

AGENDA - COUNCIL MEETING - WEDNESDAY - NOVEMBER 9, 2011 - 9:00 A. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

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

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Gonzalez

9:00 A. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

9:30 A. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County, Fort Bend County and Montgomery County; on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts; and on separate proposals by the City of Houston to annex for limited purposes certain territory in the vicinity of certain Districts:
 1. Fallbrook Utility District
 2. Fort Bend County Municipal Utility District No. 50
 3. Harris County Municipal Utility District No. 412
 4. Harris County Municipal Utility District No. 166
 5. Harris County Water Control and Improvement District No. 109
 6. Northwest Harris County Municipal Utility District No. 21
 7. Harris County Municipal Utility District No. 280
 8. Fort Bend County Municipal Utility District No. 194
 9. Fort Bend County Municipal Utility District No. 23
 10. Harris County Municipal Utility District No. 36
 11. Harris County Municipal Utility District No. 230
 12. Harris-Fort Bend Counties Municipal Utility District No. 3
 13. Bridgestone Municipal Utility District
 14. Reid Road Municipal Utility District No. 1
 15. Barker Cypress Municipal Utility District
 16. Harris County Municipal Utility District No. 494
 17. Fort Bend County Municipal Utility District No. 143
 18. Harris County Municipal Utility District No. 96
 19. Harris County Municipal Utility District No. 364
 20. Reid Road Municipal Utility District No. 2
 21. Harris County Municipal Utility District No. 238
 22. Harris-Fort Bend Counties Municipal Utility District No. 1
 23. Harris County Municipal Utility District No. 215
 24. Harris County Municipal Utility District No. 205
 25. Harris County Municipal Utility District No. 183
 26. Southern Montgomery County Municipal Utility District
 27. Montgomery County Municipal Utility District No. 19
 28. Spring Creek Utility District
 29. Fort Bend County Municipal Utility District No. 30

HEARINGS - continued

2. **PUBLIC HEARING** relative to the fifth amended Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER THREE (MAIN STREET/MARKET SQUARE ZONE) DISTRICTS D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 3 through 58A

MISCELLANEOUS - NUMBERS 3 through 8

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **EAST DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2015:
 - Position One - **MS. ANNY DANG**, reappointment
 - Position Two - **MR. NORMAN R. PEGRAM, JR.**, reappointment
 - Position Three - **MR. GORDON D. HARRIS, III**, appointment
 - Position Four - **MR. GARY HORNBERGER**, reappointment
 - Position Five - **MR. PIERRE BEJJANI**, appointment
 - Position Six - **MS. PATRICIA ANN TORRESS**, reappointment
 - Position Seven - **MR. DAN NIP**, reappointment
 - Position Eight - **MS. STEPHANIE A. MACEY**, appointment
 - Position Nine - **MR. SHAHIN O. NAGHAVI**, appointment
4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE GREENSPPOINT DISTRICT OF HARRIS COUNTY**, for terms to expire June 1, 2015:
 - Position Twelve - **MR. JAMES N. CURRY**, reappointment
 - Position Thirteen - **MS. ANNE SEELEY**, reappointment
 - Position Fourteen - **MS. WEI HUANG**, reappointment
 - Position Fifteen - **MS. MELODY KELLY DOUGLAS**, reappointment
 - Position Sixteen - **MS. GRACE Y. CERVIN**, appointment
 - Position Seventeen - **MS. MICHELLE WOGAN**, reappointment
 - Position Eighteen - **MR. JERRY PADUANO**, reappointment
 - Position Nineteen - **MR. GERARD LEUTNER**, appointment
 - Position Twenty - **MS. ROSA ISELA (ROSE) LOPEZ**, reappointment
 - Position Twenty One - **MR. GEORGE W. LUNNON, JR.**, reappointment
 - Position Twenty Two - **MR. JOHN E. WALLACE**, reappointment
5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **HOUSTON READ COMMISSION**, for terms to expire June 1, 2014:
 - Position Twelve - **MR. NICHOLAS PHILLIPS**, appointment
 - Position Fifteen - **MS. ROSIE CANALES**, reappointment

MISCELLANEOUS - continued

6. REQUEST from Mayor for confirmation of the appointment of the following individual to the **INDEPENDENT POLICE OVERSIGHT BOARD**:

| Name | District | Panel | Term |
|------------------|-----------------|--------------|-------------|
| Maryanne Fortson | E | C5 | 3 years |

7. REQUEST from Mayor for confirmation of the appointment of **MR. BARRY MANDEL**, to Position Nine of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MAIN STREET MARKET SQUARE ZONE)**, for a term to expire December 31, 2011
8. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **WESTCHASE DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2015:
- Position Nine - **MR. MARK D. SMITH**, appointment
 - Position Ten - **MR. MARK TAYLOR**, reappointment
 - Position Eleven - **MR. GARY BLUMBERG**, reappointment
 - Position Twelve - **MR. BRAD FRICKS**, reappointment
 - Position Thirteen - **MR. DAVID J. LEE**, reappointment
 - Position Fourteen - **MR. PHILIP M. SCHNEIDAU**, reappointment
 - Position Fifteen - **MR. PATRICK MANCHI**, appointment
 - Position Sixteen - **MR. ALFREDO MATOS**, reappointment
 - Position Seventeen - **MR. ANDREW R. LEAR**, reappointment

ACCEPT WORK - NUMBERS 9 through 16

9. RECOMMENDATION from Director of Houston Airport System for approval of final contract amount of \$7,251,315.40 and acceptance of work on contract with **AXIOM CONSTRUCTION COMPANY, INC** for Hurricane Ike repairs at George Bush Intercontinental Airport/Houston 1.68% over the original contract amount - **DISTRICT B - JOHNSON**
10. RECOMMENDATION from Director of Houston Airport System for approval of final contract amount of \$37,211,940.00 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for Automated People Mover Phase 3, Packages 3 & 4 at George Bush Intercontinental Airport/Houston - 2.49% over the original contract amount - **DISTRICT B - JOHNSON**
11. RECOMMENDATION from Director of General Services Department for approval of final contract amount of \$55,349.50 and acceptance of work on contract with **AAR INCORPORATED** for Soil Remediation, Removal and Replacement at Tony Marron Park Property - 14.51% under the original contract amount - **DISTRICT H - GONZALEZ**
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,628,701.98 and acceptance of work on contract with **ANGEL BROTHERS ENTERPRISES, LTD** for American Recovery and Reinvestment Act - Local Rehabilitation Projects STP 2011 (212) ES - 4.06% over the original contract amount **DISTRICTS B - JOHNSON; G - PENNINGTON; H - GONZALEZ and I - RODRIGUEZ**
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,423,029.65 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., LTD** for Reconstruction of North Main Street from IH-45 to Airline Drive 0.79% over the original contract amount - **DISTRICT H - GONZALEZ**

ACCEPT WORK - continued

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$403,911.00 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Utility System Infrastructure Improvement Contract - 33.88% under the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; H - GONZALEZ and I - RODRIGUEZ**
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,284,366.42 and acceptance of work on contract with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods (4257-96) - 1.88% over the original contract amount - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; F - HOANG and H - GONZALEZ**
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$748,153.77 and acceptance of work on contract with **TEXAS ReEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal (4235-43) - 0.67% under the original contract amount

PROPERTY - NUMBERS 17 through 21

17. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tracy Youngblood, on behalf of Apartments at Post Oak Hills, Ltd., (Jennette M. Hunnicutt, President), for abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836, Parcels SY12-010 A through E and KY12-042 - **DISTRICT G - PENNINGTON**
18. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Meysam Mosaheb, for abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey, Parcel SY12-012 - **DISTRICT A - STARDIG**
19. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel D. Lloyd, declining the acceptance of, rejecting, and refusing the dedication of McNulty Street from Allison Road to 5 feet south of the Almeda Genoa Road right-of-way line, located in the Minnetex Place Subdivision, Parcels SY12-004 and AY12-065 - **DISTRICT E - SULLIVAN**
20. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court in connection with eminent domain proceeding styled City of Houston v. Sunshine Development One, LP, et al., Cause No. 982,647; for acquisition of Parcel LY10-002; for **BELLAIRE WEST DRAINAGE IMPROVEMENTS PROJECT** - **DISTRICT F - HOANG**
21. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. J. E. Fisher Investments, Ltd., et al., Cause No. 922,974; for acquisition of Parcels LY6-019, LY6-020, LY6-021, LY6-022, LY8-027, LY8-028A and LY8-028B; for the **PINEMONT PAVING: T. C. JESTER TO ELLA BLVD. DETENTION POND CONSTRUCTION PROJECT** - **DISTRICT A - STARDIG**

PURCHASING AND TABULATION OF BIDS - NUMBERS 22 through 27

22. ORDINANCE appropriating \$125,310.56 out of Parks Special Fund for Modular Office Building at Keith Wiess Park for the General Services Department
 - a. **NORTEX MODULAR SPACE, INC** for Modular Office Building from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for General Services Department on behalf of the Parks & Recreation Department **DISTRICT B - JOHNSON**
23. **GODWIN PUMPS OF AMERICA, INC** for the Emergency Pumping Bypass Services at the 69th Street Wastewater Treatment Plant for the Department of Public Works & Engineering \$352,499.10 - Enterprise Fund
24. **RDI MECHANICAL, INC** for Construction Services to provide an Air Conditioning System and Chiller Replacements from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works & Engineering - \$363,520.50 - Enterprise Fund
25. **PUMPS SOLUTIONS, INC** for the Purchase of Submersible Pumps for the Department of Public Works & Engineering - \$84,892.00 - Enterprise Fund
26. **SMITH PUMP COMPANY, INC** to Furnish Pumps and Parts for the Department of Public Works & Engineering - \$669,761.00 - Enterprise Fund
27. **A. C. SALES CO.** for Beverage, Electrolyte Replenishment for Various Departments \$233,856.16 - 5 years - General and Enterprise Funds

ORDINANCES - NUMBERS 28 through 58A

28. A third amended and restated ordinance authorizing, approving, confirming and ratifying certain matters relating to the City of Houston, Texas, General Obligation Commercial Paper Notes, Series G and such related Sub-Series, in an aggregate principal amount not to exceed \$200,000,000 for the purpose of providing financing for certain authorized purposes; approving and authorizing certain authorized officials and designated employees to act on behalf of the City in the selling and delivery of such Notes within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an amended and restated Issuing and Paying Agency Agreement, one or more Credit Agreements, an Offering Memorandum and one or more Commercial Paper Dealer Agreements; making certain findings and determinations regarding such Commercial Paper Program and other General Obligation Commercial Paper Programs
29. ORDINANCE approving Pricing Certificate relating to City of Houston, Texas, Airport System Special Facilities Revenue and Refunding Bonds, Series 2011; ratifying other actions and making certain findings with respect thereto
30. ORDINANCE **AMENDING CHAPTERS 1 AND 8 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive towing and storage; containing findings and other provisions relating to the foregoing subject; providing for severability
31. ORDINANCE **AMENDING CHAPTERS 8 AND 28 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to the regulation of automotive businesses; containing findings and other provisions relating to the foregoing subject; providing for severability

ORDINANCES - continued

32. ORDINANCE **AMENDING SECTION 16-9 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to Juvenile Case Managers for the Municipal Courts Department; containing findings and other provisions relating to the foregoing subject; providing for severability
33. ORDINANCE approving and authorizing Memorandum of Understanding between the City of Houston and **HOUSTON INDEPENDENT SCHOOL DISTRICT** for the Juvenile Case Manager Program for the 2011-2012 Academic Year
34. ORDINANCE **AMENDING SECTION 16-47 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS**, relating to failure of defendants to appear in Municipal Courts; containing findings and other provisions relating to the foregoing subject; providing for severability
35. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON**, providing up to an additional \$32,880 for the continuing administration and operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services
36. ORDINANCE approving and authorizing Performance Based Loan Agreement between the City of Houston and **THE VILLAGE LEARNING CENTER, INC.**, as borrower, to provide \$881,000 of Federal "HOME" Funds to assist with the construction of a 15 unit affordable housing complex for individuals with developmental and physical disabilities to be located in the vicinity of 3819 Plum Valley, Kingwood, Texas, that will provide affordable housing to low and moderate income persons - **DISTRICT E - SULLIVAN**
37. ORDINANCE relating to the City of Houston's Neighborhood Stabilization Program approving and authorizing third amendment to loan agreement between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC.**, to increase the annual income ceiling for eligible purchasers of rehabilitated property from fifty percent of the Area Median Income (AMI) to one hundred twenty percent of the AMI - **DISTRICTS A - STARDIG; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GONZALEZ and I - RODRIGUEZ**
38. ORDINANCE appropriating \$3,101,439.00 from TIRZ Affordable Housing Fund (2409); approving and authorizing the fourth of five repayment installments in the amount of \$3,101,439.00 to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** for the resolution of outstanding issues raised in HUD Monitoring Reports from 2004, and 2005 relating to the City's HOME, CDBG, and HOPWA Programs
39. ORDINANCE relating to the rental of certain spaces in the Julia Ideson Library for public use; authorizing and approving an agreement between the City of Houston and the **JULIA IDESON PRESERVATION PARTNERS**; establishing the fees for the use of the Julia Ideson Event Spaces and authorizing adjustments thereto; amending Section 7 of Ordinance No. 2009-278 to create an account within the Historic Preservation Fund for the deposit and use of gifts and the net revenue from the rental of certain spaces in the Julia Ideson Library
40. ORDINANCE appropriating \$1,815,511.90 out of Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment for the Houston Fire Department
41. ORDINANCE \$19,341.00 out of Equipment Acquisition Fund to Purchase Capital Equipment for the Parks and Recreation Department
42. ORDINANCE appropriating \$10,295,826.00 out of Water & Sewer System Consolidated Construction Fund and \$2,018,699.00 out of the Airport Improvement Fund; approving and authorizing the Continued Project Implementation in the Public Safety Radio System Project for the Information Technology Department

ORDINANCES - continued

43. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **SAM HOUSTON STATE UNIVERSITY REGIONAL CRIME LAB** for Laboratory Testing Services in DUI/DWI Cases for the Houston Police Department; establishing a maximum contract amount \$65,000.00 - General Fund
44. ORDINANCE approving and authorizing first amendment to Antenna Site License Agreement between **TEXAS TOWER LIMITED, LICENSOR**, and the City of Houston, Texas, Licensee, to allow for the installation of additional equipment at 600 Travis Street, Houston, Texas, in connection with a New Public Safety Radio System - **DISTRICT I - RODRIGUEZ**
45. ORDINANCE approving Lease Agreement between the City of Houston, Texas, Landlord, and **LEGACY COMMUNITY HEALTH SERVICES, INC**, Tenant, for 23,250 square feet of space at 5602 Lyons Avenue, Houston, Texas, for use by tenant to provide health care services to low-income persons - **DISTRICT H - GONZALEZ**
46. ORDINANCE awarding contract to the **CAPTIONING COMPANY, INC** for Closed Captioning Services the Mayor's Office (Houston Television); providing a maximum contract amount 3 Years with two one-year options - \$234,000.00 - Cable Television Fund
47. ORDINANCE approving and authorizing contract between the City and **MUNISERVICES, LLC** for Sales/Use Tax Audit and Sales/Use Tax Analysis and Reporting Services; providing a maximum contract amount - 4 years - \$850,000.00 - General Fund
48. ORDINANCE appropriating \$88,000.00 out of HAS Consolidated 2001 Non-Amt Construction Fund (8202); authorizing the purchase of approximately 0.435 acre of vacant land in the G. W. Sherrick Survey, A-1113, Houston, Harris County, Texas (8500 block of Airport Boulevard) for Hobby Airport; approving Purchase and Sale Agreement with the owner of the land (Pasadena Independent School District) - **DISTRICT I - RODRIGUEZ**
49. ORDINANCE authorizing payment of \$1,257,500.00 for land acquisition costs and authorizing Purchase and Sale Agreement between **RAILWORKS TRACK SYSTEMS - TEXAS, INC**, Seller and the City of Houston, Texas, Purchaser, for 147,176 square feet of Improved Commercial Land located at 6040 and 6060 Armour Drive, Houston, Texas, for the 69th Street Wastewater Plant Expansion and Buffer and Zone Project - Enterprises Fund - **DISTRICT I - RODRIGUEZ**
50. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON PARKS BOARD** (Approved by Resolution 2011-21) for the provision and acceptance of local matching funds for Construction of the Brays Path Project - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
 - a. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Brays Path Project - **DISTRICTS D - ADAMS and I - RODRIGUEZ**
51. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON PARKS BOARD** (Approved by Resolution 2011-21) for the provision and acceptance of local matching funds for Construction of the Cullen Park Path Project - **DISTRICTS A - STARDIG; and G - PENNINGTON**
 - a. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the Cullen Park Path Project **DISTRICTS A - STARDIG; and G - PENNINGTON**

ORDINANCES - continued

52. ORDINANCE approving and authorizing agreement between the City of Houston and **INTERNATIONAL MANAGEMENT DISTRICT** (Approved by Resolution 2011-21) for the provision and acceptance of local matching funds for Construction of the IMD Bikeway Project **DISTRICT F - HOANG**
- a. ORDINANCE approving and authorizing agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of the IMD Bikeway Project **DISTRICT F - HOANG**
53. ORDINANCE approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for Comprehensive Mobility Planning Phase Two (Approved by Ordinance No. 2008-0310) \$728,817.00 - Mobility Response Team Fund
54. ORDINANCE appropriating \$64,600.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to a Professional Engineering Services contract between the City of Houston and **PATE ENGINEERS, INC** for Keegans Bayou Trail (Approved by Ordinance No. 2005-0749); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK and F - HOANG**
55. ORDINANCE appropriating \$1,696,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R J CONSTRUCTION COMPANY, INC** for Pump and Lift Station Renewal and Replacement - Green Crest and Fairway Lift Station; setting a deadline for the bidders' execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS G - PENNINGTON and I - RODRIGUEZ**
56. ORDINANCE appropriating \$15,949,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON WATERWORKS, LLC** for 69th Street Wastewater Treatment Plant Improvements (Package 4); setting a deadline for the bidders' execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
57. ORDINANCE appropriating \$2,118,168.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Water Service Line Replacement; setting a deadline for the bidders' 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund

ORDINANCES - continued

58. ORDINANCE repealing Ordinance No. 2011-914 relating to a Boundary Adjustment Agreement between the City of Houston and the **CITY OF WEBSTER** near the intersection of the southwest boundary line of El Camino Village Apartments Subdivision and the southeast row line of El Camino Village Drive; containing findings and other provisions relating to the foregoing subject; and providing for severability; and declaring an emergency - **DISTRICT E - SULLIVAN**
- a. ORDINANCE approving and authorizing a Boundary Adjustment Agreement between the City of Houston and the **CITY OF WEBSTER** involving the relinquishment of 1.7 acres and the annexation of 4.6 acres by the City of Houston near the intersection of the southwest boundary line of El Camino Village Apartments Subdivision and the southeast row line of El Camino Village Drive; containing findings and other provisions relating to the foregoing subject; and providing for severability - **FIRST READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBERS 59 through 61

MISCELLANEOUS

59. **SET A PUBLIC HEARING DATE** to consider whether a property tax exemption will be mandatorily applied to certain goods-in-transit on January 1, 2012
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 16, 2011
60. **SET A PUBLIC HEARING DATE** regarding the designation of a banner district in the **HOUSTON MUSEUM DISTRICT**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 16, 2011
61. **SET A PUBLIC HEARING DATE** regarding the designation of a banner district in the **INTERNATIONAL MANAGEMENT DISTRICT**
SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 16, 2011

MATTERS HELD - NUMBERS 62 through 68

62. MOTION by Council Member Gonzalez/Seconded by Council Member Hoang to adopt recommendation to award to **REPUBLIC INTELLIGENT TRANSPORTATION SERVICES, INC** for Traffic Signal System Parts for Department of Public Works & Engineering - \$739,645.44 Grant Fund - **DISTRICTS A - STARDIG; C - CLUTTERBUCK and G - PENNINGTON**
TAGGED BY COUNCIL MEMBER JONES
This was Item 11 on Agenda of October 26, 2011
63. MOTION by Council Member Gonzalez/Seconded by Council Member Noriega to adopt recommendation to **AMEND MOTION #2008-380, 6/4/08, TO INCREASE** spending authority from \$229,724.95 to \$321,614.93 for Chemical, Liquid Ammonium Sulfate for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION**
TAGGED BY COUNCIL MEMBER JONES
This was Item 12 on Agenda of October 26, 2011
64. ORDINANCE appropriating \$1,538,280.00 out of Equipment Acquisition Consolidated Fund and amending Ordinance No. 2010-1007 (Passed on December 8, 2010) to increase the maximum contract amount for contract between the City of Houston and **LAGAN TECHNOLOGIES, INC** for Constituent Relationship Management Solution Upgrade for the Houston 3-1-1 Helpline for the Information Technology Department - \$52,016.00 - Central Services Revolving Fund
TAGGED BY COUNCIL MEMBER JONES
This was Item 19 on Agenda of October 26, 2011
65. ORDINANCE awarding contract to **VALLEY TANK TESTING, LLC** for Fuel System Tank Testing Service for the Fleet Management Department; providing a maximum contract amount - 3 Years with two one-year options - \$344,335.00 - Fleet Management Revolving Fund
TAGGED BY COUNCIL MEMBER JONES
This was Item 20 on Agenda of October 26, 2011
66. ORDINANCE awarding contract to **PROFESSIONAL AUDIO VIDEO SERVICE, INC** for Television Production Equipment Repairs & Routine Maintenance Services for the Mayor's Office (HTV); providing a maximum contract amount - 3 Years with two one-year options - \$230,125.00 Special Cable Fund - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 21 on Agenda of October 26, 2011
67. ORDINANCE appropriating \$3,766,576.28 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation to contract between the City of Houston and **ITRON, INC** for Radio Automated Meter Reading and Fixed Network/Advanced Meter Infrastructure Systems (Approved by Ordinance No. 98-575, as amended)
TAGGED BY COUNCIL MEMBER JONES
This was Item 37 on Agenda of October 26, 2011
68. ORDINANCE appropriating \$595,057.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ENVIROWASTE SERVICES GROUP, INC** for Sanitary Sewer Cleaning and Television Inspection in support of rehabilitation; 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - (4277-66)
TAGGED BY COUNCIL MEMBER JONES
This was Item 39 on Agenda of October 26, 2011

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - WEDNESDAY
NOVEMBER 9, 2011 9:30AM**

NON-AGENDA

| | | |
|------|------|------|
| 2MIN | 2MIN | 2MIN |
|------|------|------|

MS. NATHALEEN REE – 2425 Dowling – 77004 – 713-585-6649 – Issues/Complaints (Support & Resources)

| | | |
|------|------|------|
| 3MIN | 3MIN | 3MIN |
|------|------|------|

MS. MILDRED JONES – 713 E. 41st – 77022 – 713-695-7644 – Sidewalk Project on 41st Street

MR. DWIGHT BAXTER – 3427 Wentworth - 77004 – 832-546-5910 – Award Ceremony – American Freedom Award

MR. WENDALL DECUIR – 2901 Fulton, No. 203 – 77009 – 832-266-4313 – Personal issues with HPD

MR. DON COOK – 7954 Glenheath - 77061 – 713-705-5594 – City Budget

MS. HATTIE MORGAN – 2828 Collingsworth, No. 48 – 77022 – 832-405-6855 – Community

MR. RASOUL SANEIFARD – Post Office Box 33 – Cypress – TX – 77410 – Water bill - PW&E

MR. DON READIG – 8503 Hadner Ct. – 77037 – 281-447-4813 – Water Dept.

