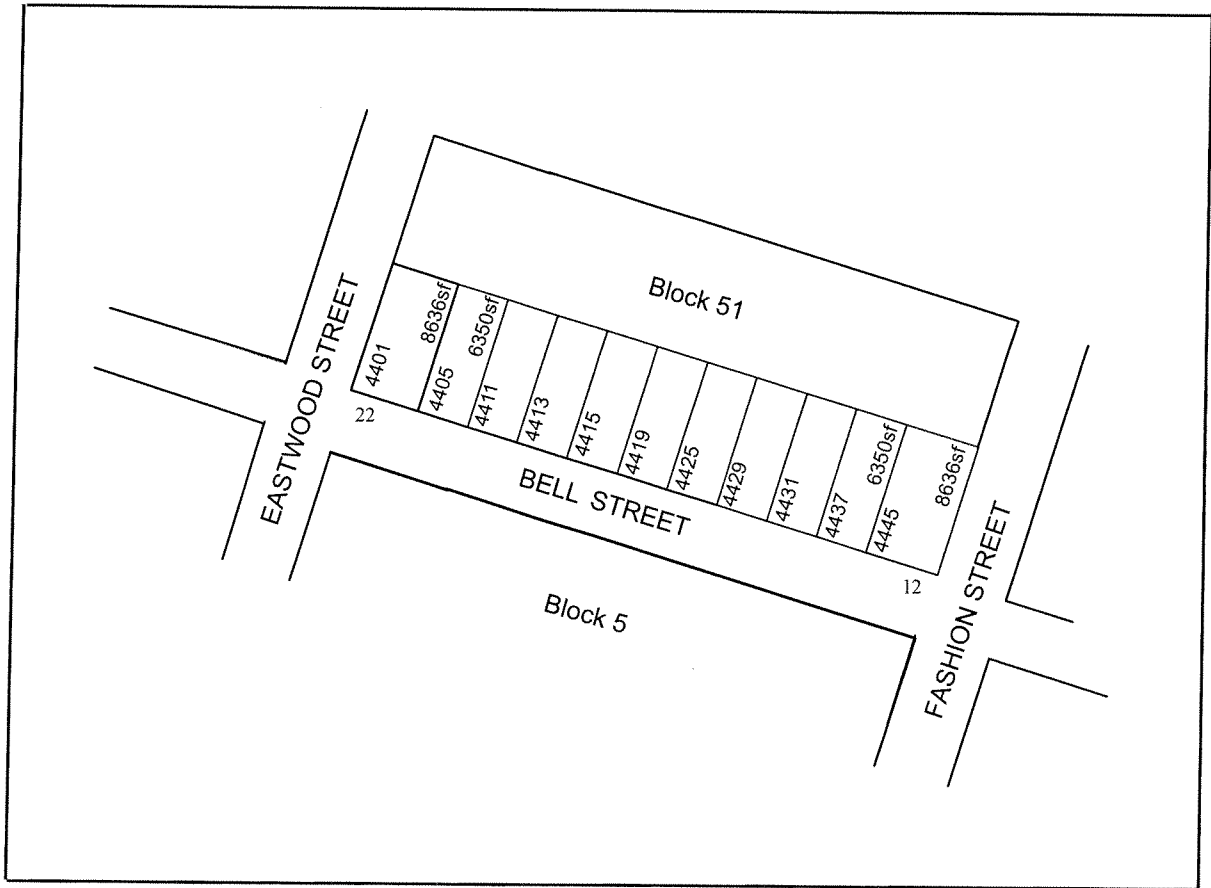
NW

N

NE

W

E



SW

S

SE

6350 sf Prevailing Lot Size

MAP/SKETCH

SMLSA No. 233

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

R

<b>SUBJECT:</b> Ordinance designating the 1200 block of Columbia Street, east and west sides, between East 12 <sup>th</sup> and East 13 <sup>th</sup> Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>41</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b>	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
-------------------------------------------------------------------------------	-------------------------------------------------------------------------

**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 1200 block of Columbia Street, east and west sides, between East 12<sup>th</sup> and East 13<sup>th</sup> Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with former Section 42-213 of the Code of Ordinances, the property owner of Lot 5, Block 190, of the Houston Heights Subdivision initiated an application for the designation of a special lot size area. A subsequent amendment to Chapter 42 of the Code of Ordinances created Section 42-194 relating to the establishment of special minimum lot size areas and repealed Section 42-213. This application was received and processed under the rules in effect at the time the application was filed, and the Planning and Development Department recommends that prior Section 42-213 be applied for that purpose. The application includes written evidence of support from 12 of the 22 property owners (55%). Notification was mailed to the 22 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 6,600 sf.

MLG:jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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**Special Minimum Lot Size Requirement Area No. 230  
Planning Director's Approval**

Planning Director's Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area include all property within the block faces;</i></p> <p><b>The application is for the 1200 block of Columbia Street, east and west sides.</b></p>
X		<p><i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i></p> <p><b>91% of the properties are developed with not more than two SF residential units per property. 20 of the 22 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by 55% of the property owners.</b></p>
X		<p><i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i></p> <p><b>A (6,600 sf) prevailing lot size character exists.</b></p>
X		<p><i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i></p> <p><b>The MLS area contains 23 lots – 4 are corner lots, 19 of the 19 lots are within 10% of the average lot size (100%). The average lot size is 6,600 sf.</b></p>

**The Special Minimum Lot Size Requirement Area meets the criteria.**

Marlene L. Gafrick 3/26/07  
 Marlene L. Gafrick, Director      Date

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

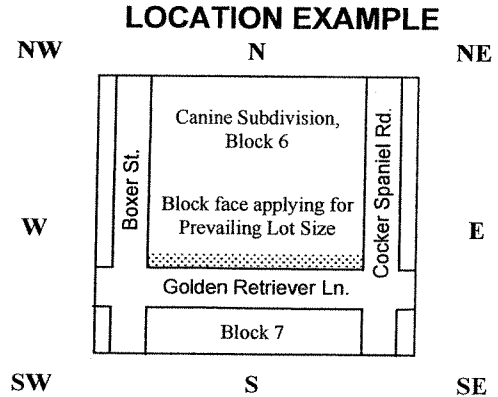
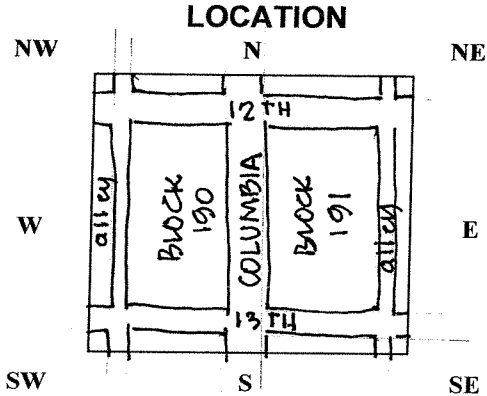
PLANNING & DEVELOPMENT DEPARTMENT

## PREVAILING LOT SIZE APPLICATION

06 FEB 2 11 12:38

To expedite this application, please complete entire application form.

Staff will complete shaded items.



**1. BOUNDARY:**

Block no.: 190 - 191  
 Lot nos.: 2-12A & TR24 - 13/14  
 Subdivision name: HOUSTON HEIGHTS  
 Street name & side: COLUMBIA EAST & WEST  
 Lot(s) Address: 12 COLUMBIA  
 Odd/Even Addresses: odd & even

**BOUNDARY EXAMPLE:**

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

**2. PROJECT INFO.:**

File no.: 230  
 Lambert: 339,5354  
 Key Map: 453 W  
 S Neigh:   
 TIRZ:

Census Tract:   
 Zip Code: 77008

School Dist.: H15D  
 City Council Dist.: H  
 Co. Comm. Prct.: I

**3. CONTACTS:**

Applicant: Robert C Spott  
 Address: 1229 Columbia Phone: 713 864 1353 Fax: 713 663 7007  
 City: Houston State: TX Zip: 77008  
 Other: \_\_\_\_\_  
 Address: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**4. SUBMITTAL REQUIREMENTS**

	PVLS
Completed application form	<input checked="" type="checkbox"/>
Map or sketch showing the address and land use of all lots within boundary	<input checked="" type="checkbox"/>
Data showing the actual size of each lot	<input checked="" type="checkbox"/>
Signed petition	<input checked="" type="checkbox"/>
Evidence of support from the property owners within the boundary	<input checked="" type="checkbox"/>

## PREVAILING LOT SIZE

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

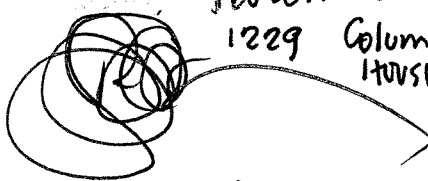
## PETITION

Blocks 190 & 191  
 COLUMBIA ST  
 HOUSTON HEIGHTS  
 HOUSTON TX 77008

(Date)

I, (in ~~ROBERT C. SPOTT~~ owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block 190 Lot 5 of (HOUSTON HEIGHTS), do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for Blocks 190 & 191 lots (see below) through the application of and creation of a special minimum lot size requirement area. HOUSTON HEIGHTS

Petitioner

 Robert C. Spott  
 1229 Columbia  
 HOUSTON TX 77008

Block 190 (residential only)			Block 191 (residential only)		
Address #		lot #	Address #		lot #
1247	Columbia	1	1246	Columbia	24
1243	"	2	1244	"	23
1235	"	3	1236	"	21
1231	"	4	1232	"	20
1229	"	5	1226	"	19
1221	"	6	1224	"	18
1217	"	8	1222	"	17
1205	"	9	1212	"	16
1209	"	10	1208	"	15
1201	"	11	501	E 12 <sup>ST</sup>	13 & TR 14A
415 E 12	"	TR 11 A & TR 12A	503	E 12 <sup>ST</sup>	TR 14

# CITY OF HOUSTON

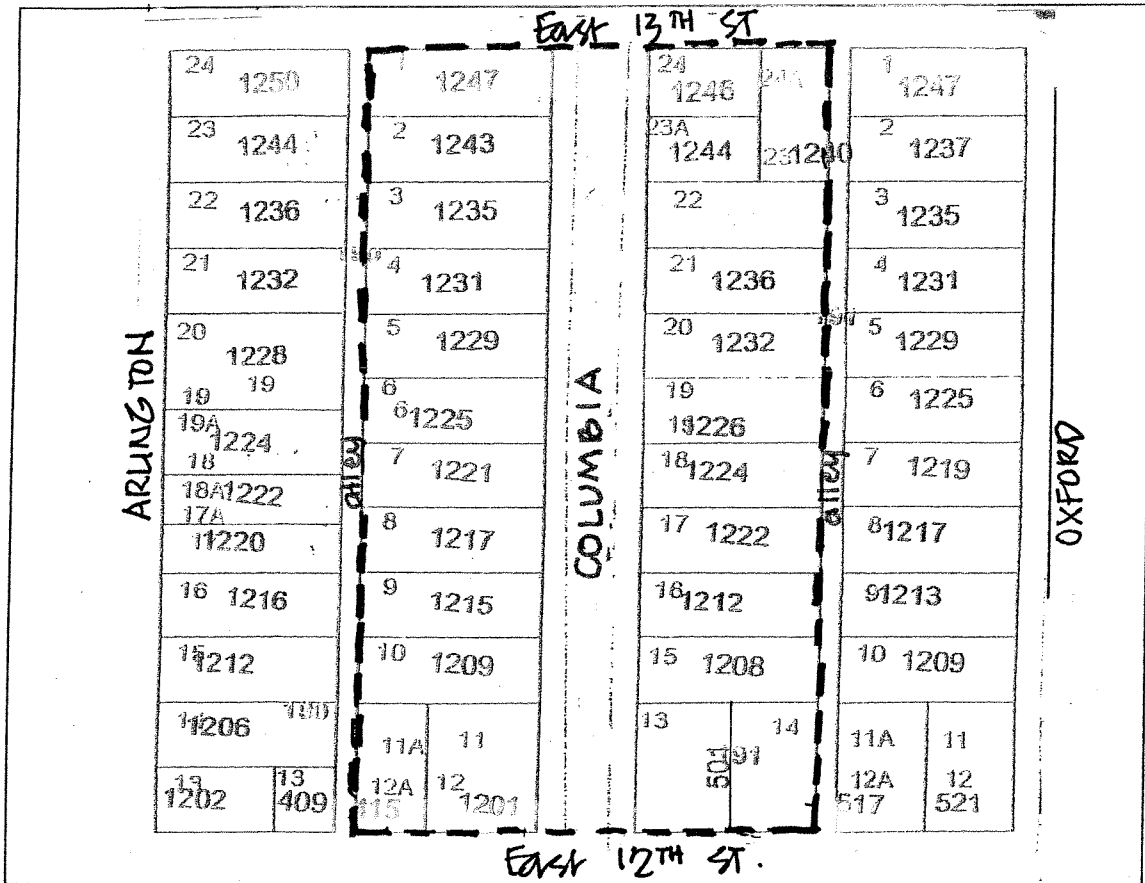
HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

NW

N

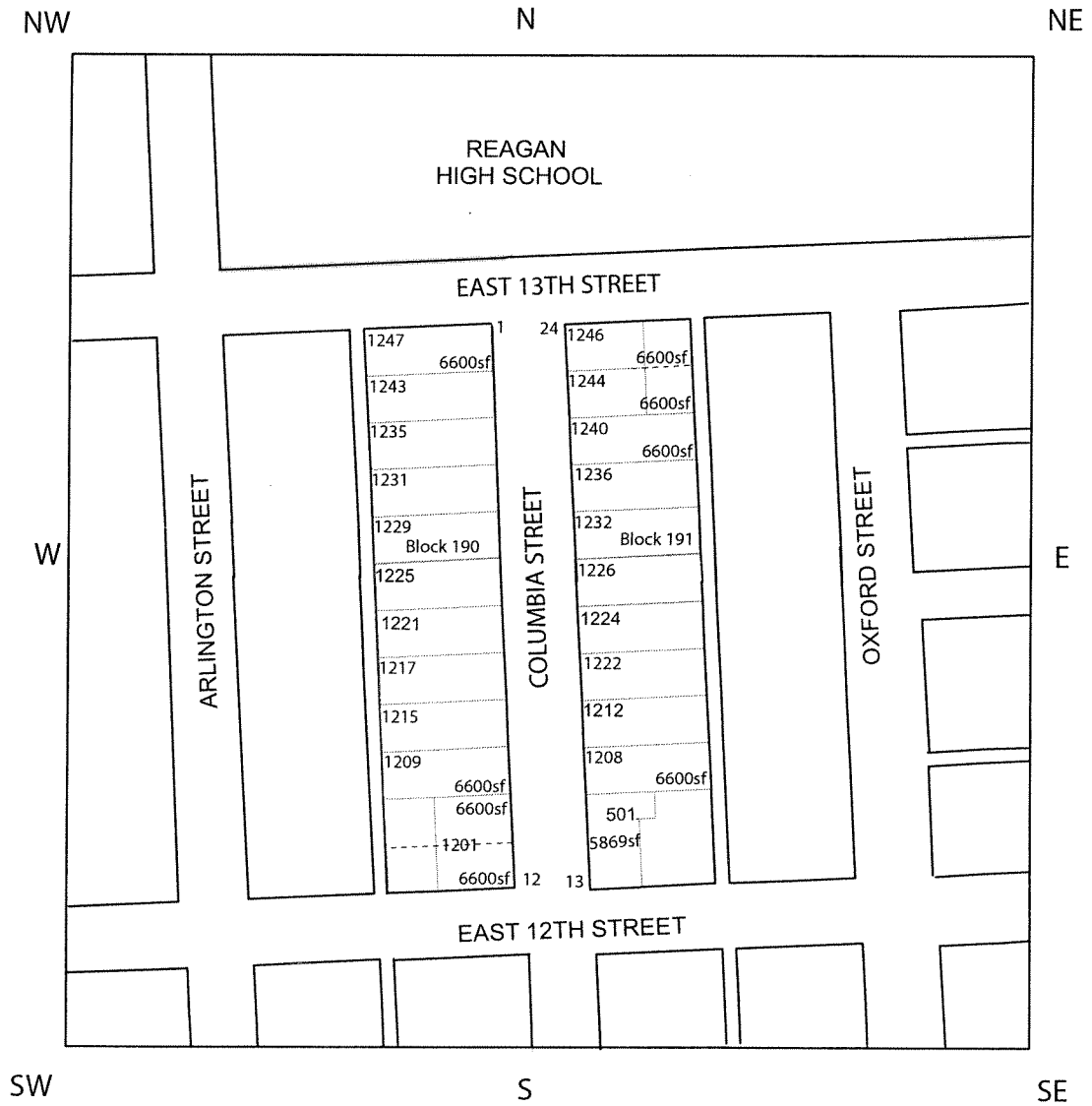
NE



SW

RESIDENTIAL	LOT SIZE	SE	RESIDENTIAL	LOT SIZE	SE
BUCK 190 1247 Columbia	6600	sq. ft.	BUCK 191 1246 Columbia	4200	sq. ft.
1243	6600		1244	6600	
1235	6600		1240	6600	
1231	6600		1236	6600	
1229	6600		1232	6600	
1225	6600		1226	6600	
1221	6600		1224	6600	
1217	6600		1222	6600	
1215	6600		1212	6600	
1209	6600		1208	6600	
1201	8000		501 E 12 <sup>TH</sup>	5869	
415 E 12	5200		503 E 12 <sup>TH</sup>	7,331	

# HOUSTON HEIGHTS & HOUSTON HEIGHTS AMENDMENT



6,600sf Prevailing Lot Size

MAP/SKETCH

SMLSA No. 230

R

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

<b>SUBJECT:</b> Ordinance designating the 900-1100 block of East 26 <sup>th</sup> Street, north and south sides, between Princeton Street and Link Road and the 2600 block of Baylor Street, east side, between East 26 <sup>th</sup> and East 27 <sup>th</sup> Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <i>42</i>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b>	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS Marlene L. Gafrick</i>	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
-------------------------------------------------------------------------------	-------------------------------------------------------------------------

**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 900-1100 block of East 26<sup>th</sup> Street, north and south sides, between Princeton Street and Link Road and the 2600 block of Baylor Street, east side, between East 26<sup>th</sup> and East 27<sup>th</sup> Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
--------------------------------------	--------------------------

**SPECIFIC EXPLANATION:** In accordance with former Section 42-213 of the Code of Ordinances, the property owner of of Lot 24, Block 43, of the Sunset Heights Subdivision initiated an application for the designation of a special lot size area. A subsequent amendment to Chapter 42 of the Code of Ordinances created Section 42-194 relating to the establishment of special minimum lot size areas and repealed Section 42-213. This application was received and processed under the rules in effect at the time the application was filed, and the Planning and Development Department recommends that prior Section 42-213 be applied for that purpose. The application includes written evidence of support from 23 of the 37 property owners (62%). Notification was mailed to the 37 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 3,000 sf.

MLG:jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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## Special Minimum Lot Size Requirement Area No. 227

### Planning Director's Approval

Planning Director's Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area include all property within the block faces;</i></p> <p><b>The application is for the 900-1100 block of East 26<sup>th</sup> Street, north and south sides and the 2600 block of Baylor Street, east side.</b></p>
X		<p><i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i></p> <p><b>95% of the properties are developed with not more than two SF residential units per property. 35 of the 37 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by 62% of the property owners.</b></p>
X		<p><i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i></p> <p><b>A (3,000 sf) prevailing lot size character exists.</b></p>
X		<p><i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i></p> <p><b>The MLS area contains 74 lots – 9 are corner lots, 64 of the 65 lots are within 10% of the average lot size (99%). The average lot size is 3,030 sf.</b></p>

**The Special Minimum Lot Size Requirement Area meets the criteria.**


12/19/06  
 Marlene L. Gafrick, Director Date

# PREVAILING LOT SIZE APPLICATION

**COMPLETED**  
9/29/06

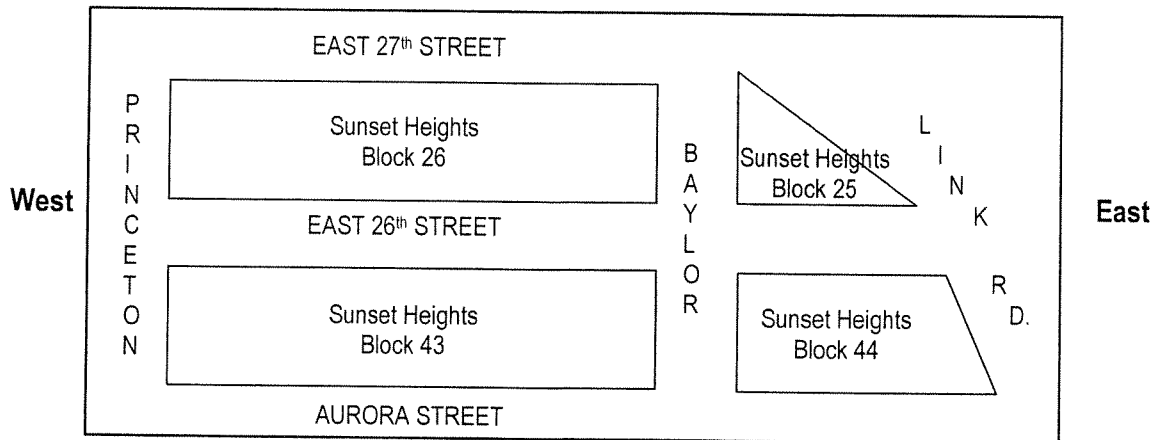
To expedite this application, please complete entire application form.

Staff will complete shaded items.

## LOCATION

Block face applying for Prevailing Lot Size

North



South

### 1. BOUNDARY:

Block no.:	<u>Block #26</u>	<u>Block #43</u>	<u>Block #44</u>
Lot nos.:	<u>Lots 27-52</u>	<u>Lots 1-26</u>	<u>Lots 1-15</u>
Subdivision name:	<u>Sunset Heights</u>	<u>Sunset Heights</u>	<u>Sunset Heights</u>
Street name & side:	<u>North Side East 26<sup>th</sup> &amp; 2601 Baylor</u>	<u>South Side East 26th</u>	<u>South Side East 26th</u>
Lot(s) Address:	<u>901-1021</u>	<u>902-1030</u>	<u>1102-1120</u>
Odd/Even addresses:	<u>Odd Addresses</u>	<u>Even Addresses</u>	<u>Even Addresses</u>

Block no.:	<u>Block #25</u>
Lot nos.:	<u>Lots 2-5, 7 &amp; TRs 1, 1A, 6, 6A, 8, 8A</u>
Subdivision name:	<u>Sunset Heights</u>
Street name & side:	<u>North Side East 26<sup>th</sup>, 2614-2618 Baylor &amp; 2621 Link</u>
Lot(s) Address:	<u>1101-1115</u>
Odd/Even addresses:	<u>Odd Addresses</u>

### 2. PROJECT INFO.:

File no.:   
 Lambert:   
 Key Map: 453S  
 SN:   
 TIRZ:

Census Tract:   
 Zip Code: 77009

School Dist.: HISD  
 City Council Dist.: H  
 Co. Comm. Prct.: 2

### 3. CONTACTS:

Applicant: Jane Hutto  
 Address: 1028 East 26th Street Phone: 713-869-9238 Fax:   
 City: Houston State: TX Zip: 77009

Other:   
 Address:  Phone:  Fax:   
 City:  State:  Zip:

---

4. SUBMITTAL REQUIREMENTS

PVL BL

- |                                                                            |                                     |
|----------------------------------------------------------------------------|-------------------------------------|
| Completed application form                                                 | <input checked="" type="checkbox"/> |
| Map or sketch showing the address and land use of all lots within boundary | <input checked="" type="checkbox"/> |
| Data showing the actual size of each lot                                   | <input checked="" type="checkbox"/> |
| Signed petition                                                            | <input checked="" type="checkbox"/> |
| Evidence of support from the property owners within the boundary           | <input checked="" type="checkbox"/> |

# Petition

9/28/06  
Date

I, Jane Hutto, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically

Block 43  
Lot 24  
of Sunset Heights Subdivision

Do hereby submit this petition as prescribed by the cod of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for


Block 26  
Lots 27-52  
of Sunset Heights Subdivision

Block 43  
Lots 1-26  
of Sunset Heights Subdivision

Block 44  
Lots 1-15  
of Sunset Heights Subdivision

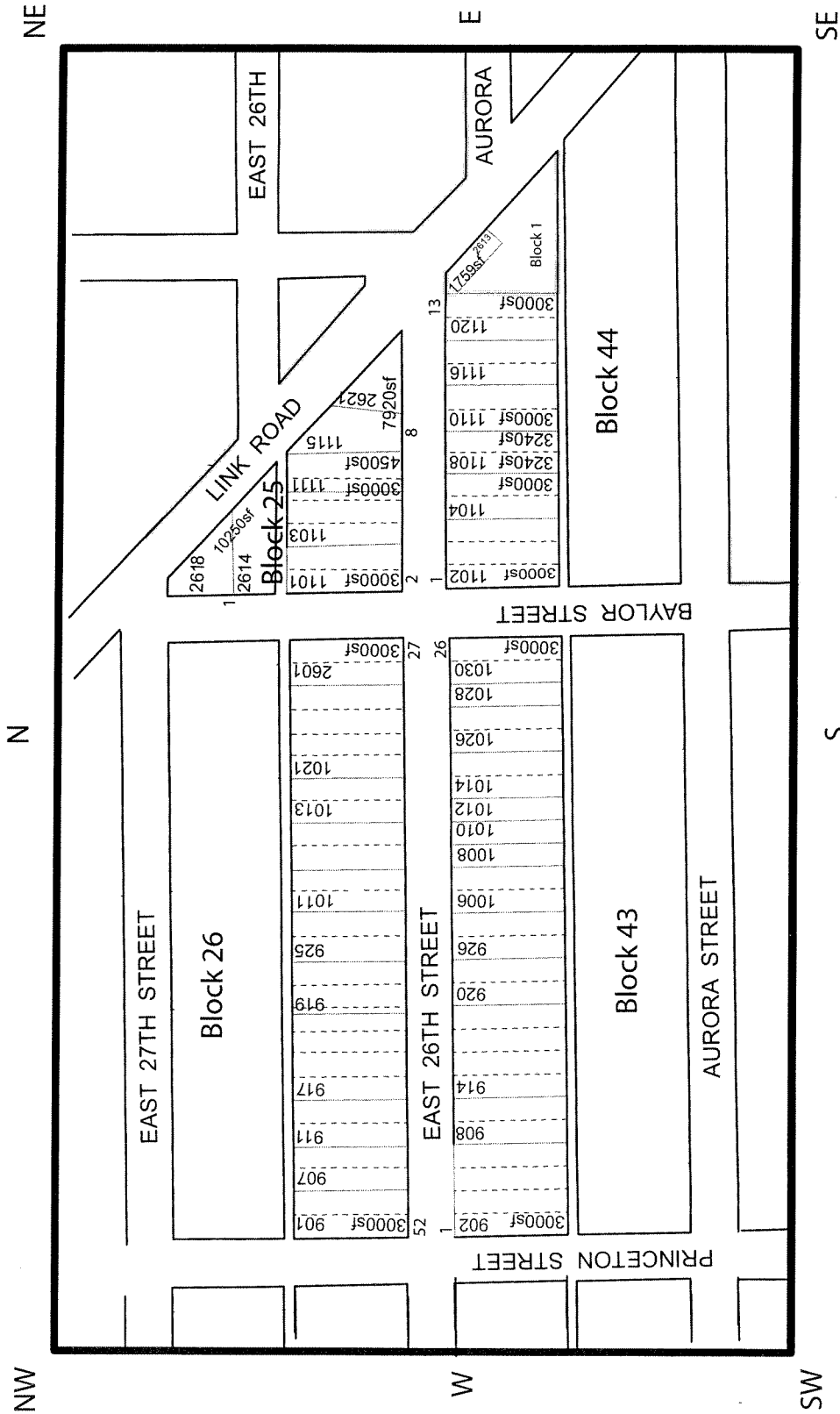
Block 43  
Lots 2-5, 7 & TRs 1, 1A, 6, 6A, 8, 8A  
of Sunset Heights Subdivision

through the application of and creation of a special minimum lot size requirement area.

  
\_\_\_\_\_  
Petitioner

Jane Hutto  
\_\_\_\_\_  
Printed Name of Petitioner

# SUNSET HEIGHTS




3000 sf Prevailing Lot Size  
 MAP/SKETCH  
 SMLSA No. 227

R

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

<b>SUBJECT:</b> Ordinance designating the 1900 block of West Lamar Street, north and south sides, between Stanford and Taft Streets as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>43</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 7/19/2007	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> 	<b>Council District affected:</b> D
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<b>For additional information contact:</b> Min Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)** Approval of an ordinance designating the 1900 block of Banks Street, north and south sides, between Stanford and Taft Streets as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with former Section 42-213 of the Code of Ordinances, the property owner of of Lot 15, Block 5, of the Temple Terrace Subdivision initiated an application for the designation of a special minimum lot size area. A subsequent amendment to Chapter 42 of the Code of Ordinances created Section 42-194 relating to the establishment of special minimum lot size areas and repealed Section 42-213. This application was received and processed under the rules in effect at the time the application was filed, and the Planning and Development Department recommends that prior Section 42-213 be applied for that purpose. The application includes written evidence of support from 21 of the 35 property owners (60%). Notification was mailed to the 35 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Two written protests were filed. The Houston Planning Commission considered the application and protests at the March 29, 2007, meeting and voted to recommend the City Council establish the Prevailing Lot Size Requirement Area.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 5,000 sf.

MLG;jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application & Petition, Evidence of Support, Map of the Area, Protest Letters.

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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Joe C. Holzer  
600 Travis, Suite 4200  
Houston, Texas 77002  
Telephone: 713-220-4172  
Facsimile: 713-238-7278

February 13, 2007

Mr. Jason Holoubek  
City of Houston  
Planning & Development Department  
P.O. Box 1562  
Houston, Texas 77251-1562

Subject: Minimum Lot Size Requirement Application  
1900 Block of West Lamar Street, north and south sides,  
between Stanford Street and Taft Street

Dear Mr. Holoubek:

I own property located at 1971 and 1972 West Lamar, Houston, Texas. This letter is to protest the application for the creation of a Minimum Lot Size Requirement Area under Section 42-213 of the Code of Ordinances and to request a hearing before the Houston Planning Commission. Please notify me at the above address of the hearing date and time.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Joe C. Holzer', with a long, sweeping flourish extending upwards and to the right.

Joe C. Holzer

City of Houston, Planning & Development Dept.  
P.O. Box 1562  
Houston, TX 77251-1562

To Whom It May Concern:

SUBJECT: MINIMUM LOT SIZE REQUIREMENT APPLICATION, SPECIAL BUILDING LINE  
REQUIREMENT APPLICATION: 1900 BLOCK W. LAMAR ST.

As property owners in the 1900 block of West Lamar, we would like to file a formal protest to both the proposed Minimum Lot Size Requirement Application and to the Special Building Line Requirement Application. Please notify us of the scheduled hearing with the Houston planning commission.

Sincerely,

Derek Neves  
co-owner, 1933 W. Lamar

6218 Cindy Lane  
Houston, TX 77098

Joseph Elder  
co-owner, 1933 W. Lamar

2319 Steel Street  
Houston, TX 77098

cc:

FEBRUARY 19, 2007



**Special Minimum Lot Size Requirement Area No. 232  
Planning Commission Approval**

Planning Commission Evaluation:

<b>Satisfies</b>	<b>Does Not Satisfy</b>	<b>Criteria</b>
<b>X</b>		<i>PLS area includes all property within the block faces;</i>  <b>The application is for the 1900 block of West Lamar Street, north and south sides.</b>
<b>X</b>		<i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i>  <b>77% of the properties are developed with not more than two SF residential units per property. 27 of the 35 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b>
<b>X</b>		<i>Demonstrated sufficient evidence of support;</i>  <b>Petition signed by 60% of the property owners.</b>
<b>X</b>		<i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i>  <b>A (5,000sf) prevailing lot size character exists.</b>
<b>X</b>		<i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i>  <b>The MLS area contains 37 lots – 4 are corner lots, 33 of the 33 lots are within 10% of the average lot size (100%) The average lot size is 5,000sf.</b>

**The Special Minimum Lot Size Requirement Area meets the criteria.**

Carol Abel Lewis      4/5/07  
 Carol Lewis, Chair                      Date  
 or

\_\_\_\_\_  
 Mark A. Kilkenny                      Date  
 , Vice-Chair

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## PREVAILING LOT SIZE APPLICATION

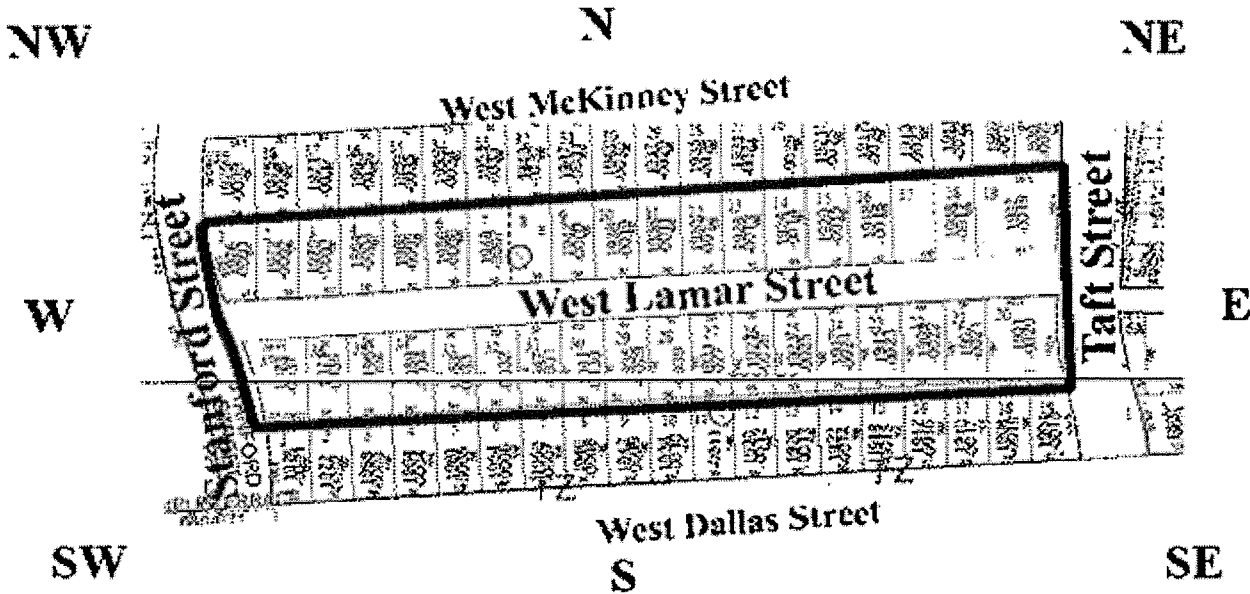
To expedite this application, please complete entire application form.



Staff will complete shaded items.

**COMPLETED**  
2-2-2007

REFERENCE:  
HCAD Facet  
Maps 5357-B9  
and 5357-D1



### 1. BOUNDARY:

**Block no.:** Blocks 4 & 5

**Lot nos.:** Block 4: Lots 1-19 & Block 5: Lots 20-37

**Subdivision name:** Temple Terrace Subdivision

**St. name & side:** North and South side of West Lamar Street, east of Stanford St and west of Taft Street

**Block Address:** 1900 Address Block of West Lamar Street.

**Odd/Even Addresses:** Odd Addresses on South Side of West Lamar, Even Addresses on North Side of West Lamar

<b>2. PROJECT INFO.:</b>	File no.:				
	Lambert:		Census Tract:		School Dist.: HISD – Dist 1
	Key Map:	493J	Zip Code:	77019	City Council Dist.: 61
					Co. Comm. Prct.: 40

### 3. CONTACTS:

Applicant: Allen W. Ueckert  
Address: 1920 W Lamar Street  
City: Houston

Phone: 713-522-1776  
State: TX Zip: 77019

Fax:

Other: Julie Wilsford Mullally  
Address: 1928 West Lamar Street  
City: Houston

Phone: 713-817-4875  
State: TX Zip: 77019

Fax:

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#### 4. SUBMITTAL REQUIREMENTS

PVLS

- Completed application form
- Map or sketch showing the address and land use of all lots within boundary
- Data showing the actual size of each lot
- Signed petition
- Evidence of support from the property owners within the boundary

## PREVAILING LOT SIZE

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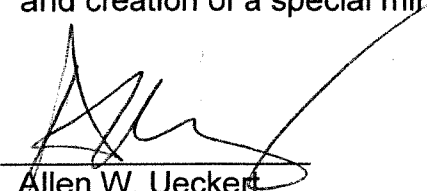
*prevail*

02/03/06

## PETITION

Sunday, November 19, 2006

I, Allen W. Ueckert, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block (5), Lot (15), of Temple Terrace Subdivision, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block 5, Lots 1-19 and Block 4, Lots 20-37 in Temple Terrace Subdivision through the application of and creation of a special minimum lot size requirement area.



Allen W. Ueckert  
Petitioner

## EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special lot size.

By signing this evidence of support, I hereby represent: (1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of Allen W. Ueckert to create a special minimum lot size area for Block 5, Lots 1 through 19 and Block 4, Lots 20 through 37 in the Temple Terrace Subdivision.

Signature	Printed name	Address	Telephone
X <i>Kim A. Townsend</i>	Kim A. Townsend	1953 W. Lamar, Houston, Tx.	(713) 526-6560

## EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special lot size.

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Signature	Printed name	Address	Telephone
<i>Stewart Schwab</i>	Stewart Schwab	1927 W. Lamar	713-845-8255
<i>Thomas Fitzhugh</i>	Thomas Fitzhugh	1927 W. Lamar	713-882-5978

## EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special lot size.

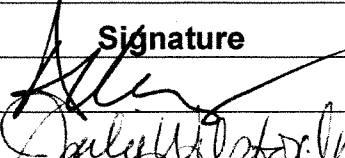
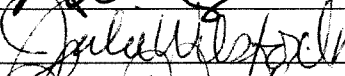
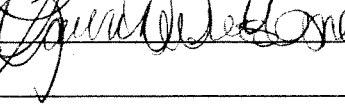
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Signature	Printed name	Address	Telephone
<i>M. E. Norton</i>	M. E. NORTON	1959 W. LAMAR	713-522-1212

## EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special lot size.

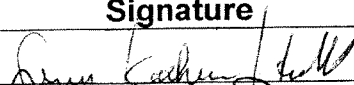
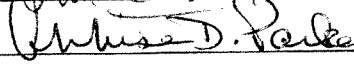
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Signature	Printed name	Address	Telephone
	Allen Ueckert	1920 W. Lamar	713-522-1116
	Julie Wilford	1928 W. Lamar	713-520-6433
	Laura Del Rio	1928 W. Lamar	713-528-3223
	Conely		

## EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special lot size.

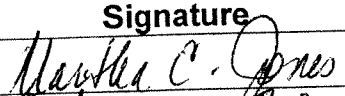
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Signature	Printed name	Address	Telephone
	Ann Katherine Hill	942 W Lamar	713 520 1702
	Annise D. Parker		LOT 9

## EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special minimum lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing lot sizes for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special lot size.

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Signature	Printed name	Address	Telephone
	Martha C. Jones	1960 W. Lamar	713-529-1341
		1911 W. LAMAR	713-526-0260

## EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
	PAULA CIZIK	1935 W. Lamar	713-630-6565
	W. SWADE	1935 W. LAMAR	✓ ✓

## EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
	Vincent Chiodo, Jr.	1908 W Lamar (Lot 17)	713-857-5449
	Vincent Chiodo, Jr.	1908 W Lamar (Lot 18)	
	Vincent Chiodo, Jr.		
	Independent Executor Estate of Theresa Chiodo	1918 W Lamar (Lot 16)	

## EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
	Otis Brewer	1976 W Lamar	713-522-5823
	IAN CAIN	1973 W LAMAR	713 529 1973

# EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
	JOE J. FISHER JR	1902 W. LAMAR	713 528 5360
	ALBERT E. CARR JR	1902 W. LAMAR	713 528 5360

# EVIDENCE OF SUPPORT

Listed below is evidence by the owners of property within the proposed boundaries of the special ~~building line~~ <sup>minimum</sup> lot size requirement area, or their authorized agent, who support the request to preserve the character of the existing block faces for Blocks 4, Lots 20-37 and Block 5, Lots 1-19 in (Temple Terrace Subdivision) through the application of and creation of a special ~~building line~~ <sup>minimum lot size</sup>.

By signing this evidence of support, I hereby represent: (1) that I am the owner or the owner's authorized agent of the property with respect to which I have affixed my signature, and (2) I support the petition of Allen W. Ueckert to create a special ~~building line~~ <sup>minimum lot size</sup> requirement area for Block 5, Lots 1 through 19 and Block 4, Lots 20 through 37 in Temple Terrace Subdivision.

Signature	Printed name	Address	Telephone
	Victoria Pizzitola	1907 W Lamar	
	Victoria Pizzitola	1909 W. Lamar	

# EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
	GIL BARELAK	1970 W. LAMAR	713-520-0407



## EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
<i>Serina Cemino</i>	Serina Cemino	1932 W. Lamar (1930 W. Lamar)	713-8621324

## EVIDENCE OF SUPPORT

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Signature	Printed name	Address	Telephone
<i>Rosalie Elizabeth</i>	ROSALIE ELIZABETH	1948 W. Lamar (Lot 7)	713-522-2469
<i>Rosalie Elizabeth</i>	ROSALIE ELIZABETH	1948 W. Lamar (Lot 8)	713-522-2469

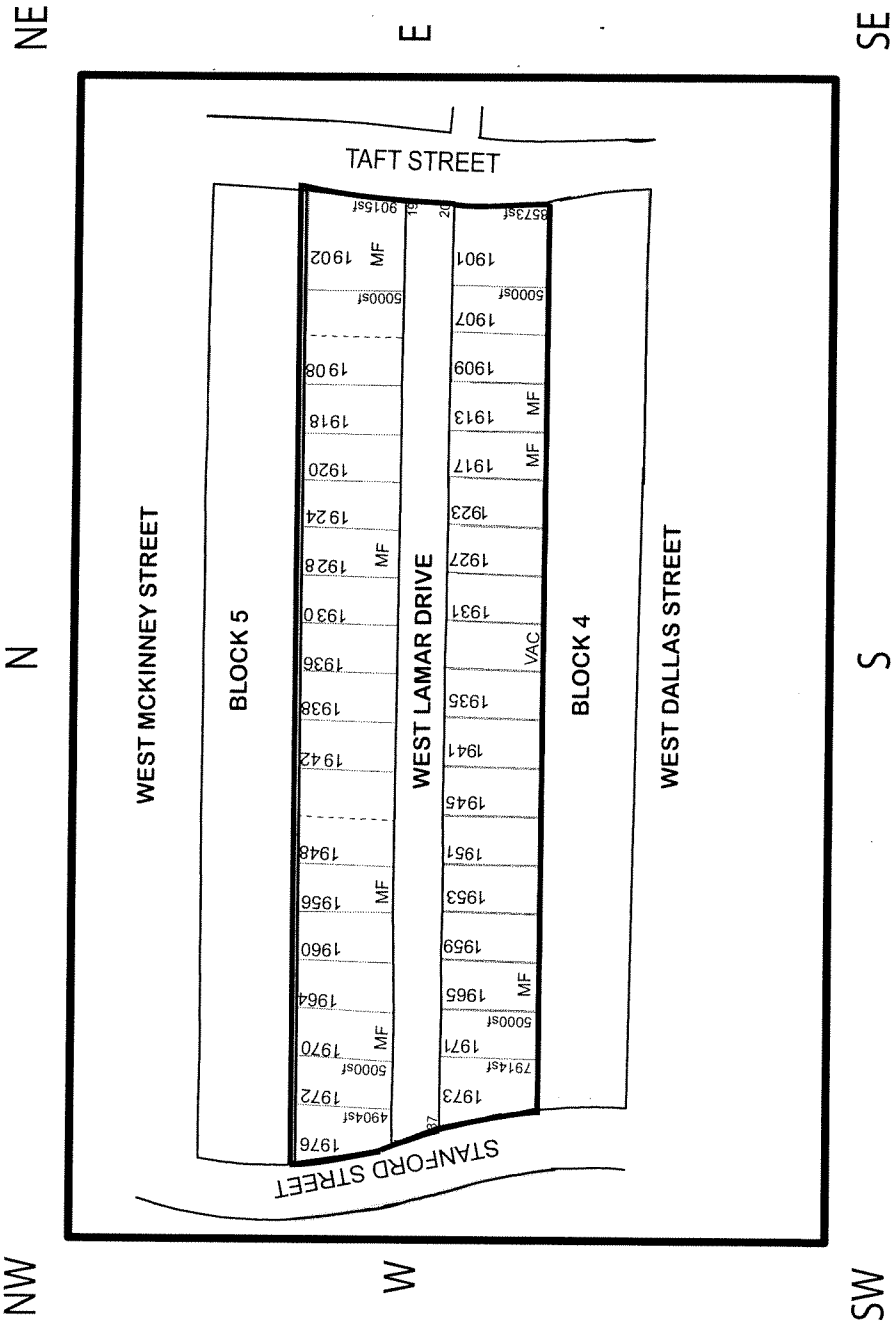
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Signature	Printed name	Address	Telephone
<i>Karen Scheske</i>	Karen Scheske	1945 W. Lamar Houston Tx 77019	713-942-7655

# TEMPLE TERRACE



5,000 sf Prevailing Lot Size

MAP/SKETCH

SMLSA No. 232

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

R

<b>SUBJECT:</b> Ordinance designating the 2300 block of Shakespeare Street, south side, between Morningside Drive and Greenbriar Drive as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of</b> _____	<b>Agenda Item #</b> <b>44</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 4/27/2007	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MSD</i> <i>Marlene L. Gafrick</i>	<b>Council District affected:</b> C
-------------------------------------------------------------------------	----------------------------------------

<b>For additional information contact:</b> Mima Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
-------------------------------------------------------------------------------	-------------------------------------------------------------------------

**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 2300 block of Shakespeare Street, south side, between Morningside Drive and Greenbriar Drive as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with former Section 42-213 of the Code of Ordinances, the property owner of Lot 21, Block 10, of the Windemere Subdivision initiated an application for the designation of a special lot size area. A subsequent amendment to Chapter 42 of the Code of Ordinances created Section 42-194 relating to the establishment of special minimum lot size areas and repealed Section 42-213. This application was received and processed under the rules in effect at the time the application was filed, and the Planning and Development Department recommends that prior Section 42-213 be applied for that purpose. The application includes written evidence of support from 8 of the 12 property owners (67%). Notification was mailed to the 12 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Prevailing Lot Size of 6,000 sf.