PASTOR J. WADE – 111 W. Little York – 77076 – 713-699-9988 – Speeding

REV. LEOPOLDO H. MATA – 14619 Leacrest Dr. – 77049 – 281-310-4144 – Land Assemblage Redevelopment issue

MR. /COACH R. J. BOBBY TAYLOR - 3107 Sumpter - 77026 - FA34511 – Behavior Coward Conspiracy my born little girl from birth

MR. MARION SCOTT – 1600 Louisiana – 77002 – 713-264-0693 – Victims Service

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Why are Hispanic and Mexican getting all the Jobs

MR. JOHN FERRATA – 3030 Ells Blvd. – 77018 – 713-862-5544 – Proposed changes to Chapter 8

PREVIOUS

| | | |
|------|------|------|
| 1MIN | 1MIN | 1MIN |
|------|------|------|

MS. PAULA HARRISON – 14410 Brunswick Point Ln. – 77047 – 713-459-2583 – Housing

PRESIDENT JOSEPH CHARLES - Post Office Box 524373, Ste. 227 - 77052-4373 – 713-928-2871 – W.S. Command Station w/Pcase No – Estate Release w/Fail to Prosecute

Hearings 11/9 and 11/16/2011

| | | | | |
|---|---|--|--------------------------------|------------------------|
| SUBJECT: Ordinance calling Hearings for Proposed Strategic Partnership Agreements with certain utility districts in the Houston area | | Category # <i>900</i> | Page 1 of 1 | Agenda Item # <i>5</i> |
| FROM (Department or other point of origin): Planning and Development | | Origination Date September 28, 2011 | Agenda Date October 5, 2011 | |
| DIRECTOR'S SIGNATURE: <i>Martine A. Saprick</i> | | Council District affected: <i>Hearings # 1</i> NOV 09 2011 | | |
| For additional information contact: Margaret Wallace Phone: 713-837-7826 | | Date and identification of prior authorizing Council action: | | |
| RECOMMENDATION: (Summary) It is recommended that City Council pass the Ordinance calling Hearings on proposed Strategic Partnership Agreements with certain utility districts in the Houston area. | | | | |
| Amount and Source of Funding: N/A | | Finance Budget: | | |
| SPECIFIC EXPLANATION: In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes. The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Utility Districts: | | | | |
| New Agreements: | | | | |
| Barker Cypress MUD | Harris County MUD No. 238 | | | |
| Fort Bend County MUD No. 23 | Harris County MUD No. 280 | | | |
| Fort Bend County MUD No. 30 | Harris County MUD No. 364 | | | |
| Fort Bend County MUD No. 143 | Harris County MUD No. 494 | | | |
| Fort Bend County MUD No. 194 | Harris County WCID No. 89 | | | |
| Harris County MUD No. 96 | Harris-Fort Bend Counties MUD No. 1 | | | |
| Harris County MUD No. 183 | Montgomery County MUD No. 19 | | | |
| Harris County MUD No. 205 | Reid Road MUD No. 2 | | | |
| Harris County MUD No. 215 | Southern Montgomery County MUD | | | |
| | Spring Creek UD | | | |
| Amendments to existing Agreements: | | | | |
| Bridgestone MUD (3 rd Amendment) | Harris County MUD No. 412 (1 st Amendment) | | | |
| Fallbrook UD (1 st Amendment) | Harris County WCID No. 109 (2 nd Amendment) | | | |
| Fort Bend County MUD No. 50 (3 rd Amendment) | Harris-Fort Bend Counties MUD No. 3 (1 st Amendment) | | | |
| Harris County MUD No. 36 (1 st Amendment) | Northwest Harris County MUD No. 21 (1 st Amendment) | | | |
| Harris County MUD No. 166 (1 st Amendment) | Reid Road MUD No. 1 (1 st Amendment) | | | |
| Harris County MUD No. 230 (1 st Amendment) | | | | |
| In each of these Districts, except HC MUD No. 412, the sales taxes collected in the areas will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land. There is no population located in these territories proposed to be annexed for limited purposes. | | | | |
| The hearings will be held on November 9, 2011 and November 16, 2011 in City Council chambers. | | | | |
| Cc: Marta Crinejo | | Sameera Mahendru | | |
| David Feldman | | Kelly Dowe | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Director: | Other Authorization: | Other Authorization: | | |

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| | | | |
|---|-------------------|--------------------|----------------------------|
| SUBJECT: Ordinance calling a Hearing for Proposed Strategic Partnership Agreement with HC MUD 494 | Category # | Page 1 of 1 | Agenda Item # 39 |
|---|-------------------|--------------------|----------------------------|

| | | |
|--|---|---|
| FROM (Department or other point of origin): Planning and Development | Origination Date October 11, 2011 | Agenda Date October 19, 2011 |
|--|---|---|

| | |
|---|-----------------------------------|
| DIRECTOR'S SIGNATURE: <i>Margaret Wallace</i> | Council District affected: |
|---|-----------------------------------|

| | |
|--|---|
| For additional information contact: Margaret Wallace Phone: 713-837-7826 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary) It is recommended that City Council pass the Ordinance calling a Hearing on the proposed Strategic Partnership Agreement with HC MUD 494.

| | |
|---|------------------------|
| Amount and Source of Funding: N/A | Finance Budget: |
|---|------------------------|

SPECIFIC EXPLANATION:
In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes.

The hearing called by this ordinance is for an agreement with Harris County MUD No. 494. Public hearings were called on October 5 on proposed agreements with 29 utility districts and the proposed agreement for a 127.93 acre tract within HC MUD 494. This request includes additional territory not included in the Oct. 5 ordinance calling for the public hearings. All public hearings will be held on the same dates.

The sales taxes collected in the area will be divided evenly between the City and the District. The City is only annexing commercial property and land. There is no population located in these territories proposed to be annexed for limited purposes.

The hearings will be held on November 9, 2011 and November 16, 2011 in City Council chambers.

Cc: Marta Crinejo
David Feldman

Sameera Mahendru
Kelly Dowe

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

2

NOV 09 2011

MOTION NO. 2011 0804


MOTION by Council Member Gonzalez that the recommendation of the Chief Development Officer, to set a hearing date relative to the fifth Amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Three (Main Street/Market Square Zone), be adopted, and a Public Hearing be set for 9:00 a.m., Wednesday, November 9, 2011, in the City Council Chamber, Second Floor, City Hall.

Seconded by Council Member Hoang and carried.

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

PASSED AND ADOPTED this 26th day of October, 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is November 1, 2011.


City Secretary

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

MAIN STREET/MARKET SQUARE ZONE

**Fifth Amended
Project Plan and Reinvestment Zone Financing Plan**

October 11, 2011

REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS
 MAIN STREET/MARKET SQUARE ZONE
 Part F – Fifth Amended Project Plan and Reinvestment Zone Financing Plan

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Appendix

Detailed Overview of Plan Amendments

**REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS
MAIN STREET/MARKET SQUARE ZONE
Fifth Amended Project Plan and Reinvestment Zone Financing Plan**

Introduction:

Reinvestment Zone Number Three, City of Houston, Texas, also known as the Main Street/Market Square Tax Increment Reinvestment Zone ("Zone") was created by Houston City Council ("City") on December 13, 1995, by Ordinance No. 95-1323, in an area comprising nine blocks around Market Square Park in Downtown Houston ("Downtown"). The primary goals of the Zone were to alleviate blight, deteriorated street and site conditions, and obsolete transit services and facilities, and encourage the sound growth of the residential, retail, and commercial sectors in Downtown through the design and construction of improved streetscape enhancements, pedestrian amenities, public utility system upgrades, parkland improvements, and historic preservation.

Section One:

The Part A Plan:

A Project Plan and Reinvestment Zone Financing Plan was adopted by the City on September 11, 1996, by Ordinance No. 96-911 (Part A Plan). The Part A Plan called for the construction of 905 new residential units, retail, commercial and office development totaling approximately 188,000 square feet, and included provisions for public parking. Project costs included in the Part A Plan included streetscape enhancements, improvements to Buffalo Bayou, financial assistance for the Rice Hotel, acquisition and rehabilitation of historic structures, and affordable housing.

The Part B Plan:

On November 11, 1998, the Board of Directors of the Zone recommended that the City expand the original Zone boundaries by adding approximately 65 blocks located primarily along Main Street. The annexation of additional territory into the Zone and adoption of the first amendment to the Project Plan and Reinvestment Zone Financing Plan (Part B Plan) was approved by the City on December 16, 1998, by Ordinance No. 1998-1205. Subsequently, on June 30, 1999, by Resolution No. 1999-0039, the City approved the creation of the Main Street/Market Square Redevelopment Authority, now d/b/a Downtown Redevelopment Authority ("Authority"). The Authority was established to assist the City and the Zone Board of Directors in implementing the Part A and Part B Plans. The Part B Plan restated the goals and objectives included in the Part A Plan and added several new project costs including streetscape enhancements, transit street improvements, parking facilities to support retail development, theater district improvements, cultural and public facility improvements, and educational facilities.

The Part C Plan:

Adopted by the City on August 11, 1999, by Ordinance No. 1999-828, the Part C Plan restated and further defined the fundamental goals and objectives identified in the Part A and Part B Plans. However, the primary intent of the Part C Plan was to incorporate changes to Houston

Independent School District's ("HISD") participation in the Zone following an amendment to the Interlocal Participation Agreement among HISD, the City, and the Zone, approved by the City on August 18, 1999, pursuant to Ordinance No. 1999-914. The changes included an increase in project costs for educational facilities and historic preservation. New project costs included in the Part C Plan included provisions for economic development grants, public parking facilities, and transit-related infrastructure improvements. No changes occurred to the boundaries of the Zone as part of the Part C Plan.

The Part D Plan:

The third amendment to the Zone's Project Plan, the Part D Plan, was approved by City Council on September 14, 2005, by Ordinance No. 2005-1050. The Part D Plan restated and further defined the fundamental goals and objectives identified in the Part A, Part B, and Part C Plans. In addition, the Part D Plan provided for enlargement of the Zone's boundaries by the addition of two city blocks to facilitate and support the development of the Houston Pavilions project ("Pavilions"). The Pavilions is a mixed-use retail and office complex developed to stimulate major investment in the southeastern portion of Downtown. New project costs included in the Part D Plan provided for residential site development, parks and plazas, retail development, institutional facility improvements, property acquisition, and land assembly.

The Part E Plan:

The fourth amendment to the Zone's Project Plan, the Part E Plan, was approved by City Council on December 12, 2007, by Ordinance No. 2007-1423. The Part E Plan enlarged the Zone by the addition of city blocks encompassing City Hall, the Julia Ideson Building, the Central Library, City Hall Annex, Sam Houston Park, and the adjacent Buffalo Bayou parklands. This enlargement of the Zone supported the Julia Ideson Building expansion and other, future institutional facilities.

Section Two:

The Part F Plan:

The Zone and the City now propose the fifth amendment to the Zone's Project Plan and Reinvestment Zone Financing Plan, the Part F Plan. The Part F Plan provides for the enhancement of and improvements to the 300 acres of land added to the Zone's boundaries contemporaneously with this fifth amendment, and includes the areas covered by the Part A, Part B, Part C, Part D, and Part E Plans. Public improvements proposed in the Part F Plan are in relationship to the goals, objectives, and project costs included in the original and amended Plans. Project costs are primarily intended for projects within the boundaries of the Zone; however, pursuant to Chapter 311 of the Texas Tax Code, as amended, if the Zone finds that there is a benefit to the Zone in implementing projects in areas outside the boundaries of the Zone, the Zone may expend project costs on those projects.

Pursuant to Texas Tax Code Section 311.010(h), the Zone's Board of Directors will establish and administer an economic development program, as authorized by Chapter 380 of the Texas Local Government Code, to fund maintenance and operations for a project to be known as Buffalo Bayou Park ("Project").

The Project includes improvements to an existing 158-acre linear City park extending west of Downtown from the Sabine Street Bridge to the Shepherd Drive Bridge. The Project will include park improvements such as natural landscaping, site work, water features, trails, footpaths, and pedestrian lighting. Other planned enhancements to the park include special lighting, pavilions, gardens, entry portals, art, special destinations, and limited concessions.

The City's Public Works & Engineering Department has agreed to add approximately 5.5 acres tract of land occupied by an unused Public Utilities Division underground water reservoir as a special destination.

Goals:

Proposed and restated goals of the Part F Plan relate to the original public improvement goals and are as follows:

Goal 1: Rehabilitation and development of Cultural, Public and Institutional Facilities, Historic Preservation, and Residential Development.

Increasing public and cultural facilities in the Theater District, historic preservation programs, and residential development in Downtown have emerged as important public policy goals since the creation of the Zone. Zone funds will be leveraged with private, public, and non-profit developers to encourage the development of housing initiatives with focus on the historic core of Downtown. The acquisition and rehabilitation of historic structures and landmarks for the purposes of preservation and restoration is anticipated. These projects, along with infrastructure improvements and enhancements to fire, police, library, and cultural facilities, will result in improved security and quality of life for existing and new residents and businesses.

Goal 2: Redevelopment and upgrades to open green space, pocket parks, plazas, public squares, and other appropriate recreational facilities throughout Downtown and along Buffalo Bayou.

Public infrastructure, pedestrian bridges, regional trail systems, adequate shade, comfort and other enhancements to parks, plazas, squares, and other public open green spaces will attract, support, and enhance the viability of residential, commercial, and retail districts.

Goal 3: The creation of pedestrian-friendly, safe environments within the Central Business District through the reconstruction of streets and sidewalks with ample lighting and streetscape amenities.

Streetscape enhancements are required to create an environment that will help stimulate investment in retail, residential, and commercial developments. Enhanced streetscape components will include sidewalks, lighting, signage, street trees, landscaping, benches, and other pedestrian amenities. The reconstruction of key streets and sidewalks will enhance the level of service in the area. The construction of sidewalk systems, including ADA-compliant ramps and other treatments, will improve pedestrian safety, enhance the visual environment, and provide connectivity both within Downtown and to adjacent districts. All improvements will be coordinated with the street reconstruction programs of the City, Harris County, METRO, TxDOT, and other public entities. Attention will be placed on the leveraging

of Zone monies through the funding of elements not addressed by the capital improvement projects of sister agencies.

Goal 4: The reinforcement of pedestrian-attractive retail developments along the Main Street corridor and throughout the Central Business District.

The retention and expansion of retail and commercial developments along the Main Street corridor is of key importance to the successful redevelopment of Downtown. Providing base level retail functionality is essential to the continued expansion of residential projects in the area. Development of complementary focal points supporting the Main Street corridor, such as historic Market Square, will result in key activity centers with an enhanced pedestrian environment and an emphasis on parking, lighting, street trees, landscaping, wide sidewalks, public art, and adequate pedestrian amenities.

Goal 5: Complementing the revitalization of METRO improvements activities proposed to occur along the METRO East-West Alignment.

METRO funding of a public transit system along the East-West alignment through Downtown, specifically on Capital and Rusk Streets, can be complemented by Zone funding of station and streetscape upgrades, art, and other transit/pedestrian-related amenities. The METRO Solutions Southeast Corridor alignment through Downtown includes proposed stations on Avenidas de las Americas, Fannin Street, and Main and Smith Streets. Stations at these locations could spur redevelopment while benefiting existing businesses. The present development schedule for the Southeast line calls for construction completion by 2014. The Zone will look for specific, key economic retail development opportunities and capitalize on METRO's revitalization of key corridors included in the Zone. Additional focus will be placed on attracting emerging business enterprises.

Goal 6: Economic Development Program.

In cases where capital improvements to public infrastructure alone is insufficient or inadequate to stimulate private investment and economic development, the Zone may fund an economic development program to incentivize private enterprise in the Zone and serve as a catalyst for other business developments ("Program"). The Program would support appropriate operation and maintenance of public infrastructure and facilities, including parks and recreational facilities, to develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone, and develop or expand transportation, business, and commercial activity in the Zone. Other examples of how the Program would be used include funding for business development and retention, business loss mitigation in cases where large public construction projects disrupt access to and operation of businesses, economic development grants to catalyze investments, and matching grants to provide leverage for other economic development funds such as state enterprise projects, state economic development bank funds, and new market tax credit allocations. The Program as outlined in this Plan constitutes an economic development program of the Zone.

A. PROJECT PLAN

Existing Uses of Land (Texas Tax Code §311.011(b)(1)): Map 1 attached hereto depicts the existing land and proposed uses in the Original and Annexed Areas of the Zone. The existing and proposed land uses include multi-family residential, commercial, office, public and institutional, transportation and utility, park and open spaces, and undeveloped land uses.

Proposed Changes of Zoning Ordinances, Master Plan of Municipality, Building Codes, and Other Municipal Ordinances (Texas Tax Code §311.011(b)(2)): All construction will be performed in conformance with the City's existing rules and regulations. There are no proposed changes to any City ordinance, master plan, or building code.

Estimated Non-Project Costs (Texas Tax Code §311.011(b)(3)): The non-project costs reflect, in part, costs that the Downtown Management District will generate including approximately \$8,337,748 in annual assessment revenues, a portion of which will be spent within the Zone to fund public safety and emergency response programs, cleaning and trash removal, landscape maintenance, pedestrian lighting, streetscape amenities, wayfinding, access and circulation, planning and capital project development, retail and business development programs, and marketing and communications.

Method of Relocating Persons to be Displaced, if any, as a Result of Implementing the Plan (Texas Tax Code §311.011(b)(4)): It is not anticipated that any residents will be displaced by any of the projects to be undertaken in the Zone.

B. REINVESTMENT ZONE FINANCING PLAN

Estimated Project Costs (Texas Tax Code §311.011(c)(1)): Exhibit 1 (attached) details the proposed public improvement and administrative project costs. The dollar amounts are approximate and may be amended from time to time by City Council. The financing costs are a function of project financing needs and will vary with market conditions from the estimates shown on Exhibit 1.

Proposed Kind, Number, and Location of all Proposed Public Works or Public Improvements to be Financed in the Zone (Texas Tax Code §311.011(c)(2)): These details are described throughout the Plan.

Economic Feasibility Study and Finding of Feasibility (Texas Tax Code §311.011(c)(3)): Economic feasibility studies have been completed that demonstrate the economic potential of the Zone including Market Analysis of Housing Potential in Downtown Houston, December 1993, prepared by CDS Research, Inc.; and Final Report: Loft Resident Living Experiences – Focus Groups, July 1996, prepared by CDS Research, Inc.; and the Houston Downtown Development Framework Plan, prepared by Central Houston, Inc., October 2004. Exhibits 2 thru 5 constitute incremental revenue estimates for the Zone. The incremental revenue estimates are projected to be sufficient to cover the costs of the proposed redevelopment and infrastructure improvements in the Zone. The Plan estimates total project costs of \$488,317,067. The Zone and the City find and determine that the Part A Plan, Part B Plan, Part C Plan, Part D Plan, Part E Plan, and Part F Plan are economically feasible.

Estimated Amount of Bond Indebtedness; Estimated Time When Related Costs or Monetary Obligations Incurred (Texas Tax Code §311.011(c)(4), §311.011(c)(5)): Issuance of notes and bonds by the Zone will occur as tax increment revenues allow. The value and timing of the issuance of notes or bonds will correlate to debt capacity as derived from the attached revenue and project schedules, as well as actual market conditions for the issue and sale of such notes and bonds.

Methods and Sources of Financing Project Costs and Percentage of Increment from Taxing Units Anticipated to Contribute Tax Increment to the Zone (Texas Tax Code §311.011(c)(6)): Methods and sources of financing include the issuance of notes and bonds, as well as collaboration with developers and other entities for grant funding and partnerships. TY 1996 was the base year for the Zone, and TY 2031 is the scheduled termination date. As outlined in Exhibits 2 thru 6, at least \$406 million of increment is estimated to be generated by the Zone for use in funding project costs. This figure is calculated using an estimated collection rate of 95% and a City contribution of \$0.63875/\$100 of assessed valuation in the Original and 1998 Annexed Areas and \$0.23100/\$100 of assessed valuation in the 2005 Annexed Area, a Harris County contribution of \$0.62998/\$100 of assessed valuation in the Original Area and \$0.21281/\$100 of assessed valuation in the 2005 Annexed Area, an HISD contribution of \$1.15670/\$100 of assessed valuation in the Original and 1998 Annexed Areas.

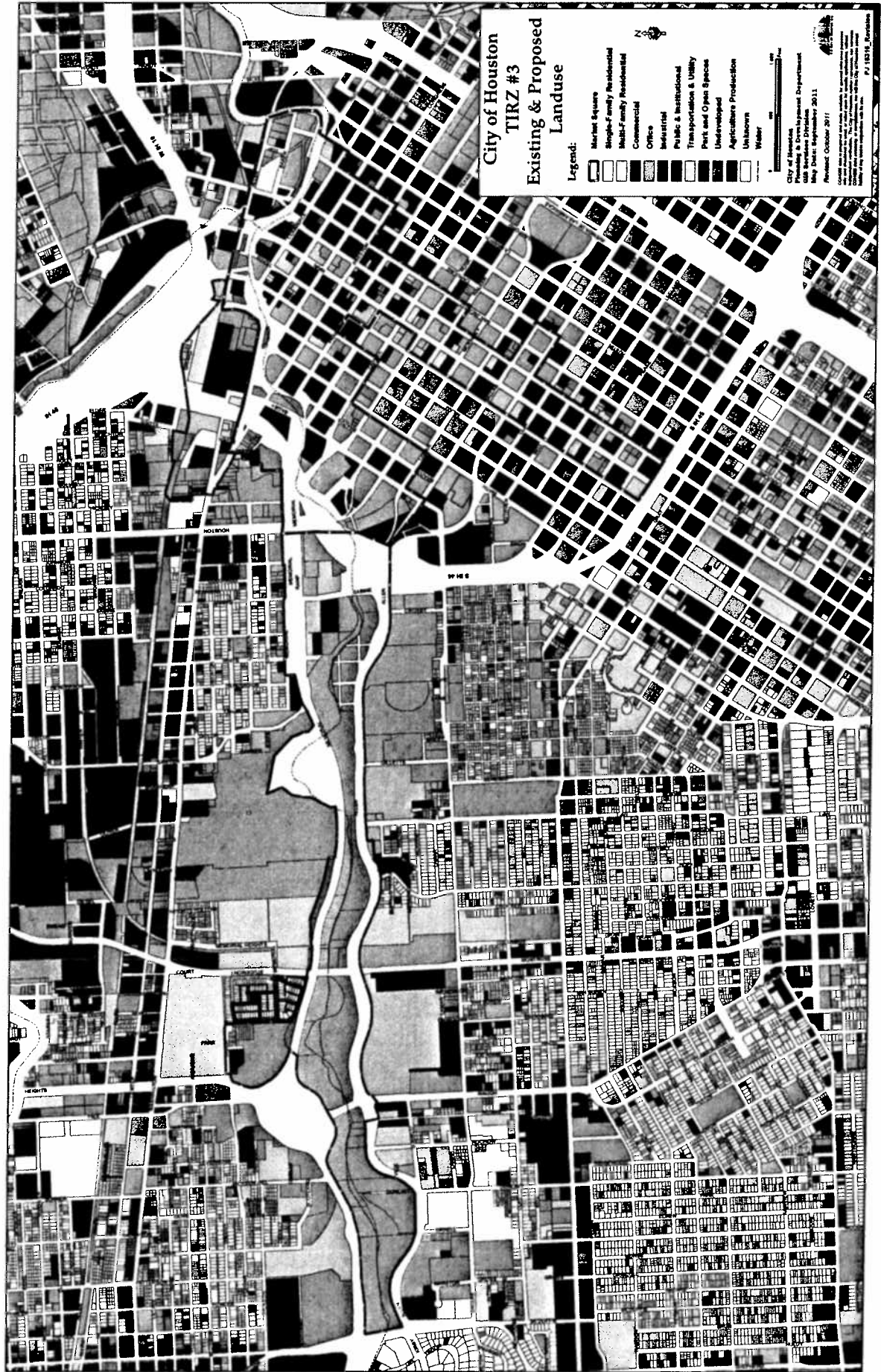
Current Total Appraised Value of Taxable Real Property (Texas Tax Code §311.011(c)(7)): The current projected appraised value of taxable real property in the Zone, as of April 15, 2011, is \$1,161,738,525.00.

Estimated Captured Appraised Value of Zone During Each Year of Existence (Texas Tax Code §311.011(c)(8)): The estimated captured appraised value for the remaining duration of the Zone is set forth in Exhibit 2.

Zone Duration (Texas Tax Code §311.011(c)(9)): When the Zone was initially created by City Council on September 11, 1996, its duration was established at 30 years. Due to the magnitude of development within and adjacent to the Zone, an increased demand continues to be placed on the already-distressed infrastructure. The proposed improvements extending beyond 2025 are included in the Part A, Part B, Part C Plan, Part D Plan, Part E Plan, and Part F Plan, as well as those needed to adequately address future infrastructure and quality of life issues resulting from current and projected densities. It is recommended that the duration of the Zone be extended to December 31, 2043 as part of the Part F Plan.