MLG:jh

Attachments: Planning Director's Approval, Prevailing Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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## Special Minimum Lot Size Requirement Area No. 235

### Planning Director's Approval

Planning Director's Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area include all property within the block faces;</i></p> <p><b>The application is for the 2300 block of Shakespeare Street, south side.</b></p>
X		<p><i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i></p> <p><b>92% of the properties are developed with not more than two SF residential units per property. 11 of the 12 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by 67% of the property owners.</b></p>
X		<p><i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i></p> <p><b>A (6,000 sf) prevailing lot size character exists.</b></p>
X		<p><i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i></p> <p><b>The MLS area contains 12 lots – 2 are corner lots, 10 of the 10 lots are within 10% of the average lot size (100%). The average lot size is 6,300 sf.</b></p>

**The Special Minimum Lot Size Requirement Area meets the criteria.**


4/27/07  
 \_\_\_\_\_  
 Marlene L. Gafrick, Director                      Date

# CITY OF HOUSTON

HOUSTON PLANNING COMMISSION

PLANNING & DEVELOPMENT DEPARTMENT

## PREVAILING LOT SIZE APPLICATION

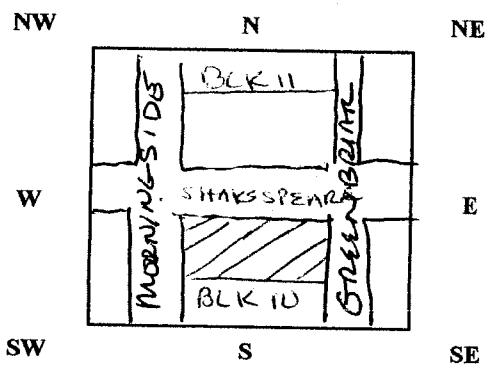
# COMPLETED

To expedite this application, please complete entire application form.

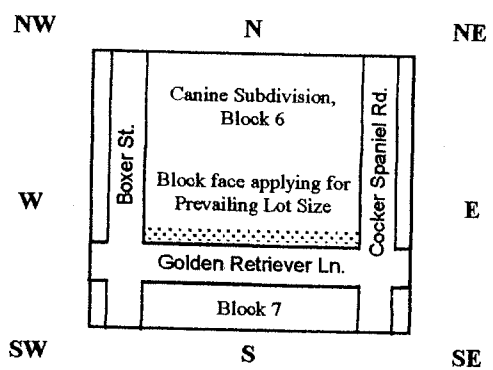


Staff will complete shaded items.

### LOCATION



### LOCATION EXAMPLE



#### 1. BOUNDARY:

Block no.: 10  
 Lot nos.: 13-24  
 Subdivision name: WINDERMERE  
 Street name & side: SHAKESPEARE SOUTH  
 Lot(s) Address: 2300 BLOCK  
 Odd/Even Addresses: ODD ADDRESSES

#### BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

#### 2. PROJECT INFO.:

File no.:   
 Lambert:   
 Key Map:   
 SN:   
 TIRZ:

Census Tract:   
 Zip Code: \_\_\_\_\_

School Dist.: \_\_\_\_\_  
 City Council Dist.: \_\_\_\_\_  
 Co. Comm. Prct.: \_\_\_\_\_

#### 3. CONTACTS:

Applicant: MARY AYALA  
 Address: 2315 SHAKESPEARE RD Phone: 713 839 7295 Fax: \_\_\_\_\_  
 City: HOUSTON State: TEXAS Zip: 77030

Other: DAVID MORRIS  
 Address: 2514 WATTS Phone: 713 812 1166 Fax: 713-680-2614  
 City: HOUSTON State: TX Zip: 77030

#### 4. SUBMITTAL REQUIREMENTS

	PVL	BL
Completed application form	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Map or sketch showing the address and land use of all lots within boundary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Data showing the actual size of each lot	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Signed petition	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Evidence of support from the property owners within the boundary	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

# PETITION

(Date) 1-21-07

I, MARY AYALA, owner of property within the proposed boundaries of the special minimum lot size requirement area, specifically, Block (10), Lot (21), of (WINDERMERE SHAKESPEARE), do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block (10), Lot (13-24), in (WINDERMERE), through the application of and creation of a special minimum lot size requirement area.

Mary Ayala  
(Signature of petitioner)

MARY AYALA  
(Printed name of petitioner)

2315 SHAKESPEARE  
(Address)

HOUSTON, TEXAS 77030

WINDERMERE

NE

E

SE

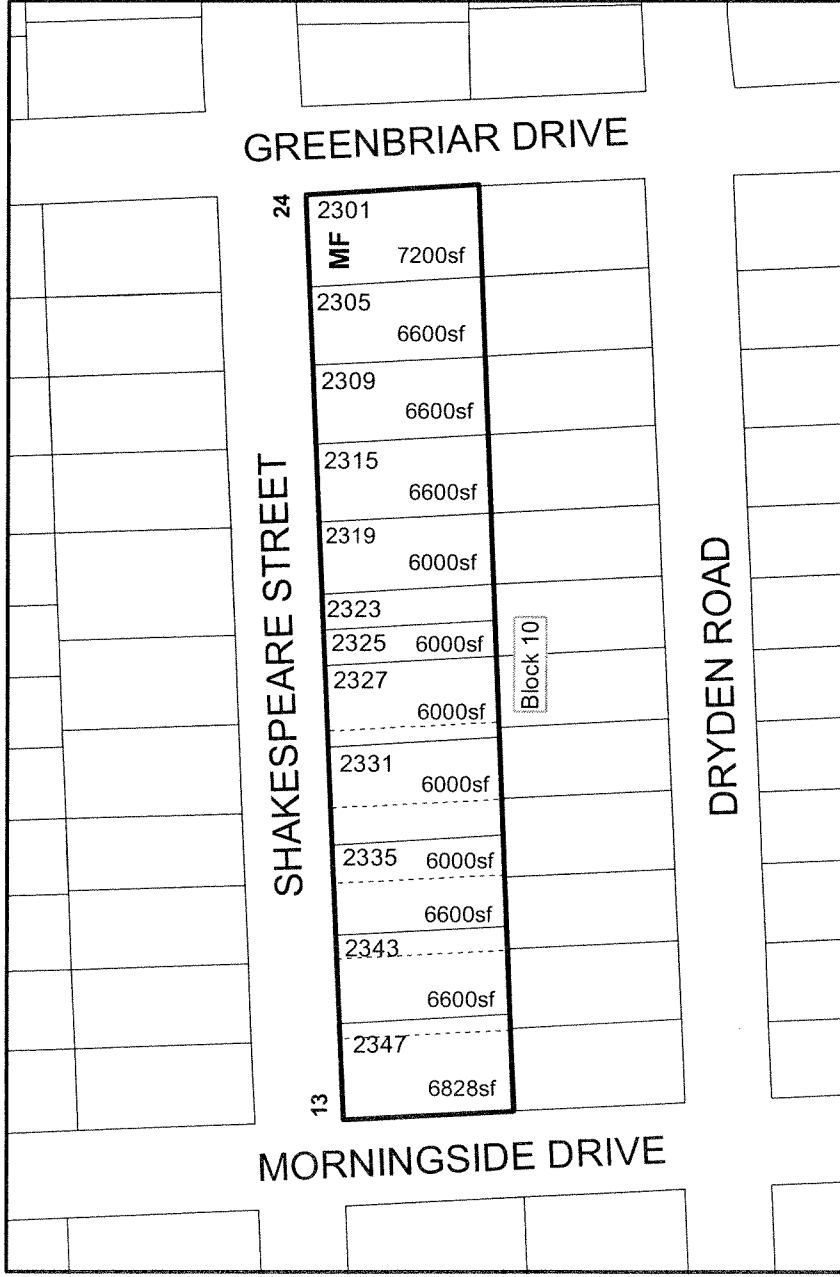
N

NW

W

S

SW Not to scale



GREENBRIAR DRIVE

SHAKESPEARE STREET

DRYDEN ROAD

MORNINGSIDE DRIVE

6000sf Prevailing Lot Size

MAP/SKETCH

SMLSA No. 235

R

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Ordinance designating the 1000 block of Tabor Street, east and west sides and the 1000 block of Northwood Street, east side, between Pittman and Coronado Avenues as a Special Minimum Lot Size Area	<b>Category #</b>	<b>Page 1 of _____</b>	<b>Agenda Item #</b> <b>45</b>
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<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department	<b>Origination Date</b> 7/24/2007	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> 	<b>Council District affected:</b> H
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<b>For additional information contact:</b> Mina Gerall Phone: 713.837.7858	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION:** (Summary) Approval of an ordinance designating the 1000 block of Tabor Street, east and west sides and the 1000 block of Northwood Street, east side, between Pittman and Coronado Avenues as a Special Minimum Lot Size Area, pursuant to Chapter 42 of the Code of Ordinances.

<b>Amount and Source of Funding:</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** In accordance with former Section 42-213 of the Code of Ordinances, the property owner of Lot 9, Block 111, of the Brooke Smith Subdivision initiated an application for the designation of a special minimum lot size area. A subsequent amendment to Chapter 42 of the Code of Ordinances created Section 42-194 relating to the establishment of special minimum lot size areas and repealed Section 42-213. This application was received and processed under the rules in effect at the time the application was filed, and the Planning and Development Department recommends that prior Section 42-213 be applied for that purpose. The application includes written evidence of support from 13 of the 18 property owners (72%). Notification was mailed to the 18 property owners indicating that the special lot size area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within fifteen days of mailing. Since no protest was filed, no action was required by the Houston Planning Commission.

It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000 sf.

MLG:jh

Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area

xc: Marty Stein, Agenda Director  
Anna Russell, City Secretary  
Arturo G. Michel, City Attorney  
Deborah McAbee, Land Use Division, Legal Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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## Special Minimum Lot Size Requirement Area No. 234

### Planning Director's Approval

Planning Director's Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PLS area include all property within the block faces;</i></p> <p><b>The application is for the 1000 block of Tabor Street, east and west sides, and 1000 block of Northwood Street, east side.</b></p>
X		<p><i>At least 60% of the lots are developed with or are restricted to not more than 2 single-family residential (SFR) units per lot;</i></p> <p><b>100% of the properties are developed with not more than two SF residential units per property. 18 of the 18 properties contained within the proposed Special Minimum Lot Size Requirement Area are developed with not more than two single family residential units.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by 72% of the property owners.</b></p>
X		<p><i>Establishment of the MLS area will further the goal of preserving the prevailing lot size character of the area; and,</i></p> <p><b>A (5,000 sf) prevailing lot size character exists.</b></p>
X		<p><i>Finding that the area has a prevailing lot size. 75% or more of the lots (exclusive of corner lots) have a lot size that does not vary by more than 10% from the average size of the lots within the MLSA.</i></p> <p><b>The MLS area contains 18 lots – 6 are corner lots, 12 of the 12 lots are within 10% of the average lot size (100%). The average lot size is 5,000 sf.</b></p>

**The Special Minimum Lot Size Requirement Area meets the criteria.**


5/11/07  
 \_\_\_\_\_  
 Marlene L. Gafrick, Director      Date

RECEIVED  
 BY: James R.

CITY OF HOUSTON  
 PLANNING & DEVELOPMENT DEPARTMENT

HOUSTON PLANNING COMMISSION

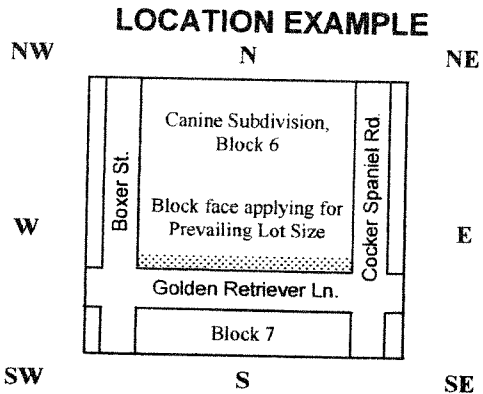
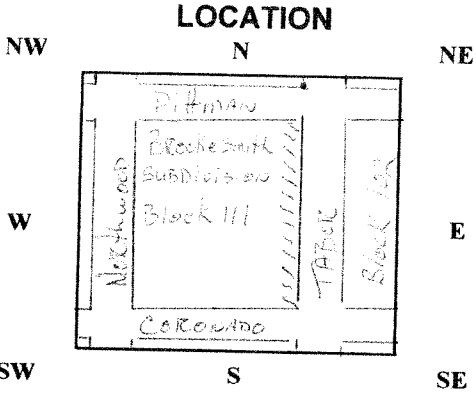
PREVAILING LOT SIZE APPLICATION

COMPLETED

3/12/07

To expedite this application, please complete entire application form.

Staff will complete shaded items.



1. BOUNDARY:

Block no.: 111  
 Lot nos.: 7-12  
 Subdivision name: Brooke Smith  
 Street name & side: TABER west side  
 Lot(s) Address: 1000 TABER  
 Odd/Even Addresses: odd Addresses

BOUNDARY EXAMPLE:

Block 6  
 Lots 1-5  
 Canine Subdivision  
 North side of Golden Retriever Ln.  
 800 Address Block Golden Retriever Ln.  
 Odd Addresses

2. PROJECT INFO.:

File no.: 234  
 Lambert: 5359  
 Key Map: 453X  
 S Neigh:   
 TIRZ:

Census Tract:   
 Zip Code: 77009

School Dist.: HISD  
 City Council Dist.: H  
 Co. Comm. Prct.:

3. CONTACTS:

Applicant: Michael Raitalo  
 Address: 1895 TABER Phone: 281-231-6814 Fax:   
 City: Houston State: TX Zip: 77009  
 Other:   
 Address:  Phone:  Fax:   
 City:  State:  Zip:

4. SUBMITTAL REQUIREMENTS

	PVLS
Completed application form	<input type="checkbox"/>
Map showing the address and land use of all lots within boundary (from www.hcad.org)	<input type="checkbox"/>
Data showing the actual size of each lot	<input type="checkbox"/>
Signed petition	<input type="checkbox"/>
Evidence of support from the property owners within the boundary	<input type="checkbox"/>
Copy of deed restrictions and signed affidavit attesting status	<input type="checkbox"/>

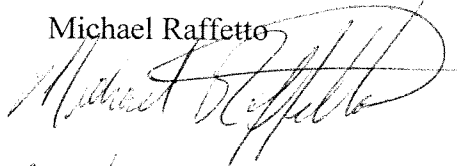
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# PREVAILING LOT SIZE PETITION

March 1, 2007

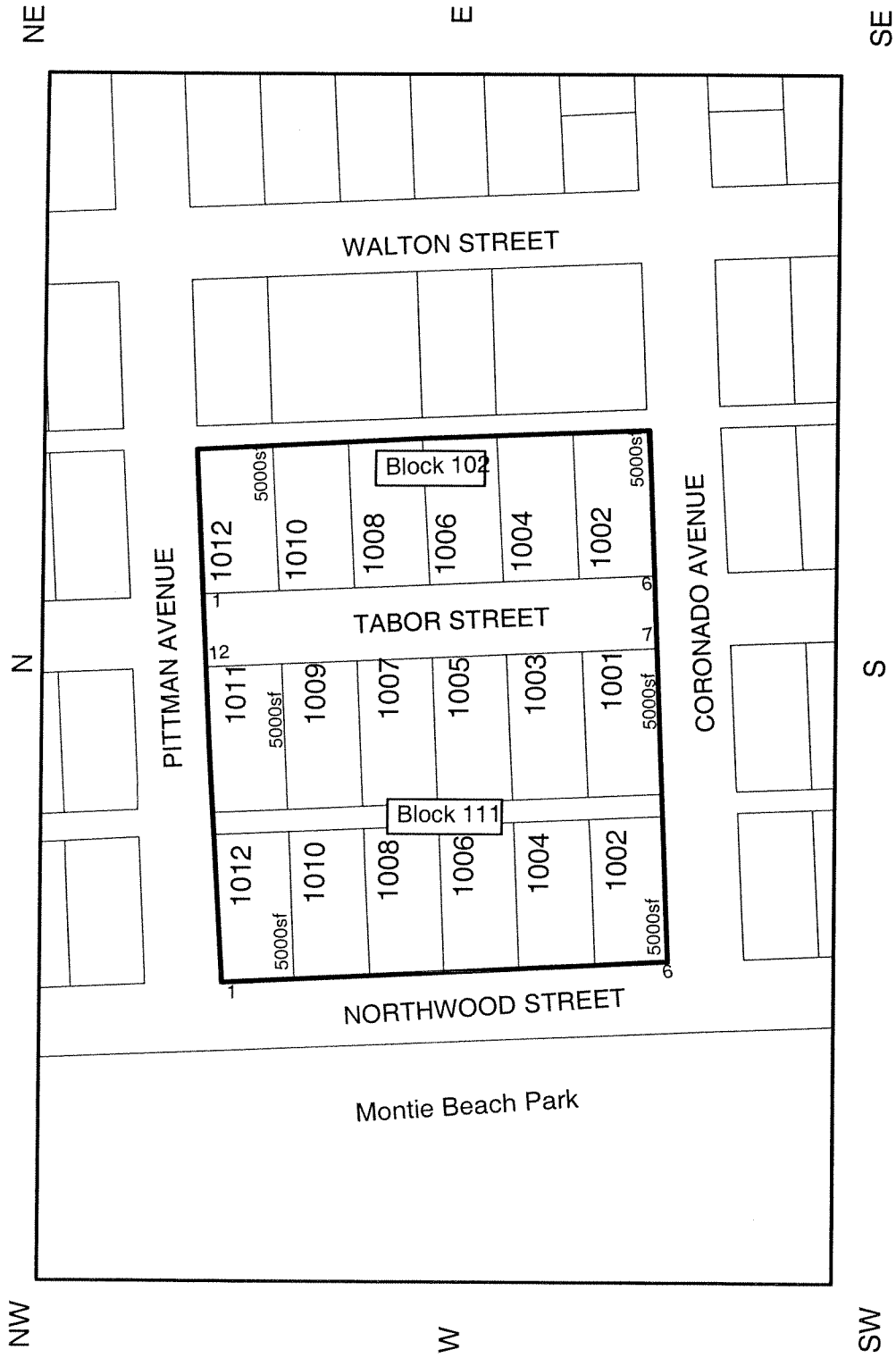
I, Michael Raffetto, owner of property within the boundaries of the special minimum lot size requirement area, specifically, Block 111, Lot 9, of Brooke Smith, do hereby submit this petition as prescribed by the Code of Ordinances, City of Houston, Sec. 42-213. With this petition and other required information, I request to preserve the character of the existing lot sizes for Block 111, Lots 1-12, Block 102, lots 1-6 in Brooke Smith through the application and creation of a special and minimum lot size requirement area.

Michael Raffetto

A handwritten signature in cursive script that reads "Michael Raffetto". The signature is written in black ink and is positioned below the printed name.

March 7, 2007

**BROOKE SMITH**



**5000sf Special Minimum Lot Size**

**MAP/SKETCH**

**SMLSA No. 234**

<b>SUBJECT:</b> An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for continued funding of the Emergency Shelter Grants Program.	<b>Category #</b> 1	<b>Page</b> 1 of 2	<b>Agenda Item #</b> <i>46</i>
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<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development	<b>Origination Date</b> 07/11/07	<b>Agenda Date</b> AUG 0 8 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>[Signature]</i>	<b>Council District affected:</b>  ALL
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For additional information contact: Donald Sampley Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
 Approval of an Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for the implementation, oversight and delivery of the Community Development Block Grant funded Emergency Shelter Grants Program for \$2,026,494.00, which amount includes a limitation on additional funding in the amount \$1,961,494.00 funded under the 33rd Year Community Development Block Grant.

<b>Amount of Funding:</b> \$2,026,494.00	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)      **COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)**  
**EMERGENCY SHELTER GRANT FUND (5000)**

**SPECIFIC EXPLANATION:**  
 The Housing and Community Development Department recommends approval of a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. (Child Care Council).  
 This Contract provides for the continued implementation, oversight and delivery of the Community Development Block Grant funded Emergency Shelter Grants Program.  
 The Contract will provide <sup>initial</sup> funding in the amount of \$65,000.00. This funding will allow Child Care Council to continue to administer the program until the City receives its 33rd year allocation from the Department of Housing and Urban Development. Once the City receives its allocation, a Supplemental Allocation will provide the remainder of the allocation of \$1,961,494.00 for the remaining contract period. The annual Contract amount will be \$2,026,494.00 for a one (1) year period beginning August 1, 2007 – July 31, 2008.  
 The City entered into a Contract with Child Care Council beginning March 9, 1994 to provide the above referenced services. These services include the selection of service providers through a Request for Proposal (RFP) process negotiating contracts with providers; processing reimbursement requests; monitoring performance, provide technical assistance and training; and management assistance.

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

<b>Date:</b> 07/11/07	<b>Subject:</b> An Ordinance authorizing a Contract between the City of Houston and Child Care Council of Greater Houston, Inc. for continued funding of the Emergency Shelter Grants Program.	<b>Originator's Initials</b> <i>ACU</i>	<b>Page</b> 2 of 2
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Total funds and sources: \$1,326,494.00 ESG  
\$ 700,000.00 CDBG  
Estimated number of unduplicated persons to be served: 10,000  
Category of persons: Homeless or near homeless

This Contract provides for the continued implementation, oversight and delivery of the Community Development Block Grant funded Emergency Shelter Grants Program. The Contract will provide funding in the amount of \$65,000.00 (CDBG funds) to Child Care Council to administer the program until the City receives its 33rd Year allocation from the Department of Housing and Urban Development. Once the City receives its allocation, a Supplemental Allocation will provide the remainder of the allocation of \$1,961,494.00 for the remaining contract period. The annual allocation for this program will be \$2,026,494.00 (\$1,326,494.00 ESG; \$700,000.00 CDBG), \$1,895,169.00 service providers and \$131,325.00 for administrative costs associated with the program for 12 months, August 1, 2007 – July 31, 2008. Twenty-five (25) non-profit agencies will provide services to the homeless or near homeless.

This item was reviewed and recommended for council action by the Housing and Community Development Committee on June 29, 2007.

Approval of this Ordinance is recommended.  
RSC:DG:DS:PAB:pab

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

HCD07-171

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

07-08 Coalition

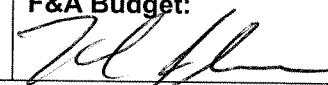
<b>SUBJECT:</b> An Ordinance authorizing a Contract between the City of Houston and the Coalition for the Homeless of Houston/Harris County to operate a homeless database and publish a homeless services directory.	<b>Category #</b> 1	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  47
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<b>FROM (Department or other point of origin):</b> Richard S. Celli, Director Housing and Community Development	<b>Origination Date</b> 07/11/07	<b>Agenda Date</b> AUG 0 8 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b>  ALL
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<b>For additional information contact:</b> Donald Sampley Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Approval of an Ordinance authorizing the execution of a Contract between the City of Houston and the Coalition for the Homeless of Houston/Harris County funded under the 33rd Year Community Development Block Grant for \$193,415.00, which amount includes a limitation on additional funding in the amount of \$163,415.00 for the operation of a homeless services database and provision of other homeless related information services.

<b>Amount of Funding:</b> \$ 193,415.00 – 1 Year	<b>F&amp;A Budget:</b> 
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify)    **COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)**

**SPECIFIC EXPLANATION:**  
The Housing and Community Development Department requests approval of a Contract between the City of Houston and the Coalition for the Homeless of Houston/Harris County. This Contract will allow the Coalition to operate a homeless services database for homeless service agencies, publish a semi-annual homeless service directory, and conduct a yearly Houston/Harris County shelter census and demographic study providing information for homeless grant applications.

The Coalition is an alliance of individuals and organizations whose goals are to alleviate the problems of homeless people. The agency acts as a central clearinghouse for service providers and other agencies that are providing services for the homeless population. The Coalition develops and maintains a database for service providers. The database provides an inventory of organizations and shelters that provide overnight sleeping accommodations for the homeless. The Coalition will establish and maintain an information system to count the number and types of homeless in Houston. The system will also provide other forms of information about the homeless as needed. The Contractor also publishes a directory of homeless services, which aids service providers in providing services.

The annual allocation for this activity is \$368,415.00, with anticipated funding from the county in the amount of \$175,000.00 and the City funding \$193,415.00, respectively. The City's contribution under this Contract allows for funding the amount of \$30,000.00. This funding will allow the Coalition to continue to provide services until the City receives its 33rd Year (B-07) allocation from the Department of Housing and Urban Development (HUD). Once the City receives its allocation, a Supplemental Allocation will provide the remainder of the allocation of \$163,415.00.

**REQUIRED AUTHORIZATION**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date:</b> 07/11/07	<b>Subject:</b> An Ordinance authorizing a Contract between the City of Houston and the Coalition for the Homeless of Houston/Harris County	<b>Originator's Initials</b> <i>RSC</i>	<b>Page</b> 2 of 2
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Therefore, the Department is requesting approval of a Contract in the amount of \$193,415.00 to cover a one (1) year contract period, beginning August 1, 2007 – July 31, 2008. Approval of this Contract is recommended.

The Housing and Community Development Committee reviewed this item on June 29, 2007 and voted to recommend it for favorable Council consideration.

RSC:PAB:pab

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



<b>SUBJECT:</b> An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Dominion Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area.	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b>  48

<b>FROM (Department or other point of origin):</b> Housing and Community Development Department	<b>Origination Date:</b> 08/03/07	<b>Agenda Date:</b> AUG 0 8 2007
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<b>DIRECTOR'S SIGNATURE:</b> Richard S. Celli, Director <i>R. S. Celli</i>	<b>Council District affected:</b> "B" CM Jarvis Johnson
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<b>For additional information contact:</b> Donald Sampley, Assistant Director Phone: 713-868-8458	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**  
The Department recommends approval of an ordinance authorizing a \$700,000 contract between the City of Houston and Dominion Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area.

<b>Amount of Funding:</b> \$700,000	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SOURCE OF FUNDING**       General Fund       Grant Fund       Enterprise Fund

Other (Specify) HOME FUND      Grant Funds (5000)

**SPECIFIC EXPLANATION:**

Dominion Community Development Corporation (Dominion CDC) is a 501(c) 3 nonprofit corporation certified as a Community Housing Development Organization (CHDO).

The Housing and Community Development Department, (HCDD) proposes providing a total of \$700,000 to Dominion CDC in Federal HOME funds to assist in the development of 10 affordable single-family houses. The \$700,000 will be in the form of a grant. HCDD will require that there be an interim construction lender that finances the cost of the construction less the subsidy from the HOME funds, to include all lots costs to include carry and all non HOME eligible costs. The HCDD construction subsidy will be \$70,000 per house.

Specific home sites are: 0 Apollo; 0 Apollo; 0 Apollo-LT 19; 0 Apollo-LT 20; and 6511 Apollo-LT 34. All homes will be located in Council District "B".

The development will be known as "Dominion Affordable Housing I." The sites must comply with HUD's environmental regulations. The newly constructed houses will be sold to families whose annual incomes do not exceed 80% of AMI, and who will occupy the property as their principal residence.

The City will allow the CHDO (Dominion CDC) to retain the proceeds generated from this CHDO development activity provided that Dominion CDC performs as required under the contract and provided that Dominion CDC uses the proceeds from the sale of the houses to conduct HOME-eligible activities in the Acres Homes Houston Hope area. HOME Regulations do not apply to use of the proceeds.

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

NDT

**Date**  
08/03/07

**Subject:** An ordinance approving and authorizing a \$700,000 contract between the City of Houston and Dominion Community Development Corporation, using Federal HOME funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area

**Originator's  
Initials**

*PSal.*

**Page**  
2 of 2

The development is consistent with the City's Consolidated Plan to provide affordable housing for low-income residents. HCDD secured HUD's approval of this contract before being submitted to City Council.

The plan to give Dominion CDC funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area was published for 30 days in the local newspaper. There was no citizen or community opposition to the Dominion CDC development.

On November 29, 2006, the Housing and Community Development Committee recommended this item for favorable Council consideration.

The Department recommends approval of an ordinance approving and authorizing a \$700,000 contract between the City of Houston and Dominion CDC, using Federal HOME Housing Funds to assist in the development of 10 affordable single-family houses in the Acres Homes Houston Hope area.

RSC:DHS:MEB

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7528**

**Subject:** Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC for Phase Three of the Network Implementation Project

Category #  
4 & 5

Page 1 of 3

Agenda Item

**49**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 23, 2007

**Agenda Date**

AUG 08 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**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:**  
Ordinance 2003-1252 Ordinance 2005-1064

**RECOMMENDATION: (Summary)**

Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC in an amount not to exceed \$7,053,840.00 for phase three of the network implementation project.

Spending Authority: \$7,053,840.00

**F & A Budget**

\$3,823,840.00 Equipment Acquisition Fund (1800)  
\$2,900,000.00 Combined Utility System Gen Pur Fund (8305)  
\$ 300,000.00 Convention & Entertainment Facility Revenue Fund (8601)  
\$ 30,000.00 Houston Airport System Revenue Fund (8001)  
\$7,053,840.00 Total

WBS X-680011

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council appropriate funds and approve purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC in an aggregate amount not to exceed \$7,053,840.00 for Phase 3 of a three-phase project to upgrade the City data network to provide greater capacity for new, more robust technology, to improve security and to avoid system outages that will increase without this IT investment.

**Background**

In May of 2003, the City Council authorized an initial network assessment by Getronics of 141 City locations to determine the stability and security of the City's underlying data network. The assessment was completed in August 2003, revealing that 90% of the City's network infrastructure and associated components (routers and switches) were past the product end of life and no longer supportable. The assessment also revealed that the City lacked standardized network equipment, with 18 different vendor products serving various departments. The combination of these factors resulted in slow network performance, productivity loss from downtime, costly support, security breaches and potentially catastrophic system failures. These network deficiencies also threatened the successful implementation of important strategic initiatives, such as Integrated Case Management System (ICMS), Enterprise Resource Planning (ERP/SAP) and HPD's Network Security Pre-Convergence Implementation (NSPCI).

In response to the assessment findings Council authorized Getronics to proceed with development of a network master plan. In December 2003, City Council approved an amendment (Ordinance 2003-1185) and appropriated \$355,000 for a network master plan and design phase. Following the completion of this Master

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

Date: 7/23/2007	Subject: Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC for Phase Three of the Network Implementation Project	Originator's Initials FR	Page 2 of 2
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Plan in July 2004, ITD moved forward with a competitive proposal process for the implementation of a phased network upgrade.

**Competitive Procurement, Evaluation, & Selection**

ITD issued the Network Implementation (NIP) RFP in August 2004 through the City's catalog vendor purchasing program. The Texas Procurement Center (TPC) performed the procurement at a negotiated rate of 3% for all phases of the work. TPC's 3% service fee is included in the total allocation for this purchase. Ten proposals were received and a rigorous vendor selection process began in September 2004. First round evaluations included eight proposals, as two proposals were determined to be non-responsive. Second round evaluations included four semi-finalist vendors who were invited to present to the evaluators and included lengthy question and answer sessions. The third round included price negotiations with the finalist, DYONYX LP, who was selected as the "Best Value" Contractor.

**Phase 1 Implementation**

The entire scope of work for the Network Implementation Project is a three-phase approach to upgrade 1500 existing network devices at 450 sites. Phase 1 funding was provided from 2004 Equipment Acquisition Funds approved by City Council Ordinance 2003-1252. In November 2004, DYONYX was issued a Purchase Order for Phase 1 in the amount of \$2,553,523.59 including hardware, services and procurement fees to upgrade 2 core facilities and 47 HPD sites. As of this date, DYONYX has performed in an exemplary manner and has completed all tasks in Phase 1 to the City's satisfaction.

**Phase 2 Implementation**

It was important for this project continue without pause for project continuity and reasons articulated in the Background Section above. Phase 2 was approved by Council Ordinance 2005-1064 on September 14, 2005 in the amount of \$4,559,810.00 The Scope of Work for Phase 2 included 202 sites within the following departments: remaining HPD sites, Fire, Health, Parks and administrative departments (Mayor's Office, City Council, Affirmative Action, Legal, Controller, ITD, City Secretary, HR, Housing, PDD, F&A, Courts, and BSD). Phase 2 was completed in the scheduled fourteen months by DYONYX under budget.

The remaining \$338,175 has been applied to planning, site remediation and design for Phase 3.

**Phase 3 Implementation**

Phase 3 started in March at the completion of Phase 2 by means of a Change Order with remaining Phase 2 funds. Phase 3 includes the network upgrade and implementation of all remaining City departments, including Public Works and Engineering, the Library, Convention and Entertainment, Airport System, and Solid Waste departments. It also includes any site exceptions from the previous two phases such as new facilities under construction. Phase 3 is the largest network implementation to date due in part to PWE which is the largest department in City of Houston. Careful planning has provided an estimate of \$7,053,840.00 for Phase 3 including services, equipment purchase and build-out, selected site remediation and fees.

It is important that the project continues and phase 3 begins without delay. This will ensure avoidance of system outages, improve needed security and provide the technology required for important City strategic initiatives including wireless connectivity and self-service requirements within water customer service.

The use of DYONYX for this phase in the network upgrade implementation is consistent with the selection made under the RFP process described above. While the purchase is being made directly from DYONYX

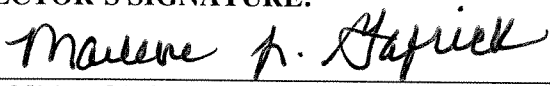
Date: 7/23/2007	Subject: Appropriate funds and authorize issuance of purchase orders to DYONYX, L.P. and the Texas Procurement Center, LLC for Phase Three of the Network Implementation Project	Originator's Initials FR	Page 3 of 3
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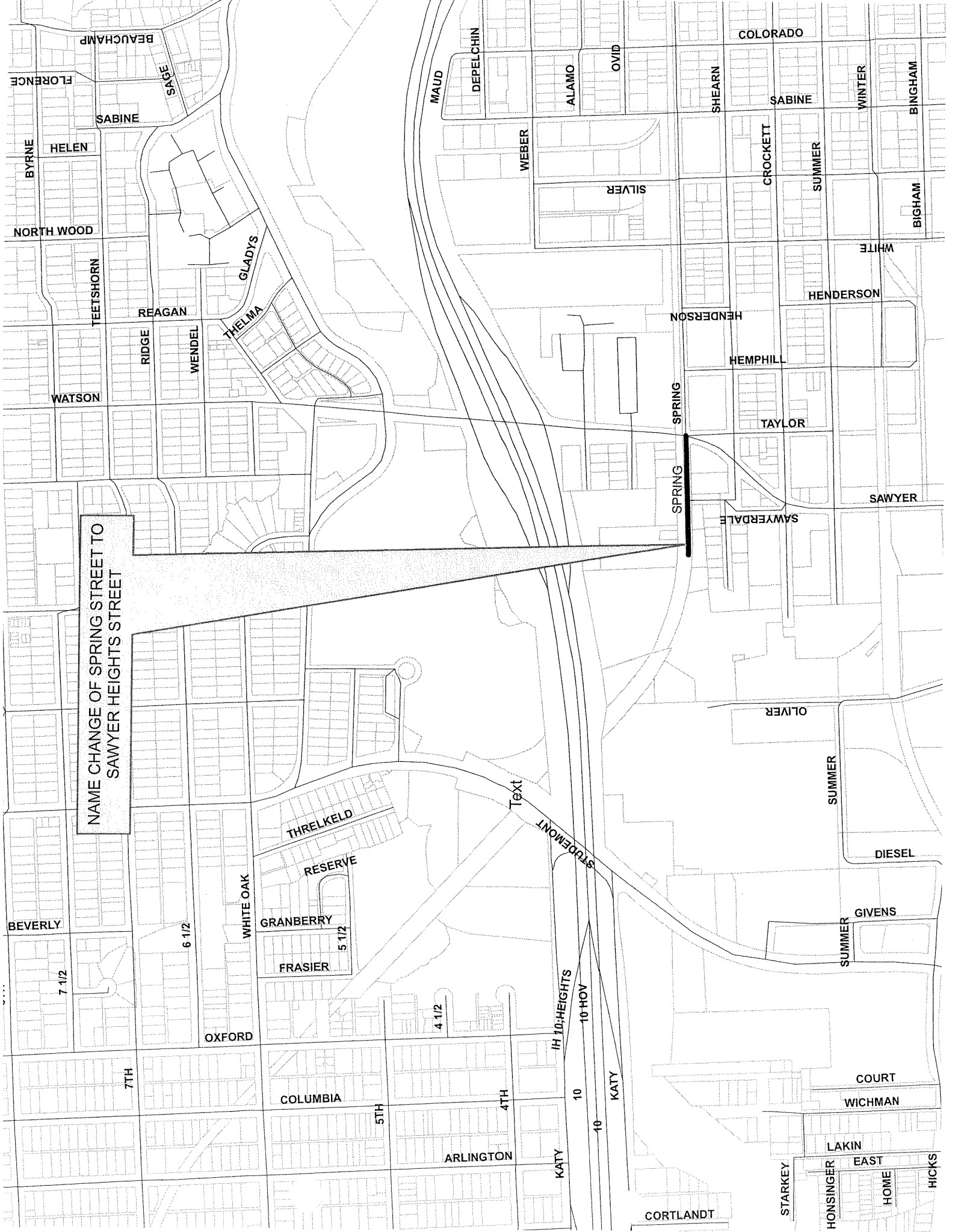
under the state catalogue purchasing law instead of through a third-party contractor, this phase is part of the implementation contemplated when the original RFPs were issued and evaluated.

**M/WBE Participation**

The original RFP and subsequent contract award included a 35% M/WBE participation goal. DYONYX's minority partner selected for the NIP project was Datasors Consulting and others for Phase 2. DYONYX has achieved an 89% participation level in Phase 1 and an approximate 41% level in Phase 2. The M/WBE participation level is well in excess of the 35% goal and will continue.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> An ordinance renaming a portion of Spring Street to Sawyer Heights Street beginning at the intersection of Taylor Street and extending west 946.18 feet to its terminus.		<b>Category #</b>	<b>Page 1 of</b>	<b>Agenda Item #</b> <b>50</b>
<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department		<b>Origination Date</b> 07/30/07		<b>Agenda Date</b> AUG 0 8 2007
<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i> 		<b>Council District affected:</b> H		
<b>For additional information contact:</b> Jennifer Ostlind Phone: 7-7871		<b>Date and identification of prior authorizing Council action:</b> NA		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance renaming a portion of Spring Street to Sawyer Heights Street beginning at the intersection of Taylor Street and extending west 946.18 feet to its terminus.				
<b>Amount and Source of Funding:</b> NA			<b>F &amp; A Budget:</b> NA	
<b>SPECIFIC EXPLANATION:</b> The Planning and Development Department received a request to rename a portion of Spring Street to Sawyer Heights Street beginning at the intersection of Taylor Street and extending west 946.18 feet to its terminus. The City's Code of Ordinances requires that new extensions of existing streets be named the same as the existing street; however, the ordinance is silent regarding renaming portions of existing streets. The Department has notified the affected property owners and public agencies. The City of Houston Police Department and Fire Department have no objections. The U.S. Postal Service expressed concern about the potential for confusion.  MLG:JO  Attachment: Name Change Request Map Memo from Chief Boriskie Memo from Captain Eisenman Letter from US Postal Service  cc: Marty Stein, Agenda Director Anna Russell, City Secretary Michael Marcotte, Director, Public Works and Engineering Arturo Michel, City Attorney Bill Hlavacek, Public Works and Engineering				
<b>Other Authorization:</b>		<b>Other Authorization:</b>		



NAME CHANGE OF SPRING STREET TO SAWYER HEIGHTS STREET

SPRING  
SAWYERDALE

BEAUCHAMP  
FLORENCE  
SABINE  
SAGE

HELEN

NORTH WOOD

TEETSHORN

REAGAN

RIDGE

WENDEL

WATSON

THELMA

GLADYS

MAUD  
DEPELCHIN

ALAMO

OVID

COLORADO

SHEARN

SABINE

WINTER

BINGHAM

WEBER

SILVER

CROCKETT

SUMMER

BIGHAM

WHITE

HENDERSON

HENDERSON

HEMPHILL

TAYLOR

SAWYER

SAWYERDALE

OLIVER

SUMMER

DIESEL

THRELKELD

RESERVE

GRANBERRY

FRASIER

OXFORD

BEVERLY

7 1/2

6 1/2

WHITE OAK

5 1/2

4 1/2

7TH

COLUMBIA

5TH

4TH

ARLINGTON

10

10 HOV

10

KATY

GIVENS

SUMMER

COURT

WICHMAN

LAKIN

EAST

HONSINGER

HOME

HICKS

CORTLANDT

STARKEY

Text

STEDMONT

**Sawyer Heights Village, Ltd.**  
11000 Brittmoore Park Drive, Suite 100  
Houston, Texas 77215  
281.668.3400

July 10, 2006

Marlene Gafrick  
Director of Planning and Development  
City of Houston  
P. O. Box 1562  
Houston, Texas 77251

Attention: Ernest Tobar

Re: **Petition to Rename Spring St. as Sawyer Heights Blvd.**

Dear Ms. Gafrick:

Attached to this letter is a petition signed by 100% of the abutting property owners whose properties have Spring St. addresses. There are five properties listed on the petition.

Four of the five properties on the petition are owned by Sawyer Heights Village, Ltd. of which Jay Williams is General Partner. Those properties are:

- \* HCAD # 0400300000036 – 0 Spring St.
- \* HCAD # 0051660000001 – 2311 Spring St.
- \* HCAD # 0400300000002 – 2400 Alamo
- \* HCAD # 0513010000001 – 2409 Ovid
- \* HCAD # 0400300000005 – 2411 Spring St.

<sup>(Sawyer)</sup>  
Martin Fein has signed the petition on behalf of Sawyer Street Lofts, Ltd. as follows:

HCAD # 0400300000011 – 2424 Spring St.

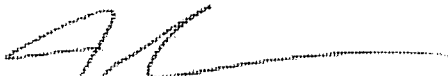
- \* A sixth property – the Bueling Herring Reserve, HCAD # 12381500100001 – abuts both Shearn St. and Spring St., but uses 2324 Shearn as its address. In



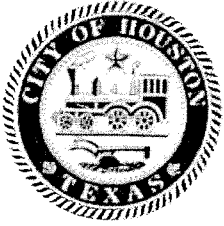
previous correspondence, Ernest Tobar has confirmed that the approval of this property owner is not required

If additional information or clarification is needed, please let me know. Your assistance in the next steps of mailing notice to these owners, asking the Legal Department to prepare an ordinance for Council approval, and sending a Request for Council Approval (RCA) is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Jay Williams', with a long horizontal flourish extending to the right.

S. Jay Williams  
President,  
Sawyer Heights Village, Ltd.



# CITY OF HOUSTON

Fire Department

## Interoffice

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Correspondence

**To:** Marlene Gafrick, Director  
Planning and Development

**From:** Phil Boriskie, Fire Chief

**Date:** July 26, 2007

**Subject:** Street re-naming

The Houston Fire Department has received and reviewed the request to consider the re-naming of a street in the sixth ward area. We have no objections to changing the name on the portion of Spring Street, west of Sawyer Street, as indicated on the map provided by Planning and Development. Changing this name will not impede emergency response.

Phil Boriskie,  
Fire Chief

# CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

*Clearance Letter*

TO: Jennifer Ostlind, Administration Manager  
Planning and Development Department

FROM: M. A. Eisenman, Captain  
Crime Analysis Division

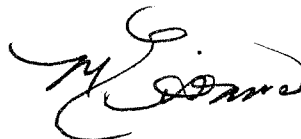
DATE: September 19, 2006

SUBJECT: **Proposed Street Name Change, To  
Rename A Portion Of Spring Street  
To Sawyer Heights Street,**

The Houston Police Department received the correspondence regarding any objections to a proposed street name change, to rename a portion of Spring Street to Sawyer Heights Street, beginning at the intersection of Taylor Street and extending west 946.18 feet to its terminus.

The department has no objections to the street name change. The information provided was treated as a notification for potential City Council Action. However, we ask that you provide to the Houston Police Department a copy of the City Council's finalized decision, in order for our designated divisions to modify the change of street name in our record systems.

Should you require additional information, please feel free to contact me at (713) 308-1970.



M. A. Eisenman, Captain  
Crime Analysis Division

mae:rj  
Attachments  
COP# 06-22113



September 6, 2006

Jennifer Ostlind  
City of Houston  
Planning & Development Department  
P. O. Box 1562  
Houston, TX 77002-1562

SUBJECT: Street Name Change

Dear Ms. Ostlind:

This is in response to your letter dated August 21, 2006, requesting renaming a portion of Spring Street to Sawyer Heights Street. The number range continuity on Spring Street would be broken and this could cause problems for both the Postal Service and anyone looking for an address on Spring Street.

The proposal calls for Sawyer Heights Street to exist for 946 feet in the middle of the Spring Street range. This change would result in conflicts in the software that are used to sort mail. These conflicts could be created in the extract coding for Sawyer Heights Street and would increase the possibility of misdelivery because Sawyer Dale Street and Sawyer Heights Street, are in the same general location and would have the same hundred block range.

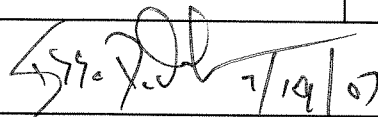
Should you have additional questions in regards to this matter, please contact Carl Galka at 713-226-3608.


A handwritten signature in cursive script that reads "Mark Morello".

Mark Morello

<b>SUBJECT:</b> Second Amendment to Antenna Site License Agreement with Cullen Allen Holdings, L.P., for space at Three Allen Center for the Office of Emergency Management of the Finance & Administration Department	<b>Page</b> 1 of 1	<b>Agenda Item</b> 51
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE</b> Issa Z. Dadoush, P.E. 	<b>Council District(s) affected:</b> 1
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<b>For additional information contact:</b> Jacquelyn L. Nisby  Phone: 713-247-1814	<b>Date and identification of prior authorizing Council action:</b> Ordinance No. 99-1155, 10/27/1999 Ordinance No. 04-1053, 10/13/2004
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**RECOMMENDATION:** Approve and authorize a Second Amendment to Antenna Site License Agreement between Cullen Allen Holdings. L.P., Licensor, and the City of Houston, Licensee, and allocate funds.

<b>Amount and Source of Funding:</b> <b>General Fund (1000):</b> \$7,200.00 Initial Base Term	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** The General Services Department recommends approval of a Second Amendment to the Antenna Site License Agreement with Cullen Allen Holdings, L.P., successor in interest to TrizecHahn Colony Square GP LLC, as licensor, for antenna space in and upon the Three Allen Center Building located at 333 Clay Street. The Office of Emergency Management uses this space as a radio antenna site for emergency communications with adjacent jurisdictions and the public.

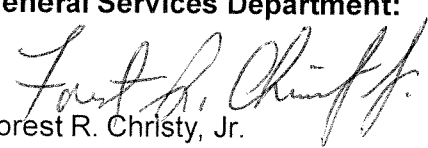
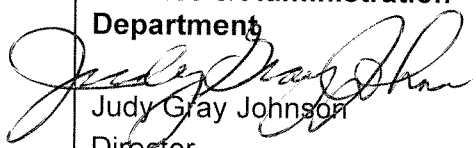
The current lease term is a three-year term, which expires on November 3, 2007. The proposed Second Amendment will extend the current lease term an additional four years, commencing on November 4, 2007 and expiring on November 3, 2011, at the current monthly license fee of \$150.00.

The City may terminate the Agreement, with prior written notice to the licensor, effective November 3, 2009 and November 3, 2010. All other terms and conditions of the original agreement remain the same.

IZD:BC:JLN:RB:ddc

c: Marty Stein, Jacquelyn L. Nisby, Anna Russell, and Corina Love

**REQUIRED AUTHORIZATION** CUIC ID# 25 RB 18

<b>General Services Department:</b>  Forest R. Christy, Jr. Director of Real Estate Division		<b>Finance &amp; Administration Department</b>  Judy Gray Johnson Director
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<b>SUBJECT:</b> Amendment No. 1 to Professional Environmental Consulting Services Contract with ATC Associates, Inc. for Asbestos Abatement, Lead Abatement, and Environmental Services with the Houston Airport System; Project 580; WBS No. A-000131-0002-3-01-01.	<b>Category # 9</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <span style="font-size: 2em; font-weight: bold;">52</span>
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> July 9, 2007	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Kee</i>	<b>Council District affected:</b> B, E & I
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<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 John S. Kahl <i>JSK</i> Phone: 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> 9/12/2001 (O) 2001-843
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP No. A-0131.40.2 \$350,000.00 Airports Improvement Fund (8011)	<b>Prior appropriations:</b> CIP No. A-0131.34..... \$500,000.00 Airports Improvement Fund (561)
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**RECOMMENDATION: (Summary)**  
 Enact an ordinance to approve Amendment No. 1 to the Professional Environmental Consulting Services Contract with ATC Associates, Inc. and appropriate the necessary funds to finance the cost of these services.

**SPECIFIC EXPLANATION:**

On September 12, 2001, the City entered into contract 53117 in the amount of \$500,000.00 with ATC Associates, Inc. for Asbestos Abatement, Lead Abatement and Environmental Services for all Houston Airport System (HAS) buildings and facilities, including George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field.


Amendment No. 1 will provide a continuation of these services related to both asbestos and non-asbestos environmental matters. Services performed to date include abatement, air quality monitoring, site surveys, water and soil analysis, inspection, sampling, laboratory analysis, technical specifications, remediation and environmental contamination for buildings, facilities and real estate.

This contract will remain in effect until work on all projects to be assigned is completed, or until the \$350,000.00 is expended.

**M/WBE Participation:**

The Minority/Women Business Enterprise (M/WBE) goal established for Amendment No. 1 is 24% and will be met by the following certified firms:

Firm	Type of Work
A&B Environmental Services, Inc, DBA A&B Labs Global Environmental Solutions (GES) J3 Resources, Inc.	Environmental Testing Laboratory Services for Lead & Asbestos Air Monitoring & Inspection during Abatement Environmental Site Surveys for Asbestos, Lead & Mold

REQUIRED AUTHORIZATION		
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b> <i>MDT</i>

<b>Date</b> July 9, 2007	<b>Subject:</b> Amendment No. 1 to Professional Environmental Consulting Services Contract with ATC Associates, Inc. for Asbestos Abatement, Lead Abatement, and Environmental Services with the Houston Airport System; Project 580; WBS No. A-000131-0002-3-01-01.	<b>Originator's Initials</b> AE	<b>Page</b> 2 of 2
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The amount of work for each proposed sub-consultant will be determined as the project progresses and the services required by each sub-consultant are better defined.

ATC Associates, Inc. is currently achieving 11.74% M/WBE participation on their 24% goal. As a result of the numerous challenges that affected the utilization of M/WBE sub-consultants, as well as the changes made by the Texas Department of Health regarding asbestos abatement and mold, a "Good Faith Effort" has been approved by the Director of Affirmative Action and Contract Compliance.

RMV: ERP: JSK: EA: JDW

Attachments

cc: Ms. Marty Stein  
Mr. Anthony W. Hall, Jr.  
Mr. Arturo G. Michel  
Ms. Velma Laws  
Mr. Richard M. Vacar  
Ms. Sara S. Culbreth  
Mr. Dave Arthur  
Ms. Ellen Erenbaum  
Ms. Kathy Elek  
Mr. Eric R. Potts  
Mr. Carlos Ortiz  
Mr. Frank D Crouch  
Mr. John S. Kahl  
Mr. Adil Godiwalla  
Mr. Dara N. Umrigar  
Ms. Janice D. Woods  
Mr. Richard Fernandez  
Mr. J. Goodwille Pierre



CITY OF HOUSTON

Bill White  
Mayor



HOUSTON AIRPORT SYSTEM

Richard M. Vacar, A.A.E.  
Director of Aviation

George Bush Intercontinental ~ William P. Hobby ~ Ellington Field

May 15, 2007

Ms. Catherine McLain  
ATC Associates, Inc.  
3928 Bluebonnet Drive  
Stafford, Texas 77477

**Re: Amended Response to MWDBE Good Faith Effort Documentation on Aviation Project #580/Contract #53117**

Dear Ms. McLain:

This letter is an amendment to our February 9, 2007 letter sent to you in response to your January 24, 2007 letter, which documented the numerous challenges that affected the utilization of MWBE subcontractors on the above referenced project. Our office has verified the information with the Houston Airport Systems' Planning, Design, & Construction Division. We have also taken into consideration the changes made by the Texas Department of Health regarding asbestos abatement and mold.

The request to accept the explanation in your January 24, 2007 letter as a "Good Faith Effort" has been **approved** by the Director of Affirmative Action & Contract Compliance.

Upon receiving approval from City Of Houston Council, this contract will be amended. We understand that ATC Associates, Inc. will meet the 24% goal on the amended portion of the contract (\$350,000), which will result in a total MWBE utilization of 16.56% for the entire contract. Please note that the "Good Faith Effort" approval is for the original contract amount of \$500,000 and does not cover the amended dollar amount of \$350,000.

We appreciate your efforts to meet the MWDBE participation goal on this project.

If you have any questions, please contact Atisha Menyweather at (281) 233-7844.

Sincerely,

J. Goodwille Pierre, Manager  
Small Business Development  
& Contract Compliance

**READ AND APPROVED:**

Velma Laws, Director  
Affirmative Action & Contract  
Compliance

JGP/am  
(05.07.059)

(05.07.036)


Council Members: Carol Alvarado Michael Berry Peter Brown Anne Clutterbuck Ada Edwards Adrian Garcia "Vacant" -- At Large Position 3  
Ronald Green Pam Holm Jarvis Johnson M J Khan, P.E. Toni Lawrence Sue Lovell Addie Wiseman Controller Annise D. Parker

George Bush Intercontinental PO Box 60106 Houston, Texas 77205-0106 ~ Phone 281 233-3100 ~ Fax 281 230 3108  
www.Fly2Houston.com



<b>SUBJECT:</b> Professional Engineering Services Contract between the City and PBS&J for Biomonitoring & Chemical Testing and Regulatory Matters Services for various Wastewater Treatment Facilities:	Page 1 of 1	Agenda Item # <b>53</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 3/14/07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>MS</i>  Michael S. Marcotte, P.E., DEE	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Jeff Taylor Deputy Director Phone: (713) 837-0448	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approve Engineering Services Contract with PBS&J and allocate funds.

**Amount and Source of Funding:** \$624,000.00 Water & Sewer System Operating Fund #8300 - (FY08)  
*Y/LUN12 2/13/2007*

**DESCRIPTION/SCOPE:** Biomonitoring & chemical testing and regulatory matters services for various Wastewater Treatment Facilities.

**SPECIFIC EXPLANATION:** The city is required under regulatory permits issued by the Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) for its wastewater treatment plants to submit permit applications for discharges, conduct biomonitoring testing and conduct toxicity reduction evaluations if those test exhibit toxicity. The biomonitoring testing is required by the permit to be conducted monthly.

**LOCATION:** The project area is located throughout the City.

**CONTRACT FEE:** The total amount required for the Contract is \$624,000 to be allocated as follows:  
FY 08: \$624,000.

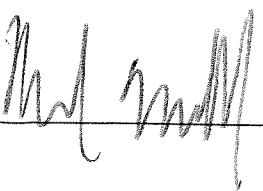
**M/WBE INFORMATION:** The M/WBE goal for the project is set at 24%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. North Water District Laboratory Services, Inc.	Laboratory Services	\$135,000	21.6 %
2. Anacon, Inc.	Laboratory Services	\$ 15,000	2.4 %
	<b>Total:</b>	<b>\$150,000</b>	<b>24.0%</b>

*ABW YP*  
MSM:JT:RBW:YMM:fb

- c: Marty Stein  
Susan Bandy  
Velma Laws  
Michael Ho, P.E.  
Craig Foster

File No: 8300/GL520114

<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b> <i>JEFF TAYLOR</i> Jeff Taylor, Deputy Director Public Utilities Division	20RBW159 f <i>MDT</i> <b>Other Authorization:</b>
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**TO: Mayor via City Secretary      REQUEST FOR COUNCIL ACTION**

**SUBJECT:** An Agreement for the City of Houston to receive funds from the Environmental Protection Agency for a partial reimbursement of Houston Wrenwood Subdivision Drinking Water System Improvements

Page  
1 of 1

Agenda Item  
# **54**

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

**Origination Date**  
6-22-07

**Agenda Date**  
AUG 08 2007

**DIRECTOR'S SIGNATURE**  
  
Michael S. Marcotte, P.E., DEE, Director

**Council District affected: A**

**For additional information contact:**  
Jun Chang <sup>gc</sup> **Phone:** (713) 837-0433

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing an Agreement for the City of Houston to receive funds from the Environmental Protection Agency for a partial reimbursement of Houston Wrenwood Subdivision Drinking Water Improvements

**Amount and Source of Funding:** No funds required. Revenue contract for treated water.

**SPECIFIC EXPLANATION:**

The Environmental Protection Agency has agreed to reimburse the City of Houston \$144,300 of its costs to rehabilitate and upgrade the substandard Wrenwood water system previously owned and operated by H & J Utilities, a now insolvent Certificate of Convenience and Necessity (CCN). The agreement clarifies terms of the award. The reimbursement is for just under 10% of the estimated total cost.

The Wrenwood Subdivision is entirely within the city limits in the northwest portion of the city. The residents receive sanitary sewer service from the City of Houston, but water service has been historically provided by H & J Utilities. Since the operator of the CCN abandoned the water system, the State of Texas has assigned a Receiver to serve as an interim provider. The City of Houston intends to step up and become the retail service provider for the area after the interim period. The Wrenwood Subdivision Safe Water Project will provide the residents of the Wrenwood Subdivision with clean water by switching them from a failed substandard system to a superior rate water system as required by the Texas Commission on Environmental Quality.

cc: Marty Stein  
Jun Chang, P.E.

Michael S. Marcotte, P.E., DEE  
Jeff Taylor

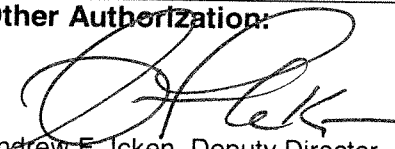
Andy Icken  
Gary Norman

**Required Authorization**

CUIC# 20JZC288

**F & A Director**

**Other Authorization:**

  
Andrew F. Icken, Deputy Director  
Planning & Development Services Div.

**Other Authorization:**

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

<b>SUBJECT:</b> An Ordinance authorizing the execution of an amendment to a Treated Surface Water Supply Contract between the City of Houston and Harris County Water Control and Improvement District No. 96 WBS No. S-000035-0105-4	<b>Page</b> 1 of 1	<b>Agenda Item</b> # <span style="font-size: 2em; font-weight: bold; color: black;">55</span>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 7/19/07	<b>Agenda Date</b> AUG 0 8 2007
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<b>DIRECTOR'S SIGNATURE</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> "ETJ"
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<b>For additional information contact:</b> Jun Chang <b>Phone:</b> (713) 837-0433	<b>Date and identification of prior authorizing Council action</b> 01-0395 05/09/01
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**RECOMMENDATION: (Summary)**  
 It is recommended that City Council approve an ordinance authorizing the Mayor to execute an amendment to a Treated Water Supply Contract between the City of Houston and Harris County Water Control and Improvement District No. 96.

**Amount and Source of Funding:** \$160,890.00 Water and Sewer System Consolidated Construction Fund No. 8500  
*Proctor 07/12/07*

**SPECIFIC EXPLANATION:**  
 Harris County Water Control and Improvement District No. 96 has submitted an amendment to a Treated Surface Water Supply Contract drafted by our Legal Department. The current contract amount is a minimum of 13 million gallons per month. The contract term began on the date of countersignature by the City Controller, 5/17/01 and expires on the fortieth anniversary date of that countersignature. The current base rate for treated water from the City of Houston Code of Ordinances, Section 47-61(f) is \$1.476 per thousand gallons.

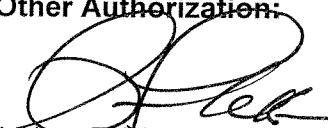
This amendment adds two additional Points of Delivery, provides for moving the original Point of Delivery, and for purchase of a section of main and moving of the meter for \$160,890.00. The purchase of this section of main will allow the City of Houston to be able to circulate water in what was 3 dead end water lines. These water lines will be connected to this main by an on-call contract.

The Planning and Development Services Division has evaluated the request and found that the water supply and delivery system is adequate to provide the requested quantities.

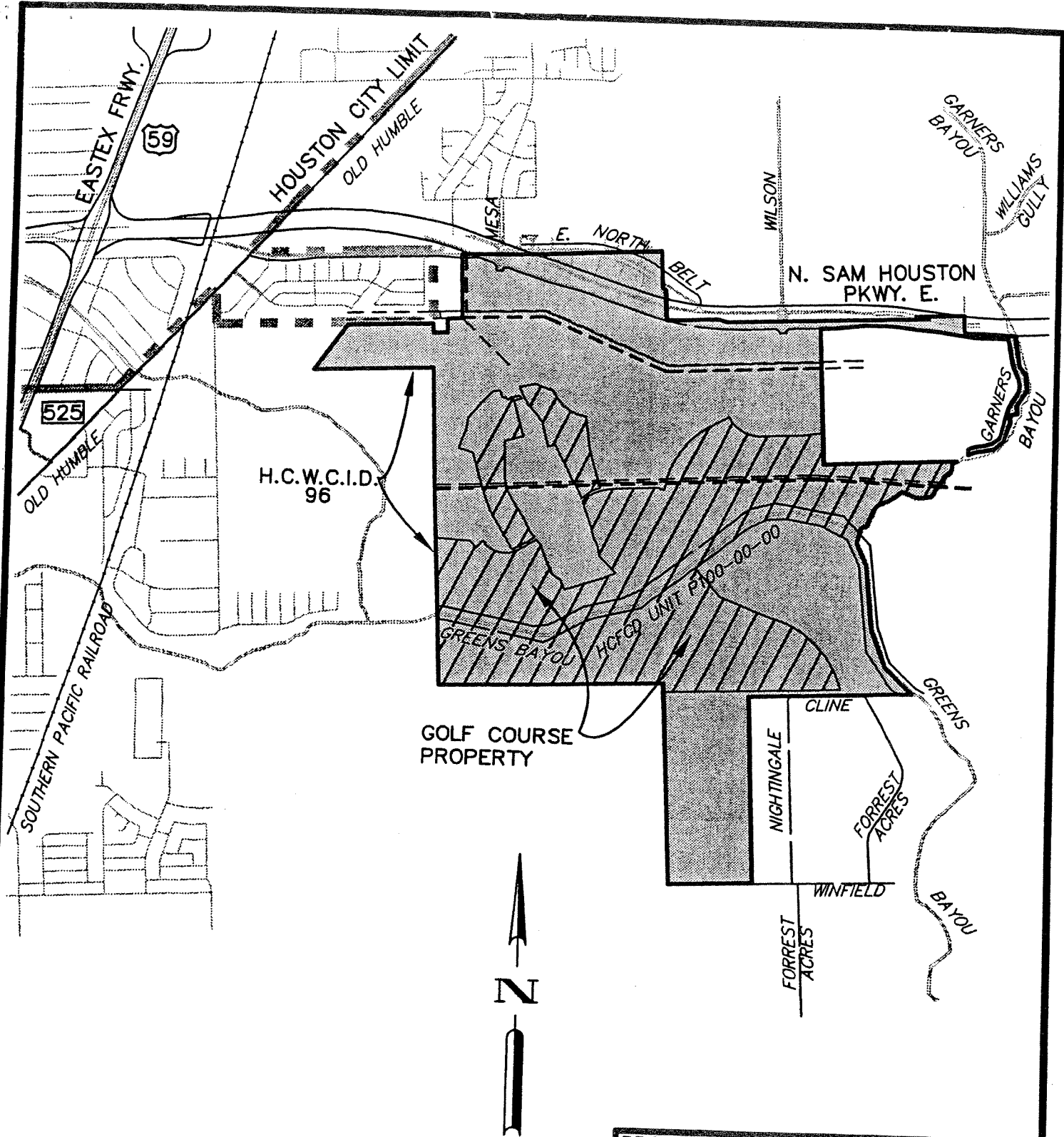
Approval of Water Supply Contract is requested.

- cc: Marty Stein  
 Michael S. Marcotte, P.E., DEE  
 Waynette Chan  
 Gary Norman  
 Andrew F. Icken  
 Jeff Taylor  
 Jun Chang, P.E.

CUIC# 20JZC 259

<b>F &amp; A Director</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning & Development Services Div.	<b>Other Authorization:</b>
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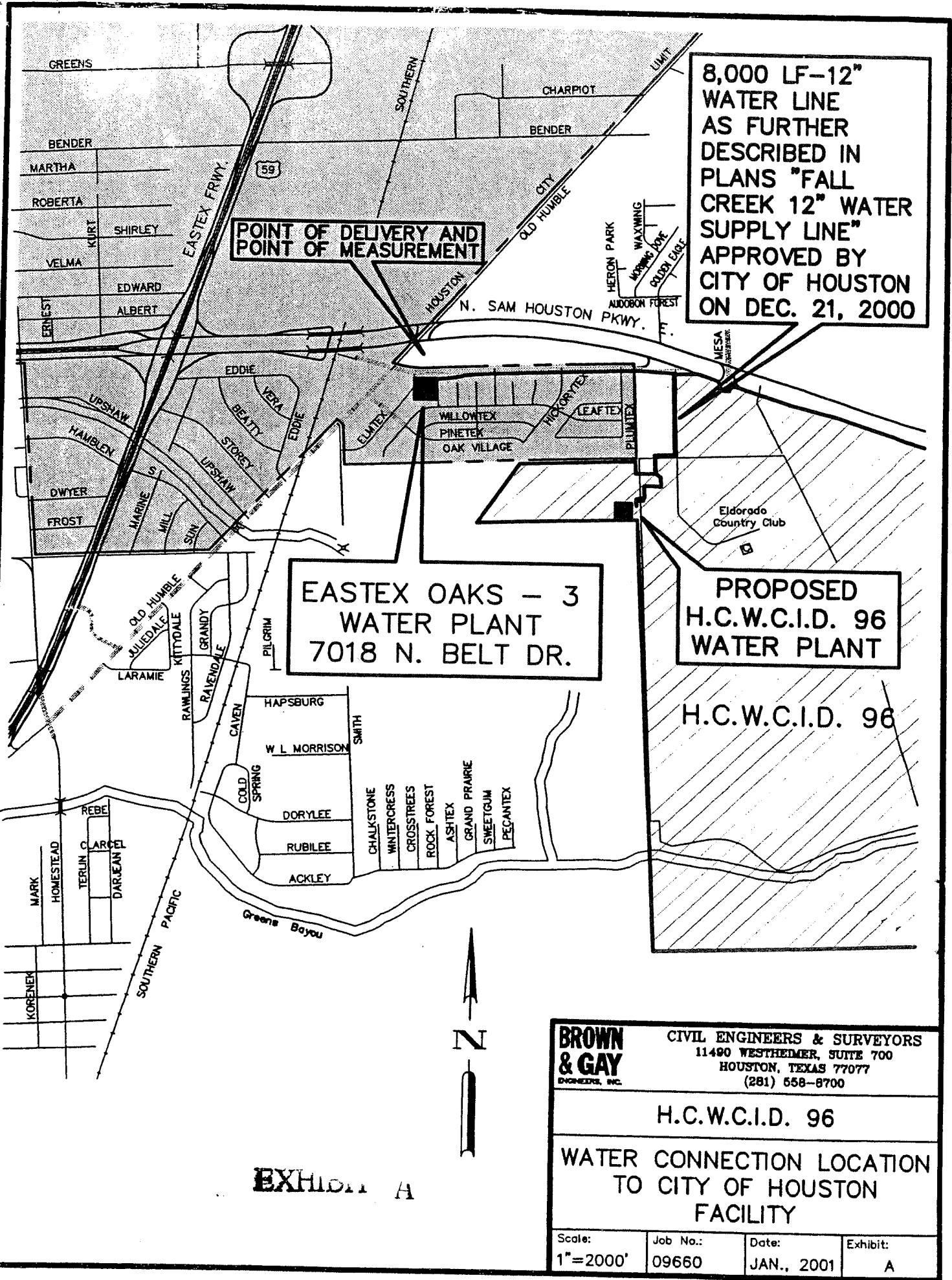
L:\PROJECTS\HCWCID96\09600\CADD\EXHIBITS\EXHIB-T



# EXHIBIT B

<b>BROWN &amp; GAY</b> <small>CIVIL ENGINEERS, INC.</small>			
CIVIL ENGINEERS & SURVEYORS 11490 WESTHEIMER, SUITE 700 HOUSTON, TEXAS 77077 (281) 558-8700			
<b>H.C.W.C.I.D. 96</b>			
<b>SERVICE AREA MAP</b>			
<b>WATER SUPPLY FROM CITY OF HOUSTON</b>			
Scale:	Job No.:	Date:	Exhibit:
1" = 3000'	09660	JAN., 2001	B

L:\PROJECTS\HCWCID96\09600\CADD\EXHIBITS\EXHIB-S



8,000 LF-12" WATER LINE AS FURTHER DESCRIBED IN PLANS "FALL CREEK 12" WATER SUPPLY LINE" APPROVED BY CITY OF HOUSTON ON DEC. 21, 2000

POINT OF DELIVERY AND POINT OF MEASUREMENT

EASTEX OAKS - 3 WATER PLANT 7018 N. BELT DR.

PROPOSED H.C.W.C.I.D. 96 WATER PLANT

H.C.W.C.I.D. 96






EXHIBIT A

**BROWN & GAY**  
 CIVIL ENGINEERS & SURVEYORS  
 11490 WESTHEIMER, SUITE 700  
 HOUSTON, TEXAS 77077  
 (281) 558-8700

H.C.W.C.I.D. 96  
 WATER CONNECTION LOCATION TO CITY OF HOUSTON FACILITY

Scale: 1"=2000'	Job No.: 09660	Date: JAN., 2001	Exhibit: A
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<b>SUBJECT:</b> Developer Participation Contract between City of Houston and Obra Homes, Inc., for the construction of water, sanitary sewer and storm sewer lines. S-000800-00M8-4/ R-000800-00M8-4/ M-000800-00M8-4		Page 1 of 2	Agenda Item # 56						
<b>FROM: (Department or other point of origin)</b> Department of Public Works & Engineering	<b>Origination Date:</b> 8-2-07	<b>Agenda Date:</b> AUG 08 2007							
<b>Director's Signature:</b>  Michael S. Marcotte, P.E. DEE	<b>Council District affected:</b> D								
<b>For additional information contact:</b> Jun Chang, P.E. <i>JMS</i> (713) 837-0433	<b>Date and identification of prior authorizing Council action:</b>								
<b>Recommendation: (Summary)</b> Approve a Developer Participation Contract between the City and Obra Homes, Inc., for the City to pay 70% of the cost to construct approximately 2,525 linear feet of water line, 2,289 linear feet of sanitary sewer line and 100% of the cost to construct 2,218 linear feet of storm sewer line in South Post Oak Manor Section One, and appropriate funds.									
<b>Amount &amp; Source of Funding:</b> <table border="0"> <tr> <td>\$217,390.96</td> <td>Water &amp; Sewer System Consolidated Construction Fund No. 8500</td> </tr> <tr> <td>\$273,000.00</td> <td>Homeless &amp; Housing Consolidated Fund 4501</td> </tr> <tr> <td>\$490,390.96</td> <td>Total Appropriation</td> </tr> </table>				\$217,390.96	Water & Sewer System Consolidated Construction Fund No. 8500	\$273,000.00	Homeless & Housing Consolidated Fund 4501	\$490,390.96	Total Appropriation
\$217,390.96	Water & Sewer System Consolidated Construction Fund No. 8500								
\$273,000.00	Homeless & Housing Consolidated Fund 4501								
\$490,390.96	Total Appropriation								
<b>Specific Explanation:</b> Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.  Obra Homes, Inc. proposes to construct approximately 2,525 linear feet of water line, 2,289 linear feet of sanitary sewer line and 2,218 linear feet of storm sewer line to serve the 91-lot subdivision, South Post Oak Manor Section 1. The maximum amounts to be reimbursed are as follows:									
<b>REQUIRED AUTHORIZATION:</b> 20JZC171									
<b>F&amp;A Budget:</b> 	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Andrew F. Icken, Deputy Director Planning & Development Services							

**SUBJECT:** Developer Participation Contract between City of Houston and Obra Homes, Inc., for the construction of water, sanitary sewer and storm sewer lines.

**Originator's  
Initials**

**Page  
2 of 2**

Water

70% of construction cost (including interest & 5% contingency):	\$56,466.46
design cost:	<u>\$10,783.95</u>
total:	\$67,250.41

Wastewater

70% of construction cost (including interest & 5% contingency):	\$126,064.74
design cost:	<u>\$24,075.81</u>
total:	\$150,140.55

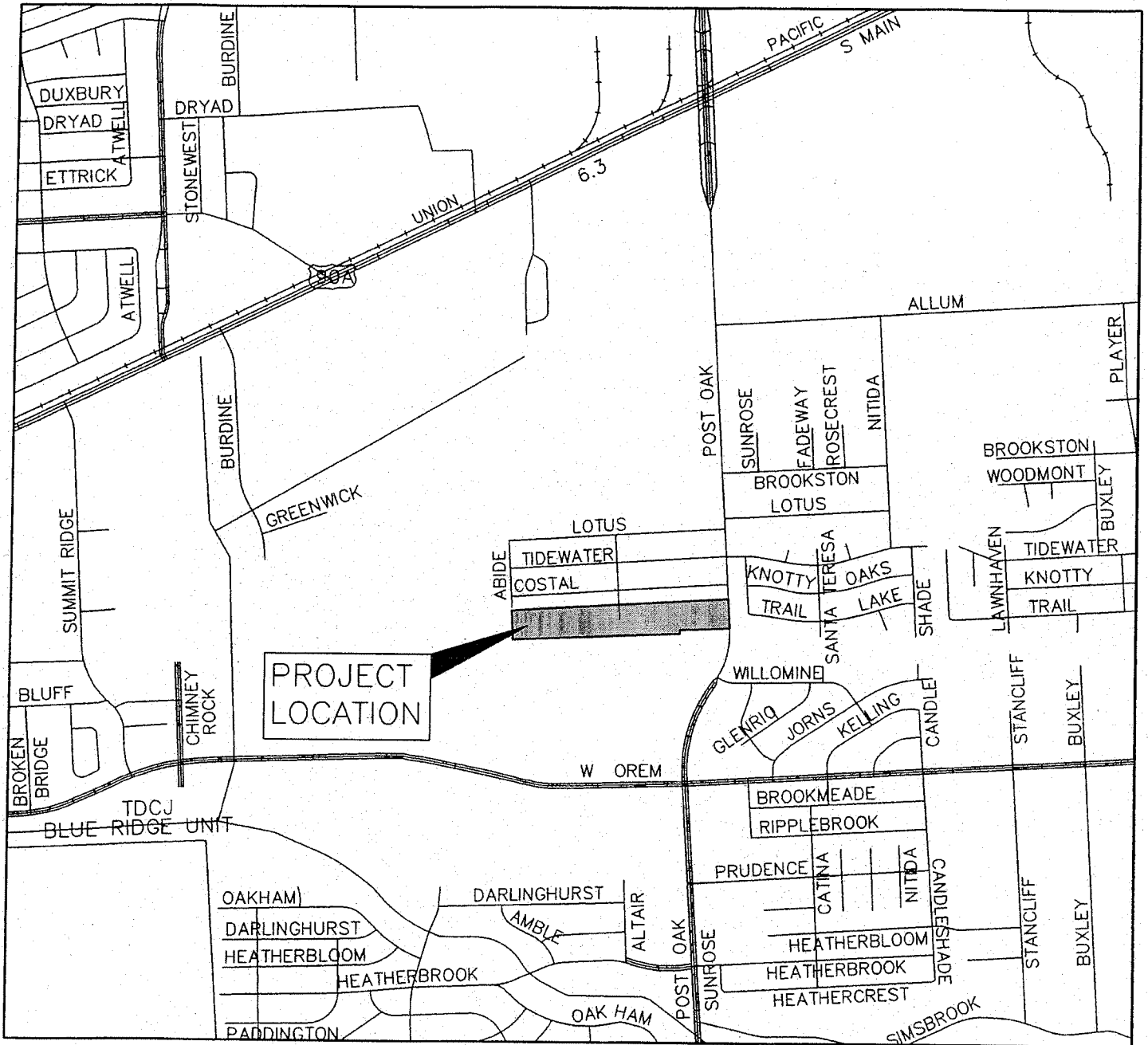
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$232,050.00
design cost:	<u>\$40,950.00</u>
total:	\$273,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky



SOUTH POST OAK MANOR SECTION ONE

**VICINITY MAP**

**NOT-TO-SCALE**

KEY MAP No. 571 L,K

COUNCIL DISTRICT D

ZIP CODE 77045



**SUBJECT:** Developer Participation Contract between City of Houston and Fleming Loop Partners, Ltd. for the construction of water and sewer lines.

Page 1 of 1

Agenda Item #

S-000802-0051-4/ R-000802-0051-4

57

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

Department of Public Works & Engineering

**Origination Date:**

5/31/07

**Agenda Date:**

AUG 08 2007

**Director's Signature:**

Michael S. Marcotte, P.E. DEE

**Council District affected:**

A

**For additional information contact:**

Jun Chang, P.E.  
(713) 837-0433

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

**Recommendation: (Summary)**

Approve a Developer Participation Contract between the City and Fleming Loop Partners, Ltd. to construct approximately 150 linear feet of water lines and 288 linear feet of sanitary sewer lines to serve their development, Fleming Loop Subdivision, and appropriate funds.

**Amount & Source of Funding:** \$430,448.45 Water & Sewer System Consolidated Construction Fund No. 8500

*Pratt*  
04/09/07

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) includes provisions for City participation in the cost of construction of water and sewer mains by a developer. Under Section 47-164 of the Houston Code, the City and the Developer may enter into a cost-sharing agreement under which the Developer designs and constructs the mains and dedicates them to the City for 30% reimbursement of the construction cost.

Fleming Loop Partners, Ltd. proposes to construct approximately 150 linear feet of water lines and 288 linear feet of sanitary sewer lines to serve their development, Fleming Loop Subdivision. The estimated construction cost is \$1,434,828.15 (including a 5% contingency), thereby making \$430,448.45 the City of Houston's maximum contribution. Plans for the extension have been approved by the Department of Public Works and Engineering. Before payment is made to the Developer, the Department of Public Works and Engineering will inspect the lines and review the final construction cost to determine the actual amount of the City's share, which cannot exceed \$430,448.45.

The proposed construction consists of water and sanitary sewer trunk lines that will run along Hempstead Highway and the Northbound Frontage Road of the 610 West Loop and will bring utility services only to the property line.

cc: Marty Stein Craig Foster John Sakolosky  
JC:AMS:tp

**REQUIRED AUTHORIZATION:**

20JZC260

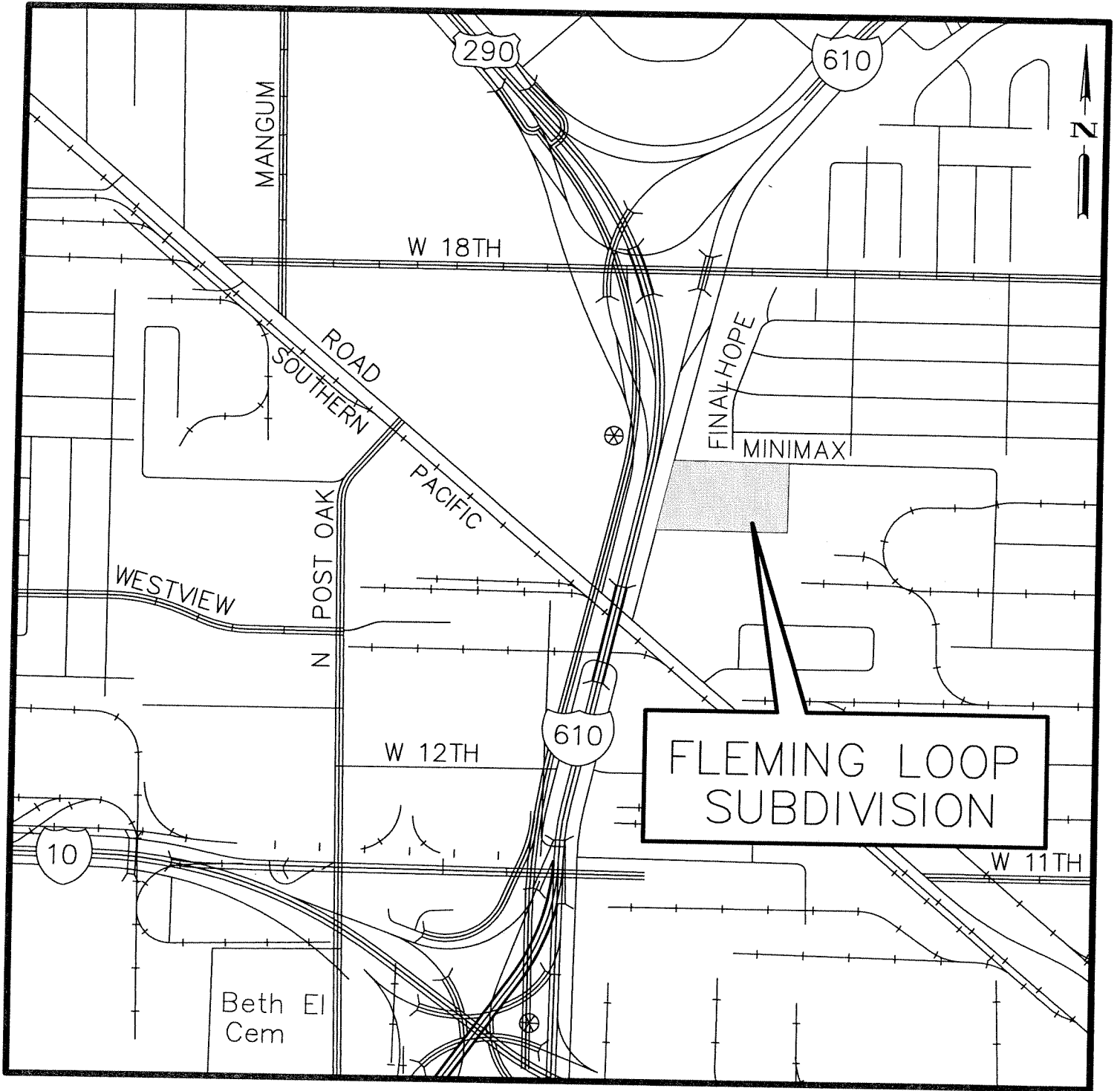
NOT

**F&A Budget:**

**Other Authorization:**

**Other Authorization:**

Andrew F. Icken, Deputy Director  
Planning & Development Services



# VICINITY MAP

KEY MAP # 452W  
HOUSTON, TX 77008

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0108-4	<b>Page</b> 1 of <u>2</u>	<b>Agenda Item #</b>  <b>58</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 8-2-07	<b>Agenda Date</b> AUG 08 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> All
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<b>For additional information contact:</b> Roger B. Whitney, P.E. Senior Assistant Director <b>Phone:</b> (713) 641-9198	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Accept low bid, award construction contract, and appropriate funds.

<b>Amount and Source of Funding:</b> \$1,069,642.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III. <i>Pratt</i> <i>07/17/07</i>	<b>F&amp;A Budget:</b> <i>Michael S.</i>
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**SPECIFIC EXPLANATION:** 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.

**DESCRIPTION/SCOPE:** This project consists of Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation. The contract duration for this project is 540 calendar days.

**LOCATION:** The project area is generally bounded by the City Limits.

**BIDS:** Four (4) bids were received on April 12, 2007 for this project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. CleanServe, Inc.	\$999,663.96
2. Specialized Maintenance Services, Inc.	\$1,044,307.97
3. Chief Solutions, Inc.	\$1,128,045.67
4. Shumaker-Harvey Equipment Co., Inc., dba She-Co, Inc.	\$1,188,496.08

<b>File/Project No.</b> WW 4277-34	<b>REQUIRED AUTHORIZATION</b>	<b>CUIC#</b> 20RBW168
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<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	<b>NDT</b>
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<b>Date</b>	<b>Subject:</b> Contract Award for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-0108-4	<b>Originator's Initials</b>	<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 CleanServe, Inc. with a low bid of \$999,663.96 and Addendum No. 1, dated 03/20/07 and Addendum No. 2, dated 04/02/07 be made part of this contract.

**PROJECT COST:** The total cost of this project is \$1,069,642.00 to be appropriated as follows:

- Bid Amount \$999,663.96
- Contingencies \$49,983.20
- Project Management \$14,994.84
- Engineering Testing Services \$5,000.00

Engineering Testing Services will be provided by QC Laboratories, Inc., under a previously approved contract.

**M/WBE PARTICIPATION:** No M/WBE 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 FOS*

MSM:JT: RBW:JGM:FOS:jsc

cc: Marty Stein  
 Jeff Taylor  
 Susan Bandy, CPA  
 Velma Laws  
 Michael Ho, P.E.  
 File No. WW 4277-34

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Award Construction Contract Momentum Contractors, Inc. Clark Park, Hennessey Park, and Brewster Park Pavilions WBS No. F-000640-0003/0001/0002-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> 59
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b> 8.02.07	<b>Agenda Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P. E. <i>[Signature]</i>	<b>Council District affected:</b> B,H
---------------------------------------------------------------------------	------------------------------------------

<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>
---------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------

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

<b>Amount and Source of Funding:</b> \$1,500,000.00 Federal Government – Grants Funded (5000) CDBG \$ 41,080.00 Parks Consolidated Construction Fund (4502) <b>\$1,541,080.00 TOTAL</b>	<b>F&amp;A Budget:</b> <i>[Signature]</i>
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**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award a construction contract to Momentum Contractors, Inc. on its low bid amount of \$1,354,000.00 for construction services in connection with Clark Park, Hennessey Park and Brewster Park pavilions for the Parks and Recreation Department.

PROJECT LOCATIONS:	Project	Location	Council District
	Clark Park	9718 Clark (453B)	H
	Hennessey Park	1900 Lyons (493H)	H
	Brewster Park	1800 Des Chaumes (494E)	B

**PROJECT DESCRIPTION:** The scope of work consists of the following:

**Clark Park:** New multi-purpose pavilion structure with basketball backboards, goals and supports, and lighting, sidewalk replacement, canopy to connect the community center and pavilion, accessibility improvements at the entrance, and ball-stop fencing.

**Hennessey Park:** Partial demolition of existing pavilion, pavilion renovation with roof replacement, lighting replacement, structural improvements to the bases, new concrete columns, painting, striping, new basketball backboards and goals, demolition of service building, renovate on-site electrical service, improve sidewalks and site fencing.

**Brewster Park:** Partial demolition of existing pavilion, pavilion renovation with roof replacement, lighting replacement, structural improvements to the bases, new concrete columns, painting, striping, new basketball backboards, goals and accessibility improvements.

The contract duration for this project is 150 calendar days. M2L Associates, Inc. is the design consultant for this project.

REQUIRED AUTHORIZATION

CUIC ID # RJO038

<b>General Services Department:</b> <i>[Signature]</i> Wendy Teas Heger, AIA Chief of Design and Construction	<i>[Signature]</i> Richard Celli, Director Housing & Community Development Department	<b>Other Authorization:</b> <i>[Signature]</i> NA Joe Turner Director, Parks and Recreation Department
------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------

Date	<b>SUBJECT:</b> Award Construction Contract Momentum Contractors, Inc. Clark Park, Hennessey Park, and Brewster Park Pavilions WBS No. F-000640-0003/0001/0002-4	<b>Originator's Initials</b> MLA	<b>Page</b> 2 of 2
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**BIDS:** The following three bids were received on March 22, 2007:

<u>Bidder</u>	<u>Bid Amount</u>
1. Momentum Contractors, Inc.	\$ 1,354,000
2. Resicom, Inc.	\$ 1,414,950
3. Carrera Construction, Inc.	\$ 1,431,000

**AWARD:** It is recommended that City Council award the construction contract to Momentum Contractors, Inc. and allocate/appropriate funds for the project, including \$20,420 for engineering and testing services under the existing contract with HVJ Associates, \$57,880.00 for construction management services under the existing contract with M2L Associates, Inc. and \$41,080 for environmental project management and air monitoring services under the existing contract with Environmental Consulting Services, Inc.

**Funding Summary:**

\$1,354,000.00	Construction Contract
\$ 67,700.00	5% contingency
<b>\$1,421,700.00</b>	<b>Total Contract Services</b>
\$ 41,080.00	Environmental Project Management and Air Monitoring Services
\$ 20,420.00	Engineering Testing
\$ 57,880.00	Construction Management Services
<b>\$1,541,080.00</b>	<b>Total Funding</b>

**MWBE/SBE INFORMATION:** Construction goals of 15% for M/WBE and 5% for SBE have been established for this contract. The contractor has submitted the following certified M/WBE and SBE subcontractors to achieve the goals.