MAPS AND EXHIBITS

Map 1 - Proposed and Existing Land Uses



**Exhibit 2 – Net Revenue Schedule
All Jurisdictions – All Areas**

| Tax Year (1) | Increment Revenue | | | | Net Revenue (Total Increment Revenue Less Transfers) |
|--------------|-----------------------|----------------------|-----------------------|-------------------------|--|
| | City | Houston ISD (2) | Harris County (3) (4) | Total Increment Revenue | |
| 2011 | \$ 6,604,415 | \$ 4,565,719 | \$ 612,149 | \$ 11,782,283 | \$ 9,331,940 |
| 2012 | \$ 6,765,508 | \$ 4,584,800 | \$ 627,932 | \$ 11,978,240 | \$ 9,510,529 |
| 2013 | \$ 6,929,824 | \$ 4,820,739 | \$ 644,031 | \$ 12,394,593 | \$ 9,812,468 |
| 2014 | \$ 7,097,426 | \$ 4,840,590 | \$ 660,452 | \$ 12,598,467 | \$ 9,998,273 |
| 2015 | \$ 7,268,379 | \$ 4,860,839 | \$ 677,201 | \$ 12,806,419 | \$ 10,187,795 |
| 2016 | \$ 7,442,752 | \$ 4,868,357 | \$ 694,285 | \$ 13,005,394 | \$ 10,373,838 |
| 2017 | \$ 7,620,613 | \$ 4,921,652 | \$ 711,711 | \$ 13,253,975 | \$ 10,588,848 |
| 2018 | \$ 7,802,030 | \$ 4,921,652 | \$ 729,485 | \$ 13,453,166 | \$ 10,778,080 |
| 2019 | \$ 7,987,076 | \$ 4,976,595 | \$ 747,615 | \$ 13,711,285 | \$ 11,001,498 |
| 2020 | \$ 8,175,823 | \$ 4,988,682 | \$ 766,107 | \$ 13,930,612 | \$ 11,205,063 |
| 2021 | \$ 8,368,345 | \$ 5,153,512 | \$ 431,372 | \$ 13,953,228 | \$ 11,161,159 |
| 2022 | \$ 8,564,717 | \$ 5,153,512 | \$ 294,685 | \$ 14,012,914 | \$ 11,217,861 |
| 2023 | \$ 8,765,016 | \$ 5,153,512 | \$ 301,383 | \$ 14,219,912 | \$ 11,414,509 |
| 2024 | \$ 8,969,322 | \$ 5,153,512 | \$ 308,216 | \$ 14,431,050 | \$ 11,615,091 |
| 2025 | \$ 9,177,714 | \$ 5,153,512 | \$ 315,185 | \$ 14,646,411 | \$ 11,819,683 |
| 2026 | \$ 9,390,273 | | | \$ 9,390,273 | \$ 8,920,759 |
| 2027 | \$ 9,607,084 | | | \$ 9,607,084 | \$ 9,126,730 |
| 2028 | \$ 9,828,231 | | | \$ 9,828,231 | \$ 9,336,820 |
| 2029 | \$ 10,053,801 | | | \$ 10,053,801 | \$ 9,551,111 |
| 2030 | \$ 10,283,882 | | | \$ 10,283,882 | \$ 9,769,688 |
| 2031 | \$ 10,518,565 | | | \$ 10,518,565 | \$ 9,992,637 |
| 2032 | \$ 10,757,942 | | | \$ 10,757,942 | \$ 10,220,045 |
| 2033 | \$ 11,002,106 | | | \$ 11,002,106 | \$ 10,452,001 |
| 2034 | \$ 11,251,153 | | | \$ 11,251,153 | \$ 10,688,596 |
| 2035 | \$ 11,505,182 | | | \$ 11,505,182 | \$ 10,929,923 |
| 2036 | \$ 11,764,291 | | | \$ 11,764,291 | \$ 11,176,076 |
| 2037 | \$ 12,028,582 | | | \$ 12,028,582 | \$ 11,427,152 |
| 2038 | \$ 12,298,159 | | | \$ 12,298,159 | \$ 11,683,250 |
| 2039 | \$ 12,573,127 | | | \$ 12,573,127 | \$ 11,944,471 |
| 2040 | \$ 12,853,595 | | | \$ 12,853,595 | \$ 12,210,915 |
| 2041 | \$ 13,139,672 | | | \$ 13,139,672 | \$ 12,482,689 |
| 2042 | \$ 13,431,471 | | | \$ 13,431,471 | \$ 12,759,897 |
| 2043 | \$ 13,729,106 | | | \$ 13,729,106 | \$ 13,042,650 |
| | \$ 323,555,180 | \$ 74,117,183 | \$ 8,521,807 | \$ 406,194,170 | \$ 355,732,041 |

Notes:

- (1) TIRZ 3 is scheduled to terminate in Tax Year 2043
- (2) Houston Independent School District participation in the TIRZ ends with the collection of the Tax Year 2025 payment
- (3) Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority participation in the Original Area ends with the earlier of the Tax Year 2025 payment or revenue contributions to the Original Area equals \$8.5 million. At the current growth rate, revenue contributions will reach \$8.5 million during Tax Year
- (4) Harris County and Harris County Flood Control participation in the 2005 Annexed Area ends with the earlier of the Tax Year 2025 payment or revenue contributions to the 2005 Annexed Area equals \$8.5 million
At the current growth rate, revenue contributions will not reach \$8.5 million until after Tax Year 2025

**Exhibit 3 – Transfer Schedule
All Jurisdictions - Original Area (1995)**

| Tax Year (1) | Increment Revenue | | | | Transfers | | | | | | Net Revenue (Total Increment Revenue less Total Transfers) |
|--------------|-------------------|----------------|--------------------------------|-------------------------|-------------------------|------------|-------------|---------------|--------------|-----------------|--|
| | City | Houston ISD(2) | Harris County All Entities (3) | Total Increment Revenue | Houston ISD Educational | Admin Fees | | | | Total Transfers | |
| | | | | | | City | Houston ISD | Harris County | Total | | |
| 2011 | \$ 392,115 | \$ 702,934 | \$ 383,022 | \$ 1,478,072 | \$ 314,002 | \$ 19,608 | \$ 25,000 | \$ 19,151 | \$ 63,757 | \$ 377,759 | \$ 1,100,313 |
| 2012 | \$ 402,656 | \$ 722,015 | \$ 393,418 | \$ 1,518,088 | \$ 322,525 | \$ 20,133 | \$ 25,000 | \$ 19,671 | \$ 64,804 | \$ 387,329 | \$ 1,130,759 |
| 2013 | \$ 413,407 | \$ 741,477 | \$ 404,022 | \$ 1,558,905 | \$ 331,219 | \$ 20,870 | \$ 25,000 | \$ 20,201 | \$ 65,871 | \$ 397,091 | \$ 1,161,815 |
| 2014 | \$ 424,373 | \$ 761,329 | \$ 414,837 | \$ 1,600,539 | \$ 340,087 | \$ 21,219 | \$ 25,000 | \$ 20,742 | \$ 66,961 | \$ 407,047 | \$ 1,193,491 |
| 2015 | \$ 435,559 | \$ 781,577 | \$ 425,869 | \$ 1,643,005 | \$ 349,132 | \$ 21,778 | \$ 25,000 | \$ 21,293 | \$ 68,071 | \$ 417,203 | \$ 1,225,802 |
| 2016 | \$ 448,968 | \$ 789,095 | \$ 437,122 | \$ 1,673,184 | \$ 352,490 | \$ 22,348 | \$ 25,000 | \$ 21,856 | \$ 69,204 | \$ 421,695 | \$ 1,251,490 |
| 2017 | \$ 458,605 | \$ 789,095 | \$ 448,599 | \$ 1,696,299 | \$ 352,490 | \$ 22,930 | \$ 25,000 | \$ 22,430 | \$ 70,360 | \$ 422,650 | \$ 1,273,449 |
| 2018 | \$ 470,475 | \$ 789,095 | \$ 460,307 | \$ 1,719,877 | \$ 352,490 | \$ 23,524 | \$ 25,000 | \$ 23,015 | \$ 71,539 | \$ 424,029 | \$ 1,295,848 |
| 2019 | \$ 482,583 | \$ 789,095 | \$ 472,248 | \$ 1,743,926 | \$ 352,490 | \$ 24,129 | \$ 25,000 | \$ 23,612 | \$ 72,742 | \$ 425,232 | \$ 1,318,694 |
| 2020 | \$ 494,933 | \$ 789,095 | \$ 484,428 | \$ 1,768,456 | \$ 352,490 | \$ 24,747 | \$ 25,000 | \$ 24,221 | \$ 73,968 | \$ 426,458 | \$ 1,341,997 |
| 2021 | \$ 507,529 | \$ 789,095 | \$ 496,967 | \$ 1,793,591 | \$ 352,490 | \$ 25,376 | \$ 25,000 | \$ 7,163 | \$ 75,539 | \$ 427,697 | \$ 1,365,894 |
| 2022 | \$ 520,378 | \$ 789,095 | \$ 510,016 | \$ 1,819,489 | \$ 352,490 | \$ 26,019 | \$ 25,000 | | \$ 77,019 | \$ 428,918 | \$ 1,390,571 |
| 2023 | \$ 533,484 | \$ 789,095 | \$ 523,565 | \$ 1,846,144 | \$ 352,490 | \$ 26,674 | \$ 25,000 | | \$ 78,364 | \$ 430,163 | \$ 1,416,981 |
| 2024 | \$ 546,851 | \$ 789,095 | \$ 537,114 | \$ 1,873,060 | \$ 352,490 | \$ 27,343 | \$ 25,000 | | \$ 79,717 | \$ 431,429 | \$ 1,444,631 |
| 2025 | \$ 560,486 | \$ 789,095 | \$ 550,663 | \$ 1,900,244 | \$ 352,490 | \$ 28,024 | \$ 25,000 | | \$ 81,086 | \$ 432,715 | \$ 1,473,529 |
| 2026 | \$ 574,394 | | \$ 574,394 | \$ 1,927,638 | | \$ 28,720 | | | \$ 82,479 | \$ 434,029 | \$ 1,503,609 |
| 2027 | \$ 588,580 | | \$ 588,580 | \$ 1,955,258 | | \$ 29,429 | | | \$ 83,896 | \$ 435,372 | \$ 1,534,886 |
| 2028 | \$ 603,050 | | \$ 603,050 | \$ 1,983,108 | | \$ 30,152 | | | \$ 85,337 | \$ 436,744 | \$ 1,567,364 |
| 2029 | \$ 617,809 | | \$ 617,809 | \$ 2,011,187 | | \$ 30,890 | | | \$ 86,802 | \$ 438,145 | \$ 1,601,042 |
| 2030 | \$ 632,863 | | \$ 632,863 | \$ 2,039,496 | | \$ 31,643 | | | \$ 88,291 | \$ 439,575 | \$ 1,635,921 |
| 2031 | \$ 648,218 | | \$ 648,218 | \$ 2,068,034 | | \$ 32,411 | | | \$ 89,804 | \$ 441,034 | \$ 1,672,000 |
| 2032 | \$ 663,881 | | \$ 663,881 | \$ 2,096,815 | | \$ 33,194 | | | \$ 91,341 | \$ 442,521 | \$ 1,709,294 |
| 2033 | \$ 679,856 | | \$ 679,856 | \$ 2,125,841 | | \$ 33,993 | | | \$ 92,902 | \$ 444,036 | \$ 1,747,809 |
| 2034 | \$ 696,152 | | \$ 696,152 | \$ 2,155,113 | | \$ 34,808 | | | \$ 94,487 | \$ 445,579 | \$ 1,787,534 |
| 2035 | \$ 712,773 | | \$ 712,773 | \$ 2,184,636 | | \$ 35,639 | | | \$ 96,096 | \$ 447,150 | \$ 1,828,486 |
| 2036 | \$ 729,726 | | \$ 729,726 | \$ 2,214,412 | | \$ 36,486 | | | \$ 97,729 | \$ 448,759 | \$ 1,870,653 |
| 2037 | \$ 747,019 | | \$ 747,019 | \$ 2,244,441 | | \$ 37,351 | | | \$ 99,386 | \$ 450,396 | \$ 1,914,047 |
| 2038 | \$ 764,657 | | \$ 764,657 | \$ 2,274,728 | | \$ 38,233 | | | \$ 101,067 | \$ 452,061 | \$ 1,958,667 |
| 2039 | \$ 782,648 | | \$ 782,648 | \$ 2,305,276 | | \$ 39,132 | | | \$ 102,772 | \$ 453,754 | \$ 2,004,522 |
| 2040 | \$ 800,999 | | \$ 800,999 | \$ 2,336,075 | | \$ 40,050 | | | \$ 104,501 | \$ 455,485 | \$ 2,051,590 |
| 2041 | \$ 819,717 | | \$ 819,717 | \$ 2,367,124 | | \$ 40,986 | | | \$ 106,254 | \$ 457,254 | \$ 2,100,000 |
| 2042 | \$ 838,810 | | \$ 838,810 | \$ 2,398,434 | | \$ 41,940 | | | \$ 108,039 | \$ 459,051 | \$ 2,149,383 |
| 2043 | \$ 858,284 | | \$ 858,284 | \$ 2,430,018 | | \$ 42,914 | | | \$ 109,856 | \$ 460,885 | \$ 2,200,000 |
| | \$ 19,949,838 | \$ 11,800,281 | \$ 4,467,126 | \$ 35,917,245 | \$ 5,181,867 | \$ 992,492 | \$ 375,000 | \$ 223,356 | \$ 1,590,848 | \$ 6,772,715 | \$ 29,144,531 |

Notes:

- (1) TIRZ 3 is scheduled to terminate in Tax Year 2043
- (2) Houston Independent School District participation in the TIRZ ends with the collection of the Tax Year 2025 payment
- (3) Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority participation in the Original Area ends with the earlier of the Tax Year 2025 payment or revenue contributions to the Original Area equals \$8.5 million.
Since inception in Tax Year 1995, Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority have made \$4,032,875 in revenue contributions to the Original Area.
At the current growth rate, revenue contributions will reach \$8.5 million during Tax Year 2021

**Exhibit 3A – Revenue Schedule
Original Area (1995) City of Houston**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Increment Revenue |
|--------------------|-----------------------|----------------------------|---------------------------------|----------------------------|-----------------|--------------------------|
| 2011 | \$ 22,231,380 | \$ 86,850,232 | \$ 64,618,852 | 95.00% | 0.63875 | \$ 392,115 |
| 2012 | \$ 22,231,380 | \$ 88,587,237 | \$ 66,355,857 | 95.00% | 0.63875 | \$ 402,656 |
| 2013 | \$ 22,231,380 | \$ 90,358,981 | \$ 68,127,601 | 95.00% | 0.63875 | \$ 413,407 |
| 2014 | \$ 22,231,380 | \$ 92,166,161 | \$ 69,934,781 | 95.00% | 0.63875 | \$ 424,373 |
| 2015 | \$ 22,231,380 | \$ 94,009,484 | \$ 71,778,104 | 95.00% | 0.63875 | \$ 435,559 |
| 2016 | \$ 22,231,380 | \$ 95,889,674 | \$ 73,658,294 | 95.00% | 0.63875 | \$ 446,968 |
| 2017 | \$ 22,231,380 | \$ 97,807,467 | \$ 75,576,087 | 95.00% | 0.63875 | \$ 458,605 |
| 2018 | \$ 22,231,380 | \$ 99,763,617 | \$ 77,532,237 | 95.00% | 0.63875 | \$ 470,475 |
| 2019 | \$ 22,231,380 | \$ 101,758,889 | \$ 79,527,509 | 95.00% | 0.63875 | \$ 482,583 |
| 2020 | \$ 22,231,380 | \$ 103,794,067 | \$ 81,562,687 | 95.00% | 0.63875 | \$ 494,933 |
| 2021 | \$ 22,231,380 | \$ 105,869,948 | \$ 83,638,568 | 95.00% | 0.63875 | \$ 507,529 |
| 2022 | \$ 22,231,380 | \$ 107,987,347 | \$ 85,755,967 | 95.00% | 0.63875 | \$ 520,378 |
| 2023 | \$ 22,231,380 | \$ 110,147,094 | \$ 87,915,714 | 95.00% | 0.63875 | \$ 533,484 |
| 2024 | \$ 22,231,380 | \$ 112,350,036 | \$ 90,118,656 | 95.00% | 0.63875 | \$ 546,851 |
| 2025 | \$ 22,231,380 | \$ 114,597,037 | \$ 92,365,657 | 95.00% | 0.63875 | \$ 560,486 |
| 2026 | \$ 22,231,380 | \$ 116,888,977 | \$ 94,657,597 | 95.00% | 0.63875 | \$ 574,394 |
| 2027 | \$ 22,231,380 | \$ 119,226,757 | \$ 96,995,377 | 95.00% | 0.63875 | \$ 588,580 |
| 2028 | \$ 22,231,380 | \$ 121,611,292 | \$ 99,379,912 | 95.00% | 0.63875 | \$ 603,050 |
| 2029 | \$ 22,231,380 | \$ 124,043,518 | \$ 101,812,138 | 95.00% | 0.63875 | \$ 617,809 |
| 2030 | \$ 22,231,380 | \$ 126,524,388 | \$ 104,293,008 | 95.00% | 0.63875 | \$ 632,863 |
| 2031 | \$ 22,231,380 | \$ 129,054,876 | \$ 106,823,496 | 95.00% | 0.63875 | \$ 648,218 |
| 2032 | \$ 22,231,380 | \$ 131,635,974 | \$ 109,404,594 | 95.00% | 0.63875 | \$ 663,881 |
| 2033 | \$ 22,231,380 | \$ 134,268,693 | \$ 112,037,313 | 95.00% | 0.63875 | \$ 679,856 |
| 2034 | \$ 22,231,380 | \$ 136,954,067 | \$ 114,722,687 | 95.00% | 0.63875 | \$ 696,152 |
| 2035 | \$ 22,231,380 | \$ 139,693,148 | \$ 117,461,768 | 95.00% | 0.63875 | \$ 712,773 |
| 2036 | \$ 22,231,380 | \$ 142,487,011 | \$ 120,255,631 | 95.00% | 0.63875 | \$ 729,726 |
| 2037 | \$ 22,231,380 | \$ 145,336,751 | \$ 123,105,371 | 95.00% | 0.63875 | \$ 747,019 |
| 2038 | \$ 22,231,380 | \$ 148,243,486 | \$ 126,012,106 | 95.00% | 0.63875 | \$ 764,657 |
| 2039 | \$ 22,231,380 | \$ 151,208,356 | \$ 128,976,976 | 95.00% | 0.63875 | \$ 782,648 |
| 2040 | \$ 22,231,380 | \$ 154,232,523 | \$ 132,001,143 | 95.00% | 0.63875 | \$ 800,999 |
| 2041 | \$ 22,231,380 | \$ 157,317,174 | \$ 135,085,794 | 95.00% | 0.63875 | \$ 819,717 |
| 2042 | \$ 22,231,380 | \$ 160,463,517 | \$ 138,232,137 | 95.00% | 0.63875 | \$ 838,810 |
| 2043 | \$ 22,231,380 | \$ 163,672,788 | \$ 141,441,408 | 95.00% | 0.63875 | \$ 858,284 |
| | | | | | | \$ 19,849,838 |

Notes:

- (1) TIRZ 3 is scheduled to terminate in Tax Year 2043
- (2) Base Year is Tax Year 1995
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%

Exhibit 3B – Revenue Schedule
Original Area (1995) Houston Independent School District

| Tax Year(1) | Base Value (2) | Lesser of: | | | Collection Rate (4) | Tax Rate | Increment Revenue |
|-------------|----------------|--------------------------|--------------------------|------------------------------|---------------------|----------|-------------------|
| | | Captured Appraised Value | | Project Plan Appraised Value | | | |
| | | Projected Value | Captured Appraised Value | | | | |
| 2011 | \$ 22,851,140 | \$ 86,820,232 | \$ 63,969,092 | \$ 70,550,000 | 95.00% | 1.1567 | \$ 702,934 |
| 2012 | \$ 22,851,140 | \$ 88,556,637 | \$ 65,705,497 | \$ 70,550,000 | 95.00% | 1.1567 | \$ 722,015 |
| 2013 | \$ 22,851,140 | \$ 90,327,769 | \$ 67,476,629 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 741,477 |
| 2014 | \$ 22,851,140 | \$ 92,134,325 | \$ 69,283,185 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 761,329 |
| 2015 | \$ 22,851,140 | \$ 93,977,011 | \$ 71,125,871 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 781,577 |
| 2016 | \$ 22,851,140 | \$ 95,856,551 | \$ 73,005,411 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2017 | \$ 22,851,140 | \$ 97,773,683 | \$ 74,922,543 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2018 | \$ 22,851,140 | \$ 99,729,156 | \$ 76,878,016 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2019 | \$ 22,851,140 | \$ 101,723,739 | \$ 78,872,599 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2020 | \$ 22,851,140 | \$ 103,758,214 | \$ 80,907,074 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2021 | \$ 22,851,140 | \$ 105,833,378 | \$ 82,982,238 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2022 | \$ 22,851,140 | \$ 107,950,046 | \$ 85,098,906 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2023 | \$ 22,851,140 | \$ 110,109,047 | \$ 87,257,907 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2024 | \$ 22,851,140 | \$ 112,311,228 | \$ 89,460,088 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| 2025 | \$ 22,851,140 | \$ 114,557,452 | \$ 91,706,312 | \$ 71,810,000 | 95.00% | 1.1567 | \$ 789,095 |
| | | | | | | | \$ 11,600,281 |

Notes:

- (1) Houston Independent School District participation in the TIRZ ends with the collection of the Tax Year 2025 payment
- (2) Base Year is Tax Year 1995
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%

**Exhibit 3C – Revenue Schedule
Original Area (1995) Harris County**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Harris County Participation | Increment Revenue |
|--------------------|-----------------------|----------------------------|---------------------------------|----------------------------|-----------------|------------------------------------|--------------------------|
| 2011 | \$ 22,851,140 | \$ 86,850,232 | \$ 63,999,092 | 95.00% | 0.38805 | 100.00% | \$ 235,931 |
| 2012 | \$ 22,851,140 | \$ 88,587,237 | \$ 65,736,097 | 95.00% | 0.38805 | 100.00% | \$ 242,334 |
| 2013 | \$ 22,851,140 | \$ 90,358,981 | \$ 67,507,841 | 95.00% | 0.38805 | 100.00% | \$ 248,866 |
| 2014 | \$ 22,851,140 | \$ 92,166,161 | \$ 69,315,021 | 95.00% | 0.38805 | 100.00% | \$ 255,528 |
| 2015 | \$ 22,851,140 | \$ 94,009,484 | \$ 71,158,344 | 95.00% | 0.38805 | 100.00% | \$ 262,323 |
| 2016 | \$ 22,851,140 | \$ 95,889,674 | \$ 73,038,534 | 95.00% | 0.38805 | 100.00% | \$ 269,255 |
| 2017 | \$ 22,851,140 | \$ 97,807,467 | \$ 74,956,327 | 95.00% | 0.38805 | 100.00% | \$ 276,325 |
| 2018 | \$ 22,851,140 | \$ 99,763,617 | \$ 76,912,477 | 95.00% | 0.38805 | 100.00% | \$ 283,536 |
| 2019 | \$ 22,851,140 | \$ 101,758,889 | \$ 78,907,749 | 95.00% | 0.38805 | 100.00% | \$ 290,891 |
| 2020 | \$ 22,851,140 | \$ 103,794,067 | \$ 80,942,927 | 95.00% | 0.38805 | 100.00% | \$ 298,394 |
| 2021 | \$ 22,851,140 | \$ 105,869,948 | \$ 83,018,808 | 95.00% | 0.38805 | 100.00% | \$ 88,240 |
| 2022 | | | | | | | |
| 2023 | | | | | | | |
| 2024 | | | | | | | |
| 2025 | | | | | | | |
| | | | | | | | \$ 2,751,624 |

Notes:

- (1) Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority participation in the 1995 Original Area ends with the earlier of Tax Year 2025 or revenue contributions to the Original Area equals \$8.5 million.
Since inception in Tax Year 1995, Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority have made \$4,032,875 in revenue contributions to the Original Area.
At the current growth rate, revenue contributions will reach \$8.5 million during Tax Year 2021
- (2) Base Year is Tax Year 1995
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%
- (5) Harris County participation is at 100% in the Original Area