**M/WBE PARTICIPATION:**

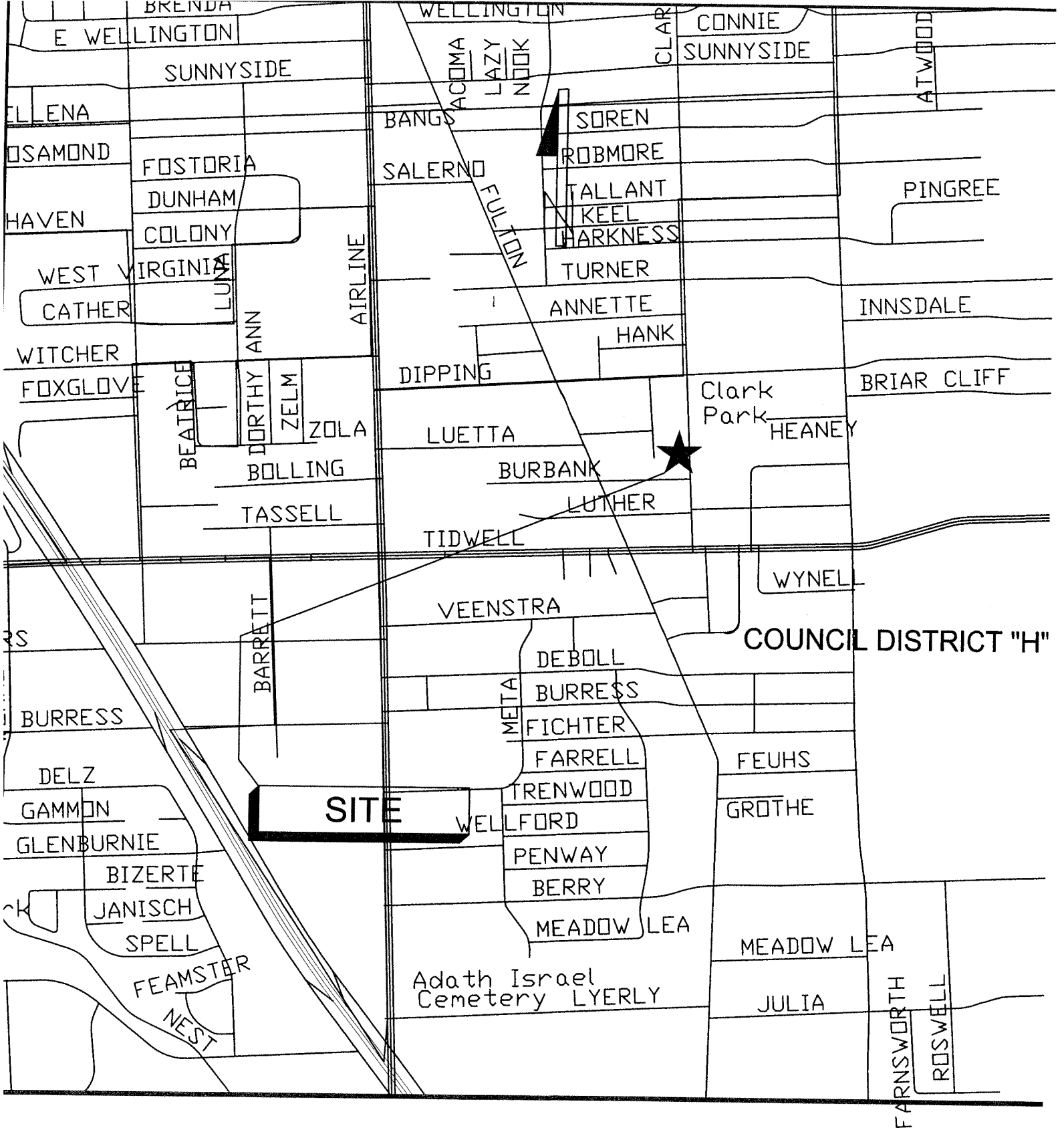
<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
Eagle Fabricators, Inc.	Steel Fabrication	\$388,000.00	28.66%

**SBE PARTICIPATION:**

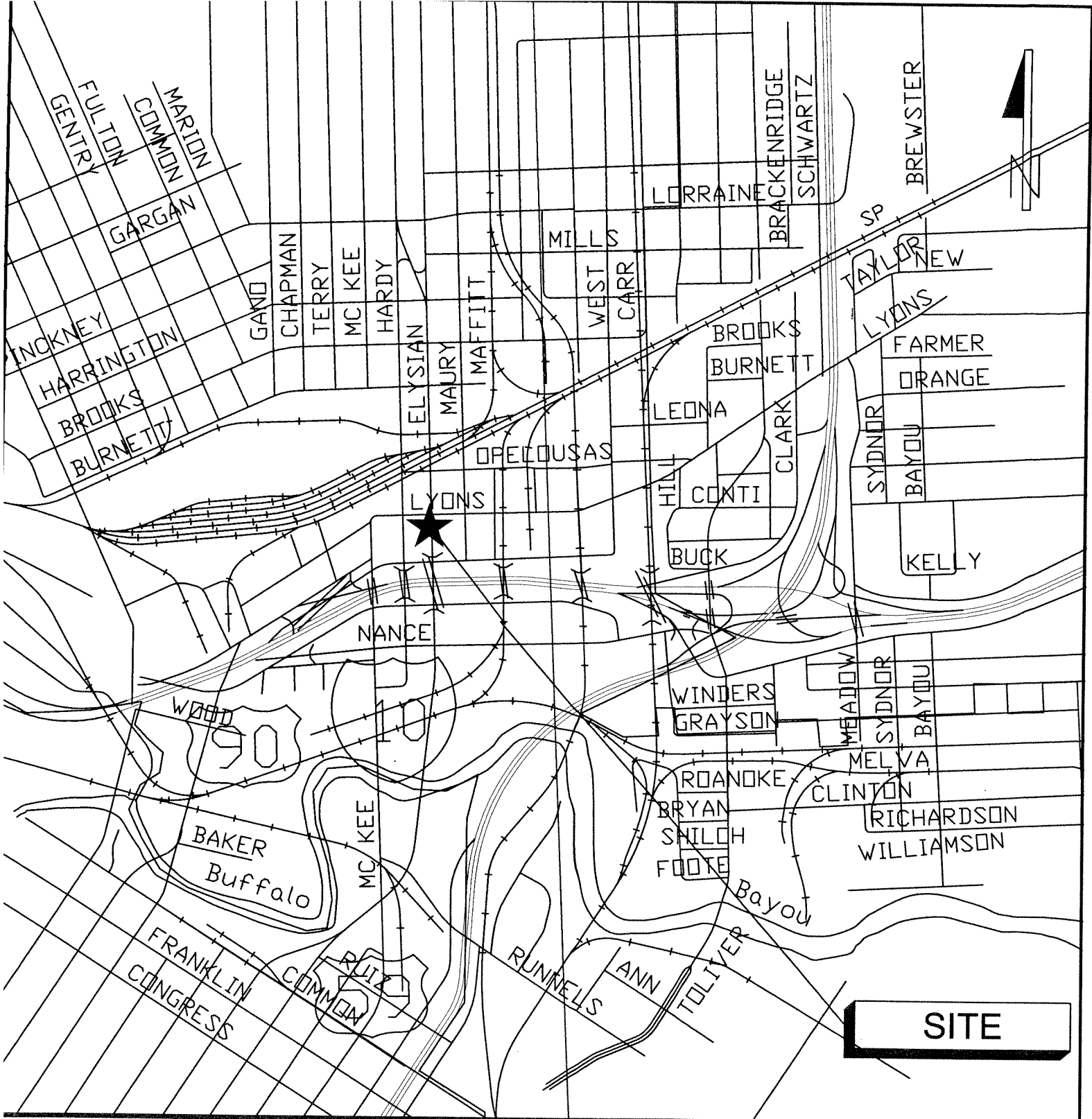
<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
✓ Aus-Tex Electric, Inc.	Electrical	\$85,000.00	6.28%

IZD:WTH:JLN:RJO:LJ:ma

c: Marty Stein, Mark Ross, Richard Celli, Richard Odlozil, Lisa Johnson, James Tillman, Gabriel Mussio, Jacquelyn Nisby, File

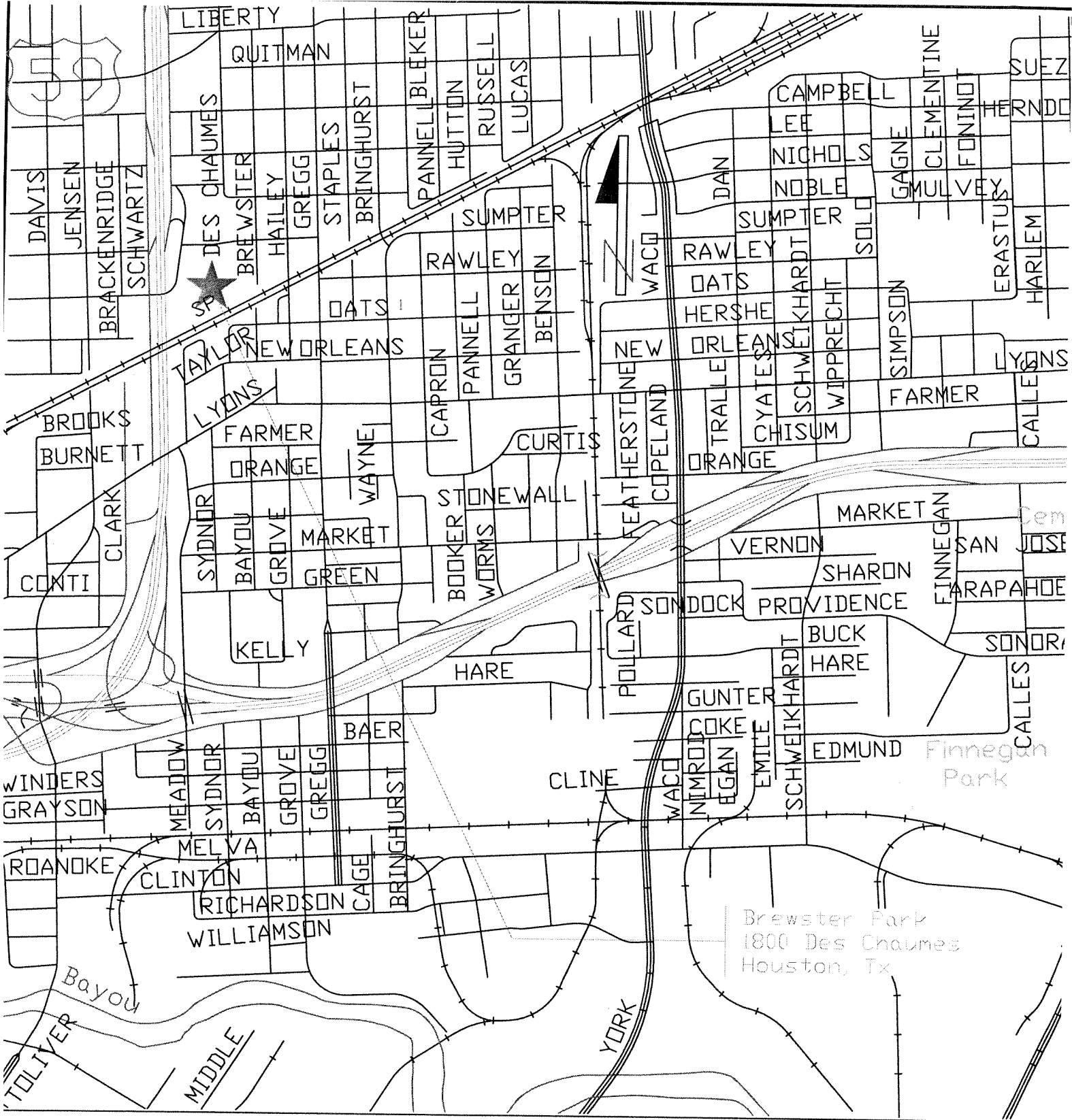


CLARK PARK  
 9718 CLARK ST. HOUSTON, TX



HENNESSEY PARK  
 1900 LYONS HOUSTON, TX





# Brewster Park

1800 Des Chaumes, Houston, TX

**REQUEST FOR COUNCIL ACTION**

TO: Mayor via City Secretary

RCA #

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

Agenda Item#

**60-61**

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

Judy Gray Johnson, Director  
Finance and Administration

**Origination Date**  
July 30, 2007

**Agenda Date**  
AUG 08 2007

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

**Council Districts affected:**

ALL

**For additional information contact:**

Wendy E. Thomas Phone: (713) 837- 9623  
Tina Paez Phone: (713) 837- 9630

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve ordinances granting Commercial Solid Waste Operator Franchises

**Amount of Funding:**  
NA

**F & A Budget:**

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

**SPECIFIC EXPLANATION:**

It is recommended that City Council approve two ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Aggregate Haulers I, L.P.
2. Veolia ES Technical Solutions, L.L.C.

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

**REQUIRED AUTHORIZATION**

F&A Director:

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**  
Ordinances granting Commercial Solid Waste Operator Franchises

**Category #**

**Page 1 of 1**

**Agenda Item#**

*2nd Reading*      *6250*

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

Judy Gray Johnson, Director  
Finance and Administration

**Origination Date**  
7/19/07

**Agenda Date**

~~AUG 01 2007~~  
AUG 08 2007

**DIRECTOR'S SIGNATURE:**

*Judy Gray Johnson*

**Council Districts affected:**

ALL

**For additional information contact:**

Wendy E. Thomas      Phone: (713) 837- 9623  
Tina Paez                      Phone: (713) 837- 9630

**Date and identification of prior authorizing Council Action:** Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

**RECOMMENDATION: (Summary)**

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

**Amount of Funding:**  
NA

**F & A Budget:**

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

**SPECIFIC EXPLANATION:**

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

1. Designing Techniques, L.L.C. d/b/a Duran's Your Dumpster.Com

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

**REQUIRED AUTHORIZATION**

F&A Director:

*WJ*

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinances granting Commercial Solid Waste Operator Franchises

Category # Page 1 of 1 Agenda Item#  
51-53 36 to 38

FROM: (Department or other point of origin):

Judy Gray Johnson, Director  
Finance and Administration

63-65

Origination Date

7-13-07

Agenda Date

~~JUL 18 2007~~

DIRECTOR'S SIGNATURE:

*Judy Gray Johnson*

Council Districts affected:

JAL Reading ALL AUG 08 2007 FINAL

For additional information contact:

Wendy E. Thomas Phone: (713) 837- 9623  
Tina Paez Phone: (713) 837- 9630

Date and identification of prior authorizing

Council Action: Ord. # 2002-526 - June 19, 2002;  
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding:

NA

F & A Budget:

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

SPECIFIC EXPLANATION:

It is recommended that City Council approve three ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

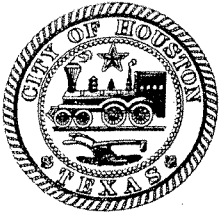
1. Eagle Prentice
2. HazWaste Environmental
3. Specialized Maintenance Services, Inc.

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

It is recommended that City Council approve the three proposed ordinances granting Commercial Solid Waste Operator franchises to the Franchisees.

REQUIRED AUTHORIZATION

F&A Director:



# CITY OF HOUSTON

Legal Department

Interoffice

Correspondence

66

AUG 08 2007

To: Anna Russell  
City Secretary

From: Arturo G. Michel  
City Attorney

Date: June 8, 2007

Subject: 914 Preston L.P.'s Appeal to City  
Council from a Decision of the  
General Appeals Board

By the attached memorandum dated May 2, 2007, you have requested advice as to whether an appeal filed by Richard Rotherfelder on behalf of 914 Preston L.P., regarding the General Appeals Board ("Board") decision is timely and may be granted.

The Board decided in favor of the sign administrator's interpretation of the Houston Sign Code following a hearing held April 26, 2007. Section 4604 (e)(1), Houston Sign Code, provides that any party in the appeal to the Board may appeal the decision of the Board to the City Council by giving notice of appeal in writing to the City Secretary within ten days following the decision of the Board. Since the Board rendered its decision at the hearing on April 26, 2007, and your date stamp on 914 Preston L.P.'s appeal reflects filing on April 30, 2007, the appeal is timely.

Please note that pursuant to Rule 12, City Council Rules, this matter may only be considered on the basis of the written record of the proceeding before the board. Additionally, § 4606 (e)(2), Houston Sign Code, requires that the appellant file the written transcript of the proceeding, along with any written exceptions, within 60 days following the Board's decision. The appellant may obtain a 30-day extension by filing a statement with the City Secretary not later than 15 days after the last date for filing the record.

If you have any questions concerning this memorandum, please advise.

AGM:MNA

Attachment

cc: Susan Luycx, PWE  
Elizabeth Stevens, LGL  
Larry Schenk, LGL  
(w/o attachment)

G:\GENERAL\MNA\GENAPP\Signs\914Preston.wpd

RECEIVED  
JUN 8 2007  
CITY SECRETARY

# ROTHFELDER & FALICK, L.L.P.

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May 22, 2007

RECEIVED  
MAY 24 2007  
CITY SECRETARY

Ms. Anna Russell  
City Secretary  
City of Houston  
P.O. Box 1562  
Houston TX 77251

Via Certified Mail, RRR, #7007 0710 0002 0075 6266

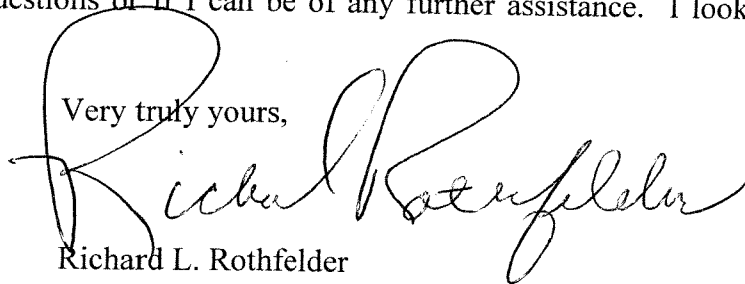
**RE: Appeal to Houston City Council of April 26, 2007 decision of General Appeals Board by 914 Preston L.P. for off-premise sign permit at 402 Main Street; Our File No. 1143-1.**

Dear Ms. Russell:

As a follow up to my April 27, 2007 letter, I have now received and am enclosing the transcript of the April 26, 2007 General Appeals Board hearing regarding the appeal of my client, 914 Preston L.P., of the denial of an off-premise sign permit at 402 Main Street. In addition to the enclosed transcript of the hearing, the City Council should also have in their file for consideration of this appeal the April 12, 2007 petition presented to the General Appeals Board, which I enclosed with my April 27, 2007 letter.

Now that I have timely and properly supplied everything to the City Council pursuant to Section 4604(e)(1) of the Houston Sign Code, please advise me of the date this matter would be placed on the Council agenda, so that my client and/or I may attend and present argument for the appeal. I hope the matter is presented to the Council at the earliest opportunity. Additionally, please let me know if you have any questions or if I can be of any further assistance. I look forward to visiting with you soon.

Very truly yours,



Richard L. Rothfelder

RLR:mr  
Enclosure

Ms. Anna Russell

May 22, 2007

Page 2

cc: (w/o enclosure)  
Ms. Susan Lucyx  
Houston Sign Administrator  
3300 Main, 2<sup>nd</sup> Floor  
Houston TX 77208-1167

**Via First Class Mail**

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CITY OF HOUSTON  
3300 Main, Room #2054  
Houston, Texas  
**GENERAL APPEALS REVIEW BOARD**

HEARING DATE:

April 26, 2007 at 5:00 p.m.

FOR BUILDING INSPECTOR:

Mr. Jodie Foster

PRESIDING CHAIRMAN:

Mr. Reginald L. Mack

BOARD MEMBERS:

Ms. Leslie B. Davidson

Ms. Debra Y. Davis

Mr. Solomon B. Silva

Mr. C. Mike Garver

Mr. Edward E. Campbell

FOR BUILDING OFFICIAL:

Mr. Richard Torres

FOR FIRE MARSHAL:

Mr. Perry Schindewolf

ALSO PRESENT:

Ms. Susan Luycx, Sign Administration

Mr. Angus Hughes

Mr. Richard Rothfelder

Ms. Tiffany J. Pino, Court Reporter



1                                    P R O C E E D I N G S

2                    THE CHAIR: Okay. We'll call the  
3 meeting to order.

4                    And, of course, the first order of  
5 business is the reading minutes from the last board  
6 meeting. Has everybody had a chance to review?

7                    *(No response.)*

8                    THE CHAIR: Any comments or corrections?

9                    MS. DAVIS: I move they be approved.

10                   THE CHAIR: Been moved.

11                   MR. CAMPBELL: Second.

12                   THE CHAIR: Been moved and seconded, to  
13 approve minutes. All those in favor?

14                   *(Board members replied with "aye.")*

15                   THE CHAIR: All those opposed?

16                   *(No response.)*

17                   THE CHAIR: Ayes have it.

18                   Okay. Next order of business is the  
19 manufactured home hardship items, items numbers 1  
20 through 8 on our agenda. Right now, currently, I see  
21 that all are recommended.

22                   Mr. Foster, do you have any comments?

23                   MR. FOSTER: No, sir. Items 1 through 8  
24 are recommended for approval by the Building Inspector.

25                   THE CHAIR: Any questions from the

## GENERAL APPEALS BOARD - April 26, 2007

1 Board?  
2 (No response.)  
3 THE CHAIR: Is there a motion?  
4 MR. GARVER: I move they be accepted as  
5 presented.  
6 THE CHAIR: Okay, items 1 through 8 have  
7 been --  
8 MR. CAMPBELL: Second.  
9 THE CHAIR: -- moved for accepted, and  
10 seconded. Those in favor?  
11 (Board members raise hands.)  
12 THE CHAIR: All right. Those opposed?  
13 (No response.)  
14 THE CHAIR: Okay. Ayes have it.  
15 We're going to skip item 9, and go to  
16 item number 10, which is Mr. Rothfelder appealing the  
17 decision of Sign Administration pertaining to the  
18 application denied for 402 Main Street.  
19 Okay. Ms. Luycx, you're going to be --  
20 MS. LUYCX: Yes --  
21 THE CHAIR: -- doing the presentation?  
22 MS. LUYCX: Yes, sir.  
23 THE CHAIR: All right then, Ms. Luycx.  
24 You can start when you're ready.  
25 MS. LUYCX: Thank you, Mr. Chairman.

## GENERAL APPEALS BOARD - April 26, 2007

1 Maria's passing out a --

2 THE CHAIR: Just -- just one moment.  
3 Do we have to swear them in on this?

4 MS. GARZA: Yes.

5 THE CHAIR: Okay. I'm sorry.

6 Could everybody who's going to testify  
7 in the sign appeal, give your names and be sworn in,  
8 please.

9 MS. LUYCX: Susan Luycx.

10 THE CHAIR: Okay. Anybody --

11 MR. ROTHFELDER: And my client,  
12 Angus Hughes.

13 THE CHAIR: Okay. All right.

14 Ms. Court Reporter, if you could, please.

15 (The witnesses were sworn.)

16 THE CHAIR: Okay. Thank you.

17 Okay. Ms. Luycx, I think we're ready.

18 MS. LUYCX: Thank you, Mr. Chairman.

19 The application that --

20 MR. ROTHFELDER: Is she going to get one  
21 of these too?

22 THE CHAIR: Do you need this -- one  
23 more?

24 MS. DAVIS: I think -- everybody has  
25 one.

1 THE CHAIR: Okay. All right.  
2 Everybody's got what they need?

3 Okay. Let's go.

4 MS. LUYCX: Number 3 ought to work.

5 THE CHAIR: Sorry. I didn't mean to  
6 throw your timing off.

7 MS. LUYCX: It's okay.

8 The application that Mr. Rothfelder  
9 submitted on behalf of his client and -- and  
10 Sparkle Sign Company was denied on the basis that one,  
11 there's no new off-premise signs allowed in Houston  
12 since 1980; and there was a six-year period, which they  
13 could come back, after 1980, and apply; and they did not  
14 do that either.

15 The City of Houston, nor its  
16 Sign Administration is under any obligation, whatsoever,  
17 to issue a permit; but more importantly, we denied the  
18 permit because he has tried to claim a -- an abandoned  
19 directional sign as an off-premise sign. In other  
20 words, an off-premise sign is what you and I associate,  
21 typically, with a billboard-type of a sign; and within  
22 the packet that I have passed out -- or Maria passed out  
23 on my behalf, the first two items you'll see are the  
24 code passages, page 1 and page 2 are the code passages,  
25 in which the denial was based on.

## GENERAL APPEALS BOARD - April 26, 2007

1           The first photograph you see is the  
2 photograph that Mr. Rothfelder had in his package, that  
3 is also -- I've copied and put into my package.

4           The next photograph of Citizens Bank is  
5 to show you that yes, there was a bank there. There's  
6 been a bank, pretty much from when it was built in 1920.  
7 So the basis, in part, when you go back to the history  
8 and time sequence, when that sign that they're trying to  
9 convert to an off-premise sign, the sign code was not  
10 even in existence at that time. It was built in the  
11 mid-1970s. Sign code went into effect in 1980.

12           The bank, in fact, merged --  
13 Citizens Bank merged with another bank, became  
14 Houston Citizens Bank and Trust, and moved down the  
15 street to 1801 Main. On the photograph that  
16 Mr. Rothfelder provided, that's also in my packet, does  
17 demonstrate -- or show that it does state -- I'm not  
18 sure what the first word is, but it does say, "1801 Main  
19 at Jefferson," that is clear. That was painted in the  
20 mid-1970s, and it's clearly a directional sign, not an  
21 off-premise sign.

22           That -- and believe that the City of  
23 Houston had -- has, and should not grant a permit for  
24 that sign to allow that to go up as a off-premise sign.  
25 Thank you.

## GENERAL APPEALS BOARD - April 26, 2007

1 Any questions?

2 THE CHAIR: Okay. Any questions from  
3 the Board?

4 (No response.)

5 THE CHAIR: I'll start. The -- the  
6 debate here is whether or not this is an off-premise  
7 sign, meaning that the advertisement on this sign would  
8 be not for this particular location, but for a remote --  
9 some other business location?

10 MS. LUYCX: All right. Well, it  
11 could -- it could be anything you see on a current  
12 off-premise sign. It could, for lack of a better word,  
13 it can say, "Budweiser," it could say, "Coca-Cola," it  
14 could say, "Citizens Bank," it could say anything they  
15 wanted to --

16 THE CHAIR: Okay.

17 MS. LUYCX: -- to put on that sign.

18 THE CHAIR: All right. So it would be  
19 purely advertisement, then?

20 MS. LUYCX: Yes, sir.

21 THE CHAIR: And no -- no specific  
22 locations?

23 MS. LUYCX: Right.

24 THE CHAIR: Okay. And this sign affixed  
25 to this building, if it was quote, unquote "legitimate,"

## GENERAL APPEALS BOARD - April 26, 2007

1 what could it be? I mean, can it be an on-premise sign?

2 MS. LUYCX: On-premise.

3 THE CHAIR: Okay. And -- but that's --  
4 that's another issue.

5 MS. LUYCX: But -- but currently, we --  
6 right now, that is a -- completely an abandoned sign.  
7 It's a non-sign, because it has never been permitted on  
8 premise or off premise.

9 THE CHAIR: Okay. But regardless, if it  
10 was -- if it had ever been approved, it would have --  
11 have had to be approved as a on-premise sign?

12 MS. LUYCX: Yes, sir.

13 THE CHAIR: Okay. All right. Any other  
14 questions from the Board?

15 MR. GARVER: Where -- where is this  
16 off-premise sign? The only sign I see is the one,  
17 Houston Citizens, on the building. Am I missing  
18 something here?

19 MS. LUYCX: That is the sign that  
20 they -- that they are trying to convert to off-premise.

21 MR. GARVER: Okay. So the new sign  
22 would not represent a business that's in this building?

23 MS. LUYCX: It was at one time. The  
24 banks merged.

25 MR. GARVER: But the new sign that is

## GENERAL APPEALS BOARD - April 26, 2007

1 proposed, what is it?

2 MS. LUYCX: They don't have a -- a  
3 commercial message ready to go up. That is -- that is  
4 what an off-premise sign allows you to do, you can  
5 change the message to whatever you want it to be. It's  
6 not necessarily a business that's in that bank -- or in  
7 that Citizens Building.

8 MR. GARVER: So I think I heard you say  
9 that this sign could then sell Budweiser beer or  
10 something --

11 MS. LUYCX: Yes.

12 MR. GARVER: -- like that, is that what  
13 you're saying? Well, is that what the intended purpose  
14 of this new sign is?

15 MS. LUYCX: He's just -- his application  
16 simply requested an off-premise permit. That then  
17 allows them to advertise whatever they choose to  
18 advertise on the side of that building.

19 MR. GARVER: Okay.

20 MS. LUYCX: To clarify something,  
21 Mr. Chairman, you indicated, when you said, "affixed,"  
22 it's -- this sign is currently painted. It's nothing  
23 affixed to it at this time.

24 THE CHAIR: So you're saying the  
25 building is painted?



## GENERAL APPEALS BOARD - April 26, 2007

1 MS. LUYCX: The message, the abandoned  
2 directional message, all of that is painted.

3 THE CHAIR: Right, but I guess what I'm  
4 asking, that's plywood or whatever that's attached to  
5 that building?

6 MS. LUYCX: That's -- it's the brick of  
7 the building. It's the --

8 THE CHAIR: Oh, it's the brick of the  
9 building, then? Oh, okay. I follow you. Okay.  
10 Okay, any other questions from the  
11 Board?

12 (No response.)

13 THE CHAIR: Okay, Mr. Rothfelder.

14 MR. ROTHFELDER: Thank you,  
15 Mr. Chairman.

16 THE CHAIR: Yes, sir.

17 MR. ROTHFELDER: Let me start off a  
18 little bit out of order of my presentation, because I  
19 need to, first of all, correct a misstatement, which I'm  
20 sure was an innocent misstatement.

21 MS. LUYCX: Let's try.

22 MR. ROTHFELDER: I noticed, and I'm sure  
23 you heard her say as well, that the sign that is  
24 currently painted on the side of the building is not an  
25 on-premise sign. Instead, it's a directional sign.

## GENERAL APPEALS BOARD - April 26, 2007

1 MS. LUYCX: It's not on or off, Richard,  
2 is what --

3 THE CHAIR: Right. Okay.

4 MS. LUYCX: -- I'm saying.

5 THE CHAIR: -- All right. Listen --

6 MS. LUYCX: It's --

7 MR. ROTHFELDER: What I want to point  
8 out is the definition that's in the sign code, because  
9 we need to know, right off the bat, what is the  
10 classification under the Houston Sign Code for the type  
11 of message that's displayed on that; and I -- I -- does  
12 everybody have a copy of the petition -- the -- the  
13 letter that I sent to the General Appeals Board dated --

14 THE CHAIR: Yes.

15 MR. ROTHFELDER: -- April 12th, 2007?

16 And I -- I quote on page 5 of my paper  
17 the definition of on-premise and off-premise; and, as  
18 you can see, an on-premise sign is, basically, one that  
19 advertises goods or services that are located at the  
20 same site as the sign; but, by contrast, an off-premise  
21 sign -- and I'll quote this one is, "any sign  
22 advertising a business, persons, activity, goods,  
23 products or services not usually located on the premises  
24 where the sign is installed and maintained, or which  
25 directs persons to any location not on the premises."

## GENERAL APPEALS BOARD - April 26, 2007

1                   Now, because that sign directs attention  
2 to a business that is not located at the same site,  
3 specifically, that sign, located at 402 Main Street,  
4 directs attention to a business that is located at  
5 1801 Main Street, namely Houston Citizens Bank, it is  
6 classified as an off-premises sign, because it directs  
7 the attention of the public to a business or services  
8 located at a site other than where the sign is located.

9                   *THE CHAIR:* Okay.

10                  *MR. ROTHFELDER:* Now, that's real  
11 important, because this issue, like some of the appeals  
12 that this Board has entertained previously, centers on  
13 the original intended use and construction of the sign.

14                  Now, who remembers, on this  
15 General Appeals Board, my presentation of the very  
16 similar request for an off-premise permit to be issued  
17 to what was called the Moore Paper building, on the  
18 north side of downtown --

19                  *THE CHAIR:* I would --

20                  *MR. ROTHFELDER:* -- on I-45 North?

21                  *THE CHAIR:* I would not rely on our  
22 memories.

23                  *MR. ROTHFELDER:* Does anybody remember  
24 that one, that I presented, now, about seven years ago?

25                  *THE CHAIR:* No, sir.

## GENERAL APPEALS BOARD - April 26, 2007

1                   MR. ROTHFELDER: Or how about the one  
2 for Shipley's Donuts owned by Frankie Ash? The reason I  
3 ask that is because there is a precedent set by prior  
4 hearings that I've presented to the General Appeals  
5 Board and rulings that this Board has made; and -- and  
6 fortunately, we've got some longevity here.

7                   I think you were on that Board --

8                   THE CHAIR: I think --

9                   MR. ROTHFELDER: -- Mr. Mack.

10                  THE CHAIR: But I'm saying the -- the  
11 actual case and what went on, I would tell you that  
12 that's too vague for any of us to help you with.

13                  MS. DAVIDSON: A lot of stuff comes in  
14 front of the Board.

15                  MR. ROTHFELDER: Well, let me refresh  
16 your recollection, and I'll do so by talking a little  
17 bit about the facts in this case, and the precedence  
18 that I believe control the outcome of this particular  
19 case, by the General Appeals Boards' rulings on previous  
20 matters, namely Shipley Donuts, Frankie Ash, and  
21 Moore Paper Company.

22                  Moore Paper Company was the  
23 advertisement on the sign. It was actually my client  
24 called the Hogan Group.

25                  THE CHAIR: I would ask you to do one

## GENERAL APPEALS BOARD - April 26, 2007

1 thing, though. I understand that may be the support for  
2 any argument, as far as what the Board has previously  
3 ruled on; but I would really prefer if you would deal  
4 with the merits of the sign at this location; and then,  
5 you can go to the back-up. That way we will be clear  
6 about what's happening here, okay?

7 MR. ROTHFELDER: Let's do that.

8 THE CHAIR: Okay.

9 MR. ROTHFELDER: Now, this -- this sign  
10 is painted on the wall of a building that's located at  
11 402 Main Street, downtown. That -- that building is  
12 owned by my client, which is called 914 Preston LP, and  
13 its principal is Angus Hughes, who's with me here today.

14 Mr. Hughes bought that building a couple  
15 of years ago for commercial purposes, and he intended to  
16 recoup the investments that he's made in that building,  
17 and they've been significant, since it's an older  
18 building that he's renovating; and he wanted to recoup  
19 his investments from rentals -- from tenants, including  
20 rentals from anticipated advertising sales on the side  
21 of the building.

22 Now, the sign that is painted on the  
23 side of the building is depicted in the photographs that  
24 I have attached to the petition; and as you can see, the  
25 copy on that painted wall sign says, "Houston Citizens

## GENERAL APPEALS BOARD - April 26, 2007

1 Bank and Trust," and you have to look at it very  
2 closely, at the bottom of that painted message, and you  
3 can see that it goes on, and states 1801 Main at  
4 Jefferson. It's -- it's hard to see, but I think if  
5 you'll look closely, you can see that the message is  
6 "Houston Citizens Bank and Trust," underneath that  
7 "1801 Main at Jefferson."

8 THE CHAIR: We see it.

9 MR. ROTHFELDER: That's where I get back  
10 to this point that the message painted on the sign, from  
11 the very beginning, directed attention to the public to  
12 a site other than where the site was located at  
13 402 Main; and that's the critical point.

14 The original display and use of the sign  
15 was for off-premise use, because it directed the  
16 attention of the public to a site other than where the  
17 sign was located. That building was constructed in  
18 1923. The sign was painted in about 1975.  
19 Houston Citizens Bank and Trust opened down the street  
20 at 1801 Main at Jefferson in the late 1970s. From the  
21 very beginning, it was an off-premise sign directing the  
22 attention of the public to a spot about 14 miles -- 14  
23 blocks south of where the sign was located. It was  
24 never permitted.

25 When it was painted in 1977, or so,

1 permits were not required, because the Houston Sign Code  
2 wasn't even passed until May 8th, 1980. Permits were  
3 also not required, at that time, from the State of  
4 Texas. So no permit would have been required for a  
5 painted wall sign for off-premise use in the '70s at  
6 that site; and the owners didn't secure one.

7                   Now, it was not until the sign code was  
8 passed on May 8, 1980, that permits had to be obtained.  
9 But importantly, that provision that Ms. Luycx was  
10 talking about, 4605(e), grandfathered in, as legal  
11 nonconforming uses, all of the signs that were in  
12 existence previously, before the passage of the sign  
13 code. So that sign became legal when the sign code was  
14 passed on May 8, 1980.

15                   The problem is that they never got a  
16 permit for it. Ms. Luycx is right, the owners never  
17 secured a permit, and to this day, they never got a  
18 permit from the Houston Sign Administration for either  
19 on-premise or off-premise use, and that was a mistake;  
20 but there's plenty of blame and plenty of mistakes to go  
21 around here.

22                   While they never got a permit, the  
23 Sign Administration has never complained; and the  
24 Sign Administration, by contrast, has conducted several  
25 formal surveys of the off-premise signs over the 27

## GENERAL APPEALS BOARD - April 26, 2007

1 years that it's been operating off-premise signs in  
2 Houston and it's ETJ. They are required to notify  
3 citizens of any alleged complaints, including operation  
4 of an illegal off-premise sign; and they're required to  
5 send notices and invoices for permits.

6           Indeed, these off-premise signs are  
7 supposed to be permitted every three years. You have to  
8 have an operating permit, and you have to renew that  
9 operating permit every three years; and I'm not saying  
10 that the Sign Administration was lax, just like I'm not  
11 saying that my client was lax; but I'm pointing out that  
12 there were mistakes, and they were mutual, and they were  
13 understandable.

14           When sign code was passed, creating the  
15 Sign Administration in 1980, it was a big job. There  
16 were tens of thousands of billboards to inventory and  
17 notify owners of the permitting requirements, and  
18 several slipped through the cracks, like those ones that  
19 I've had over the last several years, just like this  
20 one.

21           Now, my point is that the law provides  
22 that when the mistakes are mutual, and that the  
23 operation is in good faith by the client in this case,  
24 that equity, whether it's a General Appeals Board or a  
25 Court, should correct the mistakes, should reform the



1 mutual mistake, and allow, in this case, the sign to be  
2 operated at what -- as it was originally intended and  
3 used, at its highest and best use. I mean, after all,  
4 we're looking at practicalities here.

5           Mr. Hughes can rent a display painted on  
6 the side of that building, for off-premise use, for a  
7 lot more than he could get from a tenant that simply  
8 identified its presence in that building for on-premise  
9 use. There is an economic incentive that he wants to  
10 capture; and, indeed, given the investment that he's had  
11 in that building, he's entitled to capture those  
12 advertisement rentals that he anticipated when he bought  
13 the building. That's the background.

14           Now, the precedents. This Board, as I  
15 explain in my paper, has addressed this very type of  
16 situation in the past, at least three times. The client  
17 that I had before the Board, some seven years ago, is  
18 called the Hogan Group, and this Board granted its  
19 request for the issuance of an off-premise permit for  
20 that sign on the north side of downtown. It used to be  
21 called the Moore Paper sign and building. It now has  
22 "Continental Airlines" on a sign that is on the top of  
23 that building, and that sign is about a hundred feet  
24 long and 20 feet tall.

25           A couple of other precedences that were

## GENERAL APPEALS BOARD - April 26, 2007

1 established were Shipley's Donuts, and Frankie Ash; and  
2 ever since the precedents were established by the  
3 General Appeals Board, the Sign Administration has  
4 pretty much followed those precedents when those  
5 factors, common to those particular cases, were present.  
6 I think those factors were present in this case, too;  
7 and I was a little bit surprised that it was denied.

8           Now, the -- the common factors that  
9 compel the issuance of an off-premise permit, in those  
10 cases and in this case, are number one, that the sign  
11 was originally constructed and intended for off-premise  
12 use. That's the case here. It was painted, from the  
13 beginning, directing the attention to a site at  
14 1801 Main Street, 14 blocks south of the current  
15 location.

16           Number two, the owner operated the sign  
17 in good faith and conformity with all known applicable  
18 sign regulations. He never got any tickets, citations,  
19 complaints, warning notices, he didn't know that there  
20 was a permit requirement. If he had been, he would have  
21 immediately complied with it.

22           Number three, the sign owner and/or the  
23 City committed innocent mistakes in connection with the  
24 permitting or operation of the sign. In this case, as I  
25 said earlier, there was plenty of blame to go around.

## GENERAL APPEALS BOARD - April 26, 2007

1 The City has known that that sign was there, open and  
2 obvious, displaying an ad for a business 14 blocks away  
3 for 27 years. It's never done anything about it,  
4 including notifying the owner that the sign was there,  
5 and there was a permit required.

6 If it had -- if it had included it in  
7 its inventory and its invoicing, in the numerous times  
8 over the past 20 years, the owner would have complied  
9 and paid that \$40 permit; and we wouldn't be here. But,  
10 again, innocent mistakes, understandable mistakes by the  
11 City and by the operator.

12 And then finally, the precedent that is  
13 applicable in the previous cases that this Board has  
14 considered, and this one as well, is the financial  
15 hardship that would be occasioned on the sign owner, if  
16 the request was denied. In this case, he's paid  
17 millions of dollars for that building downtown. He's  
18 refurbishing it. He's maintaining it. He anticipates  
19 recouping some of the investments by rentals not only  
20 from tenants but from advertising sales on the side of  
21 the building.

22 Now, in this case, the equities, as well  
23 as the law, requires the issuance of the off-premise  
24 permit. As I said earlier, the equities compel it.  
25 After all, there is going be a sign at that site.

1 Whether that sign displays an on-premise use, by  
2 identifying a tenant in the building, or whether it  
3 displays an off-premise use, like Coca-Cola, assuming  
4 Coca-Cola is not a tenant in the building, that would be  
5 permitted, off-premise use.

6           It will not violate the sign code. As  
7 Ms. Luycx pointed out, section 4612(b) prohibits new  
8 off-premise signs. This sign -- off-premise sign has  
9 been there since 1977. It will not be a new sign. It  
10 will not expand the cap on off-premise signs that the  
11 sign code was designed to implement when it was passed  
12 in May 1980.

13           We also know it's not an on-premise  
14 sign, because I -- I point out on page 5, section  
15 4611(d), it talks about the business purposes that are  
16 required for on-premise signs, and that says that "an  
17 on-premise sign must be erected in connection with the  
18 business purpose as defined in this chapter; any sign  
19 not connected with a business purpose shall be  
20 considered an off-premise sign."

21           Well, in this case, the business purpose  
22 identified on that sign was the bank at 1801 Main, 14  
23 blocks away. So we know that it was an off-premise, not  
24 an on-premise sign, that's how it was originally  
25 intended; and the owner wanted it to be used.

## GENERAL APPEALS BOARD - April 26, 2007

1                   THE CHAIR: Okay, any questions from the  
2 Board?

3                   (Ms. Davis raises hand.)

4                   MR. ROTHFELDER: Yes, ma'am.

5                   MS. DAVIS: How long has Angus owned  
6 this building?

7                   MR. HUGHES: February of 2006 --

8                   MS. DAVIS: And --

9                   MR. HUGHES: -- February -- February  
10 2nd, I can tell you the date I signed those documents.

11                   MS. DAVIS: That's like Groundhog's Day.  
12 How long has Houston Citizens Bank been  
13 out of business?

14                   MR. HUGHES: They were bought by  
15 International Bank in, probably, the early '80s, maybe?

16                   MR. ROTHFELDER: (Moving head up and  
17 down.)

18                   MR. GARVER: Fifteen or twenty years,  
19 I'd say.

20                   MR. HUGHES: Yeah.

21                   THE CHAIR: Do you know -- I'm -- I'm  
22 sorry, go ahead.

23                   MR. GARVER: Along those same lines, if  
24 Houston Citizens did not exist as Houston Citizens for  
25 15 years or so, before Mr. Angus bought the building,

## GENERAL APPEALS BOARD - April 26, 2007

1 that sign was there; but was it not a -- an abandoned  
2 sign. I mean, so does that make it a -- a nonexisting  
3 sign or -- or is it still a sign, if it's abandoned?

4 MR. ROTHFELDER: Well, it's --

5 MR. GARVER: And not, you know, it  
6 just -- it just wasn't there. It -- I mean, you could  
7 see it, but it represented nothing for 15 years.

8 MR. ROTHFELDER: As long as it had that  
9 address, directing the attention to a different address  
10 from the one where the building is located, as long as  
11 it had 1801 Main at Jefferson --

12 MR. GARVER: I got that part --

13 MR. ROTHFELDER: Regardless of the  
14 operation of the bank above it, it's still a sign. Just  
15 because the business goes out of operation, there's no  
16 provision in the sign code that deprives a structure  
17 from its definition of the sign anymore.

18 MR. GARVER: Well, and I mean that's  
19 almost, like, someone stealing a piece of plywood from a  
20 real estate sign, and saying it's still a sign, because  
21 it's -- and now, it's someone's tool shed; but -- so was  
22 it still a sign or not? I mean, if it didn't represent  
23 anything, according to the Sign Administration.

24 MS. LUYCX: To sign -- to the  
25 Sign Administration, it was not on-premise or

## GENERAL APPEALS BOARD - April 26, 2007

1 off-premise because it was never permitted. Whether --  
2 when it was -- when it was painted, in 1975, '77, again,  
3 there was not a sign code. The -- the people of Houston  
4 were the ones obligated to come in and get the permit.  
5 We were not obligated to go out and permit it or tell  
6 them, "You've got to get it permitted."

7 Yes, we go out, but in this case, it's  
8 not a sign; and Mr. Rothfelder is telling us, "Well,  
9 you've surveyed all these signs, and you've never  
10 surveyed that in as an off-premise sign." It's because  
11 we do not view that sign as an off-premise sign.

12 THE CHAIR: Question.

13 MS. LUYCX: Yes, sir.

14 THE CHAIR: Mr. Rothfelder.

15 MR. ROTHFELDER: Yes, Mr. Mack.

16 THE CHAIR: The -- what was  
17 Citizens Bank, became Houston Citizens Bank and Trust,  
18 and they moved from this building to the new address,  
19 1801 Main. When that occurred, was this building sold  
20 by Houston -- by Citizens Bank, or do we know who owned  
21 that building at that time?

22 MR. HUGHES: I don't -- I think --

23 MS. LUYCX: There's an article.

24 MR. HUGHES: I don't know. I don't  
25 think they owned it at the end, I think they just -- I

## GENERAL APPEALS BOARD - April 26, 2007

1 think they were tenants for a while.

2 MS. LUYCX: There's a Houston Chronicle  
3 article that is attached to my packet. It's --

4 MS. DAVIS: It's on the second page.

5 MS. LUYCX: They purchased it, investors  
6 David Schultz and Mr. Azios purchased that building.

7 THE CHAIR: With -- now -- now, we're  
8 speaking of -- I'm speaking of the --

9 MS. LUYCX: Oh, I may have --

10 THE CHAIR: The --

11 MS. LUYCX: -- misunderstood --

12 THE CHAIR: The year of -- the year when  
13 Citizens Bank changed to Houston Citizens Bank, and they  
14 moved from this building to the 1801 Main address, do we  
15 know who owned that building after that they moved?

16 MR. HUGHES: After they moved, it looks  
17 like, according to this article --

18 MS. LUYCX: That's what I'm saying --

19 MR. HUGHES: -- someone else bought it.

20 MS. LUYCX: -- it -- it appears that, in  
21 the article, it is telling us that Mr. Schultz and  
22 Mr. Azios bought it from Citizens.

23 THE CHAIR: Okay. So Citizens -- or  
24 Houston Citizens Bank did not own the building at the  
25 time that --



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1                   MS. LUYCX: They moved after that  
2 merger --

3                   THE CHAIR: -- the sign was painted,  
4 and --

5                   MS. LUYCX: They moved.

6                   THE CHAIR: Okay. Do we have any record  
7 of Houston Citizens Bank paying this new owner to have  
8 that sign on that building?

9                   MS. LUYCX: Sir, we don't have any  
10 record because --

11                   THE CHAIR: Mr. -- Mr. Rothfelder, do  
12 you?

13                   MS. LUYCX: -- it's never been  
14 permitted.

15                   MR. ROTHFELDER: We don't have a record  
16 of that, one way or the other.

17                   THE CHAIR: Do you -- do you know of  
18 anybody saying that the -- there were some funds changed  
19 -- exchanged for the right to have their sign, or the --  
20 the remote sign, however you want to look at it, painted  
21 on the side of that building?