**Exhibit 3D – Revenue Schedule
Original Area (1995) Harris County Flood Control District**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Harris County Participation | Increment Revenue |
|--------------------|-----------------------|----------------------------|---------------------------------|----------------------------|-----------------|------------------------------------|--------------------------|
| 2011 | \$ 22,851,140 | \$ 86,850,232 | \$ 63,999,092 | 95.00% | 0.02923 | 100.00% | \$ 17,772 |
| 2012 | \$ 22,851,140 | \$ 88,587,237 | \$ 65,736,097 | 95.00% | 0.02923 | 100.00% | \$ 18,254 |
| 2013 | \$ 22,851,140 | \$ 90,358,981 | \$ 67,507,841 | 95.00% | 0.02923 | 100.00% | \$ 18,746 |
| 2014 | \$ 22,851,140 | \$ 92,166,161 | \$ 69,315,021 | 95.00% | 0.02923 | 100.00% | \$ 19,248 |
| 2015 | \$ 22,851,140 | \$ 94,009,484 | \$ 71,158,344 | 95.00% | 0.02923 | 100.00% | \$ 19,760 |
| 2016 | \$ 22,851,140 | \$ 95,889,674 | \$ 73,038,534 | 95.00% | 0.02923 | 100.00% | \$ 20,282 |
| 2017 | \$ 22,851,140 | \$ 97,807,467 | \$ 74,956,327 | 95.00% | 0.02923 | 100.00% | \$ 20,814 |
| 2018 | \$ 22,851,140 | \$ 99,763,617 | \$ 76,912,477 | 95.00% | 0.02923 | 100.00% | \$ 21,357 |
| 2019 | \$ 22,851,140 | \$ 101,758,889 | \$ 78,907,749 | 95.00% | 0.02923 | 100.00% | \$ 21,911 |
| 2020 | \$ 22,851,140 | \$ 103,794,067 | \$ 80,942,927 | 95.00% | 0.02923 | 100.00% | \$ 22,477 |
| 2021 | \$ 22,851,140 | \$ 105,869,948 | \$ 83,018,808 | 95.00% | 0.02923 | 100.00% | \$ 6,647 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | \$ 207,267 |

Notes:

- (1) Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority participation in the 1995 Original Area ends with the earlier of Tax Year 2025 or revenue contributions to the Original Area equals \$8.5 million.
Since inception in Tax Year 1995, Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority have made \$4,032,875 in revenue contributions to the Original Area.
At the current growth rate, revenue contributions will reach \$8.5 million during Tax Year 2021
- (2) Base Year is Tax Year 1995
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%
- (5) Harris County participation is at 100% in the Original Area

**Exhibit 3E – Revenue Schedule
Original Area (1995) Harris County Hospital District**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Harris County Participation | Increment Revenue |
|--------------------|-----------------------|----------------------------|---------------------------------|----------------------------|-----------------|------------------------------------|--------------------------|
| 2011 | \$ 22,851,140 | \$ 86,850,232 | \$ 63,999,092 | 95.00% | 0.19216 | 100.00% | \$ 116,832 |
| 2012 | \$ 22,851,140 | \$ 88,587,237 | \$ 65,736,097 | 95.00% | 0.19216 | 100.00% | \$ 120,003 |
| 2013 | \$ 22,851,140 | \$ 90,358,981 | \$ 67,507,841 | 95.00% | 0.19216 | 100.00% | \$ 123,237 |
| 2014 | \$ 22,851,140 | \$ 92,166,161 | \$ 69,315,021 | 95.00% | 0.19216 | 100.00% | \$ 126,536 |
| 2015 | \$ 22,851,140 | \$ 94,009,484 | \$ 71,158,344 | 95.00% | 0.19216 | 100.00% | \$ 129,901 |
| 2016 | \$ 22,851,140 | \$ 95,889,674 | \$ 73,038,534 | 95.00% | 0.19216 | 100.00% | \$ 133,333 |
| 2017 | \$ 22,851,140 | \$ 97,807,467 | \$ 74,956,327 | 95.00% | 0.19216 | 100.00% | \$ 136,834 |
| 2018 | \$ 22,851,140 | \$ 99,763,617 | \$ 76,912,477 | 95.00% | 0.19216 | 100.00% | \$ 140,405 |
| 2019 | \$ 22,851,140 | \$ 101,758,889 | \$ 78,907,749 | 95.00% | 0.19216 | 100.00% | \$ 144,048 |
| 2020 | \$ 22,851,140 | \$ 103,794,067 | \$ 80,942,927 | 95.00% | 0.19216 | 100.00% | \$ 147,763 |
| 2021 | \$ 22,851,140 | \$ 105,869,948 | \$ 83,018,808 | 95.00% | 0.19216 | 100.00% | \$ 43,696 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | \$ 1,362,587 |

Notes:

- (1) Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority participation in the 1995 Original Area ends with the earlier of Tax Year 2025 or revenue contributions to the Original Area equals \$8.5 million.
Since inception in Tax Year 1995, Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority have made \$4,032,875 in revenue contributions to the Original Area.
At the current growth rate, revenue contributions will reach \$8.5 million during Tax Year 2021
- (2) Base Year is Tax Year 1995
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%
- (5) Harris County participation is at 100% in the Original Area

**Exhibit 3F – Revenue Schedule
Original Area (1995) Harris County Port of Houston Authority**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Harris County Participation | Increment Revenue |
|-------------|----------------|---------------------|--------------------------|---------------------|----------|-----------------------------|-------------------|
| 2011 | \$ 22,851,140 | \$ 86,850,232 | \$ 63,999,092 | 95.00% | 0.02054 | 100.00% | \$ 12,488 |
| 2012 | \$ 22,851,140 | \$ 88,587,237 | \$ 65,736,097 | 95.00% | 0.02054 | 100.00% | \$ 12,827 |
| 2013 | \$ 22,851,140 | \$ 90,358,981 | \$ 67,507,841 | 95.00% | 0.02054 | 100.00% | \$ 13,173 |
| 2014 | \$ 22,851,140 | \$ 92,166,161 | \$ 69,315,021 | 95.00% | 0.02054 | 100.00% | \$ 13,525 |
| 2015 | \$ 22,851,140 | \$ 94,009,484 | \$ 71,158,344 | 95.00% | 0.02054 | 100.00% | \$ 13,885 |
| 2016 | \$ 22,851,140 | \$ 95,889,674 | \$ 73,038,534 | 95.00% | 0.02054 | 100.00% | \$ 14,252 |
| 2017 | \$ 22,851,140 | \$ 97,807,467 | \$ 74,956,327 | 95.00% | 0.02054 | 100.00% | \$ 14,626 |
| 2018 | \$ 22,851,140 | \$ 99,763,617 | \$ 76,912,477 | 95.00% | 0.02054 | 100.00% | \$ 15,008 |
| 2019 | \$ 22,851,140 | \$ 101,758,889 | \$ 78,907,749 | 95.00% | 0.02054 | 100.00% | \$ 15,397 |
| 2020 | \$ 22,851,140 | \$ 103,794,067 | \$ 80,942,927 | 95.00% | 0.02054 | 100.00% | \$ 15,794 |
| 2021 | \$ 22,851,140 | \$ 105,869,948 | \$ 83,018,808 | 95.00% | 0.02054 | 100.00% | \$ 4,671 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | \$ 145,647 |

Notes:

- (1) Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority participation in the 1995 Original Area ends with the earlier of Tax Year 2025 or revenue contributions to the Original Area equals \$8.5 million.
 Since inception in Tax Year 1995, Harris County, Harris County Flood Control, Harris County Hospital District, and Harris County Port of Houston Authority have made \$4,032,875 in revenue contributions to the Original Area.
 At the current growth rate, revenue contributions will reach \$8.5 million during Tax Year 2021
- (2) Base Year is Tax Year 1995
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
 For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%
- (5) Harris County participation is at 100% in the Original Area

Exhibit 4 – Transfer Schedule
All Jurisdictions - Annexed Area (1998)

| Tax Year (1) | Increment Revenue | | | Transfers | | | | | Net Revenue (Total Increment Revenue less Total Transfers) |
|--------------|-------------------|----------------|-------------------------|-------------------------|---------------|-------------|---------------|-----------------|--|
| | City | Houston ISD(2) | Total Increment Revenue | Houston ISD Educational | Admin Fees | | | Total Transfers | |
| | | | | | City | Houston ISD | Total | | |
| 2011 | \$ 5,682,482 | \$ 3,862,785 | \$ 9,545,267 | \$ 1,725,513 | \$ 284,124 | \$ 25,000 | \$ 309,124 | \$ 2,034,637 | \$ 7,510,630 |
| 2012 | \$ 5,818,722 | \$ 3,862,785 | \$ 9,681,508 | \$ 1,725,513 | \$ 290,936 | \$ 25,000 | \$ 315,936 | \$ 2,041,449 | \$ 7,640,058 |
| 2013 | \$ 5,957,688 | \$ 4,079,262 | \$ 10,036,950 | \$ 1,822,214 | \$ 297,884 | \$ 25,000 | \$ 322,884 | \$ 2,145,098 | \$ 7,891,852 |
| 2014 | \$ 6,099,433 | \$ 4,079,262 | \$ 10,178,694 | \$ 1,822,214 | \$ 304,972 | \$ 25,000 | \$ 329,972 | \$ 2,152,185 | \$ 8,026,509 |
| 2015 | \$ 6,244,012 | \$ 4,079,262 | \$ 10,323,274 | \$ 1,822,214 | \$ 312,201 | \$ 25,000 | \$ 337,201 | \$ 2,159,414 | \$ 8,163,860 |
| 2016 | \$ 6,391,484 | \$ 4,079,262 | \$ 10,470,745 | \$ 1,822,214 | \$ 319,574 | \$ 25,000 | \$ 344,574 | \$ 2,166,788 | \$ 8,303,958 |
| 2017 | \$ 6,541,905 | \$ 4,132,557 | \$ 10,674,461 | \$ 1,846,021 | \$ 327,095 | \$ 25,000 | \$ 352,095 | \$ 2,198,116 | \$ 8,476,345 |
| 2018 | \$ 6,695,334 | \$ 4,132,557 | \$ 10,827,890 | \$ 1,846,021 | \$ 334,767 | \$ 25,000 | \$ 359,767 | \$ 2,205,787 | \$ 8,622,103 |
| 2019 | \$ 6,851,831 | \$ 4,187,500 | \$ 11,039,331 | \$ 1,870,564 | \$ 342,592 | \$ 25,000 | \$ 367,592 | \$ 2,238,155 | \$ 8,801,176 |
| 2020 | \$ 7,011,459 | \$ 4,199,587 | \$ 11,211,046 | \$ 1,875,963 | \$ 350,573 | \$ 25,000 | \$ 375,573 | \$ 2,251,536 | \$ 8,959,510 |
| 2021 | \$ 7,174,279 | \$ 4,364,417 | \$ 11,538,696 | \$ 1,949,593 | \$ 358,714 | \$ 25,000 | \$ 383,714 | \$ 2,333,307 | \$ 9,205,389 |
| 2022 | \$ 7,340,356 | \$ 4,364,417 | \$ 11,704,773 | \$ 1,949,593 | \$ 367,018 | \$ 25,000 | \$ 392,018 | \$ 2,341,611 | \$ 9,363,162 |
| 2023 | \$ 7,509,754 | \$ 4,364,417 | \$ 11,874,171 | \$ 1,949,593 | \$ 375,488 | \$ 25,000 | \$ 400,488 | \$ 2,350,081 | \$ 9,524,090 |
| 2024 | \$ 7,682,540 | \$ 4,364,417 | \$ 12,046,957 | \$ 1,949,593 | \$ 384,127 | \$ 25,000 | \$ 409,127 | \$ 2,358,720 | \$ 9,688,237 |
| 2025 | \$ 7,858,782 | \$ 4,364,417 | \$ 12,223,199 | \$ 1,949,593 | \$ 392,939 | \$ 25,000 | \$ 417,939 | \$ 2,367,532 | \$ 9,855,667 |
| 2026 | \$ 8,038,549 | | \$ 8,038,549 | | \$ 401,927 | | \$ 401,927 | \$ 401,927 | \$ 7,636,621 |
| 2027 | \$ 8,221,911 | | \$ 8,221,911 | | \$ 411,096 | | \$ 411,096 | \$ 411,096 | \$ 7,810,815 |
| 2028 | \$ 8,408,940 | | \$ 8,408,940 | | \$ 420,447 | | \$ 420,447 | \$ 420,447 | \$ 7,988,493 |
| 2029 | \$ 8,599,710 | | \$ 8,599,710 | | \$ 429,986 | | \$ 429,986 | \$ 429,986 | \$ 8,169,725 |
| 2030 | \$ 8,794,295 | | \$ 8,794,295 | | \$ 439,715 | | \$ 439,715 | \$ 439,715 | \$ 8,354,581 |
| 2031 | \$ 8,992,772 | | \$ 8,992,772 | | \$ 449,639 | | \$ 449,639 | \$ 449,639 | \$ 8,543,134 |
| 2032 | \$ 9,195,219 | | \$ 9,195,219 | | \$ 459,761 | | \$ 459,761 | \$ 459,761 | \$ 8,735,458 |
| 2033 | \$ 9,401,714 | | \$ 9,401,714 | | \$ 470,086 | | \$ 470,086 | \$ 470,086 | \$ 8,931,629 |
| 2034 | \$ 9,612,340 | | \$ 9,612,340 | | \$ 480,617 | | \$ 480,617 | \$ 480,617 | \$ 9,131,723 |
| 2035 | \$ 9,827,177 | | \$ 9,827,177 | | \$ 491,359 | | \$ 491,359 | \$ 491,359 | \$ 9,335,819 |
| 2036 | \$ 10,046,312 | | \$ 10,046,312 | | \$ 502,316 | | \$ 502,316 | \$ 502,316 | \$ 9,543,996 |
| 2037 | \$ 10,269,829 | | \$ 10,269,829 | | \$ 513,491 | | \$ 513,491 | \$ 513,491 | \$ 9,756,338 |
| 2038 | \$ 10,497,817 | | \$ 10,497,817 | | \$ 524,891 | | \$ 524,891 | \$ 524,891 | \$ 9,972,926 |
| 2039 | \$ 10,730,364 | | \$ 10,730,364 | | \$ 536,518 | | \$ 536,518 | \$ 536,518 | \$ 10,193,846 |
| 2040 | \$ 10,967,563 | | \$ 10,967,563 | | \$ 548,378 | | \$ 548,378 | \$ 548,378 | \$ 10,419,185 |
| 2041 | \$ 11,209,505 | | \$ 11,209,505 | | \$ 560,475 | | \$ 560,475 | \$ 560,475 | \$ 10,649,030 |
| 2042 | \$ 11,456,286 | | \$ 11,456,286 | | \$ 572,814 | | \$ 572,814 | \$ 572,814 | \$ 10,883,472 |
| 2043 | \$ 11,708,003 | | \$ 11,708,003 | | \$ 585,400 | | \$ 585,400 | \$ 585,400 | \$ 11,122,603 |
| | \$ 276,838,370 | \$ 62,516,902 | \$ 339,355,273 | \$ 27,926,414 | \$ 13,841,919 | \$ 375,000 | \$ 14,216,919 | \$ 42,143,333 | \$ 297,211,940 |

Notes:

(1) TIRZ 3 is scheduled to terminate in Tax Year 2043

(2) Houston Independent School District participation in the TIRZ ends with the collection of the Tax Year 2025 payment

**Exhibit 4A – Revenue Schedule
Annexed Area (1998) City of Houston**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Increment Revenue |
|--------------------|-----------------------|----------------------------|---------------------------------|----------------------------|-----------------|--------------------------|
| 2011 | \$ 186,145,320 | \$ 1,122,593,028 | \$ 936,447,708 | 95.00% | 0.63875 | \$ 5,682,482 |
| 2012 | \$ 186,145,320 | \$ 1,145,044,889 | \$ 958,899,569 | 95.00% | 0.63875 | \$ 5,818,722 |
| 2013 | \$ 186,145,320 | \$ 1,167,945,786 | \$ 981,800,466 | 95.00% | 0.63875 | \$ 5,957,688 |
| 2014 | \$ 186,145,320 | \$ 1,191,304,702 | \$ 1,005,159,382 | 95.00% | 0.63875 | \$ 6,099,433 |
| 2015 | \$ 186,145,320 | \$ 1,215,130,796 | \$ 1,028,985,476 | 95.00% | 0.63875 | \$ 6,244,012 |
| 2016 | \$ 186,145,320 | \$ 1,239,433,412 | \$ 1,053,288,092 | 95.00% | 0.63875 | \$ 6,391,484 |
| 2017 | \$ 186,145,320 | \$ 1,264,222,080 | \$ 1,078,076,760 | 95.00% | 0.63875 | \$ 6,541,905 |
| 2018 | \$ 186,145,320 | \$ 1,289,506,522 | \$ 1,103,361,202 | 95.00% | 0.63875 | \$ 6,695,334 |
| 2019 | \$ 186,145,320 | \$ 1,315,296,652 | \$ 1,129,151,332 | 95.00% | 0.63875 | \$ 6,851,831 |
| 2020 | \$ 186,145,320 | \$ 1,341,602,585 | \$ 1,155,457,265 | 95.00% | 0.63875 | \$ 7,011,459 |
| 2021 | \$ 186,145,320 | \$ 1,368,434,637 | \$ 1,182,289,317 | 95.00% | 0.63875 | \$ 7,174,279 |
| 2022 | \$ 186,145,320 | \$ 1,395,803,330 | \$ 1,209,658,010 | 95.00% | 0.63875 | \$ 7,340,356 |
| 2023 | \$ 186,145,320 | \$ 1,423,719,396 | \$ 1,237,574,076 | 95.00% | 0.63875 | \$ 7,509,754 |
| 2024 | \$ 186,145,320 | \$ 1,452,193,784 | \$ 1,266,048,464 | 95.00% | 0.63875 | \$ 7,682,540 |
| 2025 | \$ 186,145,320 | \$ 1,481,237,660 | \$ 1,295,092,340 | 95.00% | 0.63875 | \$ 7,858,782 |
| 2026 | \$ 186,145,320 | \$ 1,510,862,413 | \$ 1,324,717,093 | 95.00% | 0.63875 | \$ 8,038,549 |
| 2027 | \$ 186,145,320 | \$ 1,541,079,661 | \$ 1,354,934,341 | 95.00% | 0.63875 | \$ 8,221,911 |
| 2028 | \$ 186,145,320 | \$ 1,571,901,255 | \$ 1,385,755,935 | 95.00% | 0.63875 | \$ 8,408,940 |
| 2029 | \$ 186,145,320 | \$ 1,603,339,280 | \$ 1,417,193,960 | 95.00% | 0.63875 | \$ 8,599,710 |
| 2030 | \$ 186,145,320 | \$ 1,635,406,065 | \$ 1,449,260,745 | 95.00% | 0.63875 | \$ 8,794,295 |
| 2031 | \$ 186,145,320 | \$ 1,668,114,187 | \$ 1,481,968,867 | 95.00% | 0.63875 | \$ 8,992,772 |
| 2032 | \$ 186,145,320 | \$ 1,701,476,470 | \$ 1,515,331,150 | 95.00% | 0.63875 | \$ 9,195,219 |
| 2033 | \$ 186,145,320 | \$ 1,735,506,000 | \$ 1,549,360,680 | 95.00% | 0.63875 | \$ 9,401,714 |
| 2034 | \$ 186,145,320 | \$ 1,770,216,120 | \$ 1,584,070,800 | 95.00% | 0.63875 | \$ 9,612,340 |
| 2035 | \$ 186,145,320 | \$ 1,805,620,442 | \$ 1,619,475,122 | 95.00% | 0.63875 | \$ 9,827,177 |
| 2036 | \$ 186,145,320 | \$ 1,841,732,851 | \$ 1,655,587,531 | 95.00% | 0.63875 | \$ 10,046,312 |
| 2037 | \$ 186,145,320 | \$ 1,878,567,508 | \$ 1,692,422,188 | 95.00% | 0.63875 | \$ 10,269,829 |
| 2038 | \$ 186,145,320 | \$ 1,916,138,858 | \$ 1,729,993,538 | 95.00% | 0.63875 | \$ 10,497,817 |
| 2039 | \$ 186,145,320 | \$ 1,954,461,635 | \$ 1,768,316,315 | 95.00% | 0.63875 | \$ 10,730,364 |
| 2040 | \$ 186,145,320 | \$ 1,993,550,868 | \$ 1,807,405,548 | 95.00% | 0.63875 | \$ 10,967,563 |
| 2041 | \$ 186,145,320 | \$ 2,033,421,886 | \$ 1,847,276,566 | 95.00% | 0.63875 | \$ 11,209,505 |
| 2042 | \$ 186,145,320 | \$ 2,074,090,323 | \$ 1,887,945,003 | 95.00% | 0.63875 | \$ 11,456,286 |
| 2043 | \$ 186,145,320 | \$ 2,115,572,130 | \$ 1,929,426,810 | 95.00% | 0.63875 | \$ 11,708,003 |
| | | | | | | \$ 276,838,370 |

Notes:

- (1) TIRZ 3 is scheduled to terminate in Tax Year 2043
- (2) Base Year is Tax Year 1998
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%

Exhibit 4B – Revenue Schedule
Annexed Area (1998) Houston Independent School District

| Tax Year(1) | Base Value (2) | Lesser of: | | | Collection Rate (4) | Tax Rate | Increment Revenue |
|-------------|----------------|--------------------------|--------------------------|------------------------------|---------------------|----------|-------------------|
| | | Captured Appraised Value | | Project Plan Appraised Value | | | |
| | | Projected Value | Captured Appraised Value | | | | |
| 2011 | \$ 186,182,350 | \$ 1,185,427,486 | \$ 999,245,136 | \$ 351,525,000 | 95.00% | 1.1567 | \$ 3,862,785 |
| 2012 | \$ 186,182,350 | \$ 1,209,136,036 | \$ 1,022,953,686 | \$ 351,525,000 | 95.00% | 1.1567 | \$ 3,862,785 |
| 2013 | \$ 186,182,350 | \$ 1,233,318,756 | \$ 1,047,136,406 | \$ 371,225,000 | 95.00% | 1.1567 | \$ 4,079,262 |
| 2014 | \$ 186,182,350 | \$ 1,257,985,132 | \$ 1,071,802,782 | \$ 371,225,000 | 95.00% | 1.1567 | \$ 4,079,262 |
| 2015 | \$ 186,182,350 | \$ 1,283,144,834 | \$ 1,096,962,484 | \$ 371,225,000 | 95.00% | 1.1567 | \$ 4,079,262 |
| 2016 | \$ 186,182,350 | \$ 1,308,807,731 | \$ 1,122,625,381 | \$ 371,225,000 | 95.00% | 1.1567 | \$ 4,079,262 |
| 2017 | \$ 186,182,350 | \$ 1,334,983,885 | \$ 1,148,801,535 | \$ 376,075,000 | 95.00% | 1.1567 | \$ 4,132,557 |
| 2018 | \$ 186,182,350 | \$ 1,361,683,563 | \$ 1,175,501,213 | \$ 376,075,000 | 95.00% | 1.1567 | \$ 4,132,557 |
| 2019 | \$ 186,182,350 | \$ 1,388,917,234 | \$ 1,202,734,884 | \$ 381,075,000 | 95.00% | 1.1567 | \$ 4,187,500 |
| 2020 | \$ 186,182,350 | \$ 1,416,695,579 | \$ 1,230,513,229 | \$ 382,175,000 | 95.00% | 1.1567 | \$ 4,199,587 |
| 2021 | \$ 186,182,350 | \$ 1,445,029,491 | \$ 1,258,847,141 | \$ 397,175,000 | 95.00% | 1.1567 | \$ 4,364,417 |
| 2022 | \$ 186,182,350 | \$ 1,473,930,081 | \$ 1,287,747,731 | \$ 397,175,000 | 95.00% | 1.1567 | \$ 4,364,417 |
| 2023 | \$ 186,182,350 | \$ 1,503,408,682 | \$ 1,317,226,332 | \$ 397,175,000 | 95.00% | 1.1567 | \$ 4,364,417 |
| 2024 | \$ 186,182,350 | \$ 1,533,476,856 | \$ 1,347,294,506 | \$ 397,175,000 | 95.00% | 1.1567 | \$ 4,364,417 |
| 2025 | \$ 186,182,350 | \$ 1,564,146,393 | \$ 1,377,964,043 | \$ 397,175,000 | 95.00% | 1.1567 | \$ 4,364,417 |
| | | | | | | | \$ 62,516,902 |