22                   MR. ROTHFELDER: We can't make any  
23 representation about that.

24                   MR. HUGHES: The county owned the  
25 building prior to the person I bought it from, and so

## GENERAL APPEALS BOARD - April 26, 2007

1 I -- I think they owned it for a good period of time.

2 THE CHAIR: Okay. So this is -- this is  
3 a painting that has hung around for a while, I guess --

4 MR. ROTHFELDER: Yeah.

5 THE CHAIR: -- is what I'm trying to  
6 say.

7 MR. ROTHFELDER: Yeah, there's no  
8 question about it.

9 THE CHAIR: Okay. All right. Now --

10 MR. ROTHFELDER: About 30 years.

11 THE CHAIR: If -- if this was granted as  
12 a sign, regardless off-premise or on-premise, would the  
13 process of displaying whatever new artwork be painted on  
14 the side of the building?

15 MR. ROTHFELDER: Yeah.

16 MR. HUGHES: Yeah, my -- my intent is to  
17 do something that would fit in with the character of the  
18 historic district; and my perfect advertiser would be  
19 someone like Coca-Cola, who actually had ads back in  
20 the, you know, the '20s; and you drive by, and it would  
21 invoke a nostalgia; but yes, I -- I don't want -- I  
22 don't want to put a, you know, changing, or -- I didn't  
23 even want to put plywood up there. I wanted it to look  
24 like it's been there.

25 THE CHAIR: Right. Okay. And that's

## GENERAL APPEALS BOARD - April 26, 2007

1 what I'm after, you don't have to go out and -- and  
2 apply new background, and then start putting on whatever  
3 artwork you're going to put on the board.

4 MR. HUGHES: It's more expensive to do  
5 that, but I -- I think it's the right thing to do.

6 MR. ROTHFELDER: It's just going to be  
7 painted, not any sort of attached display, or  
8 illuminated electronic message, or anything like that.  
9 It's just going to be a painted wall.

10 THE CHAIR: Any -- any other questions  
11 from the Board.

12 (Ms. Davidson raises her hand.)

13 THE CHAIR: Yes, ma'am, go ahead.

14 MS. DAVIDSON: Mr. Hughes, is it?

15 MR. HUGHES: Yes.

16 MS. DAVIDSON: When you closed -- or  
17 your company closed on this property, you say you're --  
18 you were anticipating the revenue. Wouldn't your due  
19 diligence, I mean, you know, it's not like a -- whatever  
20 real estate company you're with has been under a rock  
21 all these years. Wouldn't your due diligence company,  
22 if you're anticipating that revenue, have said, "Well,  
23 give us all the sign back -- sign permit information, so  
24 we know it's permitted and --"

25 MR. HUGHES: I'm actually an individual.

## GENERAL APPEALS BOARD - April 26, 2007

1 That was the first thing I ever bought.

2 MS. DAVIDSON: Oh, okay.

3 MR. HUGHES: I mean, the due diligence I  
4 did was to look into the precedents --

5 MS. DAVIDSON: Okay.

6 MR. HUGHES: -- and the prior owner had  
7 talked to -- to Richard, and gone through the process  
8 and they said, "It looks, you know, it looks very  
9 hopeful."

10 MS. DAVIDSON: Okay.

11 MR. HUGHES: And so, you know, we built  
12 in --

13 MS. DAVIDSON: The prior owner that  
14 you -- that you bought it from was the county?

15 MR. HUGHES: Correct -- no, the -- the  
16 person who bought it from the county.

17 MS. DAVIDSON: Okay. So there was  
18 another owner between --

19 MR. HUGHES: Correct --

20 MS. DAVIDSON: -- you and the county?

21 MR. HUGHES: Yes, correct.

22 MS. DAVIDSON: And had they brought this  
23 to the attention of the Sign Administration?

24 MR. HUGHES: I don't think so.

25 MS. DAVIDSON: Okay. So it's just, "We

## GENERAL APPEALS BOARD - April 26, 2007

1 hope you can get the revenue out of this?"

2 MR. HUGHES: Yes, it sounded -- it  
3 sounded a lot more sure than that, I guess I'd say.  
4 Perhaps it was another mistake on my part.

5 THE CHAIR: Did that particular owner  
6 advise you that they had been receiving any funds from  
7 Houston Citizens Bank for having this particular sign on  
8 the side of their building?

9 MR. HUGHES: No, sir.

10 THE CHAIR: Okay. Any other questions  
11 from the Board?

12 (No response.)

13 MS. DAVIDSON: I have one.

14 THE CHAIR: Okay.

15 MS. DAVIDSON: So in -- I mean, the  
16 position of the Sign Administration is -- is that if  
17 there is no permit for it, and I just want to understand  
18 this again, about 1980, when something's grandfathered,  
19 even though no one comes forward as the owner of the  
20 sign, and gets a permit, because it's like you say, it's  
21 not like you're, you know, like God and can tell out of  
22 all these different signs; but in 1980, you-all didn't  
23 go do a -- and I guess you did some of that; but -- but  
24 then, their -- so your position is, is that because you  
25 don't have a sign permit right now on it, that it's not

## GENERAL APPEALS BOARD - April 26, 2007

1 a legal sign?

2 MS. LUYCX: What I'm saying is the code  
3 -- the code references tell us they had six years to  
4 obtain the permit.

5 MS. DAVIDSON: Okay.

6 MS. LUYCX: And that they are wanting a  
7 permit 27 years later, and the code says we cannot issue  
8 you a permit, because the six years has expired.

9 MS. DAVIDSON: The six years since 1980?

10 MS. LUYCX: Yes, ma'am. So that would  
11 have been '86-ish. So 20 years, even after that point,  
12 21 years later, they're now asking us to issue a permit;  
13 and the code -- the sign code clearly states that we  
14 cannot. I know that he's bringing us precedents, but  
15 the precedents has no -- no bearing here.

16 THE CHAIR: I don't think anybody  
17 remembers any Frank Ash, but okay, we -- we know where  
18 the locations were; but the particular details of those  
19 previous signs, I don't -- I don't really --

20 MS. LUYCX: What year either.

21 THE CHAIR: -- think we'll remember  
22 everything.

23 MS. DAVIDSON: So are we asking for a  
24 variance, or --

25 MS. LUYCX: He is --

## GENERAL APPEALS BOARD - April 26, 2007

1 MS. DAVIDSON: -- is Mr. --

2 MS. LUYCX: He is --

3 MS. DAVIDSON: He's asking for a  
4 variance --

5 MS. LUYCX: Yes, ma'am.

6 MS. DAVIDSON: -- or a reinterpretation  
7 of this whole issue?

8 MS. LUYCX: Yes, ma'am.

9 MS. DAVIDSON: Okay.

10 THE CHAIR: Mr. Rothfelder?

11 MR. ROTHFELDER: Can I make one more  
12 point?

13 THE CHAIR: Yes.

14 MR. ROTHFELDER: Because there's been  
15 this discussion about whether the abandonment deprives a  
16 structure of being a sign, I want to reiterate that  
17 there is no provision in the sign code that provides as  
18 such. Instead, the only thing that guides us is the  
19 definition that is in the sign code and -- and it  
20 includes the definition of a sign; and it is: "Any  
21 outdoor display, design, pictorial or other  
22 representation that shall be so constructed, placed,  
23 attached, painted, erected, fastened, or manufactured in  
24 any manner, whatsoever, so that the same shall be used  
25 for advertising. The sign shall include the sign

1 structure."

2 Now, that definition applies to the  
3 display painted on the side of this building, just like  
4 the sign on the north side of downtown on I-45 that now  
5 has the Continental Airlines off-premise advertising.  
6 That sign, when I came before the Board some seven years  
7 ago and asked for an off-premise permit for my client,  
8 the Hogan Group, had not been used for years. It had  
9 been completely blank.

10 In fact, when we presented that to the  
11 General Appeals Board, it had no copy on it at all. It  
12 may -- you may remember it had "Moore Paper Company," on  
13 it at one time, because that was the name of the  
14 business underneath it. It had "Delta Airlines" on it.  
15 It had a political advertisement on it, but this Board  
16 considered the fact that it originally had  
17 "Delta Airlines" on it when it was built, even though  
18 "Delta Airlines" hadn't used it for some 20 years.

19 This Board recognized those precedents,  
20 established them, and, with due respect, I don't see any  
21 difference on the facts in this case than the facts that  
22 prompted the Board to rule that an off-premise permit  
23 should have been issued in that case.

24 THE CHAIR: Okay.

25 MR. ROTHFELDER: And for those reasons,



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1 I ask the Board to rule consistently, like it did on  
2 prior precedents, and issue the off-premise permit to my  
3 client, Angus Hughes, in this case as well.

4 *THE CHAIR:* All right. Any other  
5 questions from the Board?

6 *MS. AUSTIN:* I -- I have a question.

7 *THE CHAIR:* Sure.

8 *MS. AUSTIN:* Ms. Luycx, the sign in this  
9 instance is a painting on the side of a wall?

10 *MS. LUYCX:* Yes.

11 *MS. AUSTIN:* And so if you -- if they  
12 had repainted a different -- to make it a different  
13 sign, is it, in actuality, a new sign? Because the --  
14 the building itself isn't the sign, is it?

15 *MS. LUYCX:* Yes, ma'am. To answer you,  
16 what I understand you to be asking, yes, it is a new  
17 sign.

18 *MS. AUSTIN:* Okay.

19 *THE CHAIR:* Okay. Any other questions?

20 *MS. LUYCX:* Could -- I would like to  
21 also add if -- if they wish, they can advertise, come  
22 down and permit for on-premise permits for whomever  
23 maybe leasing within that building. If it is Coca-Cola,  
24 then Coca-Cola could legitimately come in and obtain a  
25 on-premise sign permit; and the code would say, "Yes, we

## GENERAL APPEALS BOARD - April 26, 2007

1 are obligated to issue Coca-Cola," and they could paint  
2 "Coca-Cola," but they have to have office space within  
3 that building. That's what makes it an on-premise sign.

4           *THE CHAIR:* But that would not  
5 necessarily have to be that particular location, or the  
6 same size, et cetera, et cetera? It could be a new  
7 sign, apparently --

8           *MS. LUYCX:* It could be a --

9           *THE CHAIR:* -- that's what you're  
10 telling us, right?

11           *MS. LUYCX:* Yes, sir.

12           *THE CHAIR:* All right. Thank you.  
13 Any other questions from the Board?

14           *(No response.)*

15           *THE CHAIR:* All right. Is there a  
16 motion?

17           *MS. DAVIDSON:* I just to -- I assume  
18 that you have a sign for your building? I mean, I -- I  
19 don't know from these pictures that --

20           *MR. HUGHES:* I don't have a -- a person  
21 to put up there.

22           *MS. DAVIDSON:* A person?

23           *MR. HUGHES:* Or a -- or a company, or a  
24 product.

25           *MS. DAVIDSON:* Oh, I -- I see. You

## GENERAL APPEALS BOARD - April 26, 2007

1 don't have your -- well, I hope you get those people.  
2 So there's no -- no off-premise signs or on-premise  
3 signs, at all?

4 MR. HUGHES: No, the -- the process  
5 would be to work with someone who is a professional in  
6 that business, to help us find the right tenant, and  
7 that will be hard enough.

8 THE CHAIR: Okay. We need a motion from  
9 the Board. Is there a motion?

10 MS. DAVIDSON: I move that we deny the  
11 -- deny the application for the continuance of -- I  
12 mean, the reemergence of this sign, 21 years later.

13 MS. DAVIS: I second it.

14 THE CHAIR: Okay. It's been moved and  
15 seconded to deny the application. All those in favor?

16 (Various Board members raised their  
17 hands.)

18 THE CHAIR: All those opposed?

19 (One Board member raised their hand.)

20 THE CHAIR: Ayes have it. The  
21 application has been denied.

22 Okay. Thank you.

23 MR. ROTHFELDER: Do you mind if we get  
24 on the record the -- the yeas and nays?

25 THE CHAIR: Okay. If you would, again,

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1 please, by name.

2 MS. DAVIDSON: Leslie Davidson.

3 THE CHAIR: The nays for denial.

4 Leslie -- Leslie Davidson.

5 MR. ROTHFELDER: Just -- just for the  
6 court reporter.

7 THE CHAIR: Leslie Davidson.

8 MS. DAVIS: Debra Davis.

9 MR. CAMPBELL: Ed Campbell.

10 THE REPORTER: Okay.

11 MR. GARVER: Mike Garver.

12 THE CHAIR: Okay.

13 MR. ROTHFELDER: And the nay was by?

14 MR. TORRES: Rich Torres.

15 MS. GARZA: Did you get

16 Perry Schindewolf?

17 THE CHAIR: Okay. And, as always, I  
18 abstain unless there's a tie --

19 MR. ROTHFELDER: Thank you very much.

20 THE CHAIR: -- didn't get there.

21 Bye-bye.

22 MS. LUYCX: Thank you.

23 MR. ROTHFELDER: Nice seeing you-all  
24 again.

25 THE CHAIR: All right. Thank you.

## GENERAL APPEALS BOARD - April 26, 2007

1 Bye-bye.

2

MS. LUYCX: Thank you-all.

3

THE CHAIR: All right.

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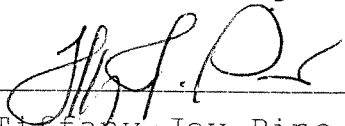
## GENERAL APPEALS BOARD - April 26, 2007

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25REPORTER'S CERTIFICATE  
CITY OF HOUSTON  
GENERAL APPEALS REVIEW BOARD  
TAKEN ON April 26, 2007

I, TIFFANY J. PINO, the undersigned Certified Shorthand Reporter in and for the State of Texas, certify that the facts stated in the foregoing pages are true and correct excerpt transcription of the proceedings in the General Appeals Review Board hearing on April 26, 2007, that were reported by me.

I further certify that I am neither attorney or counsel for, related to, nor employed by any parties to the action in which this testimony is taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto or financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of office on this the 20th day of may, 2007.



Tiffany Joy Pino, CSR  
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April 27, 2007

Ms. Anna Russell  
City Secretary  
City of Houston  
P.O. Box 1562  
Houston TX 77251

Via Certified Mail, RRR, #7005 1820 0006 6035 2430

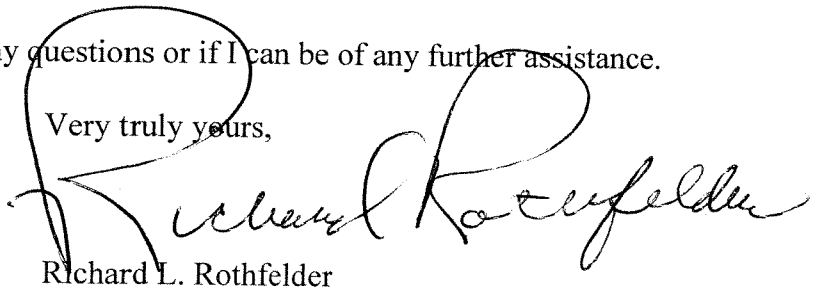
**RE: Appeal to Houston City Council of April 26, 2007 decision of General Appeals Board by 914 Preston L.P. for off-premise sign permit at 402 Main Street; Our File No. 1143-1.**

Dear Ms. Russell:

Pursuant to Section 4604(e)(1) of the Houston Sign Code, 914 Preston L.P. hereby appeals the adverse decision of the General Appeals Board rendered on April 26, 2007. The General Appeals Board, in turn, failed to reverse the April 4, 2007 decision of the Houston Sign Administrator, denying the off-premise sign permit application of 914 Preston L.P. for a site at 402 Main Street. The April 12, 2007 petition that was presented to the General Appeals Board by 914 Preston L.P. is enclosed. A transcript of the April 26, 2007 hearing before the General Appeals Board was recorded by Prestige Court Reporting Services, and the transcript will be forwarded to you as soon as it is completed. Please keep me informed of the status of any hearings or agenda items before the Houston City Council on this appeal of 914 Preston L.P.

Please let me know if you have any questions or if I can be of any further assistance.

Very truly yours,



Richard L. Rothfelder

RLR:mr  
Enclosures

RECEIVED  
MAY 30 2007  
CITY SECRETARY

Ms. Anna Russell

April 27, 2007

Page 2

cc: (w/o enclosures)  
Ms. Susan Lucyx  
Houston Sign Administrator  
3300 Main, 2<sup>nd</sup> Floor  
Houston TX 77208-1167

**Via First Class Mail**





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April 12, 2007

Houston General Appeals Board  
c/o Ms. Maria Hernandez  
City of Houston/ Code Enforcement  
3300 Main Street  
Houston TX 77002

**Via Messenger Delivery**

**RE: Petition to General Appeals Board for appeal of April 4, 2007 decision of Houston Sign Administration denying application of 914 Preston L.P. for permit for off-premise sign at 402 Main Street.**

General Appeals Board Members:

## I. INTRODUCTION

The law firm of Rothfelder & Falick, L.L.P. represents 914 Preston L.P. ("Preston"). Preston is a Texas limited partnership, and it owns the building and real property located at 402 Main Street (collectively "Property"), as well as the sign ("Sign") situated on the Property.

On November 19, 2006, Preston submitted an application, fees, and supporting documentation to permit the Sign for off-premise advertising. A copy of Preston's application, submitted by its licensed sign contractor, Sparkle Sign Company Inc., is attached as Exhibit 1. The Houston Sign Administration, through Division Manager Susan Lucyx, denied Preston's application by letter dated April 4, 2007, based on Sections 4605(e) and 4612(b) of the Houston Sign Code. A copy of Ms. Lucyx's denial letter is attached as Exhibit 2.

Preston respectfully submits that the Sign Administration's decision misconstrues or wrongfully interprets the applicable provisions of the Houston Sign Code. Accordingly, please consider this letter as Preston's appeal of the decision pursuant to Section 4604(e)(1) of the Houston Sign Code.

## II. FACTUAL BACKGROUND

### A. Preliminary Statement

Most of the facts relevant to Preston's permit application occurred decades ago. Since that time, the entities that painted and advertised on the Sign have changed or gone out of business. Therefore, some of the background is admittedly sketchy.

Despite these time and personnel obstacles, however, a thorough investigation has been conducted. Specifically, we have interviewed Angus Hughes of Preston, and collected from him and the previous Property owners the relevant documentation. Further, the facts necessary for consideration of Preston's permit application are limited, and virtually all of them are supplied by Mr. Hughes, who has first hand knowledge of the background. Mr. Hughes' affidavit in support of Preston's permit application is attached as Exhibit 3.

### B. Original Display and Use of Sign

As indicated in Mr. Hughes' affidavit, Preston purchased the Property in 2006. The Property, with an address of 402 Main Street, is located on the west side of Main Street, on the southwest corner of Preston Street, in downtown Houston.

The building at 402 Main was erected in about 1923, when Public Bank commenced business in it. Citizens Bank later occupied the building for several years. In 1970, Citizens Bank merged with Houston Bank and Trust, which was located approximately 14 blocks to the south at 1801 Main Street. The merged bank, Houston Citizens Bank and Trust, consolidated all of its operations at 1801 Main, until it was bought by First International Bank in 1977.

The Sign was painted on the west wall of the building sometime during the 1970s. At that time, Citizens Bank had already merged with Houston Bank and Trust, and relocated to the site at 1801 Main. Indeed, the Sign, which is 37 feet wide by 34 feet high, displays the message: "Houston Citizens Bank and Trust, 1801 Main at Jefferson." As such, the Sign was originally erected and used for off-premise advertising, namely identifying and advertising a business that was not located on the same premises as the Sign.

The Sign was originally constructed and used for off-premise advertising in complete compliance with all applicable regulations. At this time, before the passage of the Federal Highway Beautification Act and Texas Liter Abatement Act in 1972, the State had no regulatory authority over signs located adjacent to federal interstate and primary thoroughfares like Main Street. Moreover, the Houston Sign Code was not passed until 1980. Therefore, no permits were required for the Sign, and Preston does not have a record of any construction or operating permits.

### C. Preston's and City's Mistakes

Although the Houston Sign Administration was created and began issuing sign permits after passage of the Houston Sign Code on May 8, 1980, it has never issued any sort of permits for the Sign. Even though the Sign was used openly and obviously for the next 35 years for off-

premise advertising, the Sign Administration never advised Preston or the previous owners of the Property of the need to secure an off-premise or any other type of permit.

Section 4605(e) of the Houston Sign Code establishes a procedure under which legal, preexisting signs are permitted to continue as grandfathered non-conforming uses and structures. Since the Sign was legally constructed and used for off-premise advertising prior to the passage of the Sign Code in 1980, it became one of these legal non-conforming grandfathered signs.

The only thing missing for the Sign, which has caused the current confusion and this permit application, is that no permit was issued for the Sign after passage of the Sign Code, nor tri-annually thereafter. Specifically, Section 4605(e) also established a schedule for the issuance of permits for preexisting grandfathered non-conforming legal signs. The City, however, never notified Preston or the previous Property owners that the Sign fell within this category, and that a permit was to be secured from the City of Houston.

Similarly, Section 4605(d) requires that permits be renewed every three years. Not only did the City fail to notify Preston or its predecessors of the requirement to secure a permit for the Sign originally, it also never advised them of the failure to renew the permit on this tri-annual basis.

Granted, Preston or the previous Property owners could have independently initiated inquiries to the City about the necessity for maintaining permits on the Sign. In retrospect, Preston acknowledges that the previous owners of the Property were probably mistaken in not doing so. However, there is plenty blame to go around for the mutual mistakes committed over the last three decades in connection with the Sign. Specifically, the City's Building Department and Sign Administration have commissioned several formal surveys of the off-premise signs subject to their jurisdiction, including in the early 1980s after passage of the Houston Sign Code, and a decade later when the Municipal Board on Sign Control commenced its duties under Chapter 216 of the Texas Local Government Code. Given the prominent size and location of the Sign, and the fact that it had been in operation since the 1970s, the Sign Administration's error in surveying and identifying the Sign is at first curious. However, just as Preston or its predecessors were confused about the procedures and impact of the new Sign Code, the Sign Administration was likewise a new department with new regulations and thousands of signs under its authority, so such an innocent mistake by the Sign Administration is understandable as well.

#### **D. Preston's Request**

Preston purchased the Property for a significant sum, and it has continued to aggressively invest in remodeling, preserving, and maintaining the building. Preston depends upon the rental income generated from the Property in order to recoup its initial and subsequent investments. Along with the payment for rental of the offices in the building, Preston anticipated when it purchased the Property the recovery of rent for displaying outdoor advertising on the Sign affixed to the wall of the building as well. Therefore, Preston now desires to permit the Sign for off-premise use, which is the highest and best, and originally constructed and intended use for the Sign.

### III. PRECEDENTS/AUTHORITIES

#### A. Precedents

The Sign Administration and/or General Appeals Board has on several occasions over the last few years granted off-premise permits for signs well after the deadline otherwise proscribed in the Sign Code. These cases are good precedents setting forth guidelines for the disposition of Preston's request, and they include the following owners and signs: Hogan Group, Inc. (100 Hogan); Taghi Hejazed (8110 Richmond); MBB Operators, Inc. (2600 South Loop West); Klein Funeral Homes (FM 2920); Frankie Ash and Shipley Donuts (21018 I-45 North); Rain Forest Apartments (FM 1960 and Red Oak); and Whiteco, Inc. (various signs purchased by SignAd, Inc.).

#### B. Common Factors

The factors common to each of these cases that led the Sign Administration or the General Appeals Board to issue the requested off-premise permits include the following:

1. The sign was originally constructed and intended for off-premise use.
2. The owner operated the sign in good faith and conformity with all known applicable sign regulations.
3. The sign owner and/or City committed innocent mistakes in connection with the permitting or operation of the sign.
4. Financial hardships would be occasioned on the owner of the sign if it was not permitted for off-premise use.

#### C. Houston Sign Code

Several provisions of the Houston Sign Code are also pertinent to Preston's application for an off-premise permit for the Sign. For example, Section 4612(b) prohibits only the issuance of permits for the construction of new off-premise signs, thereby grandfathering in and permitting the continued operation of legally erected and operated off-premise signs, like the Sign of Preston:

**(b) Prohibition of New Off-premise Signs.** From and after the effective date, no new construction permits shall be issued for off-premise signs within the sign code application area.

Sections 4603(a)(1) and (2) define on and off-premise signs:

1. **ON-PREMISE SIGN** shall mean any sign identifying or advertising the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.
2. **OFF-PREMISE SIGN** shall mean any sign advertising a business, persons, activity, goods, products or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

Finally, Section 4611(d) further clarifies the definition of on-premise signs, reiterating that the original erection of such a sign must be in connection with the purpose of the business upon which it is located:

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

Again, the Sign was originally erected for an off-premise use, advertising a business – Houston Citizens Bank and Trust at 1801 Main – that was not in connection with the premises located at 402 Main Street.

#### **D. Texas Case Law**

Finally, there are certain recognized Texas legal authorities applicable to this case. Most importantly, the equitable remedy of reformation is to be granted to prevent undue hardship when the parties have labored under material mistakes in their dealings. *State v. Wales*, 271 S.W. 2d 728, (Tex.Civ.App. – Beaumont 1954, writ ref'd n.r.e.). In this case, for example, both Preston and the City committed several innocent mistakes arising because of understandable confusion over the new Houston Sign Code. Another important legal authority applicable to this case is the requirement to apply regulations and interpretations uniformly and equally, such as not discriminatory or preferentially granting permits to some operators while denying them to similarly situated ones. *Floyd v. Willacy County Hospital Dist.*, 706 W.W. 2d 731 (Tex.Civ.App. – Corpus Christi 1986, writ ref'd n.r.e.).

### **IV. ARGUMENTS**

#### **A. Sign Originally Constructed and Intended for Off-Premise Use**

Preston's request is squarely within the foregoing precedents, requiring a permit to be granted for off-premise use for several reasons. First, the Sign was originally constructed and intended for off-premise use. The Sign was constructed as a classic off-premise sign. From the time it was constructed until today three decades later, the Sign was used exclusively for off-premise advertising, namely the Houston Citizens Bank and Trust location fourteen blocks south of the Sign.

**B. Good Faith Legal Operation of Sign**

Second, the Sign was always operated in good faith and in conformance with all known applicable sign regulations. No permits were required for the construction or operation of the Sign when it was built in the 1970s. Thus, the Sign is grandfathered as a legal non-conforming use and structure under the Houston Sign Code, which was passed years later in May 1980. Thereafter, Preston and its predecessors always paid taxes on and operated the Sign and Property open and obviously, but they never received any request for initial or tri-annual renewals of permits on the Sign. Had the City made such a request, they would have immediately complied with all permitting requirements.

**C. Preston and City Made Mistakes**

Third, the mistakes that led to Preston's failure to permit the Sign are clear. The owner of the Property contracted for the construction of the Sign in the 70s, when no permits were required. The Property owner was not in the sign business, so it is logical to assume that he would not be independently aware of any requirement to obtain initial and renewal permits after the Sign Code was passed in 1980. If Preston had been appraised of such requirements, it certainly would have immediately taken the action to permit the Sign.

Of course, there was plenty of blame to go around as a result of the confusion and uncertainty attendant to the new Houston Sign Code, and the City's own mistakes in failing to timely identify and survey the Sign made it that much more difficult for Preston or its predecessors to pursue the correct legal and financial course in permitting the Sign. Therefore, under the previously mentioned Texas legal authorities, permitting the Sign to allow off-premise use is the appropriate remedy to correct these mistakes. *State v. Wales*, 271 S.W. 2d 728, (Tex.Civ.App. – Beaumont 1954, writ ref'd n.r.e.).

**D. Sign Not Newly Constructed**

Fourth, the provisions of the Houston Sign Code applied in the foregoing precedents require issuance of Preston's permit as well. For example, Section 4612(b) only prohibits the issuance of permits for the construction of new off-premise signs, which is simply not the situation in this case. The Sign was originally erected, and subsequently used for off-premise use, so correcting the previously mentioned mistakes by finally issuing the permit would not increase the cap on the number of off-premise signs that the provision was intended to impose.

**E. Sign Not Erected for On-Premise Use**

Fifth, Section 4611(d) similarly states that "an on-premise sign must be erected in connection with a business purpose as defined in this chapter." The Sign was not originally erected for on-premise use in connection with the business purpose at 402 Main Street. Especially when coupled with Section 4612(b), this additional provision of the Sign Code confirms that City Council intended to focus on the original erection, intention, use, and permitting of signs. All of these factors support Preston's request.

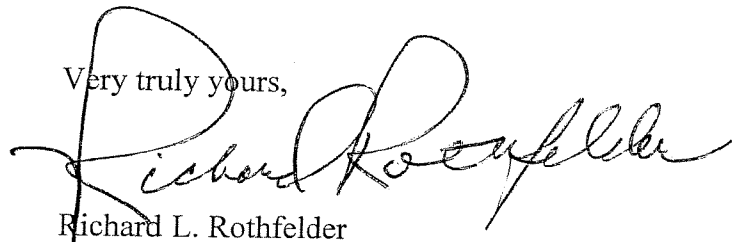
**F. Financial Hardship**

Sixth, Preston will also suffer severe financial hardships if it is not permitted to use the Sign for off-premise use. Preston has spent millions of dollars in purchasing and maintaining the Property, and it anticipated covering part of its investment through collection of rent for use of the outdoor advertising displayed on the Sign. Indeed, the off-premise advertising revenue anticipated over the useful life of the Sign gives it a fair market value for this, its highest and best use, well into the six figures.

**V. CONCLUSION**

Based on the foregoing precedents, authorities, and arguments, the City should grant Preston's permit application and continue to allow the Sign to be used for off-premise advertising. Preston's request is actually more compelling than the cases presented by the other sign owners that the City awarded off-premise permits to, thereby constituting an unequal, non-uniform, discriminatorily, and arbitrary application of the law by the City if Preston is not granted its request as well. Therefore, Preston respectfully requests the Houston General Appeals Board to reverse the May 4, 2007 decision of the Houston Sign Administration, thereby granting permission for Preston to operate its Sign located at 402~~7~~ Main Street for off-premise use.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Richard Rothfelder". The signature is written in black ink and is positioned above the printed name.

Richard L. Rothfelder

RLR:sjg  
Enclosures

cc: Mr. Angus Hughes  
Cushman & Wakefield of Texas, Inc.  
1330 Post Oak Boulevard, Suite 2700  
Houston, Texas 77056

**Via First Class Mail**



# CITY OF HOUSTON

Sign Administration

## APPLICATION FOR SIGN PERMIT

Print or Type Application  
 APPLICANT'S NAME SPARKLE SIGN COMPANY, INC. LIC. NO. 1002 DATE 2-1-07  
 ADDRESS 7938 WRIGHT ROAD HOUSTON, TEXAS ZIP 77041 PHONE 713-856-8500  
 SIGN LOCATION 402 MAIN ZIP\* 77002 CALL  MAIL  FAX   
 STATE BUSINESS ENTERPRISE:  Commercial  Rental  Property

STATE INSPECTION  CONSTRUCTION PERMIT A  B  C  D  E  OPERATING PERMIT A  B  C  D  E

	SIGN TYPE <u>M3 MESSAGE*</u> VALUE \$ _____	FOR OFFICE USE ONLY
<b>A</b>	ON <input type="checkbox"/> ELEC <input type="checkbox"/> FACES <u>0</u> OFF <input checked="" type="checkbox"/> NON ELEC <input checked="" type="checkbox"/> POLES <u>0</u> WIDTH <u>37</u> FT <u>0</u> IN HEIGHT <u>40</u> FT <u>9</u> IN MAX HT <u>130</u> FT <u>0</u> IN COMMENTS <u>External illumination; wall sign</u>	PROJECT # _____ FCC CODE _____ TAG # _____
<b>B</b>	SIGN TYPE _____ MESSAGE _____ VALUE \$ _____ ON <input type="checkbox"/> ELEC <input type="checkbox"/> FACES _____ OFF <input type="checkbox"/> NON ELEC <input type="checkbox"/> POLES _____ WIDTH _____ FT _____ IN HEIGHT _____ FT _____ IN MAX HT _____ FT _____ IN COMMENTS _____	PROJECT # _____ FCC CODE _____ TAG # _____
<b>C</b>	SIGN TYPE _____ MESSAGE _____ VALUE \$ _____ ON <input type="checkbox"/> ELEC <input type="checkbox"/> FACES _____ OFF <input type="checkbox"/> NON ELEC <input type="checkbox"/> POLES _____ WIDTH _____ FT _____ IN HEIGHT _____ FT _____ IN MAX HT _____ FT _____ IN COMMENTS _____	PROJECT # _____ FCC CODE _____ TAG # _____
<b>D</b>	SIGN TYPE _____ MESSAGE _____ VALUE \$ _____ ON <input type="checkbox"/> ELEC <input type="checkbox"/> FACES _____ OFF <input type="checkbox"/> NON ELEC <input type="checkbox"/> POLES _____ WIDTH _____ FT _____ IN HEIGHT _____ FT _____ IN MAX HT _____ FT _____ IN COMMENTS _____	PROJECT # _____ FCC CODE _____ TAG # _____
<b>E</b>	SIGN TYPE _____ MESSAGE _____ VALUE \$ _____ ON <input type="checkbox"/> ELEC <input type="checkbox"/> FACES _____ OFF <input type="checkbox"/> NON ELEC <input type="checkbox"/> POLES _____ WIDTH _____ FT _____ IN HEIGHT _____ FT _____ IN MAX HT _____ FT _____ IN COMMENTS _____	PROJECT # _____ FCC CODE _____ TAG # _____

**OPERATING PERMIT RENEWAL TO BE SENT TO:**

SIGN OWNER  914 Preston L.P. PHONE 225-1354  
713-341-5004  
 ADDRESS  402 Main Street ZIP 77002

AFFIDAVIT FOR OWNER OR LESSEE OF PREMISE  
 I hereby certify that the above information is true and correct and further that the sign is being erected and/or maintained at the above location with the permission of the owner and authorized lessee (if any) of the premises, that the sign does not violate any applicable deed restrictions or other restrictions on the premises, and that having read the restrictions and requirements of the City's Sign Ordinance, that the sign is being erected or maintained in compliance with the Sign Ordinance, Chapter 46, Building Code, City of Houston and other applicable laws.

\_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 President  
 (Title)

Sworn to and subscribed before me by said Angus S. Hughes on 2/16 2007, to certify which witness my hand and seal of office.

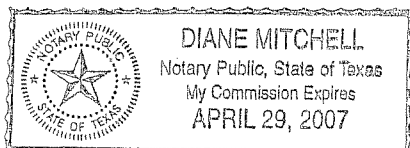
\_\_\_\_\_  
 Notary Public in and for Harris County, Texas  
 SP-8

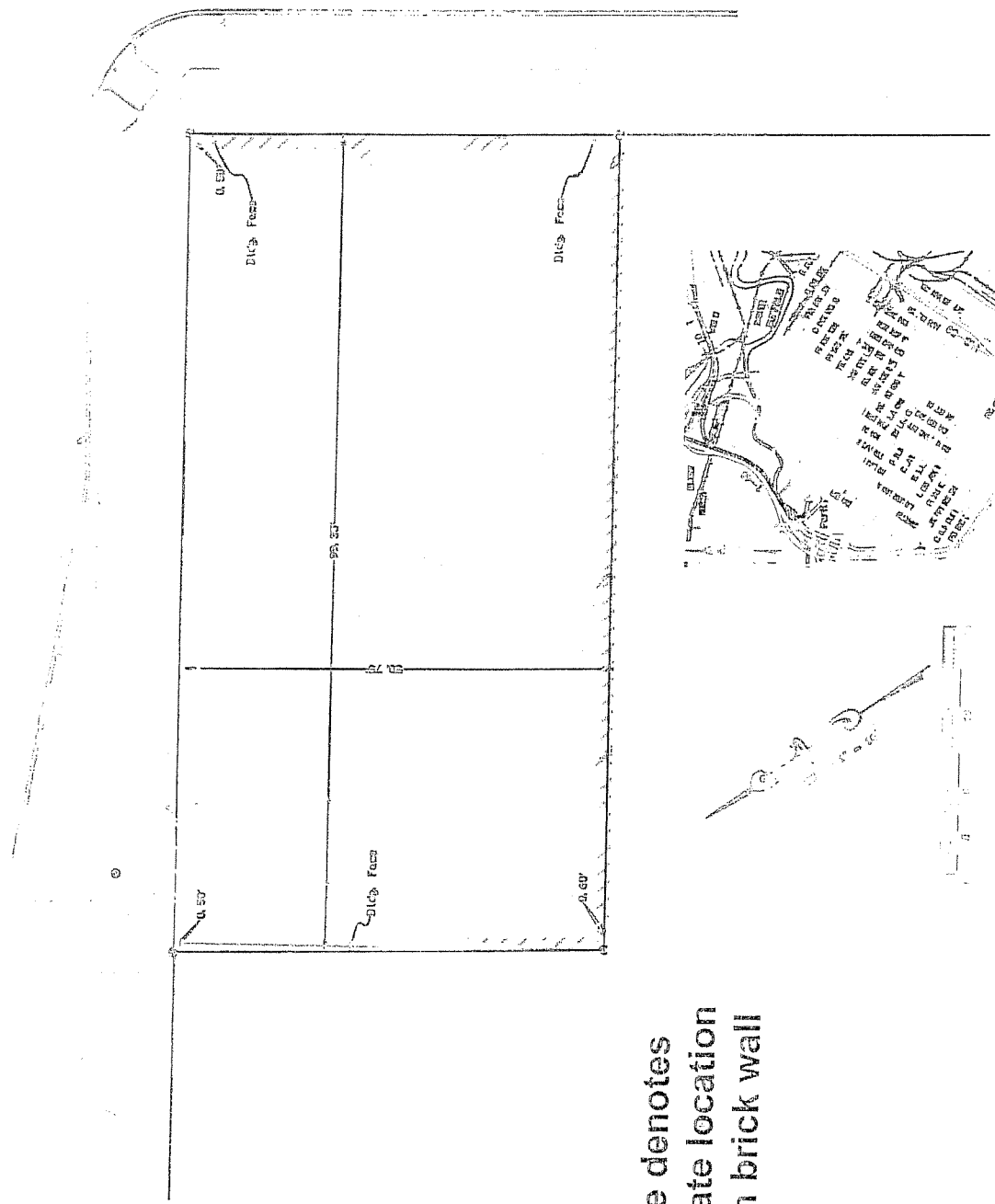
AFFIDAVIT FOR SIGN COMPANY OR SIGN OWNER (COMPLETE ONLY IF SIGN OWNER IS DIFFERENT FROM ABOVE)  
 I hereby certify that the above information is true and correct and further that the sign is being erected and/or maintained at the above location with the permission of the owner and authorized lessee (if any) of the premises, that the sign does not violate any applicable deed restrictions or other restrictions on the premises, and that having read the restrictions and requirements of the City's Sign Ordinance, that the sign is being erected or maintained in compliance with the Sign Ordinance, Chapter 46, Building Code, City of Houston and other applicable laws.

\_\_\_\_\_  
 (Signature)  
 \_\_\_\_\_  
 (Title)

Sworn to and subscribed before me by said GARY BLASE on 2-1-07, to certify which witness my hand and seal of office.

\_\_\_\_\_  
 Notary Public in and for Harris County, Texas



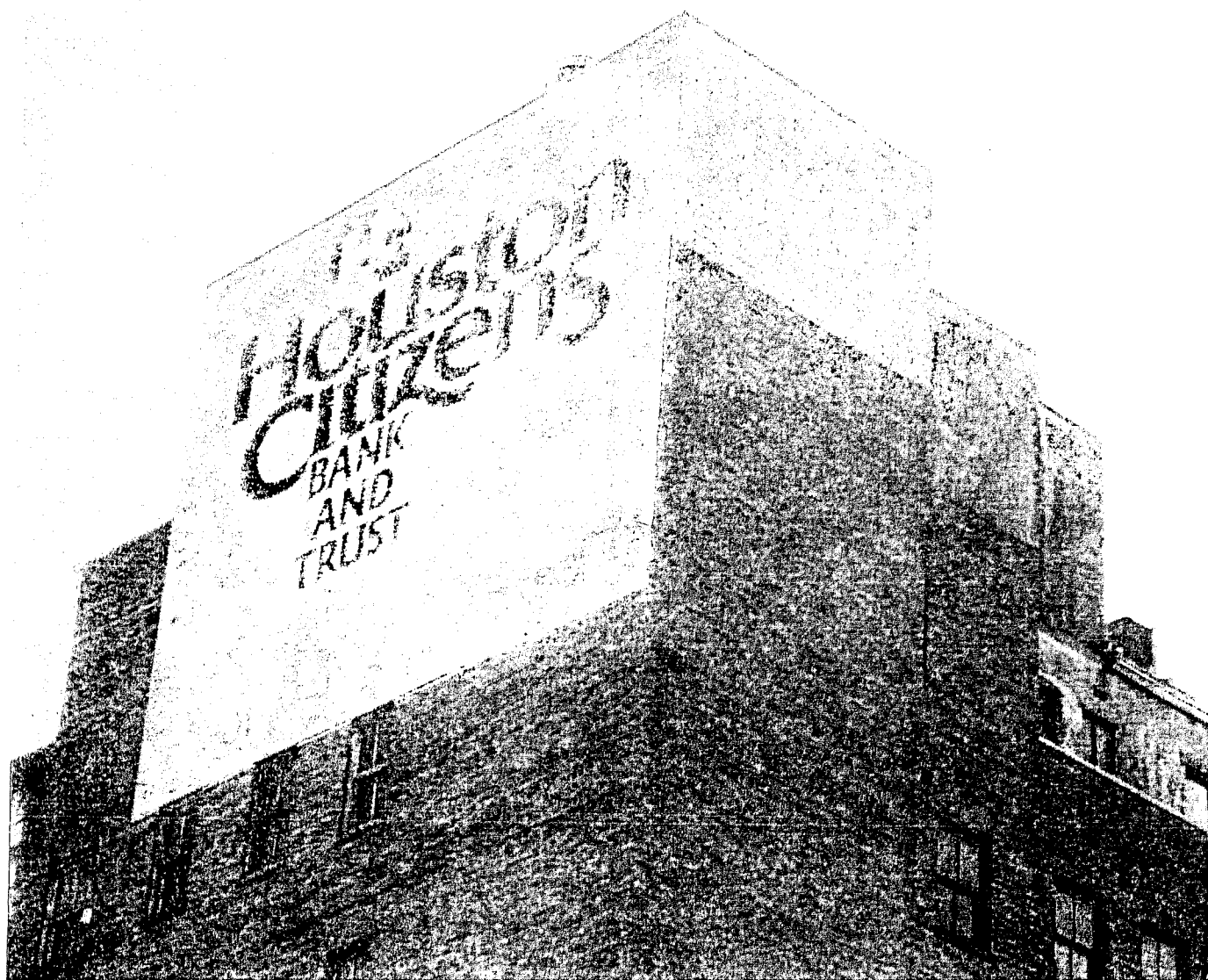


Gray line denotes approximate location of sign on brick wall



The  
Houston  
Citizens  
BANK  
AND  
TRUST

X



*Hughes/Sprague*



# CITY OF HOUSTON

Public Works and Engineering Department

Bill White

Mayor

Michael S. Marcotte, P.E., DEE  
Director  
P.O. Box 61167  
Houston, Texas 77208-1167  
3300 Main  
Houston, Texas 77002

T. 713-218-5820  
F. 713-218-5838  
www.cityofhouston.gov

April 4, 2007

Certified Mail 7004 2510 0004 0602 2386

Richard Rothfelder, Attorney  
Rothfelder & Falick, L.L.P. Attorneys at Law  
1201 Louisiana Suite 550  
Houston, Texas 77002

RE: Unpermitted Sign Located at 402 Main

Dear Mr. Rothfelder,

In response to your correspondence, the application to issue a new off-premise sign permit is denied. The denial is based on Sections 4605(e) and 4612(b) of the Houston Sign Code.

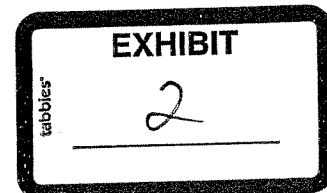
The sign permit application and check in the amount of \$45.00 is being returned to you.

As noted in your letter, you have the right to appeal this decision to the General Appeal Board within 10 business days. Please contact Maria Hernandez at 713-535-7535 for information relating to the General Appeals process.

Sincerely,

Susan Luyck  
Division Manager  
Sign Administration Group  
Planning and Development Services Division

CC: Andy Icken, Deputy Director  
Larry Schenk, Legal Department  
Elizabeth Stevens, Legal Department



AFFIDAVIT OF ANGUS HUGHES

STATE OF TEXAS       §  
                                  §  
COUNTY OF HARRIS   §

BEFORE ME, the undersigned authority, personally appeared Angus Hughes, who, being, by me first duly sworn deposed as follows:

1.       “My name is Angus Hughes. I am of sound mind, and otherwise qualified to make this affidavit. I am the President of 914 Preston LP (“Preston”), a Texas Limited Partnership, and authorized to make this affidavit on its behalf. The facts explained in this affidavit are to the best of my knowledge, and they are all true and correct.

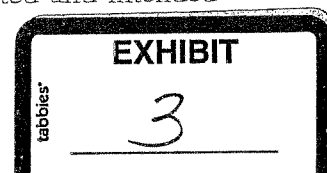
2.       “Preston owns the building and real property located at 402 Main Street, Houston Texas (collectively “Property”), as well as the sign (“Sign”) situated on the Property. I handled the acquisition of the Property for Preston, which closed on February 2, 2006.

3.       “The building at 402 Main was erected in about 1923, when Public Bank commenced business in it. Citizens Bank later occupied the building for several years. In 1970, Citizens Bank merged with Houston Bank and Trust, which was located approximately 14 blocks to the south at 1801 Main Street. The merged bank, Houston Citizens Bank and Trust, consolidated all of its operations at 1801 Main, until it was bought by First International Bank in 1977.


4.       “The Sign was painted on the west wall of the building sometime during the 1970s. At that time, Citizens Bank had already merged with Houston Bank and Trust, and relocated to the site at 1801 Main. Indeed, the Sign, which is 37 feet wide by 34 feet high, displays the message: “Houston Citizens Bank and Trust, 1801 Main at Jefferson.” As such, the Sign was originally erected and used for off-premise advertising, namely identifying and advertising a business that was not located on the same premises as the Sign.