Notes:

- (1) Houston Independent School District participation in the TIRZ ends with the collection of the Tax Year 2025 payment
- (2) Base Year is Tax Year 1998
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%

**Exhibit 5 – Transfer Schedule
Annexed Area (2005)**

| Tax Year (1) | Increment Revenue | | | Transfers | | | Net Revenue (Total Increment Revenue less Total Transfers) |
|--------------|-------------------|---|-------------------------|--------------|---------------|-----------------|--|
| | City | Harris County & Harris County Flood Control (2) | Total Increment Revenue | Admin Fees | | Total Transfers | |
| | | | | City | Harris County | | |
| 2011 | \$ 529,818 | \$ 229,127 | \$ 758,944 | \$ 26,491 | \$ 11,456 | \$ 37,947 | \$ 720,997 |
| 2012 | \$ 541,333 | \$ 234,514 | \$ 775,847 | \$ 27,067 | \$ 11,726 | \$ 38,792 | \$ 737,055 |
| 2013 | \$ 553,078 | \$ 240,009 | \$ 793,087 | \$ 27,654 | \$ 12,000 | \$ 39,654 | \$ 753,433 |
| 2014 | \$ 565,059 | \$ 245,614 | \$ 810,673 | \$ 28,253 | \$ 12,281 | \$ 40,534 | \$ 770,139 |
| 2015 | \$ 577,279 | \$ 251,332 | \$ 828,610 | \$ 28,864 | \$ 12,567 | \$ 41,431 | \$ 787,180 |
| 2016 | \$ 589,743 | \$ 257,163 | \$ 846,906 | \$ 29,487 | \$ 12,858 | \$ 42,345 | \$ 804,561 |
| 2017 | \$ 602,457 | \$ 263,111 | \$ 865,568 | \$ 30,123 | \$ 13,156 | \$ 43,278 | \$ 822,289 |
| 2018 | \$ 615,424 | \$ 269,178 | \$ 884,603 | \$ 30,771 | \$ 13,459 | \$ 44,230 | \$ 840,373 |
| 2019 | \$ 628,652 | \$ 275,367 | \$ 904,019 | \$ 31,433 | \$ 13,768 | \$ 45,201 | \$ 858,818 |
| 2020 | \$ 642,144 | \$ 281,679 | \$ 923,823 | \$ 32,107 | \$ 14,084 | \$ 46,191 | \$ 877,631 |
| 2021 | \$ 655,905 | \$ 288,118 | \$ 944,023 | \$ 32,795 | \$ 14,406 | \$ 47,201 | \$ 896,822 |
| 2022 | \$ 669,942 | \$ 294,685 | \$ 964,627 | \$ 33,497 | \$ 14,734 | \$ 48,231 | \$ 916,396 |
| 2023 | \$ 684,260 | \$ 301,383 | \$ 985,643 | \$ 34,213 | \$ 15,069 | \$ 49,282 | \$ 936,361 |
| 2024 | \$ 698,864 | \$ 308,216 | \$ 1,007,080 | \$ 34,943 | \$ 15,411 | \$ 50,354 | \$ 956,726 |
| 2025 | \$ 713,760 | \$ 315,185 | \$ 1,028,945 | \$ 35,688 | \$ 15,759 | \$ 51,447 | \$ 977,498 |
| 2026 | \$ 728,954 | | \$ 728,954 | \$ 36,448 | | \$ 36,448 | \$ 692,506 |
| 2027 | \$ 744,452 | | \$ 744,452 | \$ 37,223 | | \$ 37,223 | \$ 707,229 |
| 2028 | \$ 760,259 | | \$ 760,259 | \$ 38,013 | | \$ 38,013 | \$ 722,246 |
| 2029 | \$ 776,383 | | \$ 776,383 | \$ 38,819 | | \$ 38,819 | \$ 737,564 |
| 2030 | \$ 792,830 | | \$ 792,830 | \$ 39,641 | | \$ 39,641 | \$ 753,188 |
| 2031 | \$ 809,605 | | \$ 809,605 | \$ 40,480 | | \$ 40,480 | \$ 769,125 |
| 2032 | \$ 826,716 | | \$ 826,716 | \$ 41,336 | | \$ 41,336 | \$ 785,380 |
| 2033 | \$ 844,169 | | \$ 844,169 | \$ 42,208 | | \$ 42,208 | \$ 801,961 |
| 2034 | \$ 861,971 | | \$ 861,971 | \$ 43,099 | | \$ 43,099 | \$ 818,873 |
| 2035 | \$ 880,130 | | \$ 880,130 | \$ 44,006 | | \$ 44,006 | \$ 836,123 |
| 2036 | \$ 898,651 | | \$ 898,651 | \$ 44,933 | | \$ 44,933 | \$ 853,719 |
| 2037 | \$ 917,543 | | \$ 917,543 | \$ 45,877 | | \$ 45,877 | \$ 871,666 |
| 2038 | \$ 936,813 | | \$ 936,813 | \$ 46,841 | | \$ 46,841 | \$ 889,972 |
| 2039 | \$ 956,468 | | \$ 956,468 | \$ 47,823 | | \$ 47,823 | \$ 908,644 |
| 2040 | \$ 976,516 | | \$ 976,516 | \$ 48,826 | | \$ 48,826 | \$ 927,690 |
| 2041 | \$ 996,965 | | \$ 996,965 | \$ 49,848 | | \$ 49,848 | \$ 947,117 |
| 2042 | \$ 1,017,823 | | \$ 1,017,823 | \$ 50,891 | | \$ 50,891 | \$ 966,932 |
| 2043 | \$ 1,039,098 | | \$ 1,039,098 | \$ 51,955 | | \$ 51,955 | \$ 987,143 |
| | \$ 25,033,061 | \$ 4,054,681 | \$ 29,087,742 | \$ 1,251,653 | \$ 202,734 | \$ 1,454,387 | \$ 27,633,355 |

Notes:

(1) TIRZ 3 is scheduled to terminate in Tax Year 2043

(2) Harris County and Harris County Flood Control participation in the 2005 Annexed Area ends with the earlier of the Tax Year 2025 payment or revenue contributions to the 2005 Annexed Area equals \$8.5 million

Since inception in Tax Year 2005, Harris County and Harris County Flood Control have made \$785,973 in revenue contributions to the 2005 Annexed Area. At the current growth rate, revenue contributions will not reach \$8.5 million until after Tax Year 2025

**Exhibit 5A – Revenue Schedule
Annexed Area (2005) City of Houston**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Increment Revenue |
|--------------------|-----------------------|----------------------------|---------------------------------|----------------------------|-----------------|--------------------------|
| 2011 | \$ 7,570,600 | \$ 94,882,194 | \$ 87,311,594 | 95.00% | 0.63875 | \$ 529,818 |
| 2012 | \$ 7,570,600 | \$ 96,779,838 | \$ 89,209,238 | 95.00% | 0.63875 | \$ 541,333 |
| 2013 | \$ 7,570,600 | \$ 98,715,435 | \$ 91,144,835 | 95.00% | 0.63875 | \$ 553,078 |
| 2014 | \$ 7,570,600 | \$ 100,689,743 | \$ 93,119,143 | 95.00% | 0.63875 | \$ 565,059 |
| 2015 | \$ 7,570,600 | \$ 102,703,538 | \$ 95,132,938 | 95.00% | 0.63875 | \$ 577,279 |
| 2016 | \$ 7,570,600 | \$ 104,757,609 | \$ 97,187,009 | 95.00% | 0.63875 | \$ 589,743 |
| 2017 | \$ 7,570,600 | \$ 106,852,761 | \$ 99,282,161 | 95.00% | 0.63875 | \$ 602,457 |
| 2018 | \$ 7,570,600 | \$ 108,989,816 | \$ 101,419,216 | 95.00% | 0.63875 | \$ 615,424 |
| 2019 | \$ 7,570,600 | \$ 111,169,613 | \$ 103,599,013 | 95.00% | 0.63875 | \$ 628,652 |
| 2020 | \$ 7,570,600 | \$ 113,393,005 | \$ 105,822,405 | 95.00% | 0.63875 | \$ 642,144 |
| 2021 | \$ 7,570,600 | \$ 115,660,865 | \$ 108,090,265 | 95.00% | 0.63875 | \$ 655,905 |
| 2022 | \$ 7,570,600 | \$ 117,974,082 | \$ 110,403,482 | 95.00% | 0.63875 | \$ 669,942 |
| 2023 | \$ 7,570,600 | \$ 120,333,564 | \$ 112,762,964 | 95.00% | 0.63875 | \$ 684,260 |
| 2024 | \$ 7,570,600 | \$ 122,740,235 | \$ 115,169,635 | 95.00% | 0.63875 | \$ 698,864 |
| 2025 | \$ 7,570,600 | \$ 125,195,040 | \$ 117,624,440 | 95.00% | 0.63875 | \$ 713,760 |
| 2026 | \$ 7,570,600 | \$ 127,698,941 | \$ 120,128,341 | 95.00% | 0.63875 | \$ 728,954 |
| 2027 | \$ 7,570,600 | \$ 130,252,920 | \$ 122,682,320 | 95.00% | 0.63875 | \$ 744,452 |
| 2028 | \$ 7,570,600 | \$ 132,857,978 | \$ 125,287,378 | 95.00% | 0.63875 | \$ 760,259 |
| 2029 | \$ 7,570,600 | \$ 135,515,138 | \$ 127,944,538 | 95.00% | 0.63875 | \$ 776,383 |
| 2030 | \$ 7,570,600 | \$ 138,225,440 | \$ 130,654,840 | 95.00% | 0.63875 | \$ 792,830 |
| 2031 | \$ 7,570,600 | \$ 140,989,949 | \$ 133,419,349 | 95.00% | 0.63875 | \$ 809,605 |
| 2032 | \$ 7,570,600 | \$ 143,809,748 | \$ 136,239,148 | 95.00% | 0.63875 | \$ 826,716 |
| 2033 | \$ 7,570,600 | \$ 146,685,943 | \$ 139,115,343 | 95.00% | 0.63875 | \$ 844,169 |
| 2034 | \$ 7,570,600 | \$ 149,619,662 | \$ 142,049,062 | 95.00% | 0.63875 | \$ 861,971 |
| 2035 | \$ 7,570,600 | \$ 152,612,055 | \$ 145,041,455 | 95.00% | 0.63875 | \$ 880,130 |
| 2036 | \$ 7,570,600 | \$ 155,664,296 | \$ 148,093,696 | 95.00% | 0.63875 | \$ 898,651 |
| 2037 | \$ 7,570,600 | \$ 158,777,582 | \$ 151,206,982 | 95.00% | 0.63875 | \$ 917,543 |
| 2038 | \$ 7,570,600 | \$ 161,953,134 | \$ 154,382,534 | 95.00% | 0.63875 | \$ 936,813 |
| 2039 | \$ 7,570,600 | \$ 165,192,196 | \$ 157,621,596 | 95.00% | 0.63875 | \$ 956,468 |
| 2040 | \$ 7,570,600 | \$ 168,496,040 | \$ 160,925,440 | 95.00% | 0.63875 | \$ 976,516 |
| 2041 | \$ 7,570,600 | \$ 171,865,961 | \$ 164,295,361 | 95.00% | 0.63875 | \$ 996,965 |
| 2042 | \$ 7,570,600 | \$ 175,303,280 | \$ 167,732,680 | 95.00% | 0.63875 | \$ 1,017,823 |
| 2043 | \$ 7,570,600 | \$ 178,809,346 | \$ 171,238,746 | 95.00% | 0.63875 | \$ 1,039,098 |
| | | | | | | \$ 25,033,061 |

Notes:

- (1) TIRZ 3 is scheduled to terminate in Tax Year 2043
- (2) Base Year is Tax Year 2005
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%

**Exhibit 5B – Revenue Schedule
Annexed Area (2005) Harris County**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Lesser of: | | Collection Rate (4) | Tax Rate | Harris County Participation | Increment Revenue |
|-------------|----------------|---------------------|--------------------------|----------------------------------|---------------------|----------|-----------------------------|-------------------|
| | | | Captured Appraised Value | Maximum Captured Appraised Value | | | | |
| 2011 | \$ 19,906,400 | \$ 133,238,824 | \$ 113,332,424 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 213,077 |
| 2012 | \$ 19,906,400 | \$ 135,903,600 | \$ 115,997,200 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 218,087 |
| 2013 | \$ 19,906,400 | \$ 138,621,672 | \$ 118,715,272 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 223,197 |
| 2014 | \$ 19,906,400 | \$ 141,394,108 | \$ 121,487,708 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 228,409 |
| 2015 | \$ 19,906,400 | \$ 144,221,988 | \$ 124,315,588 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 233,726 |
| 2016 | \$ 19,906,400 | \$ 147,106,428 | \$ 127,200,028 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 239,149 |
| 2017 | \$ 19,906,400 | \$ 150,048,556 | \$ 130,142,156 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 244,681 |
| 2018 | \$ 19,906,400 | \$ 153,049,528 | \$ 133,143,128 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 250,323 |
| 2019 | \$ 19,906,400 | \$ 156,110,518 | \$ 136,204,118 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 256,078 |
| 2020 | \$ 19,906,400 | \$ 159,232,728 | \$ 139,326,328 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 261,948 |
| 2021 | \$ 19,906,400 | \$ 162,417,383 | \$ 142,510,983 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 267,935 |
| 2022 | \$ 19,906,400 | \$ 165,665,731 | \$ 145,759,331 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 274,042 |
| 2023 | \$ 19,906,400 | \$ 168,979,045 | \$ 149,072,645 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 280,272 |
| 2024 | \$ 19,906,400 | \$ 172,358,626 | \$ 152,452,226 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 286,626 |
| 2025 | \$ 19,906,400 | \$ 175,805,799 | \$ 155,899,399 | \$ 200,700,000 | 95.00% | 0.38805 | 51.00% | \$ 293,107 |
| | | | | | | | | \$ 3,770,655 |

Notes:

- (1) Harris County and Harris County Flood Control participation in the 2005 Annexed Area ends with the earlier of the Tax Year 2025 payment or revenue contributions to the 2005 Annexed Area equals \$8.5 million
Since inception in Tax Year 2005, Harris County and Harris County Flood Control have made \$785,973 in revenue contributions to the 2005 Annexed Area. At the current growth rate, revenue contributions will not reach \$8.5 million until after Tax Year 2025
- (2) Base Year is Tax Year 2005
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 26, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2% up to a maximum captured appraised value of \$200.7 million
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%
- (5) Harris County participation is at 51% in the 2005 Annexed Area until the maximum of \$200.7 million is reached

**Exhibit 5C – Revenue Schedule
Annexed Area (2005) Harris County Flood Control District**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Lesser of: | | Collection Rate (4) | Tax Rate | Harris County Participation | Increment Revenue |
|-------------|----------------|---------------------|--------------------------|----------------------------------|---------------------|----------|-----------------------------|-------------------|
| | | | Captured Appraised Value | Maximum Captured Appraised Value | | | | |
| 2011 | \$ 19,906,400 | \$ 133,238,824 | \$ 113,332,424 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 16,050 |
| 2012 | \$ 19,906,400 | \$ 135,903,600 | \$ 115,997,200 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 16,427 |
| 2013 | \$ 19,906,400 | \$ 138,621,872 | \$ 118,715,272 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 16,812 |
| 2014 | \$ 19,906,400 | \$ 141,394,106 | \$ 121,487,706 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 17,205 |
| 2015 | \$ 19,906,400 | \$ 144,221,988 | \$ 124,315,588 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 17,605 |
| 2016 | \$ 19,906,400 | \$ 147,106,428 | \$ 127,200,028 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 18,014 |
| 2017 | \$ 19,906,400 | \$ 150,048,556 | \$ 130,142,156 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 18,431 |
| 2018 | \$ 19,906,400 | \$ 153,049,528 | \$ 133,143,128 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 18,856 |
| 2019 | \$ 19,906,400 | \$ 156,110,518 | \$ 136,204,118 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 19,289 |
| 2020 | \$ 19,906,400 | \$ 159,232,728 | \$ 139,326,328 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 19,731 |
| 2021 | \$ 19,906,400 | \$ 162,417,383 | \$ 142,510,983 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 20,182 |
| 2022 | \$ 19,906,400 | \$ 165,665,731 | \$ 145,759,331 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 20,642 |
| 2023 | \$ 19,906,400 | \$ 168,979,045 | \$ 149,072,645 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 21,112 |
| 2024 | \$ 19,906,400 | \$ 172,358,626 | \$ 152,452,226 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 21,590 |
| 2025 | \$ 19,906,400 | \$ 175,805,799 | \$ 155,899,399 | \$ 200,700,000 | 95.00% | 0.02923 | 51.00% | \$ 22,078 |
| | | | | | | | | \$ 284,026 |

Notes:

- (1) Harris County and Harris County Flood Control participation in the 2005 Annexed Area ends with the earlier of the Tax Year 2025 payment or revenue contributions to the 2005 Annexed Area equals \$8.5 million
Since inception in Tax Year 2005, Harris County and Harris County Flood Control have made \$785,973 in revenue contributions to the 2005 Annexed Area. At the current growth rate, revenue contributions will not reach \$8.5 million until after Tax Year 2025
- (2) Base Year is Tax Year 2005
- (3) Tax Year 2011 Property Values based on the Harris County Appraisal District August 28, 2011 report
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2% up to a maximum captured appraised value of \$100.5 million
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%
- (5) Harris County participation is at 51% in the 2005 Annexed Area until the maximum of \$200.7 million is reached

**Exhibit 6 – Revenue and Transfer Schedule
Annexed Area (2011) City of Houston**

| Tax Year(1) | Base Value (2) | Projected Value (3) | Captured Appraised Value | Collection Rate (4) | Tax Rate | Total Increment Revenue | Transfers Admin Fees | Net Revenue (Total Increment Revenue less Transfers) |
|-------------|----------------|---------------------|--------------------------|---------------------|----------|-------------------------|----------------------|--|
| 2011 | \$ 23,049,900 | \$ 23,049,900 | \$ - | 95.00% | 0.63875 | \$ - | \$ - | \$ - |
| 2012 | \$ 23,049,900 | \$ 23,510,898 | \$ 460,998 | 95.00% | 0.63875 | \$ 2,797 | \$ 140 | \$ 2,657 |
| 2013 | \$ 23,049,900 | \$ 23,981,116 | \$ 931,216 | 95.00% | 0.63875 | \$ 5,651 | \$ 283 | \$ 5,368 |
| 2014 | \$ 23,049,900 | \$ 24,460,738 | \$ 1,410,838 | 95.00% | 0.63875 | \$ 8,561 | \$ 428 | \$ 8,133 |
| 2015 | \$ 23,049,900 | \$ 24,949,953 | \$ 1,900,053 | 95.00% | 0.63875 | \$ 11,530 | \$ 576 | \$ 10,954 |
| 2016 | \$ 23,049,900 | \$ 25,448,952 | \$ 2,399,052 | 95.00% | 0.63875 | \$ 14,558 | \$ 728 | \$ 13,830 |
| 2017 | \$ 23,049,900 | \$ 25,957,931 | \$ 2,908,031 | 95.00% | 0.63875 | \$ 17,646 | \$ 882 | \$ 16,764 |
| 2018 | \$ 23,049,900 | \$ 26,477,090 | \$ 3,427,190 | 95.00% | 0.63875 | \$ 20,797 | \$ 1,040 | \$ 19,757 |
| 2019 | \$ 23,049,900 | \$ 27,006,632 | \$ 3,956,732 | 95.00% | 0.63875 | \$ 24,010 | \$ 1,200 | \$ 22,810 |
| 2020 | \$ 23,049,900 | \$ 27,546,764 | \$ 4,496,864 | 95.00% | 0.63875 | \$ 27,288 | \$ 1,364 | \$ 25,924 |
| 2021 | \$ 23,049,900 | \$ 28,097,699 | \$ 5,047,799 | 95.00% | 0.63875 | \$ 30,631 | \$ 1,532 | \$ 29,099 |
| 2022 | \$ 23,049,900 | \$ 28,659,653 | \$ 5,609,753 | 95.00% | 0.63875 | \$ 34,041 | \$ 1,702 | \$ 32,339 |
| 2023 | \$ 23,049,900 | \$ 29,232,847 | \$ 6,182,947 | 95.00% | 0.63875 | \$ 37,519 | \$ 1,876 | \$ 35,643 |
| 2024 | \$ 23,049,900 | \$ 29,817,503 | \$ 6,767,603 | 95.00% | 0.63875 | \$ 41,067 | \$ 2,053 | \$ 39,014 |
| 2025 | \$ 23,049,900 | \$ 30,413,854 | \$ 7,363,954 | 95.00% | 0.63875 | \$ 44,685 | \$ 2,234 | \$ 42,451 |
| 2026 | \$ 23,049,900 | \$ 31,022,131 | \$ 7,972,231 | 95.00% | 0.63875 | \$ 48,376 | \$ 2,419 | \$ 45,957 |
| 2027 | \$ 23,049,900 | \$ 31,642,573 | \$ 8,592,673 | 95.00% | 0.63875 | \$ 52,141 | \$ 2,607 | \$ 49,534 |
| 2028 | \$ 23,049,900 | \$ 32,275,425 | \$ 9,225,525 | 95.00% | 0.63875 | \$ 55,982 | \$ 2,799 | \$ 53,183 |
| 2029 | \$ 23,049,900 | \$ 32,920,933 | \$ 9,871,033 | 95.00% | 0.63875 | \$ 59,899 | \$ 2,995 | \$ 56,904 |
| 2030 | \$ 23,049,900 | \$ 33,579,352 | \$ 10,529,452 | 95.00% | 0.63875 | \$ 63,894 | \$ 3,195 | \$ 60,699 |
| 2031 | \$ 23,049,900 | \$ 34,250,939 | \$ 11,201,039 | 95.00% | 0.63875 | \$ 67,969 | \$ 3,398 | \$ 64,571 |
| 2032 | \$ 23,049,900 | \$ 34,935,958 | \$ 11,886,058 | 95.00% | 0.63875 | \$ 72,126 | \$ 3,606 | \$ 68,520 |
| 2033 | \$ 23,049,900 | \$ 35,634,677 | \$ 12,584,777 | 95.00% | 0.63875 | \$ 76,366 | \$ 3,818 | \$ 72,548 |
| 2034 | \$ 23,049,900 | \$ 36,347,370 | \$ 13,297,470 | 95.00% | 0.63875 | \$ 80,691 | \$ 4,035 | \$ 76,656 |
| 2035 | \$ 23,049,900 | \$ 37,074,318 | \$ 14,024,418 | 95.00% | 0.63875 | \$ 85,102 | \$ 4,255 | \$ 80,847 |
| 2036 | \$ 23,049,900 | \$ 37,815,804 | \$ 14,765,904 | 95.00% | 0.63875 | \$ 89,601 | \$ 4,480 | \$ 85,121 |
| 2037 | \$ 23,049,900 | \$ 38,572,120 | \$ 15,522,220 | 95.00% | 0.63875 | \$ 94,191 | \$ 4,710 | \$ 89,481 |
| 2038 | \$ 23,049,900 | \$ 39,343,563 | \$ 16,293,663 | 95.00% | 0.63875 | \$ 98,872 | \$ 4,944 | \$ 93,928 |
| 2039 | \$ 23,049,900 | \$ 40,130,434 | \$ 17,080,534 | 95.00% | 0.63875 | \$ 103,647 | \$ 5,182 | \$ 98,465 |
| 2040 | \$ 23,049,900 | \$ 40,933,043 | \$ 17,883,143 | 95.00% | 0.63875 | \$ 108,517 | \$ 5,426 | \$ 103,091 |
| 2041 | \$ 23,049,900 | \$ 41,751,703 | \$ 18,701,803 | 95.00% | 0.63875 | \$ 113,485 | \$ 5,674 | \$ 107,811 |
| 2042 | \$ 23,049,900 | \$ 42,586,737 | \$ 19,536,837 | 95.00% | 0.63875 | \$ 118,552 | \$ 5,928 | \$ 112,624 |
| 2043 | \$ 23,049,900 | \$ 43,438,472 | \$ 20,388,572 | 95.00% | 0.63875 | \$ 123,720 | \$ 6,186 | \$ 117,534 |
| | | | | | | \$ 1,833,911 | \$ 91,695 | \$ 1,742,216 |