5.       “Preston does not have any record of construction or operating permits for the Sign. Additionally, Preston does not have any correspondence from the City of Houston complaining about the off-premise advertising, or requirement of a permit to display it.

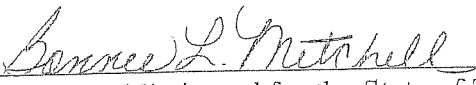
6.       “Preston purchased the Property for a significant sum, and it has continued to aggressively invest in remodeling, preserving, and maintaining the building. Preston depends upon the rental income generated from the Property in order to recoup its initial and subsequent investments. Along with the payment for rental of the offices in the building, Preston anticipated when it purchased the Property the recovery of rent for displaying outdoor advertising on the Sign affixed to the wall of the building as well. Therefore, Preston now desires to permit the Sign for off-premise use, which is the highest and best, and originally constructed and intended use for the Sign.

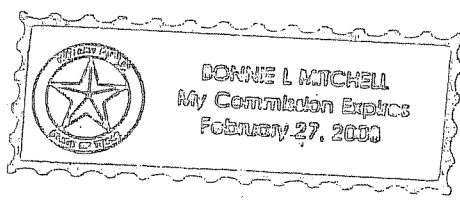


“Further, affiant sayeth not.”

  
\_\_\_\_\_  
Angus Hughes

SUBSCRIBED AND SWORN TO BEFORE ME on this the 31<sup>st</sup> day of October, 2006.

  
\_\_\_\_\_  
Notary Public in and for the State of T E X A S



67

AUG 08 2007

MOTION NO. 2007 0745

MOTION by Council Member Wiseman that the following item be postponed for thirty days:

Item 44 - Ordinance appropriating \$286,086.46 out of Water & Sewer System Consolidated Construction Fund and \$381,000.00 out of the Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and Waterway Development Inc., for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Sterling Village Subdivision, WBS S-000800-00M3-4, R-000800-00M3-4 & M-000800-00M3-4

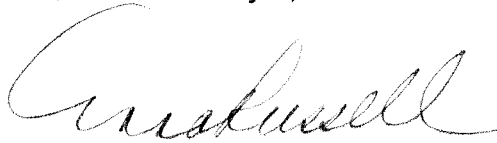
Seconded by Council Member Johnson and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Noriega voting aye  
Nays none  
Council Member Berry absent

Council Member Green out of the City on personal business

PASSED AND ADOPTED this 3rd day of July, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 9, 2007.

  
City Secretary



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Developer Participation Contract between City of Houston and Waterway Development, Inc. for the construction of water, sanitary sewer and storm sewer lines.  
 S-000800-00M3-4/ R-000800-00M3-4/ M-000800-00M3-4

Page 1 of 2  
 Agenda Item # ~~52~~ 53

67 44

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

**Origination Date:**

**Agenda Date**

Department of Public Works and Engineering

5/31/07

JUN 18 2007

**DIRECTOR'S SIGNATURE**

**Council District affected:**

~~JUN 20 2007~~

Michael S. Marcotte, P.E., DEE, Director

E

~~JUL 08 2007~~

**For additional information contact:**

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

AUG 08 2007

Jun Chang, P.E. Phone: (713) 837-0433

**Recommendation: (Summary)**

Approve a Developer Participation Contract between City of Houston and Waterway Development, Inc, for the City to pay 70% of the cost to construct approximately 3,420 linear feet of water line, 4,105 linear feet of sanitary sewer line and 100% of the cost to construct 2,545 linear feet of storm sewer line to serve the 127-lot subdivision, Sterling Village, and appropriate funds.

**Amount & Source of Funding:** \$286,086.49 Water & Sewer System Consolidated Construction Fund No. 8500  
 \$381,000.00 Homeless & Housing Consolidated Fund 4501  
 \$667,086.49 Total Appropriation

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

Waterway Development, Inc. proposes to construct approximately 3,420 linear feet of water line, 4,105 linear feet of sanitary sewer line and 2,545 linear feet of storm sewer line to serve the 127-lot subdivision, Sterling Village. The maximum amounts to be reimbursed are as follows:

**Required Authorization:** CUIC# 20JZC153

**F & A Budget:**

*[Signature]*

**Other Authorization:**

**Other Authorization:**

*[Signature]*  
 Andrew F. Icken, Deputy Director  
 Planning & Development Services

<b>Date:</b>	<b>Subject:</b> Developer Participation Contract between City of Houston and Waterway Development, Inc. for the construction of water, sanitary sewer and storm sewer lines.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Water

70% of construction cost (including interest & 5% contingency):	\$76,432.55
design cost:	<u>\$14,172.60</u>
total:	\$90,605.15

Wastewater

70% of construction cost (including interest & 5% contingency):	\$164,903.84
design cost:	<u>\$30,577.50</u>
total:	\$195,481.34

Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$323,850.00
design cost:	<u>\$57,150.00</u>
total:	\$381,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky

68

AUG 0 8 2007

MOTION NO. 2007 0747

MOTION by Council Member Wiseman that the following item be postponed for 30 days:

Item 45 - Ordinance appropriating \$430,489.32 out of Water & Sewer System Consolidated Construction Fund and \$375,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and Middlebury Properties, LP for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Fuqua Landing Subdivision

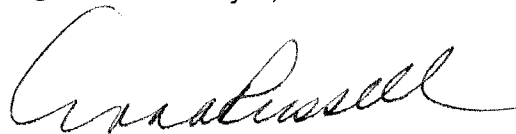
Seconded by Council Member Johnson and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Noriega voting aye  
Nays none  
Council Member Berry absent

Council Member Green out of the City on personal business

PASSED AND ADOPTED this 3rd day of July, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 9, 2007.



City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Developer Participation Contract between City of Houston and Middlebury Properties, L.P., for the construction of water, sanitary sewer and storm sewer lines.	<b>Page</b> 1 of 2	<b>Agenda Item #</b>
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68 | 45 | 53 | 54

S-000800-00N2-4/ R-000800-00N2-4/ M-000800-00N2-4

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

Department of Public Works and Engineering

**Origination Date**

5/31/07

**Agenda Date**

~~JUN 20 2007~~  
~~JUN 19 2007~~  
~~JUN 03 2007~~  
AUG 08 2007

**DIRECTOR'S SIGNATURE**

Michael S. Marcotte, P.E., DEE, Director

**Council District affected:**

E

**For additional information contact:**

Jun Chang, P.E. Phone: (713) 837-0433

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

**Recommendation: (Summary)**

Approve a Developer Participation Contract between the City and Middlebury Properties, LP for the City to pay 70% of the cost to construct approximately 3,187 linear feet of water line, 3,282 linear feet of sanitary sewer line and 100% of the cost to construct 3,052 linear feet of storm sewer line in Fuqua Landing Section 2, and appropriate funds.

**Amount & Source of Funding:** \$430,489.32 Water & Sewer System Consolidated Construction Fund No. 8500  
\$375,000.00 Homeless & Housing Consolidated Fund 4501  
\$805,489.32 Total Appropriation

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

Middlebury Properties, L.P., proposes to construct approximately 3,187 linear feet of water line, 3,282 linear feet of sanitary sewer line and 3,052 linear feet of storm sewer line to serve the 125-lot subdivision, Fuqua Landing Section Two. The maximum amounts to be reimbursed are as follows:

**Required Authorization:**

CUIC# 20JZC189

**F & A Budget:**

*Michael S. Marcotte*

**Other Authorization:**

**Other Authorization:**

*Andrew F. Icken*

Andrew F. Icken, Deputy Director  
Planning & Development Services

MOT

<b>Date:</b>	<b>Subject:</b> Developer Participation Contract between City of Houston and Middlebury Properties, L.P., for the construction of water, sanitary sewer and storm sewer lines.	<b>Originator's Initials</b>	<b>Page</b> 2 of 2
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Water

70% of construction cost (including interest & 5% contingency):	\$117,066.87
design cost:	<u>\$21,777.95</u>
total:	\$138,844.82

Wastewater

70% of construction cost (including interest & 5% contingency):	\$245,899.78
design cost:	<u>\$45,744.72</u>
total:	\$291,644.50

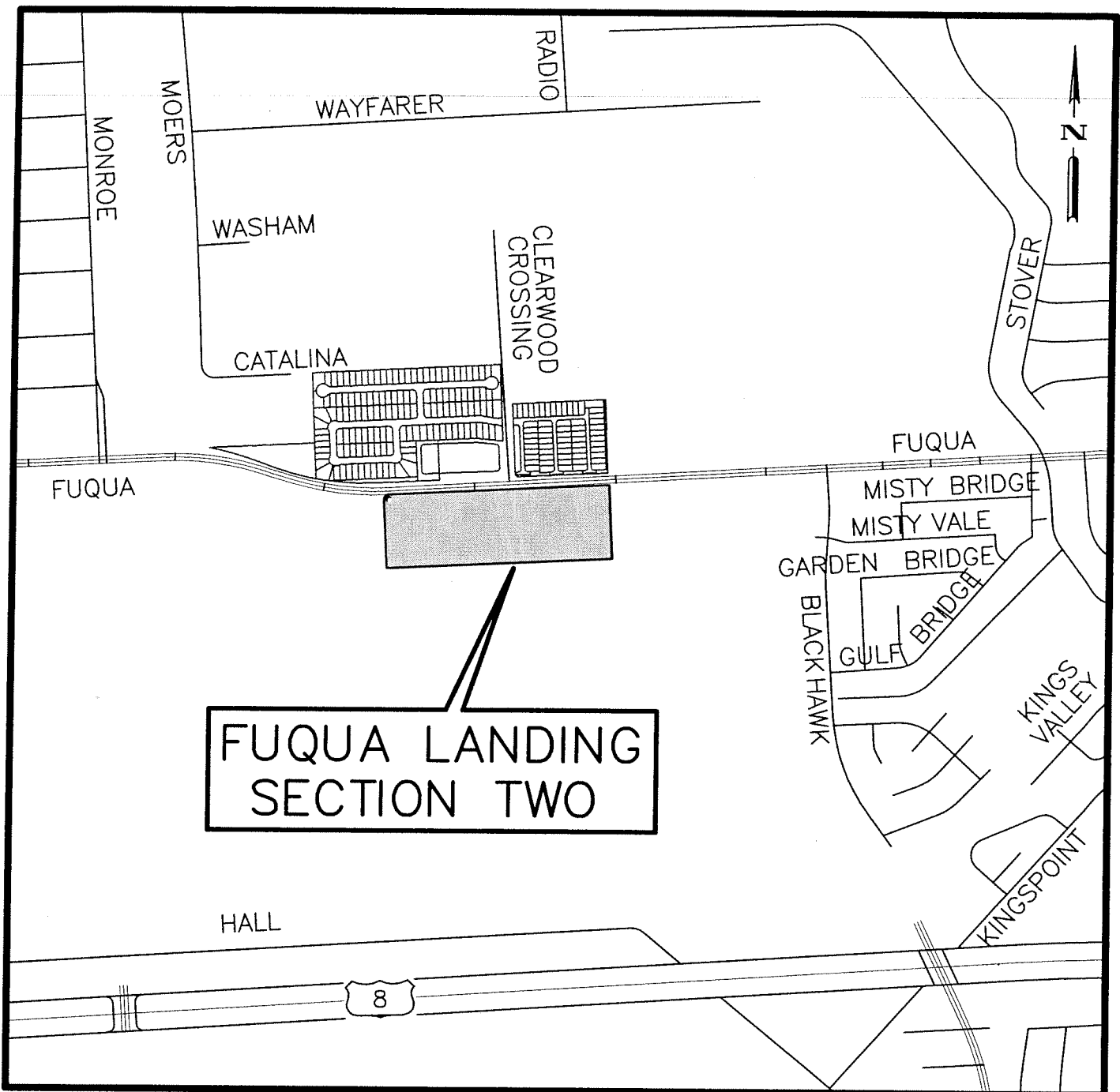
Storm Sewer (Including appropriate detention)

100% of construction cost (including interest & 5% contingency):	\$318,750.00
design cost:	<u>\$56,250.00</u>
total:	\$375,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
 Craig Foster  
 John Sakolosky



# VICINITY MAP

N.T.S.

HARRIS COUNTY KEY MAP 575 U

GIMS MAP 5651B & 5651D

69

AUG 08 2007

MOTION NO. 2007 0748

MOTION by Council Member Wiseman that the following item be postponed for thirty days:

Item 46 - Ordinance appropriating \$461,639.06 out of Water & Sewer System Consolidated Construction Fund and \$420,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and Middlebury Properties, LP for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Four of the Clearwood Crossing Subdivision, WBS S-000800-00N1-4, R-000800-00N1-4 & M-000800-00N1-4

Seconded by Council Member Johnson and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Noriega voting aye  
Nays none  
Council Member Berry absent

Council Member Green out of the City on personal business

PASSED AND ADOPTED this 3rd day of July, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 9, 2007.



City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Developer Participation Contract between City of Houston and Middlebury Properties, L.P., for the construction of water, sanitary sewer and storm sewer lines.

Page  
1 of 2

Agenda Item #

69 46 54 55

S-000800-00N1-4/ R-000800-00N1-4/ M-000800-00N1-4

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

Department of Public Works & Engineering

**Origination Date:**

5/31/07

**Agenda Date:**

~~JUN 13 2007~~

**Director's Signature:**

*Michael S. Marcotte*  
Michael S. Marcotte, P.E. DEE

**Council District affected:**

E

~~JUN 30 2007~~

~~JUL 03 2007~~

AUG 08 2007

**For additional information contact:**

Jun Chang, P.E. *JC*  
(713) 837-0433

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

**Recommendation: (Summary)**

Approve a Developer Participation Contract between the City and Middlebury Properties, LP., for the City to pay 70% of the cost to construct approximately 4,295 linear feet of water line, 3,953 linear feet of sanitary sewer line and 100% of the cost to construct 3,752 linear feet of storm sewer line in Clearwood Crossing Section 4, and appropriate funds.

**Amount & Source of Funding:** \$461,639.06 Water & Sewer System Consolidated Construction Fund No. 8500  
\$420,000.00 Homeless & Housing Consolidated Fund 4501  
\$881,639.06 Total Appropriation

**Specific Explanation:**

Article IV of Chapter 47 of the Code of Ordinances, Houston, Texas (Houston Code) included provisions for City participation in the cost of the construction of water and sewer mains by a developer. In January, 2001, City Council amended Chapter 47 by approving Section 47-164 of the Code, providing for the City and a developer to enter into a cost-sharing agreement under which a developer of single family residences designs and constructs the mains necessary to serve the development (water and wastewater) and dedicates them to the City in exchange for 70% reimbursement of the construction cost and 100% of the design cost. The Ordinance also provides for the City to reimburse the developer 100% of the cost to design and construct storm water mains and appurtenances, up to a maximum of \$3,000.00 per lot, if the homes qualify as affordable housing (sell for less than the median price of a house in Houston). The Ordinance further allows the City to pay interest costs incurred by the developer. The developer will be reimbursed after 25% of the residences have been built. The developer has eighteen (18) months from the date of the contract to begin construction and three (3) years from the beginning of construction to complete the number of houses necessary for reimbursement. As of February, 2005, all 70% Developer Participation Contracts contain specific provisions to ensure that the projects will facilitate development of single-family, owner-occupied residences.

Middlebury Properties, L.P., proposes to construct approximately 4,295 linear feet of water line, 3,953 linear feet of sanitary sewer line and 3,752 linear feet of storm sewer line to serve the 140-lot subdivision, Clearwood Crossing Section Four. The maximum amounts to be reimbursed are as follows:

**REQUIRED AUTHORIZATION:**

20JZC188

**F&A Budget:**

*Andrew Icken*

**Other Authorization:**

**Other Authorization:**

*Andrew F. Icken*

Andrew F. Icken, Deputy Director  
Planning & Development Services

*not*



**SUBJECT:** Developer Participation Contract between City of Houston and Middlebury Properties, LP., for the construction of water and sanitary sewer.

**Originator's  
Initials**

**Page  
2 of 2**

Water

70% of construction cost (including interest & 5% contingency):	\$140,094.71
design cost:	<u>\$26,101.31</u>
total:	\$166,196.02

Wastewater

70% of construction cost(including interest & 5% contingency):	\$249,043.31
design cost:	<u>\$46,399.73</u>
total:	\$295,443.04

Storm Sewer (Including appropriate detention)

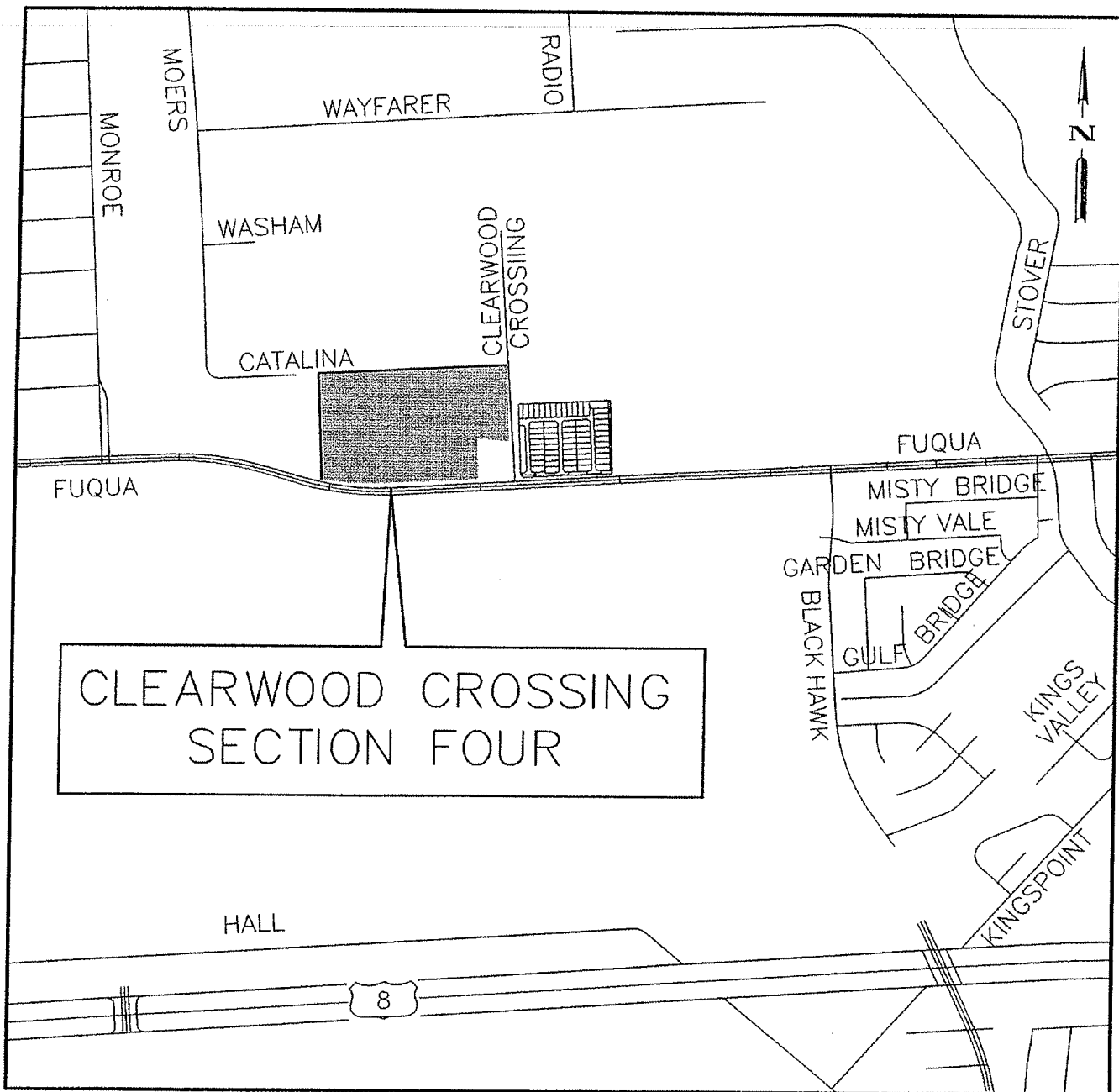
100% of construction cost (including interest & 5% contingency):	\$357,000.00
design cost:	<u>\$63,000.00</u>
total:	\$420,000.00

Upon approval of this agreement, the Developer will proceed with preparation of construction drawings and specifications for the project. The project will then be advertised by the Developer in accordance with state bid laws. The Department of Public Works and Engineering will inspect the construction of the mains and review the final construction cost to determine the actual amount of the City's share.

AFI:JC:MAS:tp

c: Marty Stein  
Craig Foster  
John Sakolosky

S:\PROJECTS\TX\TX03\TX03-5\TOLD TRE03-6\TX03-5\REF\map.dwg, 4/26/2007 11:37:46 AM, Monson, 1:0.527947



# VICINITY MAP

N.T.S.

HARRIS COUNTY KEY MAP 575 U

GIMS MAP 5651B & 5651D

70  
AUG 08 2007

MOTION NO. 2007 0749

MOTION by Council Member Edwards that the following item be postponed for 30 days:

Item 47 - Recommendation from Director Building Services Department for approval of final contract amount of \$827,303.87 and acceptance of work on contract with Apache Services, Inc. for SHAPE Community Center

Seconded by Council Member Alvarado and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Noriega voting aye  
Nays none  
Council Member Berry absent

Council Member Green out of the City on personal business

PASSED AND ADOPTED this 3rd day of July, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 9, 2007.

  
City Secretary

<b>SUBJECT:</b> Accept Work Apache Services, Inc. SHAPE Community Center WBS No. Y-00P013-0002-4	Page 1 of 2	Agenda Item
	70	47

<b>FROM (Department or other point of origin):</b> Building Services Department	<b>Origination Date</b> 6.19.07	<b>Agenda Date</b> <del>JUN 27 2007</del> JUL 03 2007
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<b>DIRECTOR'S SIGNATURE:</b> Issa Z. Dadoush, P.E. <i>[Signature]</i> 6/13/07	<b>Council District affected:</b> -I
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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 2005-1239; dated 11/16/05
---------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

**RECOMMENDATION:** Pass a motion approving the final contract amount of \$827,303.87, accept the work, and authorize final payment.

<b>Amount and Source of Funding:</b> No Additional Funding Required <b>Previous Funding:</b> \$250,000.00 CDBG BFY97/132/32/3238/NFAR/3109/C634 \$166,775.00 CDBG BFY98/132/32/3238/NFAR/3109/C731 \$492,725.00 CDBG BFY01/132/25/1420/NFAR/3109/C022 <b>\$909,500.00 TOTAL</b>	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:** The Building Services Department recommends that City Council approve the final contract amount of \$827,303.87 or 4.46% over the original contract amount, accept the work, and authorize final payment to Apache Services, Inc.

**PROJECT LOCATION:** SHAPE Community Center  
 3903 Alameda Road (493X)

**PROJECT DESCRIPTION:** The project demolished and reconstructed the SHAPE Community Center, including demolition of existing structures, foundations, utilities and paving, site clearing, site utility work, reinforced concrete paving and foundations, structural steel, carpentry work, cabinetry, thermal and moisture protection, fireproofing, doors, windows and hardware, HVAC, plumbing, electrical work and installed electrical conduit for owner furnished communications system.

The design consultant and construction manager for this project was Lay-Su & Associates, Inc.

**CONTRACT COMPLETION AND COST:** The contractor completed the project within the contract time, plus an additional 68 days approved by Change Order 4. The final cost of the project, including Change Orders 1 - 4, is \$827,303.87, an increase of \$35,303.87 over the original contract amount.

**REQUIRED AUTHORIZATION** CUIC ID# 25RAV167

<b>Building Services Department:</b> <i>Wendy Heger</i> Wendy Teas Heger, AIA Chief of Design & Construction Division	<b>Other Authorization</b>	<b>Housing and Community Development Department:</b> <i>Rexee Carington for Richard Celli</i> Richard Celli Director
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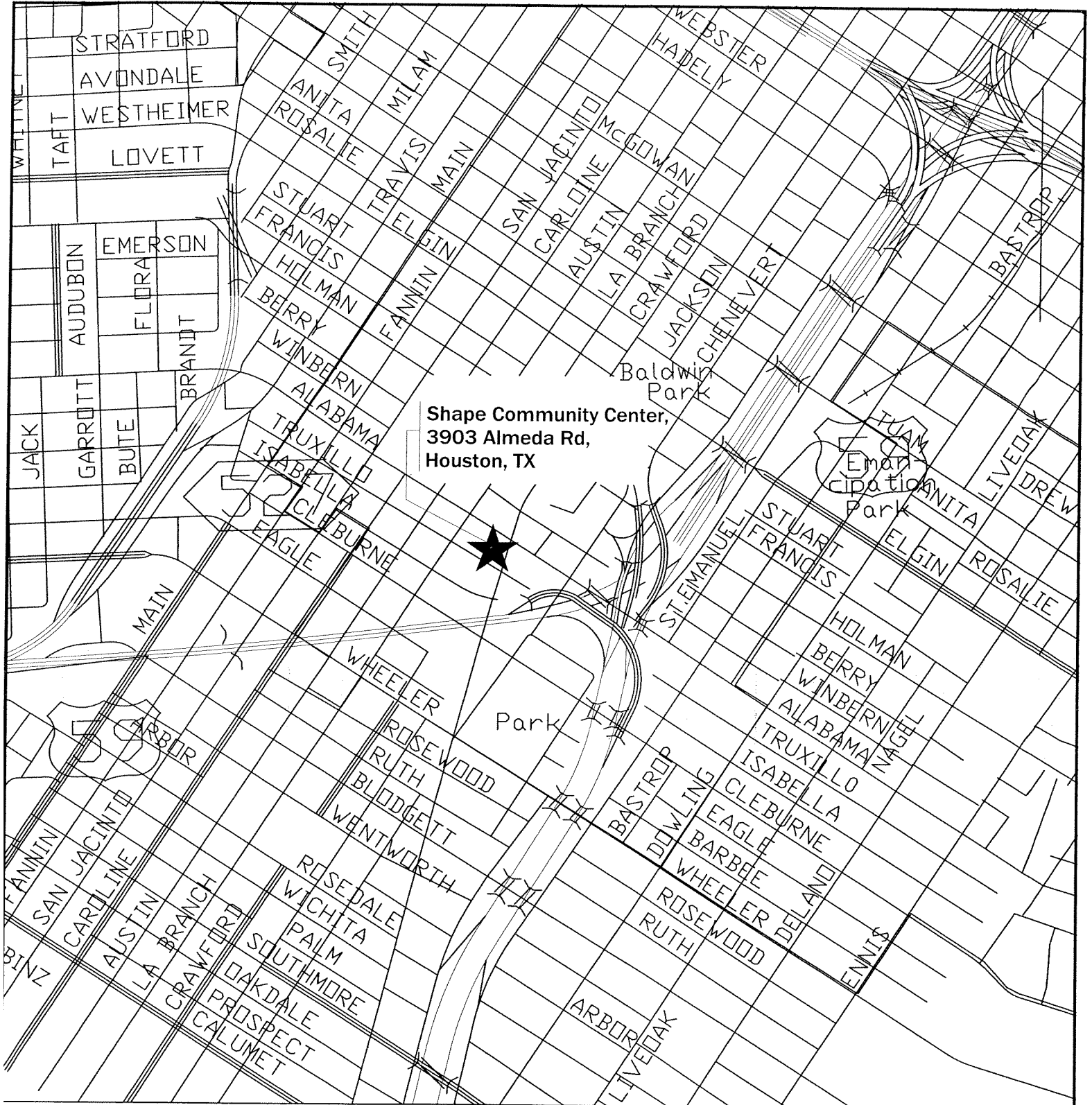
<b>Date</b>	<b>SUBJECT:</b> Accept Work Apache Services, Inc. SHAPE Community Center WBS No. Y-00P013-0002-4	<b>Originator's Initials</b>  JWA	<b>Page</b> 2 of 2
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**PREVIOUS CHANGE ORDERS:** Change Order 1 was the result of an unforeseen condition discovered during excavation that replaced an existing sanitary sewer line and demolished an existing concrete foundation wall under the building pad. Change Order 2 relocated the existing Centerpoint guy wire and installed cast iron waste and vent piping in place of the specified PVC. Change Order 3 installed a chain link fence enclosure around the AC condensing units, replaced existing storm sewer clean out with a catch basin, and granted a time extension. Change Order 4 installed acoustical wall carpet, painted the exposed roof structure in the activity room, refinished the existing pole mounted S.H.A.P.E. street sign, and installed a new sign on the Alameda side of the building.

*M. Stein*

IZD:WTH:RAV:JLN:JWA:mp

c: Marty Stein; Laura Ortiz; Jacquelyn Nisby; Wendy Teas Heger, AIA; Kim Nguyen; James Tillman IV; File 1108



# Shape Community Center

## 3903 Almeda Houston, Tx

**SUBJECT:** Goal for the Participation of Disadvantaged Business Enterprises ("DBEs") in U.S. Department of Transportation/Federal Aviation Administration ("DOT/FAA") Funded projects

Category

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**FROM** (Department or other point of origin): Mayor's Office of Affirmative Action and Contract Compliance

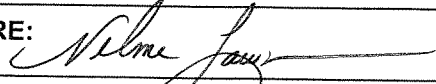
**Origination Date:**

7/31/07

**Agenda Date:**

AUG 01 2007

**DIRECTOR'S SIGNATURE:**



**Council District affected:** AUG 08 2007

**For additional information contact:** Velma Laws  
Phone: 713.837.9015

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

**RECOMMENDATION:** (Summary) Adopt Motion setting overall goal of 21.8%, including a 1.0% race-neutral component, for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2007 through September 30, 2008, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements.

**Amount of Funding:** N/A

**F & A Budget:** N/A

**SOURCE OF FUNDING:** NA

**SPECIFIC EXPLANATION:**

Effective March 4, 1999, the DOT adopted a final rule implementing changes to 49 CFR Part 26, which mandated new requirements for participation for Disadvantaged Business Enterprises ("DBEs") in DOT assisted contracts, for Houston Airport System projects, and if applicable, Department of Public Works and Engineering projects. Substantial changes in federal regulations required enactment of Ordinance 99-893 to comply with the revised federal requirements for DOT-assisted contracts. The City is not eligible to receive DOT financial assistance unless it is in compliance with these federal regulations.

The regulations require the City to set and publish annually a proposed overall contract goal for DBE participation in DOT-assisted contracts, following guidelines set forth in regulations. Pursuant to Ordinance 99-893 approved by City Council on August 18, 1999, the city set an initial goal of 17% DBE participation, with a 1.0% race neutral component. The goals for subsequent fiscal years are as follows:

Fiscal Year	DBE Goal	Race Neutral Goal
2001	19.30%	2%
2002	19.38%	1%
2003	21.3%	1%
2004	20.0%	1%
2005	20.1%	1%
2006	19.7%	1%
2007	20.08%	1%

The City is required to submit a revised goal for the 2008 federal fiscal year, pursuant to federal regulations. The Affirmative Action and Contract Compliance Division of the Mayor's Office ("AAD"), in cooperation with the Houston Airport System, has analyzed the relevant criteria required by DOT, and recommends an overall contract DBE goal of 21.8% DBE participation, with a 1.0% race neutral goal for the 2008 federal fiscal year.

The AAD recommends adoption of the Motion setting goals for the 2008 federal fiscal year in order to comply with federal requirements.

**REQUIRED AUTHORIZATION**

**F & A Director:**

**Other Authorization:**

**Other Authorization:**

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Accept Work – The Morganti Group, Inc. for the Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston; Project 444B.	<b>Category # 7</b>	<b>Page 1 of 1</b>	<b>Agenda Item #</b> 724
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<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> June 22, 2007	<b>Agenda Date</b> <del>AUG 0 1 2007</del>
------------------------------------------------------------------------------	------------------------------------------	-----------------------------------------------

<b>DIRECTOR'S SIGNATURE:</b> <i>Kae Gann</i>	<b>Council District affected:</b> "B"	<b>Agenda Date</b> AUG 0 8 2007
----------------------------------------------	------------------------------------------	------------------------------------

<b>For additional information contact:</b> Eric R. Potts <i>ERP</i> Phone: 281-233-1999 John S. Kahl <i>JSK</i> 281-233-1941	<b>Date and identification of prior authorizing Council action:</b> 05/16/01 (O) 2001-416 10/14/03 (O) 2003-979
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> None Required	<b>Prior appropriations:</b> \$ 56,900,000.00 CIP No. A-0026 Airport System Special Facilities Taxable Revenue Bonds (CRCF) \$ 250,000.00 CIP No. A-0422 Airport System Special Facilities Taxable Revenue Bonds (CRCF) \$ 500,000.00 CIP No. A-0026 Airport System Special Facilities Taxable Revenue Bonds (CRCF) <hr/> \$ 57,650,000.00 TOTAL
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**RECOMMENDATION: (Summary)**  
Pass a motion to approve the final contract amount of \$55,827,573.22 or 5.89 percent more than the original contract amount, accept work, and authorize final payment.

**SPECIFIC EXPLANATION:**

The Contractor, The Morganti Group, Inc., has completed all the work required under their Contract No. 52691 dated May 22, 2001, in the amount of \$52,724,490.00 for the Consolidated Rental Car Facility at George Bush Intercontinental Airport/Houston. During construction, Othon, Inc. inspected this project. The inspector was Mr. Al Vaughan.

The final amount of the contract, including Change Orders Nos. 1 through 3 in the amount of \$3,135,150.29 and line item under runs in the amount of \$32,067.07 will be \$55,827,573.22 which is 5.89 percent more than the original contract amount. The changes were for additional electrical for area lighting, escalator changes, code revisions and changes to the building waterproofing system.

The Morganti Group, Inc. did not meet their 6.93% M/WBE goal. According to Office of Affirmative Action and Contract Compliance, their final participation was 6.37%. The Office of Affirmative Action & Contract Compliance awarded The Morganti Group, Inc. a "Satisfactory" rating.

RMV: ERP: JSK  
Attachments

cc: Ms. Marty Stein                      Mr. Richard M. Vacar                      Dr. Kent R. McLemore                      Mr. Dara N. Umrigar  
Mr. Anthony W. Hall, Jr.                      Ms. Sara S. Culbreth                      Mr. Frank D. Crouch                      Ms. Janice D. Woods  
Mr. Arturo G. Michel                      Mr. Eric R. Potts                      Mr. John S. Kahl                      Mr. Richard Fernandez  
Ms. Velma Laws                      Ms. Kathy Elek                      Mr. Adil Godiwalla                      Mr. J. Goodville Pierre

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



**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7517**

**Subject:** Approve the Sole Source Purchase of a Grimm Portable Aerosol Spectrometer and Accessories for the Health & Human Services Department.  
S23-N22531

Category #  
4

Page 1 of 1    Agenda Item

**73** ~~10~~

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 10, 2007

**Agenda Date**

AUG 08 2007  
~~AUG 01 2007~~

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

All

**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 sole source purchase from Grimm Technologies, Inc. in the amount of \$30,650.00 for a portable aerosol spectrometer and accessories for the Health & Human Services Department.

**F & A Budget**

Award Amount: \$30,650.00

\$18,900.00 - Health Special Revenue Fund (2002)  
\$11,750.00 - Federal State Local - Pass Through Funds (5030)  
**\$30,650.00 TOTAL**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve the sole source purchase from Grimm Technologies, Inc. in the amount of \$30,650.00 for a portable aerosol spectrometer and accessories for the Health & Human Services Department and that authorization be given to issue a purchase order. This instrument will be used by the Department's Bureau of Air Quality Control to investigate complaints pertaining to particulate matter. Particulate matter is a complex mixture of extremely small particles and liquid droplets. The sizes of the particles are directly linked to their potential for causing health problems such as chronic bronchitis and acute respiratory symptoms.

Grimm Technologies, Inc. is the sole source manufacturer of the patented instrument and has no authorized distributors for this equipment.

This award consists of a portable real-time aerosol spectrometer, a lead storage battery, an external power supply, and accessories such as carrying cases and a battery charger. This instrument will come with a full one-year warranty for parts and workmanship and the life expectancy is ten years.

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

Buyer: Roy Breaux

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MDT*

*MDT*

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7515**

**Subject:** Sole Bid Received for Interuterine (IUD) Copper Contraceptive Devices for the Health & Human Services Department  
S09-S22473

Category #  
4

Page 1 of 1    Agenda Item

**74 #**

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 09, 2007

**Agenda Date**

~~AUG 0 1 2007~~  
AUG 0 8 2007

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Daphne Sands                      Phone: (713) 794-9197  
Desiree Heath                      Phone: (713) 247-1722

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

**RECOMMENDATION: (Summary)**

Approve an award to Integrated Commercialization Solutions, Inc. dba ParaGard Direct on its sole bid in an amount not to exceed \$213,808.00 for interuterine (IUD) copper contraceptive devices for the Health & Human Services Department.

Estimated Spending Authority: \$213,808.00

**F & A Budget**

\$213,808.00    General Fund (1000)

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an award to Integrated Commercialization Solutions, Inc. dba ParaGard Direct on its sole bid in an amount not to exceed \$213,808.00 for IUD copper contraceptive devices for the Health & Human Services Department. It is further requested that authorization be given to make purchases, as needed, for a 60-month period.

This award consists of IUDs that will be administered to the indigent patients that visit six (6) of the City's health clinics. These health clinics in specific are La Casa Nueva, Lyons Health Center, Magnolia, Northside, Riverside and Sunnyside.

This City of Houston's expenses on this project will be reimbursed via the Government's Medicaid program.

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 only one bid was received due to the specialization of these items.

Buyer: M.A. Cruz Goldman

Attachment: MWBE zero-percent goal document approved by the Affirmative Action Division.

**Estimated Spending Authority:**

Department	FY08	Out Years	Total
Health & Human Services Department	\$45,000.00	\$168,808.00	\$213,808.00

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:

*MD*



# CITY OF HOUSTON

Finance & Administration Department  
Strategic Purchasing Division (SPD)

## Interoffice

Correspondence

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

From: M. A. Cruz Goldman

Date: April 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  0%

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: \_\_\_\_\_

Solicitation Number: S09-S22473 Estimated Dollar Amount: \$213,808.00

Anticipated Advertisement Date: 5/4/2007 Solicitation Due Date: 5/17/2007

Goal On Last Contract: 0% Was Goal met: Yes  No

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

Name and Intent of this Solicitation:

This bid covers 230 boxes of Interuterine (IUD) Copper Contraceptive Devices that will be administered to patients at the City's health clinics. This quantity represents a 60-month term contract that will be federally funded under a grant.

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

There is only one manufacturer/distributor for these IUDs and neither company is locally situated. The IUDs will be dropped-shipped to the City of Houston. Thus, there isn't an opportunity to involve a City-certified M/WBE.

Concurrence:

SPD Initiator

Division Manager

FOR Velma Laws, Director  
\*Affirmative Action

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>

REVISED: 4/27/2007

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

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<b>SUBJECT:</b> Approval of a resolution designating River Oaks Community Shopping Center and River Oaks Theatre, and Alabama Community Shopping Center and Alabama Theatre as 2 Historic Landmarks (See attachment - page 2 of 2)	<b>Category #</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 75 <del>13</del>
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<b>FROM (Department or other point of origin):</b> Planning and Development	<b>Origination Date</b> 7/27/2007	<b>Agenda Date</b> <del>AUG 0 1 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b> <i>Thomas A. Spivey</i>	<b>Council District affected:</b> D & C	<b>Agenda Date</b> AUG 0 8 2007
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<b>For additional information contact:</b> Thomas McWhorter Phone: 713-837-7963	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**  
Approval of a resolution designating River Oaks Community Shopping Center and River Oaks Theatre, and Alabama Community Shopping Center and Alabama Theatre as 2 Historic Landmarks - (See attachment - page 2 of 2)

<b>Amount and Source of Funding:</b> NA	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
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 designation application. The HAHC rather than the property owner initiated landmark designation applications of River Oaks Community Shopping Center (1952-2048 W. Gray) and River Oaks Theatre (2009 W. Gray), and Alabama Community Shopping Center (2900-2946 S. Shepherd) and Alabama Theatre (2922 S. Shepherd) on April 25, 2007. When the HAHC voted to initiate the applications for designation of these properties, they became subject to provisions of the Historic Preservation Ordinance. On May 9, 2007 the owner applied for a certificate of appropriateness (COA) to demolish the northwest corner of the River Oaks Community Shopping Center at W. Gray and S. Shepherd (2040-2048 W. Gray) which the HAHC considered and denied on May 23, 2007.

Public Hearings were held by the HAHC and the Houston Planning Commission on June 13, 2007 and June 21, 2007 respectively. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the two historic landmark designations. On July 20, 2007 the owner provided Planning staff with new information regarding the demolition of a historic building, which was part of the original Landmark designation application for the River Oaks Community Shopping Center. The historic building was demolished in 1979, and instead of being renovated as originally stated in the application, it was replaced with two new buildings, which are immediately adjacent to one another. The Landmark application has been revised to exclude the first building (2002 W. Gray - La Griglia), which was originally built in 1982-83 and then rebuilt in 1991. The second building, also built in 1982-83, includes the following addresses: (2008 W. Gray; 2012 W. Gray; 2020 W. Gray; (2022 W. Gray); and (2028 W. Gray).

The applicant may not proceed with demolition until the 90 day waiver period expires, which is August 7, 2007. On August 8, the owner may apply for a permit for demolition.

There were no objections to the designation applications.

MLG: tm

Attachments: Revised Staff Reports

xc Marty Stein, Agenda Director; Anna Russell, City Secretary; Arturo G. Michel, City Attorney; Deborah McAbee, Land Use Division, Legal Dept; Harold L. Hurtt, Chief, Police Depart; Phil Boriskie, Chief, Fire Department

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>Date</b>	<b>Subject:</b> Approval of a resolution designating 2 historic Landmarks	<b>Originator's Initials</b>	<b>Page <u>2</u> of <u>2</u></b>
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LANDMARKS NAME /ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:
1. River Oaks Community Shopping Center - the north side of W. Gray including 1952-1998 and 2030-2048 W. Gray and the south side of W. Gray including 1953-2047 W. Gray and the River Oaks Theatre at 2009 W. Gray	HAHC	D	6-13-2007	6-21-2007
2. Alabama Community Shopping Center and Alabama Theatre including 2900-2946 S. Shepherd Drive, including the Alabama Theatre at 2922 S. Shepherd Drive, being the entire west side of the 2900 block of S. Shepherd Drive between Kipling and W. Alabama	HAHC	C	6-13-2007	6-21-2007

Photos of the proposed landmarks can be found by going to the following link on the Planning Department's web site:  
[http://www.houstontx.gov/planning/historic\\_pres/pending.htm](http://www.houstontx.gov/planning/historic_pres/pending.htm).

REVISED 7-26-07

**LANDMARK DESIGNATION REPORT****LANDMARK NAME:** River Oaks Community Shopping Center and River Oaks Theatre**AGENDA ITEM:** II.b**OWNER:** Weingarten Realty**HPO FILE NO.:** 07L183**APPLICANT:** Houston Archaeological and Historical Commission**DATE ACCEPTED:** 05-23-07**LOCATION:** 1952-2048 W. Gray, including the River Oaks Theatre at 2009 W. Gray, being both the north and south sides of W. Gray between Driscoll Street and S. Shepherd Drive, excluding the following addresses: 2050 W. Gray; 2049 W. Gray; 2028 W. Gray; 2022 W. Gray; 2020 W. Gray; 2012 W. Gray; 2008 W. Gray; and 2002 W. Gray.**HAHC HEARING:** 06-13-07**PC HEARING:** 06-21-07**30-DAY HEARING NOTICE:** 05-09-07**SITE INFORMATION**

Tracts 1, 3, 9, 10, 11, 12, 13A, Abstract 696, O. Smith Survey, Houston, Harris County, Texas. The buildings on the site include a movie theatre and several one and two-story, stucco-clad commercial buildings.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation**HISTORY AND SIGNIFICANCE SUMMARY:**

The River Oaks Community Shopping Center, one of Houston's most innovative and well-recognized early retail complexes, was determined by the Texas Historical Commission on September 5, 2006 as eligible for listing in the National Register of Historic Places. On April 25, 2007 the Houston Archaeological and Historical Commission (HAHC) instructed the Planning Official to prepare a Landmark Designation application for the River Oaks Community Shopping Center and River Oaks Theatre to be considered at the HAHC public hearing on June 13, 2007.

Richard Longstreth, the foremost historian of 20<sup>th</sup> century American retail architecture, considers the River Oaks Community Shopping Center to be "one of the outstanding examples of shopping center design of the 1930s in a national context." Stephen Fox, Rice University professor and architectural historian, contends that the Center has significance for listing in the National Register of Historic Places at the national level, and would be a good candidate for designation as a National Historic Landmark. Furthermore, Fox says it ranks with the downtown Foley's store and The Galleria as one of the three most architectural-historically significant works of 20<sup>th</sup> century retail architecture in Houston.

The River Oaks Community Shopping Center was constructed between 1936 and 1937 by the River Oaks Corporation from a design by Stayton Nunn-Milton G. McGinty, architects, with Oliver C. Winston as consulting architect. The construction of the River Oaks Community Shopping Center was an important part of the implementation of the overall River Oaks master plan. It provided convenience and commerce for not only the River Oaks neighborhood, but eventually for all Houstonians.

The original center at W. Gray and S. Shepherd consists of two, identical crescent-shaped, one-story masonry, stucco-clad commercial blocks, one on the north side and another on the south side of W. Gray. Each of the two commercial blocks terminates into a two-story, commercial block on the eastern edges, again, one located on the north side and another located on the side south side of W. Gray. This

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symmetrical placement of these two crescent shaped buildings is what one first sees when leaving the upscale, River Oaks neighborhood on W. Gray, or turning onto W. Gray from S. Shepherd. The center was designed to allow drivers to see all storefronts in either half of the center. The exceptional design and quality of the development was the subject of an extensive article in *Architectural Record* in June 1940. Another innovative approach for the center was the introduction by the architects of a backlit, cavetto canopy to Houston. Another first for Houston was that all buildings were unified by restrictions on signs, displays, and lighting.