Notes:

- (1) TIRZ 3 is scheduled to terminate in Tax Year 2043
- (2) Base Year is Tax Year 2011
- (3) Tax Year 2011 Property Values estimated at \$23,049,900
For Tax Years 2012 to 2025, the property value increases at an annual rate of 2%
- (4) Collection rate for Tax Year 2011 to Tax Year 2025 estimated at 95%

APPENDIX

Part A Plan

Estimated Project Costs \$34,000,000

Adopted by City Council by Ordinance 1996-0911 on 9/11/96

Streetscape Enhancements

\$2,000,000

Deleted in Part B

Public streetscape enhancements to serve a residential population and concerns for enhanced security, including but not limited to lighting, walks, landscaping and related street furniture. Improvements in addition to and integrated with street reconstruction by METRO. *Status: Deleted and replaced by Second Amended Plan (Part B) dated August 9, 1999.*

Buffalo Bayou Riverwalk

\$4,000,000

Market research identified waterfront amenities and recreational greenbelts as key amenities for potential residents. A riverwalk along the south bank of Buffalo Bayou takes advantage of existing structures lining the stream and connects Sesquicentennial Park and Allen's Landing. Improvements included walkways and access point landscaping. *Status: No change in scope; carry forward into revised plan.*

Preparation of Residential Development Sites

\$5,000,000

Plan provided utilities, public parking and eligible developer reimbursements associated with residential/mixed use development and redevelopment supporting new construction consisting of 640 dwelling units on sites currently occupied by surface parking lots. Approximately 2,000 structured parking spaces are anticipated to serve the residents and public visitors. Many of these spaces integrated into residential development projects. *Status: No change in scope; carry forward into revised plan.*

Rice Hotel Financial Assistance

\$18,750,000

The Zone provided assistance in the conversion of the preexisting Rice Hotel building into a mixed use development providing 345 residential units, ground-level retail space and parking facilities. *Status: No change in scope; carry forward into revised plan.*

Acquisition/Rehabilitation of Historic Structures

\$1,500,000

Preservation and restoration of smaller historic structures through acquisition/ resale and/or rehabilitation of roofs, other structural elements, and facades. Projects allow for retail and other services for area residents. *Status: No change in scope; carry forward into revised plan.*

Part B Plan

Estimated Project Costs \$130,998,656

Adopted by City Council by Ordinance 1998-1205 on 12/16/98

Streetscape Enhancements

\$11,675,000

Reduced to \$7,100,000 in Part C

Initially, streetscape enhancements and sidewalk vault improvements for streets not included in METRO Transit Streets or Cotswold projects. After adoption of Part C, includes roadway improvements such as storm sewer inlets and leads, curbs/gutters and pavement resurfacing. *Status: No change in scope; carry forward into revised plan.*

Transit Streets

\$16,000,000

Reduced to \$10,000,000 in Part C

Main Street improvements in conjunction with METRO's new rail installation. *Status: No carry forward.*

Public Parking Facilities

\$15,000,000

Deleted in Part C

TIRZ funding to supplement garage development to promote retail and residential development in Market Square and Main Street areas. *Status: Deleted and replaced by The 2005 Plan. No carry forward.*

Transit Center and Super-Stop

\$6,775,000

Reduced to \$2,500,000 in Part C

Provide 1) local match financing to secure METRO's federal grant for cost of Transit Center and 2) co-funding of development of Superstop. *Status: Scope changed (delete Transit Center component); \$2.2M expended against reduced cost. carry forward into revised plan.*

Acquisition/Rehabilitation of Historic Structures

\$15,000,000

Reduced to \$12,000,000 in Part C

Funding to acquire, lease, and/or sell properties or participate with property owners to promote development of underutilized historic buildings for residential and/or commercial uses, enhancing existing pedestrian/retail environment. *Status: No change in current scope; Carry forward into revised plan.*

Education Facilities

\$82,541,820

Educational facilities improvements as provided in Chapter 311 of the Texas Tax Code for projects located inside or outside the Zone. These facilities will be provided in accordance with Interlocal Agreement with HISD. *Status: No change in current scope; Carry forward into revised plan.*

Buffalo Bayou Improvements

\$6,000,000

Reduced to \$2,300,000 in Part D

Scope as initially conceived provided continuation of Part A Riverwalk improvements. Scope reduced in The 2007 Plan. *Status: No change in current scope; Carry forward into revised plan.*

Theater District Improvements

\$11,500,000

With others, provide funding for improvements to Theater District streets, sidewalks, public spaces and/or cultural/public buildings. *Status: No change in current scope. Carry forward into revised plan.*

Part C Plan

Estimated Project Costs \$195,607,820

Adopted by City Council by Ordinance 1999-0828 on 8/11/99

City adopted a restated Part C Plan to 1) incorporate changes in HISD participation and 2) restate and redefine goals and objectives of Part A and Part B plan.

Part D Plan

Estimated Project Costs \$209,707,820

Adopted by City Council by Ordinance 2005-1050 on 9/14/05

Economic Development Grant

\$8,800,000

Zone enlarged to facilitate development of mixed use retail, residential and office complex. The Zone provided funding support to *Houston Pavilion* project in an effort to stimulate major investment within the CBD. *Status: No change in scope, carry forward into revised plan.*

Retail Parking Facilities

\$5,500,000

The Zone provided funding support for the *Houston Pavilion's* project parking facilities. The project included upgrades to the existing garage to meet retail standards for safety and welfare of the general public and included air right access, safety lighting, interior way finding, landscaping and ingress/egress modifications. *Status: No change in scope; carry forward into revised plan.*

Public Parking Facilities

\$3,100,000

Parking facilities originally identified in Part B to serve the retail core. Part C provided funding for a second parking facility in another area of the Zone. *Status: No change in scope; carry forward into revised plan. Status: No change in scope; carry forward into revised plan.*

Transit Streets and Facilities

\$5,500,000

Continued public investment in transit improvements that serve the Zone, which could include roadway infrastructure, utilities, site preparation, and related right-of-way acquisition associated with transit improvements. *Status: No change in scope; carry forward into revised plan.*

Affordable Housing

\$2,375,000

Increased to \$15,000,000 in Part D

Increasingly, affordable housing for the downtown workforce has emerged as an important public policy issue. Zone funding can promote private, public, and non-profit developers to integrate affordable housing into their residential development within the downtown area. *Status: No change in scope; carry forward into revised plan.*

Part E Plan

Estimated Project Costs \$285,991,820

Adopted by City Council by Ordinance 2007-1423 on 12/12/07

Residential Site Development

\$5,000,000

Additional \$5M project funding for residential site development into areas annexed beyond original area, providing utilities and developer reimbursements for residential development. *Status: No change in scope; carry forward into revised plan.*

Parks, Plazas and Streetscapes

\$20,000,000

Development or redevelopment of parks and plazas within an expanded Zone to include, but not limited to, public streetscape improvements, street furniture, and landscaping along the public right-of-way. *Status: No change in scope; carry forward into revised plan.*

Retail/Residential Development

\$14,000,000

Promote development of street-level retail and residential development within the Central Business District. *Status: No change in scope; carry forward into revised plan.*

Institutional Facilities

\$19,500,000

Completed project: expansion and restoration of the Julia Ideson Building of the Central Library. Other public institution projects are to be considered. *Status: No change in scope; carry forward into revised plan.*

Property Acquisitions/Land Assemblage

\$10,000,000

To promote further redevelopment within the Zone. *Status: No change in scope; carry forward into revised plan.*

Acquisition/Rehabilitation of Historic Structures

\$5,000,000

To promote further redevelopment within the Zone. *Status: No change in scope; carry forward into revised plan.*

Proposed Part F Plan –

Roadways & Street Improvements

\$22,500,000

To develop and or sponsor projects that improves mobility throughout the downtown area. Identified projects may include but are not limited to lighting, milling, paving, overlaying, curb, gutter and utilities.

Infrastructure, Mobility & Transit Improvements

\$18,334,450

Continued public investment in transit improvements that serve the Zone, which could include roadway infrastructure, utilities, site preparation, lighting, landscaping, furniture, signage, related right-of-way acquisition associated with transit improvements, and other public amenities.

Residential/Retail Development

\$43,770,266

Funding assistance on residential/mixed use projects that will revitalize the retail market and promote development/redevelopment of street-level retail within the Central Business District. Zone funding can encourage private, public, and non-profit developers to integrate "Workforce Housing" into their residential development within the downtown area

Parking Facilities Development

\$10,156,417

Identified projects will assist in providing additional parking to serve patrons, workers, visitors and residents of the Central Business District and spur retail and residential development.

Historic Preservation

\$26,351,008

To preserve the historic significance of Downtown Houston; the Zone has created a Historic Preservation Program to grant funds to developers to restore the facades of historically significant buildings, placement of historical markers, fixtures, lighting and art.

Parks, Plaza & Recreational Facilities

\$32,044,167

Zone funding will encourage the development or redevelopment of parks, green space and plazas within the Zone to create a pedestrian friendly oasis and an amenity to the surrounding businesses/retail/residential communities. These projects will promote other area improvements and economic growth.

Theater District Improvements

\$11,504,779

To develop and or sponsor public improvement projects that will include but are not limited to lighting, installation of sidewalks, public spaces, signage, street furniture, signage and the installation of landscaping or other public amenities.

Cultural & Public Facilities Improvements

\$10,000,000

To develop and or sponsor projects that improves the quality of life for residents, workers and visitors of the CBD.

Property Acquisition/Land Assemblage

\$10,000,000

To promote further redevelopment within the Zone, the Authority will acquire as opportunities arise properties for redevelopment. Multiple properties may be assembled over time to facilitate redevelopment.

Economic Development Programs

\$166,800,000

Pursuant to the authority granted by Section 311.010(h), Texas Tax Code. The Zone has established an Economic Development Program to promote, develop and diversify the economy of the Zone, eliminate unemployment and underemployment in the Zone, and develop or expand transportation, business and commercial activity within the Zone.

Institutional Facilities Improvements/Development

\$22,000,000

The Authority will partner with private philanthropic fundraising efforts to improve institutional facilities of the participating taxing authorities of the Zone.

Financing Costs

\$21,650,000

Estimated Financing Costs for Parts A, B, C, D, E and F as described in Exhibit 1

Zone Administration

\$6,934,426

Estimated Administration Cost for Parts A, B, C, D, E and F and as described in Exhibit 1

Educational Facilities

\$82,541,820

Educational facilities improvements as provided in accordance with the Interlocal Agreement with HISD.



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

NOV 09 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 10-25-11
date

COUNCIL MEMBER: _____

October 25, 2011

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Chapter 3808, Texas Special District Local Laws Code and upon the recommendation of the District's Board of Directors, I am nominating the following individuals for appointment or reappointment to the East Downtown Management District Board of Directors, subject to City Council confirmation:

- Ms. Anny Dang, reappointment to Position One, for a term to expire June 1, 2015;
- Mr. Norman R. Pegram, Jr., reappointment to Position Two, for a term to expire June 1, 2015;
- Mr. Gordon D. Harris, III, appointment to Position Three, for a term to expire June 1, 2015;
- Mr. Gary Hornberger, reappointment to Position Four, for a term to expire June 1, 2015;
- Mr. Pierre Bejjani, appointment to Position Five, for a term to expire June 1, 2015;
- Ms. Patricia Ann Torres, reappointment to Position Six, for a term to expire June 1, 2015;
- Mr. Dan Nip, reappointment to Position Seven, for a term to expire June 1, 2015;
- Ms. Stephanie A. Macey, appointment to Position Eight, for a term to expire June 1, 2015; and
- Mr. Shahin O. Naghavi, appointment to Position Nine, for a term to expire June 1, 2015.

The résumés are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Tina Araujo, General Manager, East Downtown Management District
Ms. Jeanne H. McDonald, Attorney for the District, East Downtown Management District





ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

4

NOV 09 2011

October 12, 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 10-14-11
date

COUNCIL MEMBER: _____

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Chapter 3803, Texas Special District Local Laws Code, I am nominating the following individuals for appointment or reappointment to the Board of Directors of the Greenspoint District of Harris County for terms to expire June 1, 2015, as recommended by the District's Board of Directors, subject to Council confirmation:

- Mr. James N. Curry, reappointment to Position Twelve;
- Ms. Anne Seeley, reappointment to Position Thirteen;
- Ms. Wei Huang, reappointment to Position Fourteen;
- Ms. Melody Kelly Douglas, reappointment to Position Fifteen;
- Ms. Grace Y. Cervin, appointment to Position Sixteen;
- Ms. Michelle Wogan, reappointment to Position Seventeen;
- Mr. Jerry Paduano, reappointment to Position Eighteen;
- Mr. Gerard Leutner, appointment to Position Nineteen;
- Ms. Rosa R. (Isela) Lopez, reappointment to Position Twenty;
- Mr. George W. Lunnon, Jr., reappointment to Position Twenty One and
- Mr. John E. Wallace, reappointment to Position Twenty Two.

Résumés are attached for your review.

Sincerely,

Annise D. Parker
Mayor

Attachments

AP:JC:jsk

cc: Mr. Jack Drake, President, Greenspoint District
Ms. Jeanne McDonald, Attorney for the District, Greenspoint District

RECEIVED
OCT 14 2011
CITY SECRETARY



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

5

NOV 09 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 10-25-11
date

COUNCIL MEMBER: _____

October 25, 2011

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to City of Houston Code of Ordinances, Section 2- 361, I am appointing or reappointing the following individuals to the Houston READ Commission, subject to City Council confirmation:

Mr. Nicholas Phillips, appointment to Position Twelve, for a term to expire January 1, 2014; and Ms. Rosie Canales, reappointment to Position Fifteen, for a term to expire January 1, 2014.

Résumés are attached for your review.

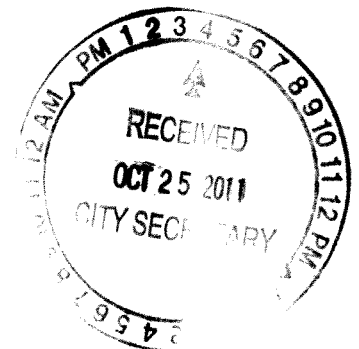
Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Sheri Foreman, Executive Director, Houston READ Commission
Mr. Jeremy L. Radcliffe, Chair, Houston READ Commission





ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

6
NOV 09 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 10-19-11
date

COUNCIL MEMBER: _____

October 18, 2011

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to City of Houston Revised Executive Order 1-5, I am appointing the following individual to the Independent Police Oversight Board (IPOB), subject to City Council confirmation:

| Name | District | Panel | Term |
|------------------|----------|-------|---------|
| Maryanne Fortson | E | C5 | 3 years |

Résumé is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: Mr. C.A. McClelland, Chief of Police, Houston Police Department
Mr. Robert Doguim, Inspector General, City of Houston
Ms. Sylvia R. Garcia, Chair, Independent Police Oversight Board (IPOB)





ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

7
NOV 09 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 10-14-11
date

COUNCIL MEMBER: _____

October 12, 2011

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Chapter 311 of the Texas Tax Code City of Houston Ordinance No. 95-1323 and City of Houston Resolution No. 99-39, I am nominating the following individual for appointment to the Board of Directors of Reinvestment Zone Number Three, City of Houston, Texas (Main Street Market Square Zone), subject to Council confirmation:

Mr. Barry Mandel, appointment to Position Nine for a term to expire December 31, 2011.

Pursuant to the Main Street Market Square Redevelopment Authority, appointment of a director to the Board of Directors of this Zone will also constitute appointment of the director to the corresponding position on the Board of Directors of the Authority for the same term.

Résumé is attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachment

cc: Mr. Ralph De Leon, Division Manager, Finance and Economic Development
Department

RECEIVED
OCT 14 2011
CITY SECRETARY



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

8

NOV 09 2011

October 19, 2011

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 10-19-11
date

COUNCIL MEMBER: _____

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Chapter 3802, Texas Special Districts Local Laws Code, I am nominating the following individuals for appointment or reappointment to the Westchase District Board of Directors, as recommended by the District Board of Directors, subject to Council confirmation:

- Mr. Mark D. Smith, reappointment to Position Nine, for a term to expire June 1, 2015;
- Mr. Mark Taylor, reappointment to Position Ten, for a term to expire June 1, 2015;
- Mr. Gary Blumberg, reappointment to Position Eleven, for a term to expire June 1, 2015;
- Mr. Brad Fricks, reappointment to Position Twelve, for a term to expire June 1, 2015;
- Mr. David J. Lee, reappointment to Position Thirteen, for a term to expire June 1, 2015;
- Mr. Philip M. Schneidau, reappointment to Position Fourteen, for a term to expire June 1, 2015;
- Mr. Patrick Manchi, appointment to Position Fifteen, for a term to expire June 1, 2015;
- Mr. Alfredo Matos, reappointment to Position Sixteen, for a term to expire June 1, 2015;
- and
- Mr. Andrew R. Lear, reappointment to Position Seventeen, for a term to expire June 1, 2015.

Résumés of the nominees are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Mr. Dave Gilkeson, Vice President and CEO, Westchase District
Ms. Jeanne H. McDonald, Attorney for the District, Westchase District



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|---------------------------|
| SUBJECT: Accept Work – Axiom Construction Company, Inc. for Hurricane Ike Repairs at George Bush Intercontinental Airport/Houston (IAH), Project No. 500H; (WBS #A-000595-0002-4-01; Contract No. 4600009820) | Page 1 of 1 | Agenda Item # 9 |
|--|-----------------------|---------------------------|

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|--|---|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date October 15, 2011 | Agenda Date NOV 09 2011 |
|--|---|-----------------------------------|

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| DIRECTOR'S SIGNATURE: <i>W. Kae</i> | Council District affected: B |
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| For additional information contact: Lance Lyttle <i>LL</i> Phone: 281-233-1889 Robert Bielek <i>RB</i> 281-233-1941 | Date and identification of prior authorizing Council action: 08/05/2009 (O) 2009-727 |
|--|--|

| | |
|---|--|
| AMOUNT & SOURCE OF FUNDING: N/A | Prior appropriations: 08/05/2009..... \$8,070,204.55 Arpt R & R Fd (8010) |
|---|--|

RECOMMENDATION: Pass a motion to approve the final contract amount of \$7,251,315.40 or 1.68% more than the original contract amount, accept work, and authorize final payment.

SPECIFIC EXPLANATION:

The contractor, Axiom Construction Company, Inc. has completed all the work required under their contract in the amount of \$7,131,168.40 for Hurricane Ike repairs at George Bush Intercontinental Airport/Houston (IAH). During construction the project was managed and inspected by the Houston Airport System (HAS) personnel.

The final contract amount, including the net increase by Change Order Nos. 1 - 4 in the amount of \$120,147.00, will be \$7,251,315.40, which is 1.68% over the original contract amount. The changes were due to unforeseen conditions that were undetermined at the time of design and necessitated additional sealant, hardware at the Federal Inspection Services inspection booths, insulation, terrazzo repair, metal panels, lightning protection, metal coping, communications cabling, and an accelerated schedule for the Terminal B train station. The work was completed on schedule within the contract time.

Axiom Construction Company, Inc. achieved 35.10% M/W/SBE participation on a 27% contract goal. The HAS Office of Business Opportunity gave Axiom Construction Company, Inc. an "Outstanding" rating for M/W/SBE and contract compliance.

Osborn & Vane Architects, Inc. was the project design consultant.

| REQUIRED AUTHORIZATION | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
| | | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|---------------------|--------------------|--|
| SUBJECT: Accept Work - Construction Contract with Manhattan Construction Company for Automated People Mover Phase 3, Packages 3 & 4 at George Bush Intercontinental Airport/Houston (IAH) Project No. 536L&M (WBS # A-000354-0007-4-01; Contract No. 4600009165) | Category # 7 | Page 1 of 1 | Agenda Item # <div style="text-align: right; font-size: 2em;">10</div> |
|---|---------------------|--------------------|--|

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|--|--|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date October 7, 2011 | Agenda Date NOV 09 2011 |
|--|--|-----------------------------------|

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|--|--|
| DIRECTOR'S SIGNATURE: <i>Mae</i> <div style="font-size: 1.5em; margin-left: 100px;"><i>Mae</i></div> | Council District affected: B |
|--|--|

| | |
|---|--|
| For additional information contact: Lance Lyttle Phone: 281-233-1889 Robert Bielek Phone: 281-233-1941 | Date and identification of prior authorizing Council action: 10/01/2008 (O) 2008-863 |
|---|--|

| | |
|---|--|
| AMOUNT & SOURCE OF FUNDING: N/A | Prior appropriations: 10/01/2008.....\$39,214,368.00 Arpt Sys Consolidated 2004AMT (8203) 10/01/2008.....\$ 635,418.00 HAS Arpt Improvement (8011) Total.....\$39,849,786.00 |
|---|--|

RECOMMENDATION: (Summary)
 Pass a motion to approve the final contract amount of \$37,211,940.00 or 2.49 percent more than the original contract amount, accept work, and authorize final payment.

SPECIFIC EXPLANATION:

The contractor, Manhattan Construction Company, has completed all required work under their contract in the amount of \$36,309,600.00. The contract was for the extension of Automated People Mover (APM) Phase 3, Packages 3 & 4, which consisted of constructing a new APM station at Terminal "A", George Bush Intercontinental Airport/Houston (IAH), and the secure corridors connecting Terminal "A" station to the north and south concourses. During construction, inspection services were provided by PBS&J and the Houston Airport System (HAS) inspectors.

The final amount of the contract, including Change Order Nos. 1-12 in the amount of \$902,340.00, will be \$37,211,940.00, which is 2.49 percent more than the original contract amount. The changes were for unforeseen conditions that were undetermined at the time of design and necessitated additional work, such as secure corridor ducts and ceiling revisions, modifications to the south wall of security corridor, and platform floor fill at the north and south gates.

Manhattan Construction Company achieved a 28.57% MWBE participation on a 25% goal. The HAS Office of Business Opportunity awarded Manhattan Construction Company a "Satisfactory" rating for contract compliance.

REQUIRED AUTHORIZATION

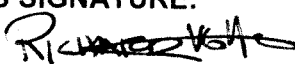
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|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|

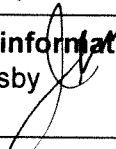
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|------------------------------|
| SUBJECT: Accept Work AAR Incorporated Soil Remediation, Removal and Replacement at Tony Marron Park Property WBS No. F-000509-0074-4 | Page 1 of 1 | Agenda Item // |
|--|-----------------------|------------------------------|

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|---|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date | Agenda Date NOV 09 2011 |
|---|-------------------------|-----------------------------------|

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|---|-------------------------------------|
| DIRECTOR'S SIGNATURE: Scott Minnix  10/25/11 | Council District affected: H |
|---|-------------------------------------|

| | |
|--|---|
| For additional information contact: Jacquelyn L. Nisby  Phone: 832-393-8023 | Date and identification of prior authorizing Council action: Ordinance: 11-0139 Dated: 02/23/2011 |
|--|---|

RECOMMENDATION: Pass a motion approving the final contract amount of \$55,349.50, accept the work and authorize final payment.

| | |
|--|------------------------|
| Amount and Source of Funding: No Additional Funding Required | Finance Budget: |
| Previous Funding: \$126,216.20 Parks Consolidated Construction Fund (4502) | |

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$55,349.50 or 14.51% under the original contract amount, accept the work and authorize final payment to AAR Incorporated for soil remediation, removal and replacement at Tony Marron Park Property for the Parks and Recreation Department.

PROJECT LOCATION: 723 North Drennan Street
Houston, Texas (Key Map 494-P)

PROJECT DESCRIPTION: The project excavated, removed and disposed of contaminated soil from designated areas and backfilled with select fill material to pre-existing grade. Removed all trees, stumps, brush, hedges and other loose or projected material from the designated areas. The work also included transportation, storage and disposal of other waste material generated during site activities in accordance with all applicable federal, state and local regulations.