The buildings are not only significant examples of modern, Art Deco architecture, but are also closely linked to the importance and prominence of the River Oaks Corporation and its innovative development, River Oaks. Moreover, the Center is significant as Houston's first auto-centered, suburban shopping center, and one of the first such developments in the country. The original two buildings were eventually incorporated into a larger complex covering approximately eight blocks, which expanded the shopping complex eastward toward downtown Houston.

The River Oaks Theatre was built and operated by Interstate Theatre Corporation, which owned a number of theaters in the South. Interstate Theatres hired the Dallas-based architectural firm of H. F. Pettigrew and Worley to design the theater, which was designed in the Modernistic style so prevalent in America at the time and in harmony with the balance of the River Oaks Community Shopping Center. The theater building is notable for its sleek modern exterior with bold horizontal lines of alternating black and white bands of enameled steel, a motif which is repeated throughout the complex. A boomerang shaped marquee is affixed horizontally below the black and white banding and is capped by neon letters which spell "River Oaks." The theater remains unique even today as the only historic Houston movie theater still used for its original purpose.

**REVISION: The center has undergone several sympathetic remodelings in the past that reversed prior unsympathetic alterations. Since the time of the public hearings before the HAHC and the Planning Commission, Weingarten Realty has provided Planning staff with new information regarding the demolition of a historic building that was part of the original Landmark designation application. They advised that the building was demolished in 1979, and instead of being renovated as originally stated, it was replaced with two new buildings, which are immediately adjacent to one another. These buildings, which are not historic, have been excluded from the revised Landmark designation application. They are located on the north side of W. Gray, being described as Tract 2, Tract 16, and Tract 17. The first building is 2002 W. Gray (La Griglia), which was originally built in 1982-83 and then rebuilt in 1991. The second building, built in 1982-83, includes the following addresses: 2008 W. Gray (Chico's); 2012 W. Gray (Gymboree); 2020 W. Gray (Bath Junkie); 2022 W. Gray (Paula Fridkin); and 2028 W. Gray (Talbot's).**

Also excluded originally from the Landmark designation application were the following new buildings: Starbuck's Coffee at 2050 W. Gray (located at the southwest corner of Tract 1), Bank One at 2049 W. Gray (located at the northwest corner of Tracts 11, 12, and 12A), and the Kroger Shopping Center further east. All of the modern, auxiliary buildings, not included in the Landmark designation application, were constructed to harmonize in scale, context and appearance with the historic River Oaks Community Shopping Center. More importantly, the historic Center was not altered in any way during those recent projects. In fact, Weingarten's past actions have done nothing but acknowledge the center's original architectural elements as significant, and by respecting the Center's architectural and historical importance, have strived to create a real "sense of place" for the entire shopping area. This special character is rarely found elsewhere in Houston, and is one that should be respected and preserved.

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The River Oaks Community Shopping Center and River Oaks Theatre, which have been determined as eligible for listing in the National Register of Historic Places, qualify for City of Houston Landmark Designation under Criteria 1, 3, 4, 5, 6, and 8.

### **HISTORY AND SIGNIFICANCE:**

The River Oaks Community Shopping Center located at 1952 to 2050 W. Gray and the River Oaks Theatre at 2009 W. Gray comprise one of Houston's most innovative and well recognized early retail complexes. Designed to provide convenient shopping for the new subdivision of River Oaks, this 'community center' is a fine example of suburban commercial architecture with the attributes of small scale, accessibility by automobile, and dramatic modern architecture.

The original shopping center was constructed by the River Oaks Corporation, which was financed by Will C. Hogg and Mike Hogg, with Hugh Potter acting as its President. The River Oaks Corporation had begun to develop the River Oaks subdivision in 1923. The neighborhood's first building was the summer home for William L. Clayton at 3376 Inwood Drive (City of Houston Landmark), which backed up against the extensive River Oaks Country Club and Golf Course. Clayton, a well respected businessman and civic leader in Houston and in the nation's capitol, set the trend for the high caliber of future residents who would be drawn to the subdivision.

The creation of this type of subdivision was unique for Houston in many respects. The subdivision was laid out at what was then the far western edge of Houston. Prior to 1923, the majority of Houston's residential developments had occurred in a tight girdle around the downtown business district. As the sheer size of Houston increased, the demand for more neighborhoods grew along with it. Beginning in the early 20<sup>th</sup> century, the development followed a generally westerly and southwesterly expansion. The newer, more fashionable neighborhoods, such as Westmoreland (1902), Avondale (1907), Montrose (1911), Audubon Place (1906), Cherryhurst (1908), Binz, Southmore (1914), and Courtland Place (1906), developed along the Main Street corridor and to the southwest of downtown. River Oaks, however, was situated at the western city limits far away from other developments.

In addition, the developers broke with convention by laying out an organic pattern of roadways which lent a sense of spaciousness to the neighborhood, which was very different from the traditional Houston neighborhoods that followed a more rigid approach to development. These traditional neighborhoods used street grids which carved the land up into predictable square or rectangular blocks. According to the Texas State History Association's Handbook of Texas:

"River Oaks is by Buffalo Bayou and Memorial Park in west central Houston. The residential garden suburb, which comprises 1,100 acres, was developed in the 1920s by Michael Hogg and attorney Hugh Potter, who in 1923 obtained an option to purchase 200 acres surrounding the River Oaks Country Club. In 1924 Hogg organized Country Club Estates to promote the development. The two developers retained Kansas City landscape architects Hare and Hare to provide a master plan that would protect the environmental integrity and natural beauty of the area. They also hired J. C. Nichols, who built one of the first major shopping centers in the United States, to serve as a design consultant. The master plan included homesites, a fifteen-acre campus for River Oaks Elementary School, two shopping centers, and esplanades planted with flowers. It called for underground utility lines, eliminated alleys, allowed only three intersecting streets, provided rigid building codes, and eventually banned all commercial traffic. Deed restrictions and centralized community control assured exclusivity; approval of house designs by a panel of architects and citizens and a purchase price of at least \$7,000 were required. A "gentleman's agreement" excluded



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blacks, Jews, and other minorities. The first home in the area, built by Will and Sue Clayton, is now listed in the National Register of Historic Places. Among the other notable houses is Ima Hogg's family home Bayou Bend [City of Houston Landmark], designed by John F. Staub and Birdsall P. Briscoe. In the late 1920s the development lost money, but by the late 1930s developers had invested \$3 million in the project, and the community had begun to influence development patterns downtown. In the 1990s River Oaks was at the geographic center of Houston. The community operated independently for three years, after which it was annexed by the city of Houston.”

The creation and implementation of the River Oaks plan went far beyond the layout of the neighborhood itself. The developers also needed to devise a clever way of drawing prospective buyers away from the more traditional neighborhoods located closer to the downtown business district. This was achieved in two ways. The first was to insure that proper roads connected River Oaks with downtown Houston. The second was to bring the amenities to the residents.

Beginning in 1925, work began in earnest on Buffalo Bayou Drive, which would later become Allen Parkway. Buffalo Bayou Drive was designed by the Kansas City architectural landscape firm of Hare and Hare. The thoroughfare, atypical for its time, was built to provide a reliable route by which River Oaks residents could get to their jobs in downtown Houston while simultaneously providing a pleasant driving experience. The street was designed to follow the meanders of nearby Buffalo Bayou and originated at the north entry to the River Oaks neighborhood. The entry was marked by grand entry gates designed by Houston architect John F. Staub in 1926.

The plan for the scenic drive began more than a decade before its implementation with the Arthur Comey plan for Houston in 1912. The Comey plan was a progressive and ambitious plan to guide the future of Houston's development, with quality of life issues as a major component. Parts of the Comey plan called for the creation of scenic drives, considerable park space, and linear parks along the city's bayous. Ultimately, only a small proportion of the components of Comey's plan came to fruition. Among these realized elements were the layout of South Main at Hermann Park with its prominent traffic circles, and Allen Parkway Drive with its adjacent linear park space situated between the drive and Buffalo Bayou.

Once the River Oaks Corporation solved the access dilemma, Will Potter and Mike Hogg also needed to find a way to furnish the new residents with the goods and services with which they had become accustomed. In 1935-36, the Corporation embarked on a building campaign on sites adjacent to River Oaks proper, where deed restrictions precluded the construction of commercial or multi-family dwellings. The construction of the River Oaks Community Shopping Center was an important part of the implementation of the overall River Oaks master plan.

The River Oaks Community Shopping Center was constructed at the head of West Gray Boulevard where it enters River Oaks and becomes Inwood Drive. The center was designed to not only provide convenient shopping opportunities to the residents, but also to frame the entry to the new subdivision. The plan of the shopping center consisted of two symmetrically arranged semi-circular wings on either side of West Gray at the westernmost edge of the center at its point of juncture with South Shepherd Drive and the entrance into the neighborhood. A service station located on each corner of the shopping center at Shepherd welcomed drivers to this automobile friendly development. A Texaco Service Station was located on the northeast corner, and a Gulf Service Station was located on the southeast corner. These buildings also conformed to the architectural style of the center.

The River Oaks Corporation hired Stayton Nunn, Milton McGinty, and Oliver Winston to design the center. Work began on the center in 1937, a decade after the initial development of the River Oaks

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neighborhood. According to the June 1940 *Architectural Record* magazine, the architects for the River Oaks Community Shopping Center had to follow several criteria for its design:

“Establishment of a community shopping center is feasible as soon as there is sufficient population in the surrounding trading area to support a representative group of merchants.... The center should be neighborly in character with the adjoining community, corner locations should be reserved for service stations, which were to be planned without sacrificing maximum visibility for the set-back stores: front parking space and direct delivery access in the rear, were to be provided with large additional parking spaces so disposed that patrons would not hesitate to use them; Form and construction of each shop space were to be adaptable for use either with or without air conditioning; Costs were kept as low as was compatible with reasonably good construction. Appearance of all buildings was to be unified, with restrictions on signs, displays, and lighting.”

The first phase of construction of the shopping center included both of the one-story crescent-shaped structures located on the north and south sides of West Gray at Shepherd Drive. The north section originally comprised 2.34 acres of land, and the southern section was 2.15 acres. Land to the east of the symmetrical wings, leading to McDuffie, was as yet re-platted at the time of the first phase.

Subsequent phases of redevelopment were added to the River Oaks Shopping Center in 1939 and again in 1948. The additions occurred on several smaller tracts, which were adjacent to the east side of the original crescent shaped structures, but which had previously been used for different uses unrelated to the River Oaks Community Shopping Center master plan, including an Humble Oil Service Station and a U-Tote-M store. Additions to the complex in 1948 finished out the River Oaks Community Shopping Center on both the north and south sides. Although the additions to the complex occurred in two distinct phases of construction, the overlying Art Deco theme is carried throughout all of them. Furthermore, the newer additions to the complex were constructed in 1948, and are therefore considered historic by the United States Department of the Interior.

One of the most character-defining elements of the River Oaks Community Shopping Center is the River Oaks Theatre located at 2009 West Gray. The River Oaks Theatre was constructed in 1938-1939 on the southeast side of the center. The building was actually a free standing building, not connected to the original crescent shaped wings facing South Shepherd Drive, when first constructed.

The River Oaks Theatre was built and operated by the Interstate Theatre Corporation, which owned and operated a number of theatres in the South. Interstate Theatres was formed in 1906 by several business partners, including Karl Hoblitzelle (1879-1967), who was an internationally acclaimed early cinematic director, producer, and Oscar winner. Interstate originally operated vaudeville theatres, which were in vogue during the period shortly after the turn of the 20<sup>th</sup> century until the early 1930s. Vaudeville entertainment was centered around the theatrical stage and provided a wide array of live “talent” acts, like dancers, musicians, and sideshow acts. Vaudeville acts had been extremely popular throughout most of the United States, but struggled in the southern states where popular opinion of vaudeville entertainment was not very favorable. Interstate Theatres worked diligently in the South to establish itself as a reputable and wholesome business, and eventually prevailed in its public relations endeavors and established its brand name as one to be reckoned with. At its height, Interstate owned more than 150 theatres in the South.

As vaudeville acts began to wane in popularity all across the U. S., Interstate Theatres was forced to adapt to the changing trends in entertainment. The company began to feature cinematic works alongside its vaudeville performances. This would eventually give way to full time screenings of cinematic works and the eventual abandonment of the vaudeville acts. Interstate Theatres sold most of its interest to the RKO

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Pictures in 1930. RKO, which has operated continuously since 1929, produced many of the blockbuster films of the 1930s and 1940s.

Interstate Theatres hired the Dallas-based architectural firm of Pettigrew and Worley to design the River Oaks Theatre. The theatre was designed in the Modernistic style so prevalent in America at the time and in harmony with the balance of the River Oaks Community Shopping Center. The building is notable for its sleek modern exterior with bold horizontal lines of alternating black and white bands of enameled steel, a motif which is repeated throughout the complex. A boomerang shaped marquee is affixed horizontally below the black and white banding and is capped by neon letters which spell River Oaks.

The theatre's sleek exterior belies the rich interiors found within the building. The opulent interiors of the River Oaks Theatre were executed in rich displays of high relief plaster scenes painted in a palette of rich tones. The theater was originally configured with one viewing screen, but was later converted to three screens. The theater lobby is separated from the main theater screen which is accessible from the ground floor by pairs of steel doors with round port hole windows. An interior stair with graceful curving banister of brushed aluminum begins near the entry to the theater lobby and extends to the second floor mezzanine level. The two mezzanine level movie screens were carved from the original main theater balcony, but which have not taken away from the grandeur of the main theater on the ground floor.

The River Oaks Theatre opened on November 28, 1939, within one month of the opening of the nearby Alabama Theatre. According to "Old Bayou City History Website: "Opening ceremonies featured Houston Mayor Oscar F. Holcombe; Hugh Potter, president of the River Oaks Association; H. F. Pettigrew, of Pettigrew and Worley; who designed the theatre; Buck Wynn, Jr., who designed the interior; and Paul Scott, theatre operator and manager." "When the theatre first opened, it seated about 1,000 patrons. The balcony stairway was lit with a continuous tube embedded in an aluminum hand rail. The interior and exterior lighting reflected advancements presented for the first time this year at the New York and San Francisco fairs." "Bas reliefs to the left and right of the stage are outstanding decorative features of the theatre. Said to be the largest castings of their kind in the South, the bas reliefs portray the land and the sea. The work of Mr. Wynn, they have caused considerable favorable comment from artists and sculptors."

The movie shown that night was "Batchelor Mother," starring David Niven. A flyer for the gala opening of the new River Oaks Theatre stated "*Safe! You can send your children to the new River Oaks with the comforting thought that the building is as safe as the most advanced architectural design, the most rigid engineering standards, the most careful precautions can make it. It's fireproof throughout, with extra added margins of safety in every detail of construction. EVERY SEAT A GOOD SEAT! The latest developments in theatre design have enabled us to provide every patron with a full undistorted view of our screen. Every seat in the house is a good seat – and luxuriously comfortable.*" There were businesses too which advertised in the flyers and newspapers of the day. One business, Monarch Cleaners on Shepherd Drive, "offered all-night service and allowed theatre patrons to drop off or pick up their clothes anytime after the show." The theater continues to operate as a theater and is the only historic Houston theater still used for its original purpose.

## **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:**

The River Oaks Community Shopping Center and River Oaks Theatre represent several phases of construction. The earliest phase of construction encompassed the western end of the site at its intersection with West Gray and South Shepherd Drive. This section of the shopping center was constructed circa 1937. It is most recognizable for its symmetrical arrangement of semi-circular wings of one-story store fronts. The symmetrical arrangement is divided by West Gray Avenue, which is a major artery to and from the still fashionable, and now historic, River Oaks neighborhood, where Inwood Drive enters River Oaks.

Further west in the shopping center, located immediately east of the two semi-circular wings, are two-story buildings on both the north and south sides of West Gray. The building on the north side of the shopping center is oriented perpendicular to West Gray. This two-story building, which most recently housed a retail clothing store, is an integral part of the original 1937 portion of the complex. The buildings adjacent to the two-story building on the north side of West Gray are part of the 1948 addition to the center. A 1988 alteration to the 1948 additions, on both the north and south side of the streets, added a clock face at the roofline of the front façade.

Another of the center's architectural highlights is its use of integrated concave stucco-clad canopies throughout. The canopies make clever use of hidden indirect lighting which was a novelty to Houston when first introduced. These canopies are mostly obstructed by canvas awnings which were added to all of the storefronts during one of the subsequent remodelings.

The center has experienced several sympathetic remodeling periods in the past, including one in 1974 (Clovis Heimsath, architect) and another in 1978 (S. I. Morris Associates, architects), both of whom reversed unsympathetic alterations in their restorations.

**REVISION:** The center has undergone several sympathetic remodelings in the past that reversed prior unsympathetic alterations. Since the time of the public hearings before the HAHC and the Planning Commission, Weingarten Realty has provided Planning staff with new information regarding the demolition of a historic building that was part of the original Landmark designation application. They advised that the building was demolished in 1979, and instead of being renovated as originally stated, it was replaced with two new buildings, which are immediately adjacent to one another. These buildings, which are not historic, have been excluded from the revised Landmark designation application. They are located on the north side of W. Gray, being described as Tract 2, Tract 16, and Tract 17. The first building is 2002 W. Gray (La Griglia), which was originally built in 1982-83 and then rebuilt in 1991. The second building, built in 1982-83, includes the following addresses: 2008 W. Gray (Chico's); 2012 W. Gray (Gymboree); 2020 W. Gray (Bath Junkie); 2022 W. Gray (Paula Fridkin); and 2028 W. Gray (Talbot's).

Also excluded originally from the Landmark designation application were the following new buildings: Starbuck's Coffee at 2050 W. Gray (located at the southwest corner of Tract 1), Bank One at 2049 W. Gray (located at the northwest corner of Tracts 11, 12, and 12A), and the Kroger Shopping Center further east. All of the modern, auxiliary buildings, not included in the Landmark designation application, were constructed to harmonize in scale, context and appearance with the historic River Oaks Community Shopping Center. More importantly, the historic Center was not altered in any way during those recent projects. In fact, Weingarten's past actions have done nothing but acknowledge the center's original architectural elements as significant, and by respecting the Center's architectural and historical importance, have strived to create a real "sense of place" for the entire shopping area. This special character is rarely found elsewhere in Houston, and is one that should be respected and preserved.

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According to Richard Longstreth, the foremost historian of 20<sup>th</sup> century American retail architecture, the River Oaks Community Shopping Center is “one of the outstanding examples of shopping center design of the 1930s in a national context.” Stephen Fox, Rice University professor and architectural historian, contends that the center has significance for listing in the National Register of Historic Places at the National level, and would be a good candidate for designation as a National Historic Landmark. Fox also concludes that the River Oaks Shopping Center ranks with Highland Park Village in the Dallas suburb of Highland Park as one of the two most architectural-historically significant shopping centers in Texas of the interwar era. It ranks with the downtown Foley's store and The Galleria as one of the three most architectural-historically significant works of 20<sup>th</sup> century retail architecture in Houston.

Richard Longstreth identifies the River Oaks Shopping Center as one of the outstanding examples of shopping center design of the 1930s in a national context. Longstreth writes in his book, "The Drive-In, the Supermarket, and the Transformation of Commercial Space in Los Angeles, 1914-1941":

"Through the combined efforts of an enlightened developer and a talented architect, the examples of the Washington [D.C.] centers and the drive-in market were fused in an arresting design that was at once heralded as a showpiece of its city.

"The River Oaks complex was also touted as a model nationally for nearly a decade. Even after the shopping center began to experience dramatic, fast-paced change after World War II, River Oaks was lauded as a pioneer in the field. [Hugh] Potter [developer of River Oaks and builder of the River Oaks Shopping Center] played a central role in fostering this legacy. In 1940, he joined J. C. Nichols and other colleagues in forming the urban Land Institute, a Washington-based organization devoted to improving the standards of new development.

He served as the group's third president (1943-1944) and in 1950 succeeded Nichols as chairman of its Community Builder's Council, which had become the principal proponent and source of information about shopping centers. In the late 1930s, when the [shopping center] type was still considered an unusual venture of perhaps limited application, and when the drive-in concept was likewise seen as experimental for most purposes other than automobile service, River Oaks offered convincing evidence that such ventures had a sound practical basis. No other example so successfully presented the shopping center concept, crafted in a vocabulary that exuded promise, as a solution that appeared not only realistic but inevitable."

The businesses along the north side of the shopping center between Shepherd and McDuffie have not had their leases renewed and this portion of the center is largely empty at this point. On May 23, 2007, the owner, Weingarten Realty, requested a Certificate of Appropriateness from the HAHC to demolish the historic, crescent-shaped building, including both the one- and two-story portions, located at the northwest corner of W. Gray and S. Shepherd, up to McDuffie Street. Their request was denied unanimously by the HAHC.

*The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Thomas McWhorter, Planning and Development Department, and Randy Pace, Historic Preservation Officer, Planning and Development Department, City of Houston.*

# CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

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## APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

The HAHC and the 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 appropriate for the type of designation:

<b>S</b>	<b>NA</b>		<b>S - satisfies</b>	<b>NA - not applicable</b>
<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 (Sec. 33-224(a)(1));		
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<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 (Sec. 33-224(a)(5));		
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	(7) Whether specific evidence exists that unique archaeological resources are present (Sec. 33-224(a)(7));		
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**STAFF RECOMMENDATION:**

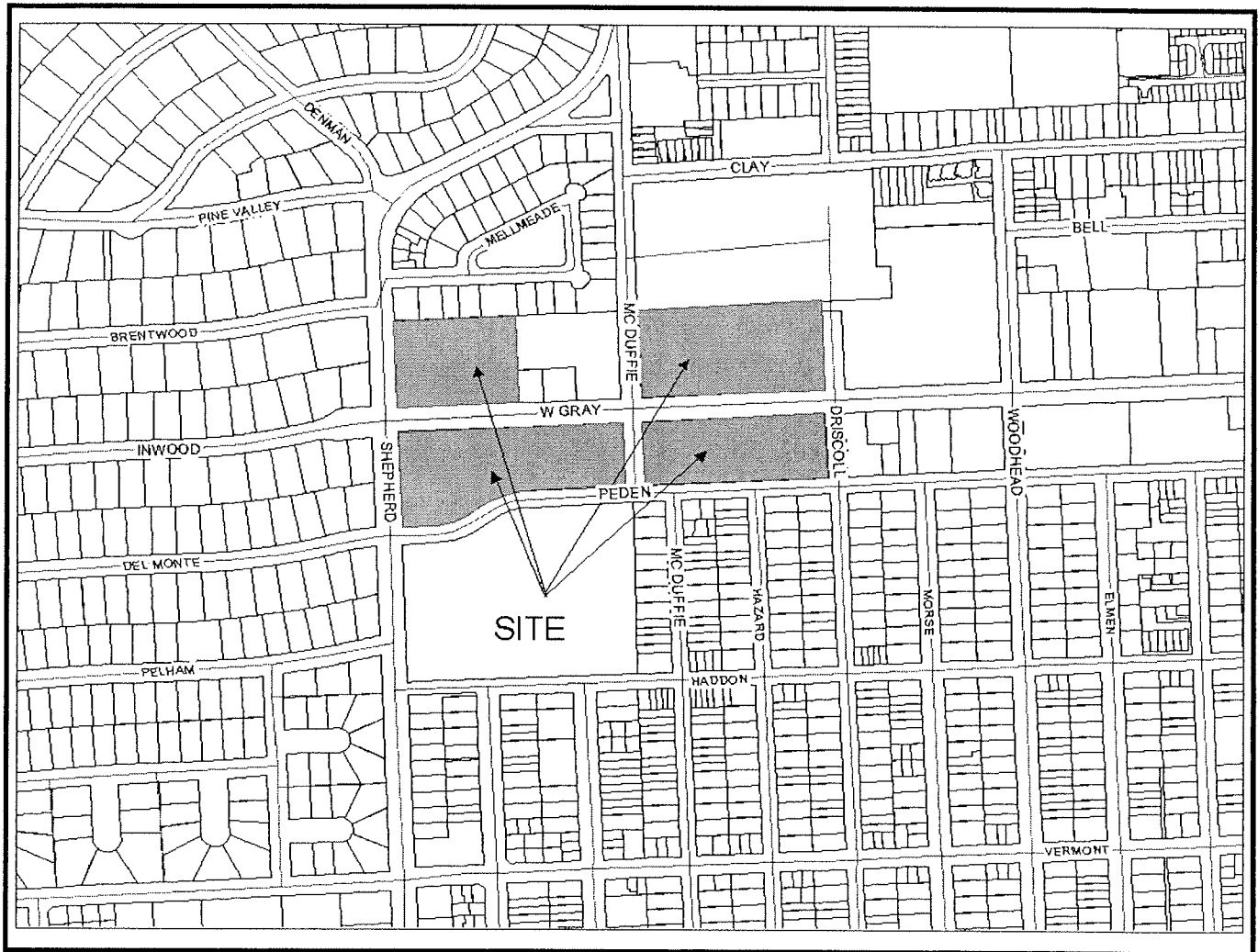
Staff recommends that the Houston Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the River Oaks Community Shopping Center at 1952 – 2048 W. Gray, including the River Oaks Theatre at 2009 W. Gray.

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SITE LOCATION MAP  
RIVER OAKS COMMUNITY SHOPPING CENTER AND RIVER OAKS THEATRE  
1952-2048 W. GRAY, INCLUDING 2009 W. GRAY (THEATRE)  
NOT TO SCALE





## LANDMARK DESIGNATION REPORT

**LANDMARK NAME:** Alabama Theatre and Alabama Community Shopping Center

**AGENDA ITEM:** II.a

**OWNER:** Weingarten Realty

**HPO FILE NO.:** 07L182

**APPLICANT:** Houston Archaeological and Historical Commission

**DATE ACCEPTED:** 05-23-07

**LOCATION:** 2900 to 2946 S. Shepherd Drive, including the Alabama Theatre at 2922 S. Shepherd, being the west side of the 2900 Block of S. Shepherd Drive between Kipling and W. Alabama

**HAHC HEARING:** 06-13-07

**PC HEARING:** 06-21-07

**30-DAY HEARING NOTICE:** 05-09-07

### SITE INFORMATION

East 2.7625 acres known as Tract 1, Abstract 696, O. Smith Survey, located at the northwest corner of S. Shepherd and W. Alabama, and also Lots 1-7 and Tract 8A, Block 5, Lanier Place Addition, located at the southwest corner of Kipling and S. Shepherd (formerly part of the original Lot 48, O. Smith Survey), Houston, Harris County, Texas. The building on the site includes a former movie theatre adjacent and attached to a one-story, stucco clad commercial building on either side.

**TYPE OF APPROVAL REQUESTED:** Landmark Designation

### HISTORY AND SIGNIFICANCE SUMMARY:

The Alabama Theatre and Community Shopping Center is a rare Houston example of an early “suburban” Modernistic shopping center and entertainment complex designed to meet the needs of the burgeoning automobile culture which began in earnest in America during the 1920s and 30s. The Alabama Theatre and Alabama Community Shopping Center were determined by the Texas Historical Commission on September 5, 2006 as eligible for listing in the National Register of Historic Places. On April 25, 2007, the Houston Archaeological and Historical Commission (HAHC) instructed the Planning Official to prepare a Landmark Designation application for the Alabama Shopping Center and Alabama Theatre to be considered at the HAHC public hearing on June 13, 2007.

The Modernistic buildings are located at 2900-2946 South Shepherd Drive. The Alabama Theatre was constructed in 1938-1939 by Interstate Theatre Company, and opened on November 2, 1939. Interstate, a large national company, at one time operated 10 movie houses in Houston, including the Garden Oaks, Majestic, Metropolitan, River Oaks, and Village Theatres. They also operated more than 150 theatres located throughout the country. Interstate Theatre Company hired Dallas architect, W. Scott Dunne, who by 1928 had specialized his practice in theatre design. Dunne designed the Alabama Theatre as well as other notable theatres, including Houston’s Tower Theatre on Westheimer and Dallas’ Texas Theatre.

The Alabama Theatre is notable for its imposing façade which forms both the physical and visual axis of the Alabama Shopping Center. The 800-seat theater’s most distinguishing exterior feature is its prominent fluted center bay/canopy. The shopping wings flanking the theater were constructed by the Clayton Foundation in 1940 to service the surrounding River Oaks, Winlow Place, Montrose, and the Museum District neighborhoods. The Clayton Foundation, whose trustees were prominent Houstonians Benjamin, Julia, and William Clayton, commissioned well-known architect, Kenneth Franzheim, to design the wings.

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The Alabama Theatre ceased functioning as a theater in 1983. It was extensively restored and sympathetically converted to a retail bookstore in 1984-1985, which received award-winning recognition. The conversion maintained and restored much of the significant elements of the historic building's ornate interiors as well as the exterior, while simultaneously meeting the changing needs of future tenants. The Alabama Theatre and Shopping Center, which have been determined as eligible for listing on the National Register of Historic Places, meet Criteria 1, 3, 4, 5, 6, and 8 for Landmark Designation.

### **HISTORY AND SIGNIFICANCE:**

The Alabama Theatre and Community Shopping Center at 2900-2946 South Shepherd Drive were constructed between 1938 (theatre) and 1940 (the shopping center) in the "Modernistic" style which is characterized by its use of curved exterior surfaces and generally streamlined appearance. This early example of an automobile-oriented shopping center was designed specifically for patrons with automobiles which was a style departure from earlier pedestrian-oriented retail centers, which relied on storefronts located close to the street adjacent to sidewalks. This new type of design would set the course for later commercial development in Houston.

The Alabama Theatre was constructed and operated by the Interstate Theatre Corporation. Interstate ran a number of theatres in the South and was the brain child of Karl Hoblitzelle (1879-1967), an internationally acclaimed, early cinematic director, producer, and Oscar winner.

The Alabama Shopping Center is located within the Obedience Smith Land survey. The physical location for the Alabama Theatre, at the corner of West Alabama and Shepherd Drive, was just inside the Houston city limits of the mid 1930s. The development followed the trend of Houston's western expansion as many Houstonians began to migrate in a westward direction from older inner city neighborhoods. The shopping center was one of the earliest in Houston to be designed with prominently placed automobile parking lots in front and to the rear of the complex in order to cater to the new "suburbanites."

As late as 1925, the 2.48 acre block on which the Alabama Theatre and Shopping Center were later built, was vacant land owned by the family of real estate developer and philanthropist, Henry F. Macgregor. The Macgregors were instrumental in the development of the Southmore Addition, located near the Houston Museum District. The Macgregor family is most well-known for their donation of the land on which MacGregor Park is now located

A number of residential additions were developed in and around the future location of the Alabama Theatre and Shopping Center. Among the residential neighborhoods located in the near vicinity were Alabama Place (1930), Avalon Place (1931), Colquitt Court (1941), Westlawn Terrace (1928), and Winlow Place (1923). Melrose Place subdivision was also platted nearby. Several residential structures were located along the northern border of the block facing Kipling Street. These would later be demolished to make room for the expansion of the Alabama Shopping Center in 1940.

The Interstate Theatre Company entered into a ground lease agreement with the owners of the land on which the Alabama Theatre would be built. This agreement allowed the tenant, Interstate Theatres, to construct a theater and provide all subsequent maintenance while paying rent to the owners of the land. Interstate hired Dallas architect, W. Scott Dunne, to design the theater. Dunne also designed other notable theaters, such as Houston's Tower Theatre and Dallas' Texas Theatre, which became infamous as the location where Lee Harvey Oswald was arrested by Dallas police on November 22, 1963.

According to Stephen Fox and the National Park Service website, the list of projects by Dunne include many theatres as follows: R & R Theatres in San Angelo and Oak Cliff (Dallas), Laredo, Mesquite, and

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Corpus Christi, Texas; Texas Theatre, 231 W. Jefferson Boulevard, Dallas (N.R.); Plaza Theatre, 125 Pioneer Plaza, El Paso, Texas (N.R.); Del Rio Amusement, Del Rio, Texas; Charles Mangold Hotel (Dallas); Oak Cliff Theatre and Hotel (Dallas); the Martini Theatre (Galveston); and other theaters in Jefferson, Amarillo, and Longview, Texas. He also designed the Oklahoma Theatre, 18 E. Choctaw, Pittsburg, Oklahoma (N.R.). Dunne also designed Astin Memorial Parish House, St. Andrew's Episcopal Church in Bryan, Texas as well as the Physics Building (now Psychology Building), Texas A & M University, Bryan, Texas. Dunne taught architecture at Texas A & M University just after World War I. By 1928, he was in Dallas already specializing in the design of theatres.

Interstate Theatres had been formed in 1906 by several business partners, including Karl Hoblitzell, who eventually went on to become president of the company. The company originally operated vaudeville theatres, which were in vogue during the period shortly after the turn of the 20<sup>th</sup> century until the early 1930s. Vaudeville entertainment was centered around the theatrical stage and provided a wide array of live "talent" acts, like dancers, musicians, and side show acts. Vaudeville acts had been extremely popular throughout the United States, but struggled in the southern states. Interstate Theatres worked diligently in the South to establish themselves as a reputable and wholesome business in states where popular opinion of Vaudeville entertainment was not very favorable. Interstate eventually prevailed in their public relations endeavors and established their brand name as one to be reckoned with.

As vaudeville acts began to wane in popularity across the U.S., Interstate Theatres was forced to adapt to the changing trends in entertainment. The company began to feature cinematic works alongside its vaudeville performances. This would eventually give way to the full time screenings of cinematic works and the eventual abandonment of the vaudeville acts which had been so profitable to the company. Interstate Theatres sold most of its interest to RKO Pictures in 1930. RKO, which has operated continuously since 1929, produced many of the blockbuster films of the 1930s and 1940s.

The 1930s saw turbulent times for the Interstate Theatre Company as well as others in the movie industry as the result of the Great Depression which began with the stock market crash of 1929. While RKO was the parent company of Interstate Theatres after 1930, Interstate maintained its ownership of the major Texas theatres. RKO filed for bankruptcy in 1932 and ownership of its Interstate Theatres interest reverted back to Karl Hoblitzell. Paramount Pictures, which had also filed for bankruptcy during this time period, eventually entered into an agreement with Karl Hoblitzell of Interstate Theatres, as well as the RKO Company, to run one of its subsidiaries. The new conglomerate meant market dominance in the southern United States, which in the next decade would lead to more than 150 locations in Texas alone. This alliance was later dismantled by the Federal Courts under the Sherman Anti-Trust Act. The Federal Government argued that the movie industry was in violation of the Sherman Anti-Trust Act because of the conglomerations which were formed in the industry during the 1930s and 1940s, and because these conglomerates were not only producing films, but also distributing the films to their own movie houses. The dissolution of the Interstate-Paramount conglomerate was finalized in 1951. Karl Hoblitzelle maintained ownership of the now independent Interstate Theatre Company until his death in 1967.

The Interstate Theatre Company is currently owned by the Starplex Cinema Corporation. Starplex operates theatres in small towns and cities in California, Colorado, Florida, Indiana, Nebraska, New Jersey, Ohio, Oklahoma, Texas, and the District of Columbia. The chain does not currently operate any theatres in Houston.

According to the *Houston Post* article of July 21, 1940, "Foundation will erect \$100,000 Community Center" stating further that the Clayton Foundation, whose trustees Benjamin and Julia S. Clayton, and William Clayton, had commissioned Kenneth Franzheim to design the wings flanking the Alabama

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Theatre. A rendering of the community center is included in the article. The Claytons were prominent Houstonians in both business and as philanthropists.

According to the *Handbook of Texas*:

“Anderson, Clayton and Company, cotton merchants, was founded by brothers-in-law Frank E. Anderson and William Lockhart Clayton, cotton merchants, and Monroe D. Anderson, a banker. The partnership was established in Oklahoma City on August 1, 1904. In 1905 Benjamin Clayton, Will's younger brother and an expert in rail and steamship transportation, joined the firm. Company headquarters moved to Houston in 1916 to be nearer the deep-water port facilities of the Houston Ship Channel.

"World War I demands for cotton enhanced the company's fortunes. As its buying and distributing organization expanded, the firm acquired storage and compressors for American cotton handling and improved its finance and insurance arrangements. As United States exports and banking accommodations grew, Anderson, Clayton set up overseas distributing agents. By the mid-1920s company trading firms were operating in Europe, Egypt, India, and China.

"The company was incorporated in 1929 and remained private until 1945. At that time it went public and was listed on the New York Stock Exchange. By 1945, with 223 gins, 33 cottonseed oil plants, and 123 warehouses worldwide, Anderson, Clayton and Company was called the largest buyer, seller, storer, and shipper of raw cotton in the world by Fortune Magazine. Its subsidiaries included a marine insurance company, the barge line, bagging and cotton-blanket mills, a Mexican loan bank, and the machine works. After 1950 sales in the international market reached 3½ percent of all the world's production, and the multimillion-dollar corporation came to be known as ACCO, or the Big Store.

"When rayon threatened the cotton market after the war, ACCO further diversified, reducing its cotton interests by half and adding industrials, government warehousing services, and other interests. A Foods Division was organized after the purchase of Mrs. Tucker's Foods of Sherman, Texas, in 1952 and by 1954 ACCO sold Chiffon margarine and Seven Seas dressing and owned some of the first consumer-product franchises in Mexico. By 1965 the company handled approximately 15 percent of Brazilian coffee exports and a substantial quantity from other countries, as well as cocoa exports and soybean processing.

"By 1977 Anderson, Clayton and Company maintained firms or exclusive agents for cotton in over forty nations; had expanded its Ranger trademark insurance ventures, founded in 1923, with acquisition of Pan Am Insurance in 1968 and American Founders Life in 1977; and had acquired Igloo Corporation, a producer of thermoplastic beverage containers and ice chests. The company climaxed its shipping investments as cooperator of the first nuclear-powered merchant ship, the Savannah.

"Pruning of operations began in the 1960s, and by 1973 the firm had withdrawn from cotton merchandising everywhere except in Brazil and Mexico and considered itself chiefly a producer of food products. Anderson, Clayton and Company became a wholly owned subsidiary of the Quaker Oats Company in 1986, when Quaker Oats purchased the Anderson Clayton stock. Some food products, notably Gaines dog food, continued to be marketed under the name Anderson Clayton, but the company's Houston headquarters was closed and the stock was delisted.”

According to the article by Stephen Fox in the *Handbook of Texas*:

“Kenneth Franzheim, architect, was born on October 28, 1890, in Wheeling, West Virginia. He graduated from Lawrenceville School and Massachusetts Institute of Technology (B. A. 1913), then worked from 1913 until 1917 for the Boston architect Welles Bosworth. He subsequently served for two years at Ellington Field outside Houston, Texas, as a first flight lieutenant in the United States Army Air Corps.

On May 12, 1919, he married Elizabeth Frances Simms; they had three children, one of whom, Kenneth Franzheim II, served as ambassador to New Zealand, Western Samoa, Fiji, and Tonga during President Richard M. Nixon's administration.

"Franzheim became a partner of the Detroit architect C. Howard Crane in 1920. He worked for Crane in Chicago, then in Boston. In 1925 he began independent practice in New York, where he specialized in the design of large commercial buildings and airports. He was retained in 1928 by Jesse H. Jones to collaborate with Alfred C. Finn on the design of the thirty-seven-story Gulf Building, Houston (1929), and to design a temporary coliseum for the Democratic national convention in Houston. Also for Jones, Franzheim designed a forty-two-story office building (1930) and a twenty-story apartment building (1931) in midtown Manhattan. A second round of major projects in Houston, undertaken with John F. Staub, led Franzheim to move his practice from New York to Houston in 1937, although he maintained a New York office until 1940. From 1941 until 1944 Franzheim worked in Washington, D.C. Upon returning to Houston he established himself as the foremost commercial architect in the city, a position he held until his death. Most of the buildings that he produced in Houston were examples of modernistic architecture. Ben A. Dore, another former partner of C. Howard Crane, was his chief designer.

"Franzheim's major buildings in Houston were the seventeen-story Humble Tower (1936, with Staub- City of Houston Landmark); the second Hermann Hospital and the Hermann Professional Building (1949, with Hedrick and Lindsley); the eighteen-story Prudential Building (1952); the twenty-one-story Texas National Bank building (1955); and the twenty-four-story Bank of the Southwest building (1956). Franzheim was also responsible for the twenty-one-story National Bank of Commerce building in San Antonio (1957, with Atlee B. and Robert M. Ayres). Franzheim's best known Houston building was Foley's Department Store (1947, 1957), for which he won an Award of Merit from the American Institute of Architects in 1950.

"Franzheim was particularly interested in incorporating works of art in his architecture, and this led to collaboration with the artists Wheeler Williams, Peter Hurd, Leo Friedlander, and Rufino Tamayo. Franzheim was the first chairman of the board of the Allied Arts Association of Houston and was an honorary member of the National Sculpture Society. In 1949 he was elected to fellowship in the American Institute of Architects, the same year that he served as chairman of the institute's annual convention, which was held in Houston, and as president of the Houston Chapter of the AIA. Franzheim also was an honorary member of the Mexican Society of Architects; after 1945 he maintained a second home in Mexico City. He was a member and deacon of the First Presbyterian Church of Houston. He belonged to the Bayou Club, the Houston Country Club, the Coronado Club, and the Ramada Club. Franzheim died in Mexico on March 13, 1959, and is buried in Glenwood Cemetery, Houston."

### **ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:**

The Alabama Theatre and Shopping Center were designed in the "Modernistic" Style. This style enjoyed sizeable popularity in America during the mid to late 1930s. The style is often associated with Art Deco or Art Nouveau, which also flourished in America during the 1920s and early 1930s, but which is stylistically different. The Modernistic style is noted for its use of rounded corners, horizontal bands of windows, and smooth surfaces.

The Alabama Theatre is a historic two-story steel and plastered surfaced theater building which is flanked on the north and south sides by conjoined one-story retail buildings. The Alabama Theatre, constructed in 1938 and completed in 1939, is notable for its imposing façade which forms both the physical and visual axis of the Alabama Shopping Center. The theater's most distinguishing exterior feature is its prominent fluted center bay/canopy. The center bay projects forward towards the street, and beyond the stepped-back

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massing which characterizes the remainder of the building. The central projecting bay/canopy features large half-round, vertical fluting of smooth enameled steel which lend verticality to the building. The forward projection of the building is also repeated in the marquee which is affixed horizontally to the front of the building and which comes to a point facing South Shepherd Drive. An historic tall, slender enameled steel sign, which advertises the Alabama Theatre and Shopping Center, is located between the theater's projecting canopy and the street. The Alabama Theatre ceased functioning as a theater in 1983. It was extensively restored and sympathetically converted to a retail bookstore in 1984-1985, which received award-winning recognition. The conversion maintained and restored much of the significant elements of the historic building's ornate interiors as well as the exterior while simultaneously meeting the changing needs of future tenants.

A row of one-story buildings adjacent to the south side of the historic theatre building was built during the same construction phase as the theatre (1935-1939). Although this row of buildings was originally separated from the theatre building by a narrow, open-air pedestrian alley, it is now attached as the result of a sympathetic 1988 remodeling which connected the one-story buildings with the two-story theatre. The one-story wing is designed with glass storefronts which span the entire length of the buildings' eastern (front) facade. The interconnected buildings of the south wing of the Alabama Shopping Center were serviced by a covered mezzanine located to the rear. The original mezzanines have been incorporated into additional retail space for the businesses which face South Shepherd Drive. The entire south wing features whitewashed stucco exterior finishes with a continuous band of black and alternating black and white glazed porcelain tiles, which run along the base of all of the buildings facing the front (east) side of the center.

A similar one-story wing exists to the north of the Alabama Theatre. The north wing was originally comprised of a single one-story building attached to the theater's north wall. The first building to be located on the north side of the theatre was constructed during the initial phase of construction (1935-1939). Later phases of construction added additional retail space to the north wing of the shopping center until the wing eventually stretched north to Kipling Street. The subsequent additions are also one-story buildings with similar detailing and massing. The north wing exterior is also clad in a smooth textured, stucco finish which is whitewashed like other buildings of the complex.

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

## **BIBLIOGRAPHY:**

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The New York Times, "Fighting the Wrecking Ball to Save Houston Landmarks", August 12, 2006.

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Planning and Development Department

Sanborn Fire Insurance Company 1924-1951, Addtl. Sheet 1935.

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## STAFF RECOMMENDATION:

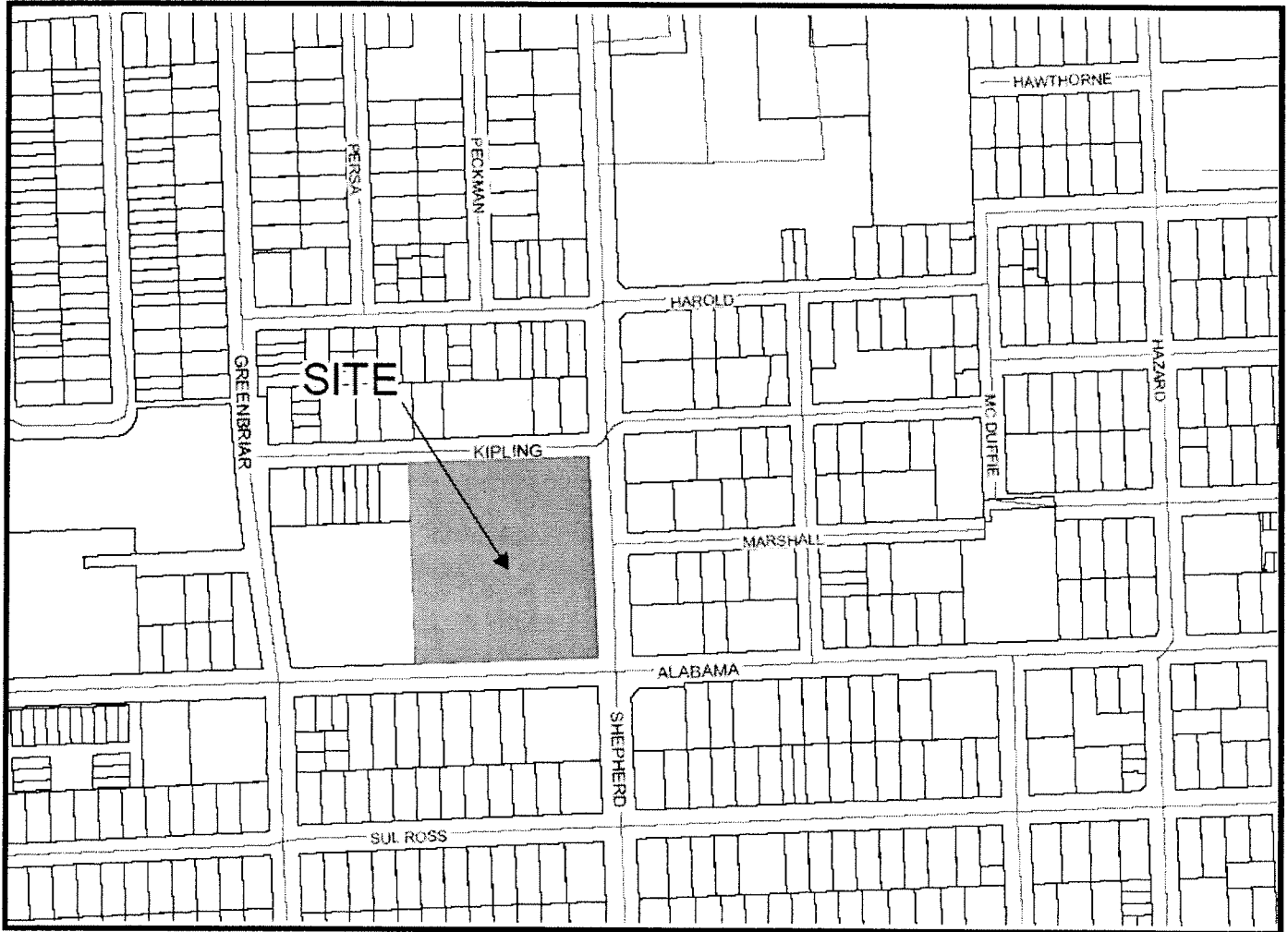
Staff recommends that the Planning Commission accept the recommendation of the Houston Archaeological and Historical Commission and recommend to City Council the Landmark Designation of the Alabama Theatre and Alabama Community Shopping Center at 2900 – 2946 S. Shepherd Drive.

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Planning and Development Department

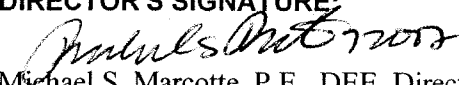
SITE LOCATION MAP  
ALABAMA THEATER AND ALABAMA COMMUNITY SHOPPING CENTER  
2900 TO 2946 S. SHEPHERD DRIVE, INCLUDING 2922 S. SHEPHERD (THEATRE)  
NOT TO SCALE

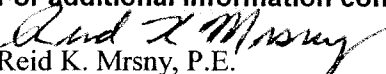




<b>SUBJECT:</b> Hempstead Highway from IH 610 to W. 18 <sup>th</sup> Street	Page 1 of <u>1</u>	Agenda Item # <b>76 #</b>
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 7/20/07	<b>Agenda Date</b> <del>AUG 0 1 2007</del> AUG 0 8 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> A & H
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<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> N/A
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**RECOMMENDATION: (Summary)** Pass a resolution allowing the City of Houston to transfer full maintenance, operation, and jurisdiction of Hempstead Highway from IH 610 to W. 18<sup>th</sup> Street to the Texas Department of Transportation.

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

**PROJECT NOTICE/JUSTIFICATION:** Texas Department of Transportation (TxDOT) desires to construct the IH 610 and US 290 interchange project. In order to take advantage of interstate highway funding opportunities for federally subsidized right-of-way acquisition and utility adjustments, certain affected roadways must be transferred to interstate highway system inventory. In order to transfer this state-owned property to interstate inventory, the City of Houston must transfer all maintenance, operation and jurisdiction of Hempstead Highway from IH 610 to 0.10 miles west of W. 18<sup>th</sup> Street to TxDOT. This action will relieve the City of required financial participation relating to ROW acquisition and utility adjustments.

**LOCATION:** This project is located along Hempstead Highway from IH 610 to W. 18<sup>th</sup> Street and is under Key Map grids 451V & Z.

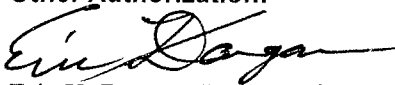
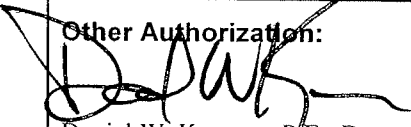
**PREVIOUS HISTROY AND SCOPE :** Hempstead Highway was originally designated as SH 6 and was part of the state highway system. When the Texas Highway Commission (the precursor of the Texas Transportation Commission) passed Minute Order 35331 designating US 290 as a freeway facility, Hempstead Highway was removed from the state highway system for local maintenance, operation and jurisdiction. Hempstead Highway from IH 610 to 0.10 miles west of W. 18<sup>th</sup> Street is currently under the City's maintenance, operation and jurisdiction. The fee ownership of Hempstead Highway is still under state control as the original SH 6.

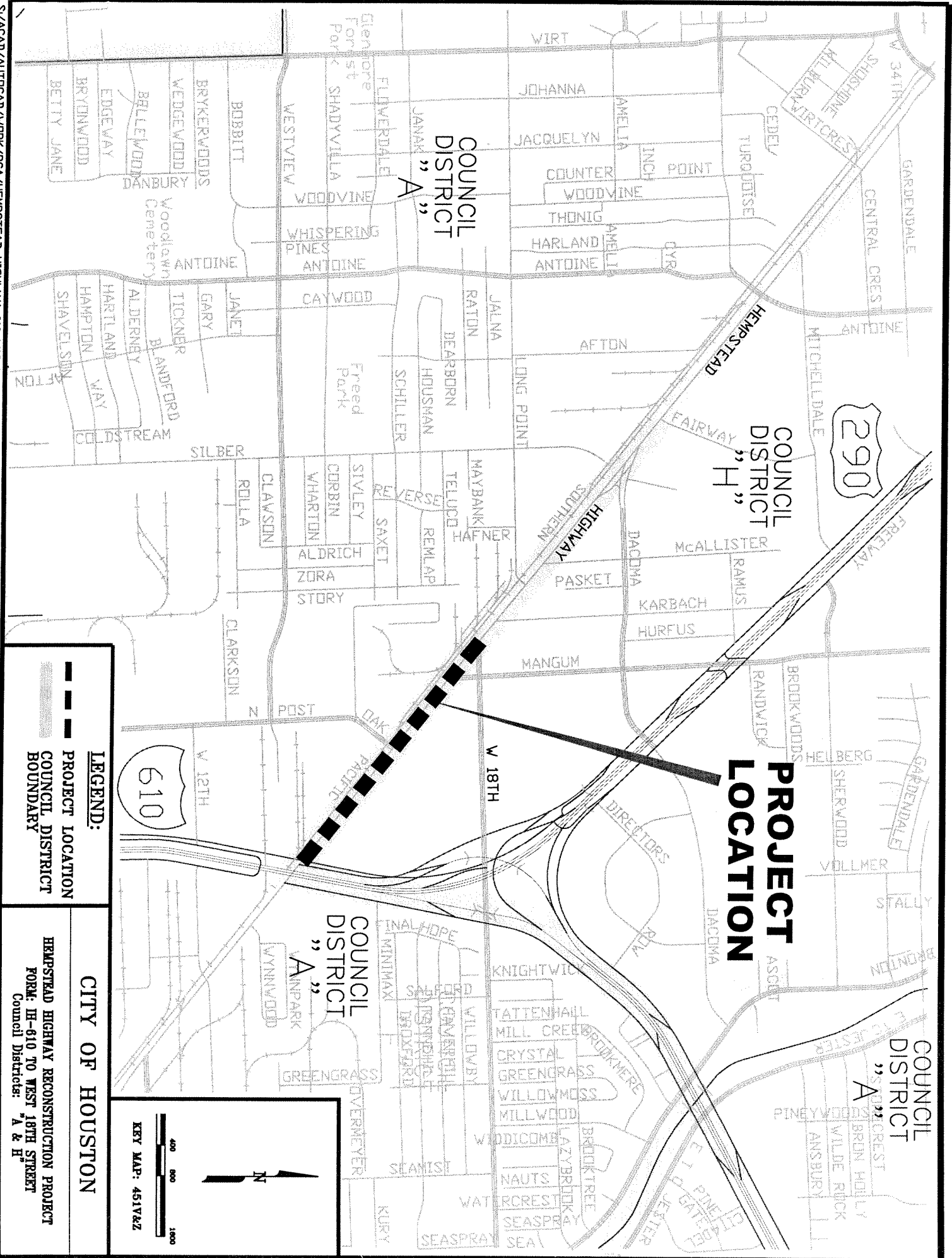
**ACTION RECOMMENDED:** It is recommended that City Council approve a resolution transferring full maintenance, operation and jurisdiction of this state-owned property to interstate inventory.

MSM:DWK:RKM:MLL:AHH:ahh  
 S:\constr\A-SB-DIV\Design\TxDOT\Projects\Hempstead - IH 610 to 18th Street\RCA\Hempstead RCA.DOC

c: Susan Bandy                      Velma Laws                      Michael Shannon  
 O. Craig Foster                      Mike Naumann                      Marty Stein  
 File: Hempstead Road from IH 610 to W. 18<sup>th</sup> Street

**REQUIRED AUTHORIZATION**                      **CUIC ID #20MLL49**

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>  Eric K. Dargan, Deputy Director Right-of-way and Fleet Maintenance Division	<b>Other Authorization:</b>  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
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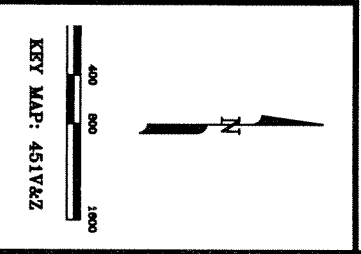
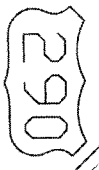
# PROJECT LOCATION

COUNCIL DISTRICT "A"

COUNCIL DISTRICT "H"

COUNCIL DISTRICT "A"

COUNCIL DISTRICT "A"



**LEGEND:**  
 - - - - - PROJECT LOCATION  
 - - - - - COUNCIL DISTRICT BOUNDARY

**CITY OF HOUSTON**  
 HEMPSTEAD HIGHWAY RECONSTRUCTION PROJECT  
 FORM: IH-610 TO WEST 18TH STREET  
 Council Districts: "A" & "H"

<b>SUBJECT:</b> Amendment to the Fire Department Classified Personnel Ordinance		<b>Category</b> # 3	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 77 <del>15</del>
<b>FROM (Department or other point of origin):</b> Human Resources Department		<b>Origination Date</b> July 24, 2007	<b>Agenda Date</b> <del>AUG 0 1 2007</del> AUG 0 8 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>C. Aldridge</i>		<b>Council Districts affected:</b> D, E, F and H		
<b>For additional information contact:</b> Karen DuPont Phone: (713) 859-4934 Asst Chief Adrian Trevino Phone: (713) 495-4217		<b>Date and identification of prior authorizing Council action:</b> Amends Fire Classified Personnel Ordinance 2007-47		
<b>RECOMMENDATION: (Summary)</b> At the request of the Fire Department, Human Resources puts forth this amendment to the Classified Personnel Ordinance to add four (4) Captain positions, sixteen (16) Engineer/Operator positions and sixteen (16) Firefighter positions.				
<b>Amount of Funding:</b> FY08: \$3,503,441 <b>FUND 1000 (GENERAL FUND)</b> Included in the FY08 Budget			<b>F &amp; A Budget:</b>	

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

**SPECIFIC EXPLANATION:**

Amendments to the current Fire Department Classified Personnel Ordinance are as follows:

Title	Present Positions	Amount Change	Proposed Total	FY08 Cost
Captain	417	4	421	\$447,736
Engineer/Operator	1010	16	1026	\$1,540,067
Firefighter	2086	16	2102	\$1,515,638

Note: Cost figures above include base pay, assignment pays and fringe benefits.

The Fire Chief is requesting creation of these positions, which are approved in the FY08 budget. HFD had an overnight 21% spike in calls for EMS service as people arrived from New Orleans. As a result, HFD placed additional units in service, which were staffed with overtime personnel. Over the past two years, the actual increase in run volume has been sustained at 9%. Demand for EMS services has historically increased at a rate of approximately 4% per year. HFD has planned for and received budgetary approval to convert the units, which are needed to meet the current run volume, from overtime positions to permanent positions.

Immediate savings will not be realized by making these positions permanent. Hence, the personnel costs for these positions were budgeted and approved at the overtime rate of pay in the FY08 Budget. Currently, there are not enough personnel employed by HFD to fill these positions, except with overtime personnel. However, HFD is unable to hire and promote employees into these positions until they are actually created in the Classified Personnel Ordinance.

**REQUIRED AUTHORIZATION**

<b>F &amp; A Director:</b> <i>[Signature]</i>	<b>Other Authorization:</b> <i>[Signature]</i>	<b>Other Authorization:</b>
--------------------------------------------------	---------------------------------------------------	-----------------------------

**Date**  
July 24,2007

**Subject:** Amendments to the Fire Department  
Classified Personnel Ordinance

**Originator's  
Initials**

**Page**  
 2  of  2

Units currently in service are located in the following stations:

3 Basic Life Support (BLS) Units: Station 36 (District E), Station 46 (District D), and Station 25 (District D)

1 Advanced Life Support (ALS) Unit: Station 10 (District F)

1 EMS Supervisor (Captain position): Station 17 (District H)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT: An ordinance approving and authorizing the submission of an application for a grant to the Harris County Housing Authority for continuance of the Focused Care Project</b>	<b>Category</b> 9 #	<b>Page</b> 1 of 1	<b>Agenda Item</b> 7879
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<b>FROM (Department or other point of origin):</b> Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	<b>Origination Date</b> 06/27/07	<b>Agenda Date</b> <del>AUG 01 2007</del> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> ALL
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<b>For additional information contact: Kathy Barton</b> Telephone: 713-794-9998 – 713-826-5801	<b>Date and identification of prior authorizing Council action:</b>
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**RECOMMENDATION: (Summary)**  
Approval of an ordinance to approve a grant application to the Harris County Housing Authority for continuance of the Focused Care Project to provide case management services to our hurricane affected population.

Amount of Funding: Total Project Cost: \$4,360,366.20. Fund 5030 Federal State Local - Pass Through Funds	<b>F&amp;A Budget</b>
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**SOURCE OF FUNDING:** [ ] General Fund [ x ] Grant Fund [ ] Enterprise Fund [ ] Other ( Specify )

**SPECIFIC EXPLANATION:**

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of a grant application to the Harris County Housing Authority for continuance of the Focused Care Project to provide case management services to the hurricane affected population. The start date for this project will be on or about September 1, 2007 through February 28, 2009. The estimated total project cost is \$4,360,366.20.

HDHHS requests City Council approval and authorization of the application to the Harris County Housing Authority for the entire project period through February 28, 2009. HDHHS is requesting City Council to authorize the Director to: 1) accept and expend approved funding as soon as awarded; and 2) accept supplemental awards offered by the Harris County Housing Authority during the entire project period.

In 2005, HDHHS established the Focused Care Project (FC) to provide relief to the Houston and Harris County area for health, social service and behavioral health networks. A total of 19 Katrina evacuee professionals were hired as case managers to assess the needs of the affected population and ensure that resources needed for stabilization and supportive transitions were provided. The professionals were capable of formulating recovery plans and *making referrals as needed.*

Since 2005, FC has provided the following: a) outreach to hurricane affected population in apartment complexes, schools and senior citizens residences ; b) case management services for more than 1,000 clients; c) linking 42 clients with local agencies for services totaling \$20,000 that include relocation assistance, child care, utilities assistance, medical care, occupational needs and eye glasses; d) two resource fairs serving over 1,500 clients with information from the Food Bank, clothing assistance for the entire family; and d) referral to the American Red Cross Means to Recovery and Access to Care for financial assistance to five clients that received cars, furniture, clothes and utility assistance totaling \$85,000.

The FC project utilizes the interagency resources of the public and private provider networks and collaborates with the Long Term Recovery Team, a consortium of public and private agencies and all other agencies affected by the hurricane evacuee population.

cc: Finance & Administration  
Legal Department  
Agenda Director

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

<b>SUBJECT:</b> <b>Public Safety Video Initiative - Subject Matter Expert Services</b>		<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item #</b> 34
<b>FROM (Department or other point of origin):</b> Dennis Storemski, Mayor's Office of Public Safety and Homeland Security		<b>Origination Date:</b> 7/3/2007	<b>Agenda Date</b> AUG 0 1 2007	
<b>DIRECTOR'S SIGNATURE:</b> <i>Dennis Storemski</i>		<b>Council District affected:</b> All		79
<b>For additional information contact:</b> Matt Hyde Phone: 713/884-4587		<b>Date and Identification of prior authorizing Council action:</b> AUG 0 8 2007		

**RECOMMENDATION: (Summary)**

Approval of an Ordinance approving and authorizing a contract with **VidSys, Inc.** to provide professional consulting services for public safety video subject matter expertise, systems engineering, and computer aided design/documentation to assist in the design and implementation of the City's Public Safety Video Initiative; and approving and authorizing the City to spend up to \$375,000 in fees with **VidSys, Inc.**, with an initial contract ~~allocation~~ for the current scope of work of at \$201,400.

<b>Amount of Funding:</b>	Initial <del>allocation</del> : \$201,400	<b>F &amp; A Budget:</b>
	Council Authorization: \$375,000	

**SOURCE OF FUNDING:**

**Grant Fund:** \$375,000 FY2006 Urban Area Security Initiative (Homeland Security)

**SPECIFIC EXPLANATION:**

**BACKGROUND**

The Mayor's Office of Public Safety and Homeland Security has received grant funds from the U.S. Department of Homeland Security (DHS) to support a pilot **Public Safety Video Initiative**.

During the FY2006 Urban Area Security Initiative (UASI) grant process, each UASI region could submit as many as 15 proposals for consideration by a team of peer reviewers. Of the eleven proposals submitted by the City of behalf of the Houston Urban Area, seven were regarded by DHS as exceptional, having ranked in the top 15% of all projects submitted nationally. The Public Safety Video Initiative was Houston's second highest scoring proposal behind the HPD Intelligence Fusion Center.

**PROJECT COMPONENTS**

The pilot phase of the Initiative will involve the installation of the technological infrastructure needed route to the Houston Emergency Center (HEC) video feeds from existing public sector sources, such as Public Works, TxDOT, Transtar, METRO, and the Port of Houston, as well as any that the private sector might make available.

With subsequent grant funding, later phases of the Initiative may involve the installation of video cameras in selected public venues to enhance homeland security and protect critical infrastructure.

**THE PROPOSED CONTRACT**

The HEC IT Division conducted an RFQ process to procure the services of a qualified vendor to work as a Video Subject Matter Expert (SME) - in conjunction with a COH Project Manager - to develop the Public Safety Video Initiative's implementation plan. The requirements gathered by the SME will lead to the City's development of an RFP to procure products and services associated with the project.

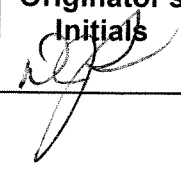
Under the contract, **VidSys, Inc.** will provide services to help the City's Project Manager develop:

- Technical Requirements and a Business Needs Analysis;
- A Project Implementation Plan;

(continued)

**REQUIRED AUTHORIZATION**

<b>OPSHS Director:</b>	<b>Other Authorization:</b> <i>Ed Kevin M. Coleman</i>	<b>Other Authorization:</b>
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<b>DATE:</b> 7/3/2007	<b>Subject:</b> <b>Public Safety Video Initiative - Subject Matter Expert Services</b>	<b>Originator's Initials</b> 	<b>Page</b> 2 of 2
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- One or more RFPs in support of the Implementation Plan; and
- A Notional Equipment List (not necessarily vendor specific).

**VidSys, Inc.** has provided an estimate of hours and associated rates to accomplish these deliverables. The use of those hours will be closely monitored by the City's Project Manager to ensure that hours are managed to achieve desired goals. Additional hours and rates are provided so that the subject matter can conduct administrative duties at a lower rate, and can utilize the services of engineering specialists where needed. Dollars within the contract may be used for any of these roles as long as they do not exceed the overall appropriated amount, as approved by the City's Project Manager.

Although the initial ~~allocation~~ amount requested for this contract is \$201,400, staff recommends City Council authorization of a contract total of up to \$375,000. The additional amount will be used if the City's project team determines it prudent to ask **VidSys** to provide quality assurance services or additional subject matter expertise as the project progresses.

**MWBE PARTICIPATION**

**Access Data Supply** will provide documentation and graphics support representing an estimated 8% of the contract amount.

DJS:CFM:JS

**REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 7481**

**Subject:** Approve an Ordinance Awarding a Contract to the Best Respondent for Vehicle Towing and Storage (Boot Program) for the Convention & Entertainment Facilities Department  
S28-T22301

Category #  
4

Page 1 of 2

Agenda Item

80 35

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

Calvin D. Wells  
City Purchasing Agent  
Finance and Administration Department

**Origination Date**

July 17, 2007

**Agenda Date**

AUG 08 2007

~~AUG 01 2007~~

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**

1

**For additional information contact:**

Stephen Lewis                      Phone: (713) 853-8888  
Ray DuRousseau                      Phone: (713) 247-1735

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Milam Street Auto Storage, Inc. for vehicle towing and storage (Boot Program) for the Convention & Entertainment Facilities Department.

None Required

**F & A Budget**

**SPECIFIC EXPLANATION:**

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year revenue/concession contract, with two one-year options to extend, for a total five-year term, to the best respondent, Milam Street Auto Storage, Inc. for the Convention & Entertainment Facilities Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials, equipment, storage facility(s), transportation and supervision necessary to provide towing and storage services for the Boot Program by transporting delinquent vehicles located within the contract service area to a storage lot that is operated and maintained by the contractor. The contractor is required to have, and must keep current, a vehicle storage facility license that is issued by the Texas Department of Transportation's Motor Carrier Division and/or authorization from the Houston Police Department, as applicable.

This Request for Proposal was advertised and evaluated in accordance with the requirements of the State of Texas bid laws, and as a result, one proposal was received from Milam Street Auto Storage, Inc. Additionally, the Strategic Purchasing Division performed research by contacting other local companies in the towing industry, and was informed by the companies that they could not meet the minimum requirements outlined in the scope of work; therefore they chose not to submit proposals. The evaluation committee consisted of three Convention & Entertainment Facilities Department employees. The proposal was evaluated based on the following criteria:

1. Conformance to Scope of Work
2. Total Service and Support Commitment
3. Experience and Reputation
4. Reasonableness of Fees
5. Financial Strength

**REQUIRED AUTHORIZATION**

F&A Director:

Other Authorization:

Other Authorization:



Date: 7/17/2007	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Vehicle Towing and Storage (Boot Program) for the Convention & Entertainment Facilities Department S28-T22301	Originator's Initials DM	Page 2 of 2
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**M/WBE Subcontracting:**

This Request for Proposal was issued as a goal-oriented contract with an 11% M/WBE participation level. Milam Street Auto Storage, Inc. has designated the below-named company as its certified M/WBE subcontractor.

**Name**

Dave's Wrecker Service, Inc.

**Type of Work**

Towing Services

Buyer: Douglas Moore

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approve An Amending Ordinance to Increase the Maximum Contract Amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program	<b>Category #</b> 4	<b>Page</b> 1 of 2	<b>Agenda Item</b> # 36
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<b>FROM (Department or other point of origin):</b> Harold L. Hurtt, Chief of Police Houston Police Department	<b>Origination Date</b> June 27, 2007	<b>Agenda Date</b> <del>AUG 01 2007</del> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> All
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<b>Requested by:</b> Byron Cleggett, Division Manager <b>For additional information contact:</b> Byron Cleggett, Division Manager Phone: 713-308-1738 <b>Approved by:</b> Joseph A. Fenninger, Deputy Director Phone: 713-308-1708	<b>Date and identification of prior authorizing Council action:</b> Ord. No. 2006-0973, 9/20/06
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**RECOMMENDATION: (Summary)**  
Approve an amending ordinance to increase the maximum contract amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program.

<b>Amount and Source of Funding:</b> \$1,869,474.00 (FY08) Police Special Services Fund 2201 (From METRO Mobility Fund)	<b>F &amp; A Budget:</b>
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**SPECIFIC EXPLANATION:**  
The Chief of Police recommends that City Council approve an amending ordinance to increase the spending authority for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program by \$1,869,474.00 for fiscal year 2008. The amending ordinance would increase the maximum contract amount from \$1,882,414.00 to \$3,751,888.00. The City currently contracts with eleven operators to perform the obligations and services related to this program.

In June, 2005, City Council approved the current eleven amended contracts for the Safe Clear Major Freeway Towing program, which expires in 2010. City Council is required to approve subsequent annual allocations for each fiscal year in order to facilitate payments to the participating operators. The \$1,869,474.00 requested for the FY08 allocation is established by the formula outlined in the agreements passed. This formula is based on the actual number of tows and service calls during the period of March 1, 2006 - February 28, 2007, plus a CPI decrease adjustment.

Funding was approved and appropriated during the FY08 budget process. The actual funds will come from METRO, under the City's ongoing mobility funding agreement.

HLH:JAF:tkc  
CC Marty Stein, Agenda Director Mary McKerall, Legal Department

REQUIRED AUTHORIZATION

<b>F&amp;A Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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<b>SUBJECT:</b> Approve An Amending Ordinance to Increase the Maximum Contract Amount for Major Freeway Tow Agreements for the Safe Clear Major Freeway Towing Program	<b>Category #</b> 4	<b>Page</b> 2 of 2	<b>Agenda Item #</b>
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**SPECIFIC EXPLANATION: (Continued)****OPERATOR****SEGMENTS**

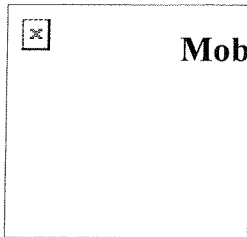
North Houston Motors, Inc.	#1	Eastex FW (59) outside 610
	#2	Beltway 8 between Hardy Toll Road and Eastex FW (59)
	#6	East FW (I-10) outside 610
Unified Auto Works	#3	Eastex FW (59) inside 610
	#4	East FW (I-10) inside 610
T & T Motors	#5	N Loop E between Eastex FW (59) & East FW (I-10)
	#7	E Loop N between East FW (I-10) & LaPorte FW (225)
Cannino West, Inc.	#8	Gulf FW (I-45) inside 610
Fiesta Wrecker Service	#9	E Loop S between LaPorte FW (225) & Gulf FW (I-45), and LaPorte FW (225)
	#11	Gulf FW (I-45) outside 610
National Auto Collision, Inc.	#10	S Loop E between S FW (288) and Gulf FW (I-45)
	#12	S FW (288) inside 610 to SW FW (59)
	#16	S Loop to W Loop between W Loop S @ Beechnut & S FW (288)
	#17	S FW (288) outside 610
Milam Street Auto Storage, Inc.	#13	South FW (288) between SW FW (59) and I-45
	#14	Spur 527
	#15	SW FW (59) inside 610 to S FW (288)
	#28	Downtown Inner Loop
Allied Collision Center	#18	SW FW (59) outside 610
	#19	W Loop between Katy FW (I-10) & Westpark
KTL Enterprises, Inc.	#20	Katy FW (I-10) between Wirt Rd & N FW (I-45)
	#27	Katy FW (I-10) outside Sam Houston
	#29	Katy FW (I-10) between Blalock & Sam Houston
Westside Wrecker Service, Inc.	#21	N FW (I-45) between 610 and Katy FW (I-10), N Loop E between N FW (I-45) and Hardy Toll Road, N Loop E between Hardy Toll Road and Eastex FW (59)
	#22	N FW (I-45) between 610 & Sam Houston
	#23	N FW (I-45) outside Sam Houston
	#24	Beltway 8 between Hardy Toll Road and Ella
Corporate Auto Services, Inc	#25	N Loop W between NW FW (290) & N FW (I-45), W Loop N between NW FW (290) and Katy FW (I-10)
	#26	NW FW (290) outside 610

#36  
~~8-1-07~~

**Stein, Marty - MYR**

**From:** Michel, Frank - MYR  
**Sent:** Tuesday, July 31, 2007 5:51 PM  
**To:** Moore, Michael - MYR  
**Cc:** Stein, Marty - MYR  
**Subject:** Safe Clear Update Memo

**From the Desk of  
A. F. Bukowski  
Acting Captain  
Mobility Incident Management Division  
713-308-1468  
Tuesday, July 31, 2007**



**To:** Council Members, Houston City Council

**Subject:** **Safe Clear Update**

Safe Clear handled 54,589 incidents (stalls, wrecks, flats, etc) in calendar 2006. Year to date 2007, there have been 31,310 incidents.

Citizens, through various surveys and other input, have expressed a generally high level of satisfaction with the program. A common comment from citizens is that they are grateful that Safe Clear was there to safely remove them from the freeway – the primary goal of Safe Clear. We believe this level of satisfaction reflects the continual improvements we have made in partnership with tow operators.

Since the implementation of the program in early 2005, the Safe Clear operators, working together, have invested a significant amount of money in a radio dispatch system based at Houston TranStar. They have also hired dispatchers (staffed 24/7) to work with the Houston Police Department officers assigned to Safe Clear at TranStar. This radio system aids in communication and therefore in response times.

So that we can stay on top of potential problems, we also continue to hold regular problem-solving meetings involving the Safe Clear operators, the Houston Police Department, and the civilian dispatchers.

The Auto Dealers Detail of the Houston Police Department has conducted telephone surveys of random citizens who were assisted by Safe Clear. They were asked questions related to response time and their satisfaction with the experience. The results of these

surveys have indicated that the vast majority of the citizens are very satisfied with their experience. The number of Safe Clear complaints received by the Auto Dealers Detail has noticeably declined. The few complaints received are usually related to a misconception about how the program operates, and once the procedures are explained the citizens are usually satisfied. The wrecker companies and/or the storage lots involved have been very cooperative in resolving complaints.

Within the past few months the Safe Clear operators (the wrecker companies) have designed and distributed their own card asking for input from their customers. A sampling of these has also shown high satisfaction.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Additional Funding for Contract with 4B Technology Group, LLC, for Information Technology and Telecommunications Infrastructure Field Inspection Services at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU), and Ellington Field (EFD). WBS #A-000138-0006-3-01, Project 577.	<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> #
		82	42

<b>FROM (Department or other point of origin):</b> Houston Airport System	<b>Origination Date</b> June 27, 2007	<b>Agenda Date</b> AUG 0 1 2007
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<b>DIRECTOR'S SIGNATURE:</b> <i>Thos B. Bartlett for RMV</i>	<b>Council District affected:</b> All
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<b>For additional information contact:</b> Mark V. Mancuso Phone: 281/233-7329 Frank Haley Phone: 281/233-1835	<b>Date and identification of prior authorizing Council action:</b> 6/2/04 (O) 2004-0533 12/14/05 (O) 2005-1353
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<b>AMOUNT &amp; SOURCE OF FUNDING:</b> CIP #A-0138.69 \$2,500,000.00 Airports Improvement Fund (8011)	<b>Prior appropriations:</b> CIP #A-0138 \$3,000,000.00 AIF
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**RECOMMENDATION: (Summary)**  
Enact an Ordinance appropriating \$2,500,000.00 as an additional appropriation for Information Technology and Telecommunications Infrastructure Field Inspection Services at IAH, HOU, and EFD.

**SPECIFIC EXPLANATION:**

On June 15, 2004, the City entered into Contract No. 55990 with 4B Technology Group, LLC for Information Technology and Telecommunications Infrastructure Field Inspection Services in the amount of \$3,000,000. This contract provides IT and telecom services at George Bush Intercontinental Airport/Houston (IAH), William P. Hobby Airport (HOU) and Ellington Field (EFD) in support of the upcoming \$1.9 billion 2008-2013 Capital Improvement Program (CIP) and numerous airport operations and maintenance projects. The original funding was for the initial three-year period of the contract.

On December 14, 2005, City Council approved Amendment No. 1 to enable HAS to achieve greater flexibility in some types of inspection and documentation tasks where Registered Communications Distribution Designer (RCDD) certification is not required. In addition, Amendment No. 1 enabled HAS to negotiate unspecified labor rates not to exceed billing rates defined by the contract.

HAS now requests additional funding in the amount of \$2,500,000.00 to cover the two option years available in this agreement.

Currently, 4B Technology Group, LLC is achieving 22.97% M/WBE participation on a 24% goal.

The IT Steering Committee was briefed and has approved this matter.

RMV: FH  
Attachments

cc: Ms. Marty Stein                      Ms. Velma Laws                      Ms. Sara S. Culbreth  
    Mr. Anthony W. Hall Jr.              Mr. Richard M. Vacar              Ms. Kathy Elek  
    Mr. Arturo G. Michel                  Mr. Mark Mancuso

REQUIRED AUTHORIZATION		
<b>F&amp;A Budget:</b> <i>[Signature]</i>	<b>Other Authorization:</b>	<b>Other Authorization:</b>

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Recommendation that an ordinance for the BROAD OAKS WATERLINE REPLACEMENT PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. C.I.P. S-000035-00L5-2-01	<b>Category</b> #7	<b>Page</b> 1 of 1	<b>Agend</b> <b>Item</b> 83 / 48
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<b>FROM: (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 7/11/07	<b>Agend</b> <b>a Date</b> AUG 08 2007
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> G Key Map 491K,L
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<b>For additional information contact:</b> Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 	<b>Date and identification of prior authorizing Council Action:</b> Ordinance 2005-1102, passed September 21, 2005
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**RECOMMENDATION: (Summary)**  
An ordinance for the BROAD OAKS WATERLINE REPLACEMENT PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

<b>Amount and Source of Funding:</b> No additional funding required (covered under Blanket Appropriation Ordinance 2005-1102 S-00019A-00RE-2-01 Water and Sewer System Consolidated Construction Fund 755)	<b>F&amp;A Budget:</b>
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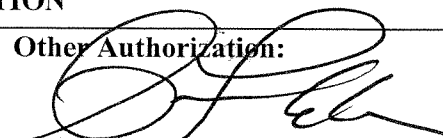
**SPECIFIC EXPLANATION:**  
The Department of Public Works and Engineering is requesting that an ordinance for the BROAD OAKS WATERLINE REPLACEMENT PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project is part of the City's Water Line Replacement Program and is required to replace and upgrade water lines within the City to increase circulation and availability of water. This project consists of the design of approximately 429 linear feet of water lines.

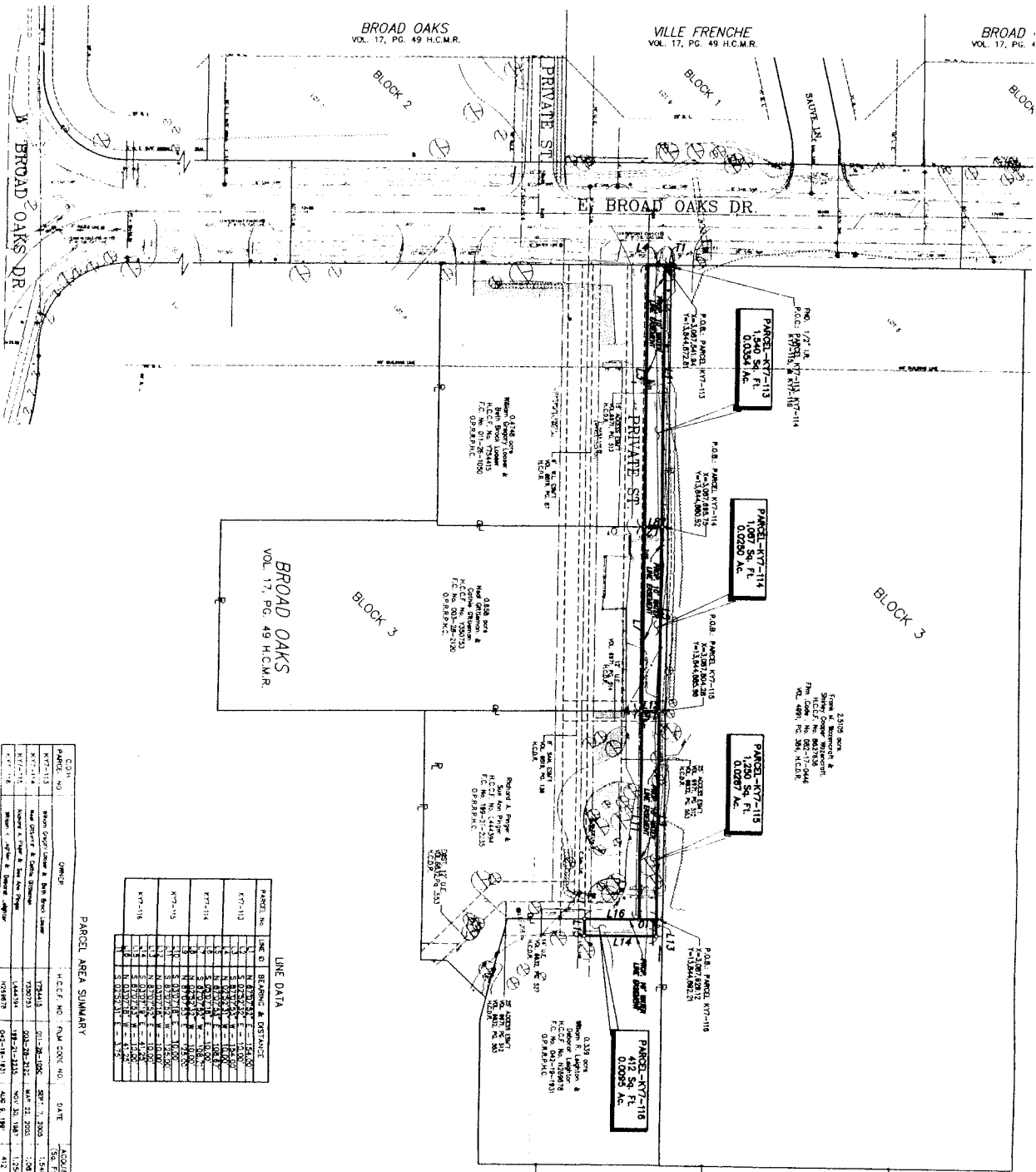
This action authorizes payment for costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause to be filed proceedings in Eminent Domain and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Payments for purchase considerations in an amount of \$25,000.00 or greater will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the BROAD OAKS WATERLINE REPLACEMENT PROJECT.

MSM:NPC:mp  
S:\reales\phelps\Broad Oaks\RCA Blanket Condemnation  
cc: Marty Stein

CUIC #20MTP70

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
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From A. K. Koppert & Co.  
H.C.M.R. No. 021-12-046  
From C. W. & S. W. Koppert & Co.  
H.C.M.R. No. 021-12-046

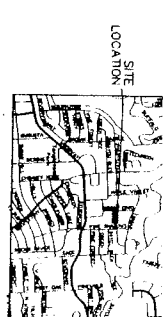
PARCEL AREA SUMMARY

Parcel No.	Area (Ac.)	Area (Sq. Ft.)
K77-113	0.0250	1,097
K77-114	0.0250	1,097
K77-115	0.0257	1,120
K77-116	0.0295	1,280

LINE DATA

Parcel No.	Line Description	Distance
K77-113	N 87°23'27" E	154.00
	S 87°23'27" W	154.00
K77-114	N 87°23'27" E	154.00
	S 87°23'27" W	154.00
K77-115	N 87°23'27" E	154.00
	S 87°23'27" W	154.00
K77-116	N 87°23'27" E	154.00
	S 87°23'27" W	154.00

BROAD OAKS  
VOL. 17, PG. 49 H.C.M.R.



NOTES:  
1. All bearings and distances shown are based on the Texas State Plane Coordinate System, South Central Zone (NAD 83). All coordinates shown are in feet. All distances shown are surface and not horizontal distances. All distances are surface unless noted otherwise.  
2. A north and south arrow and description has been prepared in accordance with each parcel shown on the drawings.

**SURVEYOR'S CERTIFICATE:**  
I, Charles Sage, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the above described property and the data hereon are a true and correct representation of the same as shown on the plat hereon. The map and plat of the above described property and the data hereon were prepared by me or under my direct supervision and to the best of my knowledge and belief they are true and correct. I am a duly licensed and qualified surveyor under the laws of the State of Texas. My commission expires on the 31st day of December, 2008. My office is located at 1111 North Loop West, Suite 1000, Houston, Texas 77008. My registration number is 11111. My commission number is 11111. My registration expires on the 31st day of December, 2008. My office is located at 1111 North Loop West, Suite 1000, Houston, Texas 77008. My registration number is 11111. My commission number is 11111. My registration expires on the 31st day of December, 2008.



**WATER LINE REPLACEMENT IN BROAD OAKS**  
EASEMENT ACQUISITION  
PARCEL NO. K77-113, PARCEL NO. K77-114, PARCEL NO. K77-115 & PARCEL NO. K77-116  
OUT OF  
CHARLES SAGE SURVEY, A-697  
HARRIS COUNTY, TEXAS

**Kuo & Associates, Inc.**  
Consulting Engineers & Surveyors  
10100 West Loop South, Suite 100, Houston, Texas 77042  
Tel: (713) 875-8888 Fax: (713) 875-8888

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

ASSISTANT ENGINEER: [Name]  
REGISTERED PROFESSIONAL ENGINEER: [Name]  
DATE: [Date]

PROJECT NO.: [Number]  
SHEET NO.: [Number]



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AUG 08 2007

MOTION NO. 2007 0804

MOTION by Council Member Edwards that the following item be postponed for one week:

Item 59 - Ordinance approving and authorizing contract between the City of Houston and the Houston-Galveston Area Council (H-GAC) for Hurricane Evacuation Education Program - \$34,855.00 - Greater Houston Transportation and Emergency Center Fund

Seconded by Council Member Garcia and carried.

Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Lovell, Noriega, Green and Berry voting aye  
Nays none

PASSED AND ADOPTED this 1st day of August, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is August 7, 2007.


City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract with Houston-Galveston Area Council for Public Information Program for Hurricane Evacuation Education Program.	<b>Category</b>	<b>Page</b> 1 of 2	<b>Agenda Item</b> #929
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<b>FROM (Department or other point of origin):</b> Department of Public Works and Engineering	<b>Origination Date</b> 6-14-07	<b>Agenda Date</b> <del>JUL 18 2007</del>
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<b>DIRECTOR'S SIGNATURE:</b>  Michael S. Marcotte, P.E., DEE, Director	<b>Council District affected:</b> All	<del>AUG 01 2007</del> AUG 08 2007
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<b>For additional information contact:</b> John R. Whaley, P.E. Phone: (713) 881-3000 Assistant Director	<b>Date and identification of prior authorizing Council action:</b> None
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**RECOMMENDATION: (Summary)**

Adopt an ordinance approving an agreement between the City of Houston and the Houston-Galveston Area Council (H-GAC) and approving the allocation of funds to create an information campaign to inform the public about hurricane evacuation procedures and plans.

<b>Amount and Source of Funding:</b> \$34,855.00 from the Greater Houston Transportation and Emergency Center Fund No. 2402.	<b>F&amp;A Budget:</b>
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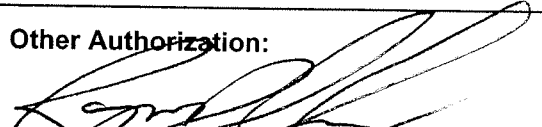
**SPECIFIC EXPLANATION:**

Many new plans and procedures have been developed to improve evacuation during a hurricane threat to the region since the Hurricane Rita evacuation occurred. There is a need to inform the public on the procedures and resources that are now available to aid in evacuation from the Houston region.

The Houston-Galveston Area Council has identified \$224,275.00 of federal funding to create a media public outreach campaign that will inform the public about the plans that have been set in place for evacuating the region and the actions they should take as a hurricane approaches the south Texas coast.

This federal funding requires a local match of \$44,855.00. The members of the Houston TranStar consortium, the City of Houston, Harris County, METRO and TxDOT, have each provided 25% of the \$34,855.00 designated by this agreement from the funds they issue to the City for the operation of the Houston TranStar program. The remaining \$10,000.00 of the matching funds is being funded under a separate agreement between Harris County and H-GAC.

REQUIRED AUTHORIZATION CUIC ID #20 JRW 09

<b>F&amp;A Director:</b>	<b>City Attorney's Office:</b>	<b>Other Authorization:</b>  Raymond D. Chong, P.E., Deputy Director Traffic and Transportation Division JRW
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## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Contract with Houston-Galveston Area Council for Public Information Program for Hurricane Evacuation Education Program.	<b>Category</b>	<b>Page 2 of 2</b>	<b>Agenda Item #</b>
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**SPECIFIC EXPLANATION:** (Continued)

This media information campaign will include the following:

- A marketing consultant will be procured by H-GAC to develop the Hurricane Evacuation Outreach Effort (HEOE), a communications plan that can be utilized by local governments to disseminate information to special needs groups including the elderly, disabled, and non-English speaking persons, along with the public at large.
- The consultant will develop a marketing tool kit for local governments that will consist of flexibly-designed, customizable pieces which can be utilized by governmental agencies, community leaders, media, and other civic organization as part of the HEOE. Each printed collateral piece in the tool kit will be provided as a PDF master, which can be customized and produced at the discretion of each partner helping to promote the outreach effort. These PDFs will be provided on master CDs and made available for download through a section/page on the H-GAC web site. Broadcast mediums such as radio or TV Public Service Announcements (PSAs) will be provided on CD and DVD. The tool kit may contain executions for the following items: posters, door hangers, flyers, stuffers, postcards, ads, and other educational and outreach items. The consultant will also develop training sessions for local governments as necessary to facilitate utilization of the tool kit.
- In addition to the development of the tool kit, the consultant will develop a media plan identifying the most appropriate methods to communicate the importance of awareness of the storm season. This plan will target media with the greatest impact on the under-served audience. PSAs as well as paid advertising will be placed with the appropriate media in the designated target area based on the media plan.

This Council action will authorize the execution of the agreement with H-GAC and the payment of \$34,855 to H-GAC for partial funding of the Federal funding match required to execute this project.

CC: Ray Chong, P. E., Jack Whaley, P.E., Marty Stein, Pat Waskowiak.