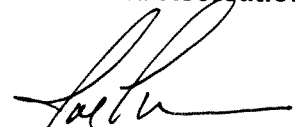
CONTRACT COMPLETION AND COST: The contractor completed the project within the original contract duration of 90 days. The final cost of the project including Change Order 1 is \$55,349.50, a decrease of \$9,392.50 from the original contract amount. The project came in under budget because the soil contamination was not as extensive as originally estimated.

PREVIOUS CHANGE ORDER: Change Order 1 provided credits to the contract for line items either partially used or not required to complete the project.


SM:HB:JLN:GM:FK:fk

c: Marta Crinejo, Jacquelyn L. Nisby, Carlecia Wright, Calvin Curtis, Gabriel Mussio, Lisa Johnson, File

REQUIRED AUTHORIZATION CUIC ID # 25GM259

| | |
|--|--|
| General Services Department:  Humberto Bautista, P.E. Assistant Director | Parks and Recreation Department:  Joe Turner Director |
|--|--|

NOT



Soil Remediation, Removal and Replacement at:
 Tony Marron Park Property
 723 North Drennan St
 Houston, TX 77003

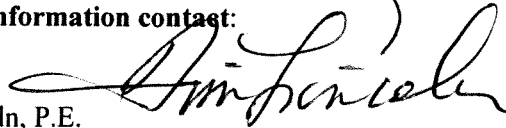
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|--------------------------|-----------------------|--------------------------------|
| SUBJECT: Accept Work for American Recovery and Reinvestment Act (ARRA) – Local Rehabilitation Projects STP 2011 (212) ES; WBS No. N-001037-0060-4, TxDOT CCSJ 0912-70-038. | Category #1, 7 | Page 1 of 2 | Agenda Item # 125 |
|---|--------------------------|-----------------------|--------------------------------|

| | | |
|--|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|-------------------------|-----------------------------------|

| | |
|--|--|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: B, G, H, I. |
|--|--|

| | |
|---|---|
| For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355 | Date and identification of prior authorizing Council action: Ord. # 2010-0417 dated: 06/02/2010 Ord. # 2011-0027 dated: 01/05/2011 |
|---|---|

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$2,628,701.98 or 4.06% over the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$3,034,986.50 with \$2,515,511.89 from American Recovery and Reinvestment Act (ARRA) Fund No. 5300, and \$519,474.61 from Street and Bridge Consolidated Construction Fund No. 4506.

PROJECT NOTICE/JUSTIFICATION: This project was part of City Wide Overlay Program and was required to improve and maintain a safe road surface and accessibility.

PREVIOUS HISTORY: On June 02, 2010, Ordinance No. 2010-0417 approved the appropriation of \$30,000.00 and the Advance Funding Agreement between the City of Houston and Texas Department of Transportation.

DESCRIPTION/SCOPE: This project consisted of the base repair of flexible and rigid pavements, construction of approximately 3.5 inches of hot mix asphaltic concrete pavement, panel replacement, curb repair, striping, and curb ramps. This project was designed in-house by the Engineering Branch staff with 150 calendar days allowed for construction. The project was awarded to Angel Brothers Enterprises, Ltd. with an original Contract Amount of \$2,526,075.50.


LOCATION: The streets included in the ARRA – Local Rehabilitation Projects are listed below:

| <u>S. No.</u> | <u>Street</u> | <u>Limits</u> | <u>Key Map Grid</u> | <u>District</u> |
|---------------|-------------------|--------------------------|---------------------|-----------------|
| 1. | Lockwood | IH-610 to Clinton Drive | 454U, Y; 494C, G, L | B, H, I |
| 2. | Washington Avenue | Westcott Street to IH-45 | 492G, H; 493E, K, L | G, H |

CONTRACT COMPLETION AND COST: The Contractor, Angel Brothers Enterprises, Ltd., 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 Orders No. 1 and 2 is \$2,628,701.98, an increase of \$102,626.48 or 4.06% over the original Contract Amount.

The increase cost is a result of the difference between planned and measured quantities. This increase is primarily the result of an overrun in Bid Item No. 25 – Concrete Curb Ramp including Truncated Domes, Headers, Saw Cutting, Dowels Expansion Joints and Staining, which was necessary to complete the project.

REQUIRED AUTHORIZATION 20HA129 *MT*

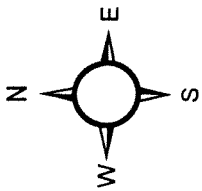
| | | |
|----------------------------|-----------------------------|---|
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |
|----------------------------|-----------------------------|---|

| | | | |
|-------------|---|------------------------------|-----------------------|
| Date | SUBJECT: Accept Work for American Recovery and Reinvestment Act (ARRA) – Local Rehabilitation Projects STP 2011 (212) ES; WBS No. N-001037-0060-4, TxDOT CCSJ 0912-70-038. | Originator's Initials | Page 2 of 2 |
|-------------|---|------------------------------|-----------------------|

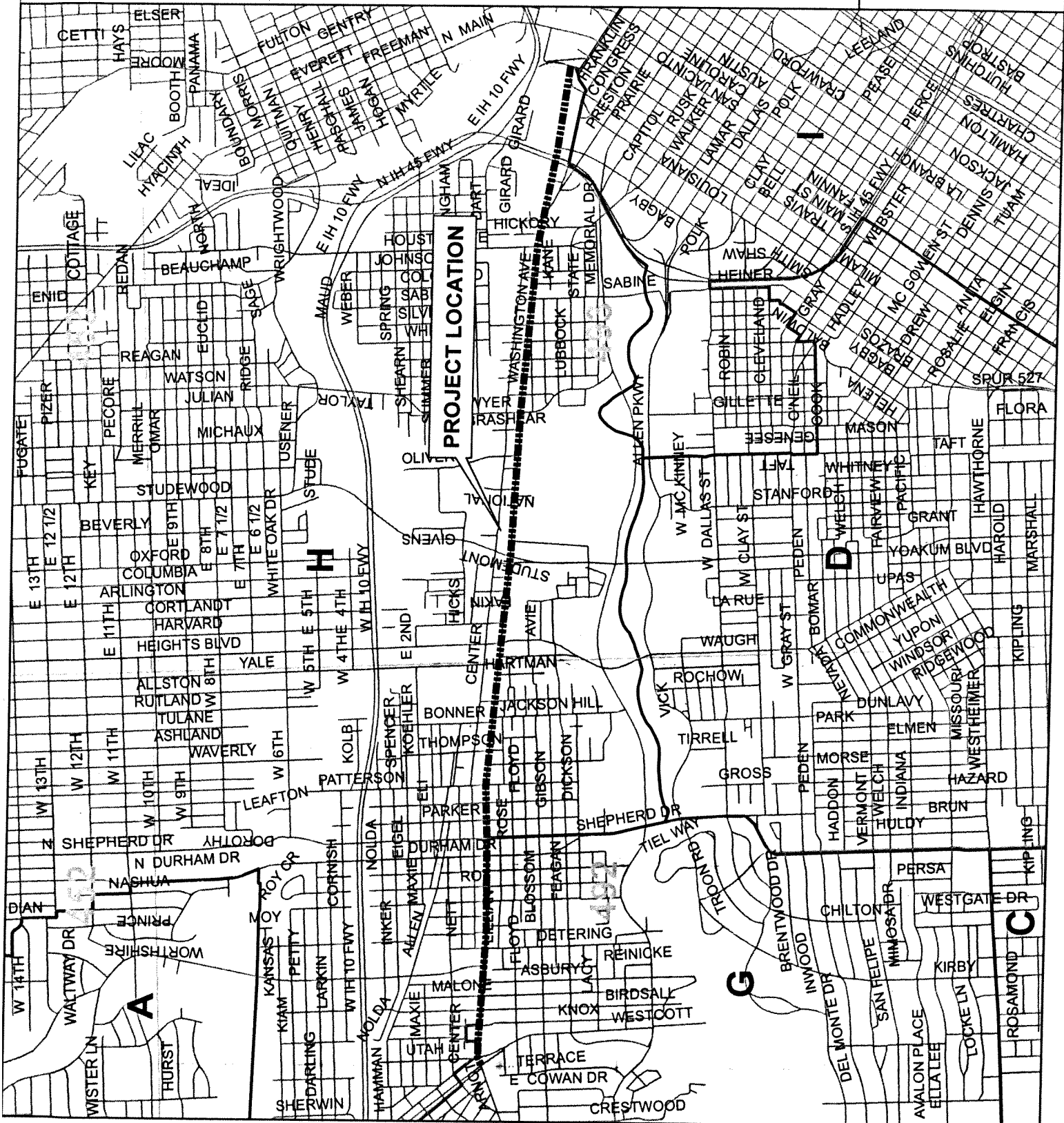
M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 18%. According to Office of Business Opportunity, the participation was 26.63%. Contractor's M/W/SBE performance evaluation was rated Outstanding.

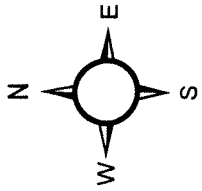

DWK:DRM:JTL:RJM:DO:ha

Z:\E&C Construction\North Sector\PROJECT FOLDER\N-001037-0060-4-ARRA 3\21.0 Close-out\RCA\RCA - Closeout.doc

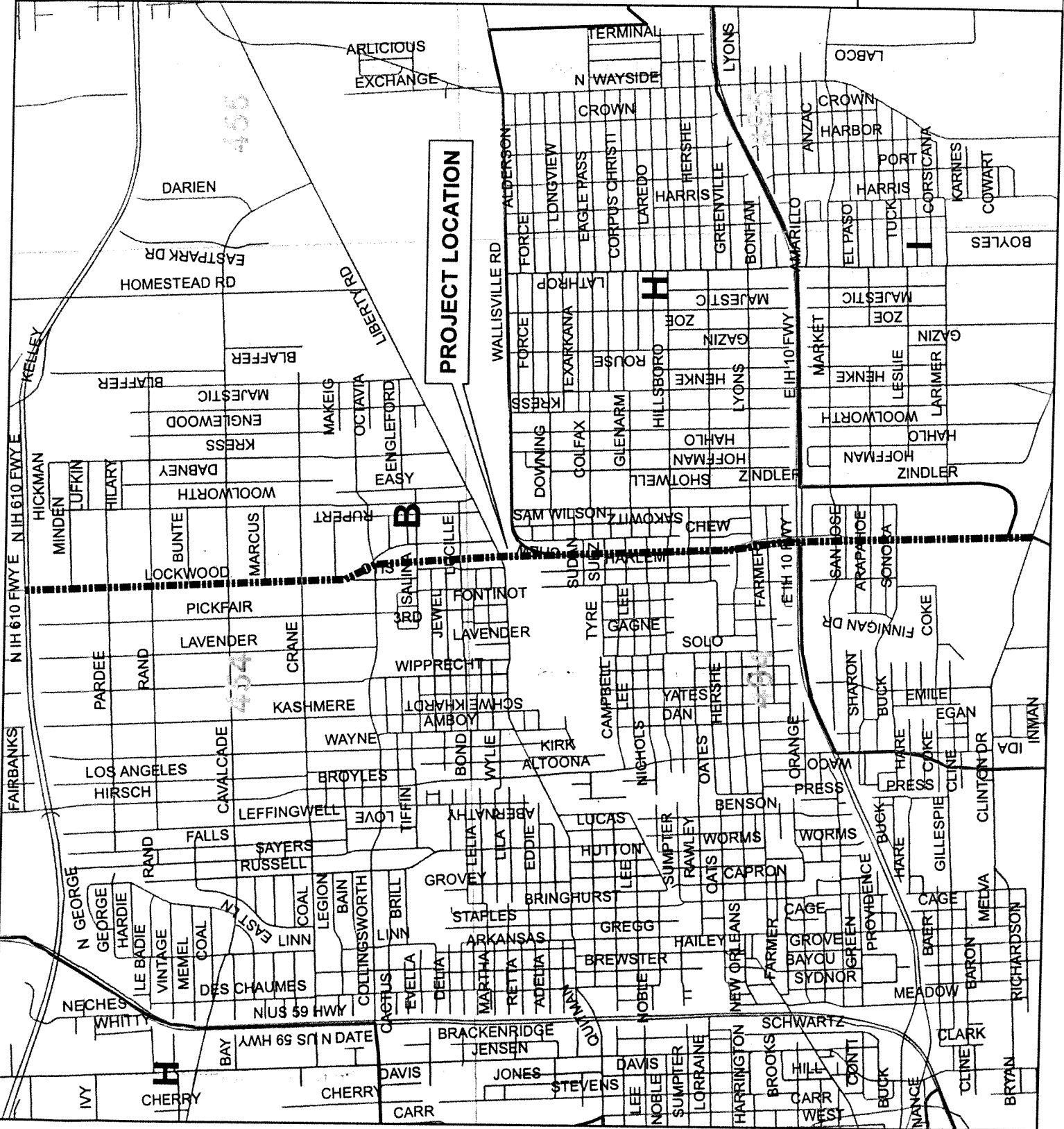


GENERIC OVERLAY
WBS # N-001037-0060,
TXDOT CCSJ 0912-70-038
WASHINGTON AVE:
WESTCOTT STREET
TO IH-45 HOV LANE
COUNCIL DISTRICT
"G, H"



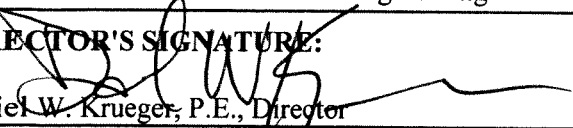
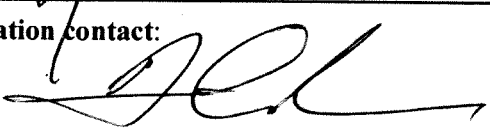



GENERIC OVERLAY
WBS # N-001037-0060,
TxDOT CCSJ 0912-70-038
LOCKWOOD:
IH-610 SERVICE ROAD
TO CLINTON DRIVE
COUNCIL DISTRICT
"B, H, I"



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|---|--------------------|-----------------------------------|
| SUBJECT: Accept Work for Reconstruction of North Main Street from IH-45 to Airline Drive; WBS No. N-000744-0001-4. | | Category #1, 7 | Page 1 of 1 | Agenda Item # 13 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date | | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | | Council District affected: H | | |
| For additional information contact:  J. Timothy Lincoln, P.E. Senior Assistant Director Phone: (832) 395-2355 | | Date and identification of prior authorizing Council action: Ord. # 2008-1073 dated: 12/03/2008  | | |

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$4,423,049.65 or 0.79% over the original Contract Amount, accept the Work and authorize final payment.

Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$5,068,933.60 from Metro Project Commercial Paper Series E Fund 4027.

PROJECT NOTICE/JUSTIFICATION: This project was part of the Street and Traffic Capital Improvement Program (CIP) and was necessary to rehabilitate a roadway that was deteriorated beyond economical repair and to meet City of Houston standards and improve mobility.

DESCRIPTION/SCOPE: This project consisted of the construction of typical 45-ft wide concrete roadway with curb, sidewalks, street lighting, and necessary underground utilities. Klotz and Associates, Inc. designed the project with 365 calendar days allowed for construction. The project was awarded to Conrad Construction Co., Ltd., with an original Contract Amount of \$4,388,434.80.

LOCATION: The project area is generally bounded by Cavalcade on the north, Pecore on the south, IH-45 on the east and Studewood on the west. The project is located in Key Map Grids 456-X and Y, 493-C.

CONTRACT COMPLETION AND COST: The Contractor, Conrad Construction Co., Ltd., has completed the work under the subject Contract. The project was completed with an additional 94 days approved by Change Orders No. 1 and 2. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Orders No. 1 and 2 is \$4,423,049.65, an increase of \$34,614.85 or 0.79% over the original Contract Amount.

The increased cost is a result of the difference between planned and measured quantities and previously approved Change Orders No. 1 and 2, which were necessary to complete the project.

M/W/SBE PARTICIPATION: The M/W/SBE goal established for this project was 14.11%. According to Office of Business Opportunity, the participation was 19.13%. Contractor's M/W/SBE performance evaluation was rated Satisfactory.


DWK:DRM:JTL:RJM:DO:ha

Z:\E&C Construction\North Sector\PROJECT FOLDER\N-000744-0001-4 (North Main from IH 45 to Airline)\21.0 Closeout\RCA\RCA - Closeout.doc

REQUIRED AUTHORIZATION


20HA137

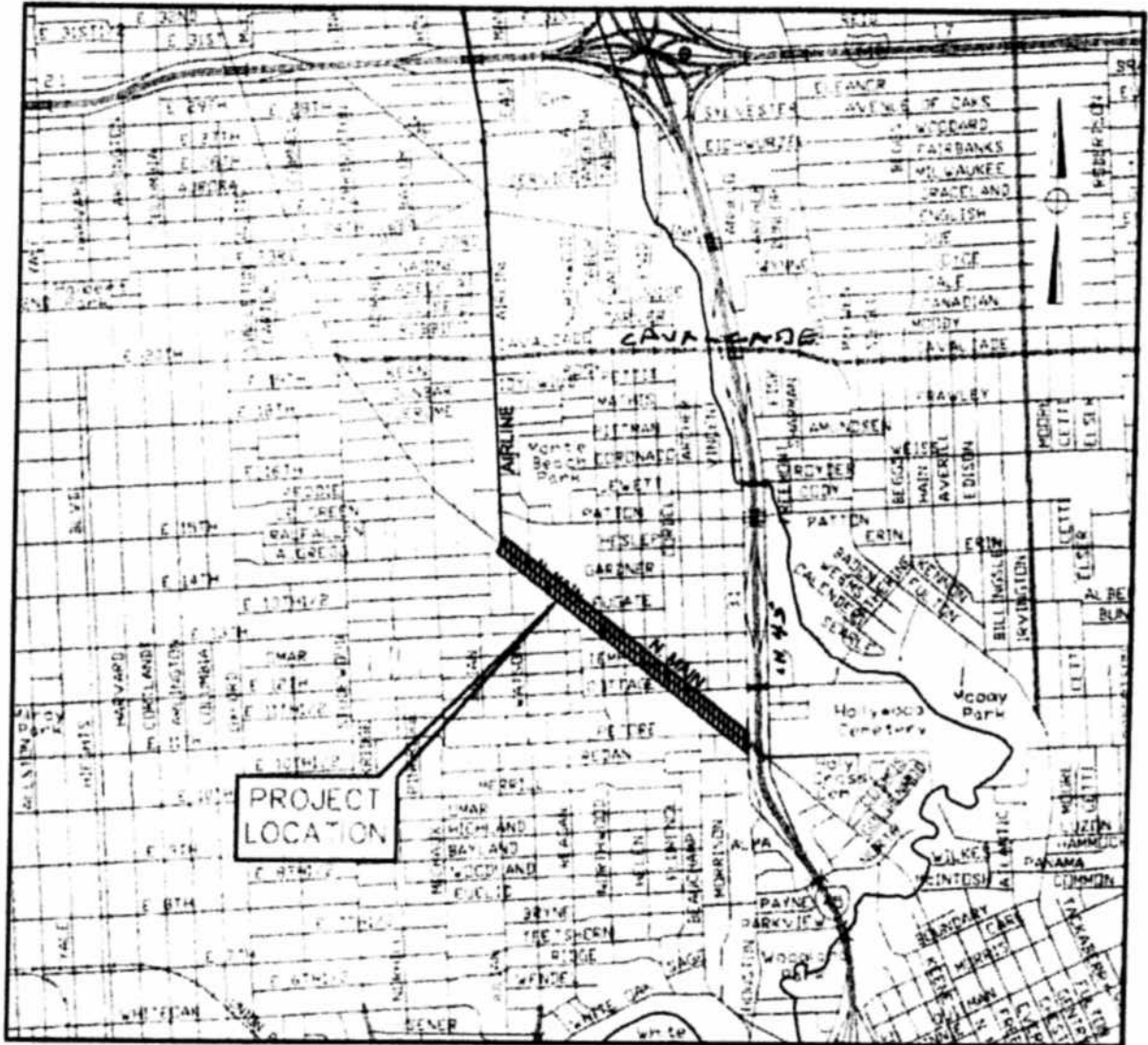
NOT

Finance Department:

Other Authorization:

Other Authorization:


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



VICINITY MAP

N.T.S.

**RECONSTRUCTION OF N. MAIN STREET
FROM IH-45 TO AIRLINE DRIVE**

GFS NO. N-0744-01-2 FILE NO. SB9207

KEY MAP NOS. 453 X & Y, 493 C

COUNCIL DISTRICT H

**N. MAIN STREET
RECONSTRUCTION**

**KLOTZ
ASSOCIATES,
INC.**

CONSULTING
ENGINEERS

VICINITY MAP

PROJ. NO0101.055

SCALE: NTS

DATE: FEB 2005


EXHIBIT

2

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|----------------------------|
| SUBJECT: Accept work for Utility System Infrastructure Improvement Contract. WBS No. R-000801-0018-4 and WBS No. S-000801-0018-4 | Page 1 of 1 | Agenda Item # 14 |
|--|-----------------------|----------------------------|

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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|-------------------------|-----------------------------------|

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|---|---|
| DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E., Director | Council District affected: A, B, C, D, H, I |
|---|---|

| | |
|--|--|
| For additional information contact: Rudy Moreno, Jr., E.I.T., Deputy Assistant Director (832) 394-8986 | Date and identification of prior authorizing Council action: Ordinance #2008-0594 Dated 06/25/2008 |
|--|--|

RECOMMENDATION: (Summary)
Pass a motion to approve the final Contract Amount of \$403,911.00 or 33.10% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
(Original appropriation of \$690,141.00 for construction from Water and Sewer System Consolidated Construction Fund, Fund No. 8500)

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was required to improve existing and/or install new water and sanitary sewer lines to provide development opportunities to areas inside the City limits currently not served or underserved by the City.

DESCRIPTION/SCOPE: This was an on-call construction project for the construction and/or replacement of water and sanitary sewer lines with all related appurtenances. Work orders were prepared as water and sewer connections requests were submitted by the Planning and Development Services Division. The contract duration for this project was 365 calendar days. The project was awarded to D.L. Elliott Enterprises, Inc., with an original Contract Amount of \$603,764.71.

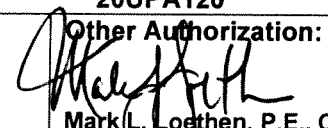
LOCATION: This project was located within various areas within the City of Houston Limits.

CONTRACT COMPLETION AND COST: The Contractor, D.L. Elliott Enterprises, Inc., has completed the Work under subject contract. The project was completed within the Contract Time with 33 calendar days allowed by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities will be \$403,911.00, a decrease of \$199,853.71 or 33.10% under the original Contract Amount.

The decreased cost is a result of the differences between estimated and actual issued work order quantities.

M/WBE PARTICIPATION: No M/WBE goal was established for this project.

Attachment:
 CC: Marta Crinejo, Agenda Director
 Daniel W. Krueger, Director, Public Works and Engineering
 Mark L. Loethen, Deputy Director, Public Works and Engineering
 Jun Chang, Deputy Director, Public Works and Engineering
 File No. WW5020 and File No. WA5020

| | | |
|-------------------------------|-----------------------------|---|
| REQUIRED AUTHORIZATION | | 20UPA120 |
| Finance Director | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services Division |

MOT

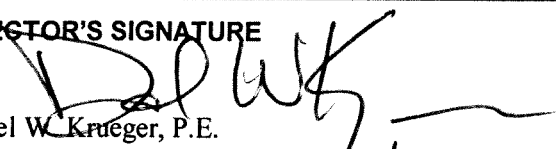
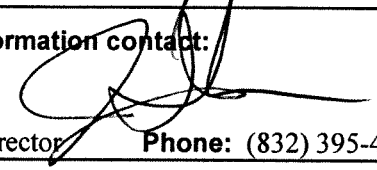
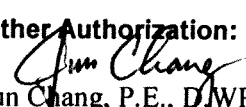
Utility System Infrastructure Improvement Contract
 Project No.: WBS No. R-000801-0018-4 & S-000801-0018-4

PROJECT WORKORDER SUMMARY

| Work Order Number | Council District | Key Map | Address or Location | Description |
|-------------------|------------------|-------------|--------------------------------|---|
| 1 | H | 493A | Voight & Stude Street | Construct 130 feet of 8-inch sanitary sewer from backlot to Stude Street |
| 2 | C | 493W | 1408 Banks Street | Abandon existing manhole and set new manhole for new line terminus |
| 3 | C | 492W | 3771 Childress | Install 1-inch service tap for residence |
| 4 | D | 493T | 614 Dennis | Install 1 & 1/2-inch service tap for residence |
| 5 | A | 449 T, U, X | Wrenwood Subdivision (various) | Install 5/8-inch service taps for residences, 235 total taps |
| 6 | B | 375T | 14917 Old Humble Road | Construct 370 feet of 4-inch water line with two taps in Old Humble Road |
| 7 | H | 493L | 1002 Washington Avenue | Relocate existing water lines and hydrants within easements |
| 8 | C | 492W | 3831 Childress | Install 1-inch service tap for residence |
| 9 | B | 494E | 1904 Davis | Construct 180 feet of 8-inch sanitary sewer in Davis with two service leads |
| 10 | I | 493R | Texas and Bastrop | Plug and abandon sanitary sewer at the manhole in Texas |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|--|--|-----------------------------------|
| SUBJECT: Accept Work for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0122-4 | | Page 1 of 1 | Agenda Item # 15 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E. | | Council District affected: A, B, D, F and H | |
| For additional information contact: Jason Iken, P.E. Senior Assistant Director  Phone: (832) 395-4989 | | Date and identification of prior authorizing Council action: Ordinance No. 2008-1220, dated 12/30/2008 | |
| RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$3,284,366.42, which is 1.88% over the original contract amount, accept the work, and authorize final payment. | | | |
| Amount and Source of Funding: No additional funding required. <i>M.P. 10/13/2011</i> Original appropriation of \$3,488,362.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund No. 8500. | | | |
| SPECIFIC EXPLANATION: PROJECT NOTICE/JUSTIFICATION: Under this project, the contractor provided sanitary sewer rehabilitation by sliplining and pipe bursting methods to deteriorated sewer collection systems throughout the City. DESCRIPTION/SCOPE: This project consisted of sanitary sewer rehabilitation by sliplining and pipe bursting methods. The project was awarded to PM Construction & Rehab, L.P. with an original contract amount of \$3,223,813.69. The Notice to Proceed date was 02/26/2009 and the project had 540 calendar days for completion. LOCATION: The project was located at various locations within Council Districts A, B, D, F and H. CONTRACT COMPLETION AND COST: The contractor, PM Construction & Rehab, L.P., has completed the work under the contract. The contract was completed within the contract time. The final cost of the project is \$3,284,366.42, an increase of \$60,552.73 or 1.88% over the original contract amount. More pipe bursting was needed than anticipated. MWDBE PARTICIPATION: The MWDBE goal for this project was 22%. According to the Office of Business Opportunity, the actual participation was 31.71%. The contractor was awarded an "Outstanding" rating from the Office of Business Opportunity. DR DWK:JC:JI:DR:mb Attachments | | | |
| Project File 4257-96 | | REQUIRED AUTHORIZATION | |
| Finance Department | | CUIC ID# 20JAI422 <i>NT</i> | |
| Other Authorization: | | Other Authorization:  Jun Chang, P.E., D.WRE., Deputy Director Public Utilities Division | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-----------------|------------------------------|-----------------------------------|
| SUBJECT: Accept work for Wastewater Collection System Rehabilitation and Renewal WBS No. R-000266-0130-4, File No. WW 4235-43 | Category | Page 1 of <u>1</u> | Agenda Item # <u>16</u> |
|--|-----------------|------------------------------|-----------------------------------|

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|---|--------------------------|-----------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: | Agenda Date NOV 09 2011 |
|---|--------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E.  | Council District affected: All |
|---|---------------------------------------|

| | |
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| For additional information contact: A. James Millage Senior Assistant Director Phone: (713) 641-9566 | Date and identification of prior authorizing Council action: 12/16/09, Ordinance No. 2009-1340 |
|--|--|

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$748,153.77 or 0.67% under the original contract amount, accept the work, and authorize final payment.

Amount and Source of Funding: No additional funding required. (Original appropriation of \$810,889.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.) *M.P. 10/25/2011*

PROJECT NOTICE/JUSTIFICATION: This project was a part of the Neighborhood Sewer Rehabilitation Program to renew/replace deteriorated neighborhood collection systems throughout the City.

DESCRIPTION/SCOPE: This project provided for the sanitary sewer rehabilitation by point repair method. The project was awarded to Texas ReExcavation, L. C. with an original contract amount of \$753,227.50. The Notice to Proceed date was 3/11/2010, and the project had 540 calendar days for completion.


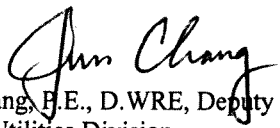
LOCATION: The project is located in all Council Districts.

CONTRACT COMPLETION AND COST: The Contractor, Texas ReExcavation, L.C. has completed the work under the contract within the contract time. The final cost of the project, including overrun and underrun of estimated bid quantities, will be \$748,153.77 a decrease of \$5,073.73 or 0.67% under the original contract amount.

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

DWK:JC:AJM:OS:SM:TC:lpa
Attachments
cc: Robert Gallegos Orin Smith, P.E.
A. James Millage Sam Lathrum
File No. WW 4235-43

REQUIRED AUTHORIZATION CUIC ID# 20AJM243

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| Finance Department: | Other Authorization:  FOR: JAMES MILLAGE | Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division |
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WORK ORDER STATUS-Texas ReExcavation, L.C.
Wastewater Collection System Rehabilitation and Renewal

File No. 4235-43

| W.O. No. | IMS Work Order No. | IMS W.O. Date | Street No. | Street Name | Work Type | Issue Date | Repair Date | Concrete Or Asphalt Date | Landscape Date | Closing Date | Key Map | Council District |
|----------|--------------------|---------------|------------|----------------|-------------------------------|------------|-------------|--------------------------|----------------|--------------|---------|------------------|
| 4003 | 11301361 | 03/13/10 | 10046 | ALGEIRS | POINT REPAIR-SEWER CONNECTION | 03/17/10 | XFER TO NW | N/A | N/A | 3/18/10 | 450A | A |
| 4096 | 11359356 | 07/10/10 | 1442 | CHAMBOARD | POINT REPAIR-SEWER MAIN LINE | 07/14/10 | 07/22/10 | N/A | 08/17/10 | 8/17/10 | 452K | A |
| 4120 | 11367366 | 08/04/10 | 10042 | SUSSEX | POINT REPAIR-SEWER MAIN LINE | 08/09/10 | 08/11/10 | 08/19/10 | N/A | 8/19/10 | 450A | A |
| 4164 | 11384149 | 09/23/10 | 10207 | HADDINGTON | POINT REPAIR-MAIN LINE | 09/28/10 | 09/30/10 | N/A | N/A | 9/30/10 | 449V | A |
| 4167 | 11384090 | 09/23/10 | 8303 | FAWNDALE | POINT REPAIR-SEWER LATERAL | 09/28/10 | 10/13/10 | N/A | 10/01/10 | 10/1/10 | 450C | A |
| 4184 | 11391708 | 10/11/10 | 7231 | WOODSMAN TRAIL | POINT REPAIR-SEWER CONNECTION | 11/04/10 | 11/08/10 | N/A | 10/18/10 | 10/18/10 | 411N | A |
| 4209 | 11401333 | 11/02/10 | 3838 | VILLA GLEN | POINT REPAIR-SEWER LATERAL | 11/04/10 | 11/15/10 | N/A | N/A | 11/17/10 | 411Q | A |
| 4213 | 11403782 | 11/08/10 | 1622 | WAKEFIELD | POINT REPAIR-SEWER LATERAL | 11/10/10 | 11/19/10 | 12/08/10 | 11/16/10 | 11/16/10 | 452J | A |
| 4217 | 11407024 | 11/07/10 | 7700 | BRYKERWOOD | POINT REPAIR-MAIN LINE | 11/17/10 | 11/18/10 | N/A | N/A | 12/8/10 | 451X | A |
| 4218 | 11398631 | 10/26/10 | 1713 | REVERSE | POINT REPAIR-SEWER LATERAL | 11/17/10 | 11/18/10 | N/A | N/A | 11/18/10 | 451Y | A |
| 4221 | 11404113 | 11/09/10 | 6313 | JIM | POINT REPAIR-SEWER LATERAL | 11/17/10 | 11/18/10 | N/A | N/A | 12/1/10 | 451K | A |
| 4222 | 11404392 | 11/09/10 | 6418 | TELUCO | POINT REPAIR-SEWER LATERAL | 11/17/10 | 12/01/10 | N/A | 12/14/10 | 12/14/10 | 451U | A |
| 4239 | 11429552 | 12/23/10 | 1210 | LEHMAN | POINT REPAIR-SEWER LATERAL | 12/28/10 | 01/04/11 | N/A | N/A | 1/4/11 | 452F | A |
| 4081 | 11352130 | 06/18/10 | 8030 | SNOWDEN | POINT REPAIR-SEWER LATERAL | 06/23/10 | xfer ne | N/A | N/A | 6/23/10 | 455F | B |
| 4083 | 11353192 | 06/22/10 | 4805 | BOICEWOOD | POINT REPAIR-SEWER MAIN LINE | 06/25/10 | 07/12/10 | N/A | N/A | 7/25/10 | 454G | B |
| 4086 | 11355416 | 06/28/10 | 3508 | RUSSELL | POINT REPAIR-SEWER MAIN LINE | 07/02/10 | 07/06/10 | 07/14/10 | N/A | 7/14/10 | 454X | B |
| 4092 | 11359030 | 07/09/10 | 4700 | BOICEWOOD | POINT REPAIR-SEWER CONNECTION | 07/09/10 | 07/12/10 | N/A | 07/22/10 | 7/22/10 | 454G | B |
| 4105 | 11362875 | 07/22/10 | 8933 | LEYCREST | POINT REPAIR-SEWER MAIN LINE | 07/26/10 | RECALLED | N/A | N/A | 7/27/10 | 455M | B |
| 4107 | 11363005 | 07/22/10 | 10511 | REBEL | POINT REPAIR-SEWER MAIN LINE | 07/26/10 | 07/29/10 | N/A | 08/02/10 | 8/2/10 | 451W | B |
| 4108 | 11363351 | 07/23/10 | 4500 | WEAVER | POINT REPAIR-SEWER MAIN LINE | 07/26/10 | CANCELLED | N/A | N/A | 8/5/10 | 454L | B |
| 4111 | 11362870 | 07/22/10 | 8900 | LEY | POINT REPAIR-SEWER MAIN LINE | 07/28/10 | CLOSENRN | N/A | N/A | 8/10/10 | 455M | B |
| 4115 | 11366886 | 08/03/10 | 4500 | WEAVER | REHAB MANHOLE | 08/03/10 | 8/2/20/10 | N/A | 40407.00 | 8/17/10 | 454L | B |
| 4118 | 11367283 | 08/04/10 | 6509 | HOFFMAN | POINT REPAIR-SEWER LATERAL | 08/06/10 | 08/11/10 | 08/25/10 | N/A | 8/25/10 | 454Q | B |
| 4126 | 11370621 | 08/12/10 | 8024 | DYER | POINT REPAIR-SEWER LATERAL | 08/18/10 | 09/09/10 | 09/10/10 | N/A | 9/10/10 | 412S | B |
| 4129 | 11371947 | 08/17/10 | 200 | NORTHPOINT | POINT REPAIR-SEWER MAIN LINE | 08/23/10 | CANCELLED | N/A | N/A | 8/24/10 | 372V | B |
| 4133 | 11374228 | 08/24/10 | 200 | NORTHPOINT | POINT REPAIR-SEWER CONNECTION | 08/25/10 | 08/25/10 | N/A | 08/27/10 | 8/27/10 | 372V | B |
| 4134 | 11373675 | 08/22/10 | 6106 | LAVENDER | POINT REPAIR-SEWER MAIN LINE | 08/25/10 | 09/03/10 | N/A | 09/08/10 | 9/8/10 | 454Q | B |
| 4146 | 11380451 | 09/13/10 | 5637 | HOWELL | POINT REPAIR-MAIN LINE | 09/14/10 | 09/17/10 | N/A | 09/20/10 | 9/17/10 | 374R | B |
| 4152 | 11381984 | 09/16/10 | 9909 | WILLOAK | POINT REPAIR-SEWER CONNECTION | 09/20/10 | 09/22/10 | 09/29/10 | 09/29/10 | 9/29/10 | 415X | B |
| 4168 | 11386244 | 09/29/10 | 8800 | LAVANDER | POINT REPAIR-MAIN LINE | 10/04/10 | 10/05/10 | 10/22/10 | N/A | 10/22/10 | 454C | B |
| 4169 | 11385764 | 09/28/10 | 1718 | HEANEY | POINT REPAIR-MAIN LINE | 10/05/10 | 10/06/10 | 10/07/10 | N/A | 10/7/10 | 453D | B |
| 4175 | 11388096 | 10/02/10 | 3607 | RAWLEY | POINT REPAIR-SEWER CONNECTION | 10/05/10 | 10/07/10 | 10/19/10 | N/A | 10/19/10 | 494F | B |
| 4177 | 11387239 | 09/30/10 | 7917 | ROMEA | POINT REPAIR-MAIN LINE | 10/05/10 | RECALLED | BY NE QUAD | N/A | 10/5/10 | 455T | B |
| 4186 | 11392840 | 10/13/10 | 7925 | CRESTVIEW | POINT REPAIR-MAIN LINE | 10/14/10 | 10/20/10 | 10/22/10 | N/A | 10/22/10 | 455F | B |
| 4195 | 11396716 | 10/22/10 | 1807 | STAPLES | POINT REPAIR-SEWER LATERAL | 10/25/10 | 10/26/10 | 10/29/10 | N/A | 10/29/10 | 494F | B |
| 4197 | 11397121 | 10/22/10 | 6535 | LAKEMONT | POINT REPAIR-MAIN LINE | 10/25/10 | 10/29/10 | N/A | N/A | 10/29/10 | 415E | B |
| 4201 | 11399234 | 10/28/10 | 6535 | LAKEMONT | REHAB MANHOLE | 10/28/10 | 10/28/10 | N/A | N/A | 11/02/10 | 415E | B |
| 4202 | 11399882 | 10/29/10 | 10538 | LERA | POINT REPAIR-SEWER CONNECTION | 11/01/10 | 11/04/10 | N/A | 11/05/10 | 11/5/10 | 415W | B |
| 4203 | 11399482 | 10/28/10 | 10514 | BUCKNELL | POINT REPAIR-SEWER CONNECTION | 11/01/10 | 11/05/10 | N/A | 11/08/10 | 11/8/10 | 414Z | B |
| 4204 | 11399891 | 10/29/10 | 10518 | WULBROOK | POINT REPAIR-SEWER CONNECTION | 11/03/10 | 11/09/10 | N/A | N/A | 11/9/10 | 414Z | B |
| 4207 | 11401889 | 11/03/10 | 7832 | SUNNYHILL | POINT REPAIR-SEWER CONNECTION | 11/04/10 | 11/08/10 | N/A | N/A | 11/8/10 | 411V | B |
| 4208 | 11401342 | 11/02/10 | 1611 | HIDDEN VALLEY | POINT REPAIR-SEWER LATERAL | 11/04/10 | 11/08/10 | N/A | N/A | 11/8/10 | 412K | B |
| 4224 | 11405618 | 11/22/10 | 10511 | REBEL | POINT REPAIR-MAIN LINE | 11/22/10 | CANCELLED | N/A | N/A | 12/1/10 | 415W | B |
| 4231 | 11421954 | 12/13/10 | 10121 | HOMESTEAD | POINT REPAIR-SEWER LATERAL | 12/14/10 | 12/16/10 | N/A | 12/28/10 | 12/28/10 | 414Z | B |
| 4236 | 11425233 | 12/16/10 | 6305 | CAVALCADE | POINT REPAIR-SEWER LATERAL | 12/21/10 | 01/12/11 | 12/28/10 | N/A | 12/28/10 | 454Z | B |
| 4243 | 11436241 | 01/06/11 | 2102 | WACO | POINT REPAIR-SEWER LATERAL | 01/10/11 | 01/12/11 | 01/12/11 | N/A | 1/12/11 | 494F | B |
| 4013 | 11306833 | 03/25/10 | 5722 | BIRDWOOD | POINT REPAIR-SEWER CONNECTION | 03/30/10 | 04/05/10 | N/A | 04/14/10 | 4/14/10 | 531N | C |
| 4030 | 11318653 | 04/14/10 | 4030 | GLENSHIRE | POINT REPAIR-SEWER CONNECTION | 04/19/10 | XFERTOSW | N/A | N/A | 4/25/10 | 532N | C |

WORK ORDER STATUS-Texas ReExcavation, L.C.
Wastewater Collection System Rehabilitation and Renewal

File No. 4235-43

| W.O. No. | IMS Work Order No. | IMS W.O. Date | Street No. | Street Name | Work Type | Issue Date | Repair Date | Concrete Or Asphalt Date | Landscape Date | Closing Date | Key Map | Council District |
|----------|--------------------|---------------|------------|--------------------|-------------------------------|------------|-------------|--------------------------|----------------|--------------|---------|------------------|
| 4035 | 11321750 | 04/19/10 | 12515 | SUN GATE | POINT REPAIR-SEWER MAIN LINE | 04/21/10 | 04/29/10 | N/A | N/A | 4/29/10 | 570F | C |
| 4038 | 11324347 | 04/22/10 | 3304 | FOUNTAIN VIEW | POINT REPAIR-SEWER CONNECTION | 04/22/10 | 04/26/10 | 05/11/10 | N/A | 5/11/10 | 491X | C |
| 4039 | 11325537 | 04/24/10 | 2522 | NOTTINGHAM | POINT REPAIR-SEWER MAIN LINE | 04/28/10 | 04/30/10 | N/A | N/A | 4/30/10 | 532C | C |
| 4043 | 11327139 | 04/27/10 | 4630 | WAYCROSS | POINT REPAIR-SEWER LATERAL | 04/29/10 | 05/03/10 | 05/06/10 | N/A | 5/6/10 | 531Z | C |
| 4044 | 11327355 | 04/27/10 | 5523 | CARTAGENA | POINT REPAIR-SEWER CONNECTION | 04/29/10 | 05/11/10 | N/A | N/A | 5/11/10 | 574E | C |
| 4046 | 11329353 | 04/29/10 | 1515 | SOUTH BL | POINT REPAIR-SEWER CONNECTION | 05/03/10 | 05/06/10 | 05/18/10 | N/A | 5/18/10 | 492Z | C |
| 4062 | 11340622 | 05/20/10 | 5839 | WESTHEMIER | POINT REPAIR-SEWER LATERAL | 05/26/10 | 05/29/10 | 06/16/10 | N/A | 6/16/10 | 491T | C |
| 4066 | 11346922 | 06/03/10 | 5825 | RICHMOND | POINT REPAIR-SEWER LATERAL | 06/04/10 | 6/14/20/10 | 6/18/20/10 | N/A | 6/18/10 | 491X | C |
| 4069 | 11348465 | 06/08/10 | 2626 | PECKHAM | POINT REPAIR-SEWER LATERAL | 06/10/10 | 06/11/10 | N/A | N/A | 6/11/10 | 493U | C |
| 4076 | 11351276 | 06/16/10 | 6429 | DAWN RIDGE | POINT REPAIR-SEWER CONNECTION | 06/22/10 | 07/12/10 | 07/22/10 | N/A | 7/22/10 | 570D | C |
| 4119 | 11366049 | 07/31/10 | 7625 | W BELFORT | POINT REPAIR-SEWER CONNECTION | 08/09/10 | 08/10/10 | 08/16/10 | N/A | 8/16/10 | 570C | C |
| 4140 | 11379577 | 09/09/10 | 5631 | ARBOLES | POINT REPAIR-SEWER CONNECTION | 09/13/10 | TRANS | N/A | N/A | 9/17/10 | 571A | C |
| 4147 | 11381290 | 09/14/10 | 2401 | MORNINGSIDE | POINT REPAIR-MAIN LINE | 09/15/10 | 09/20/10 | NONE | NONE | 9/20/10 | 532C | C |
| 4150 | 11382080 | 09/17/10 | 2400 | DUNSTAN | POINT REPAIR-MAIN LINE | 09/15/10 | 09/17/10 | N/A | N/A | 9/17/10 | 532C | C |
| 4155 | 11381577 | 09/15/10 | 7631 | TEAL RUN | POINT REPAIR-MAIN LINE | 09/20/10 | 09/27/10 | N/A | N/A | 10/1/10 | 570C | C |
| 4161 | 11384132 | 09/23/10 | 5923 | CLARIDGE | POINT REPAIR-SEWER LATERAL | 09/28/10 | 10/04/10 | N/A | N/A | 10/14/10 | 531W | C |
| 4171 | 11386866 | 09/30/10 | 5811 | BRAESHEATHER | POINT REPAIR-MAIN LINE | 10/05/10 | TRANS | N/A | N/A | 10/7/10 | 531S | C |
| 4172 | 11386951 | 09/30/10 | 11606 | BOB WHITE | POINT REPAIR-SEWER LATERAL | 10/05/10 | 10/07/10 | 10/12/10 | N/A | 10/12/10 | 570D | C |
| 4176 | 11388303 | 10/03/10 | 12420 | S GESSNER RD | POINT REPAIR-MAIN LINE | 10/05/10 | 10/14/10 | 10/25/10 | N/A | 10/25/10 | 570C | C |
| 4187 | 11390963 | 10/09/10 | 2486 | TIMES | POINT REPAIR-MAIN LINE | 10/14/10 | CANCELLED | N/A | N/A | 11/5/10 | 532C | C |
| 4188 | 11391194 | 10/10/10 | 10702 | SANDPIPER | POINT REPAIR-MAIN LINE | 10/14/10 | 10/18/10 | 10/27/10 | N/A | 10/27/10 | 530Z | C |
| 4225 | 11406333 | 11/15/10 | 6061 | BEVERLY HILL | POINT REPAIR-SEWER LATERAL | 11/30/10 | 12/13/10 | BY QUAD | N/A | 1/5/10 | 491W | C |
| 4228 | 11416854 | 12/09/10 | 2355 | BLUEBONNET | REPLACE TOTAL MANHOLE | 12/09/10 | 12/08/10 | N/A | N/A | 12/8/10 | 532L | C |
| 4229 | 11416854 | 12/09/10 | 2356 | BLUEBONNET | REMOVE AND REPLACE | 12/09/10 | 12/08/10 | N/A | N/A | 12/11/10 | 532L | C |
| 4242 | 11432690 | 12/31/10 | 3703 | DURNESS | POINT REPAIR-MAIN LINE | 01/05/11 | 01/10/11 | N/A | N/A | 1/21/11 | 532J | C |
| 4244 | 11436216 | 01/06/11 | 9231 | BANKSIDE | POINT REPAIR-SEWER LATERAL | 01/11/11 | 01/18/11 | N/A | N/A | 1/21/11 | 530W | C |
| 4245 | 11436656 | 01/07/11 | 6318 | QUAIL MEADOW | POINT REPAIR-SEWER LATERAL | 01/11/11 | 01/19/11 | 02/02/11 | N/A | 2/21/11 | 570D | C |
| 4001 | 11300980 | 03/12/10 | 402 | BRISCOE | POINT REPAIR-SEWER LATERAL | 03/17/10 | CANCELLED | N/A | N/A | 3/25/10 | 533U | D |
| 4004 | 11302140 | 03/15/10 | 5519 | CEDARBURG | POINT REPAIR-MAIN LINE | 03/17/10 | 03/24/10 | N/A | N/A | 4/8/10 | 574E | D |
| 4006 | 11303212 | 03/17/10 | 6148 | DOULTON | POINT REPAIR-SEWER CONNECTION | 03/23/10 | 03/25/10 | N/A | N/A | 4/8/10 | 534T | D |
| 4008 | 11305253 | 03/23/10 | 7606 | DARNAY | POINT REPAIR-SEWER CONNECTION | 03/26/10 | 03/29/10 | N/A | N/A | 4/8/10 | 533V | D |
| 4010 | 11306306 | 03/24/10 | 4900 | AUSTIN | POINT REPAIR-SEWER MAIN LINE | 03/30/10 | 04/01/10 | 04/05/10 | N/A | 4/8/10 | 493X | D |
| 4012 | 11306312 | 03/24/10 | 2001 | NORFOLK | POINT REPAIR-SEWER CONNECTION | 03/30/10 | 03/31/10 | 04/01/10 | N/A | 4/8/10 | 492Y | D |
| 4015 | 11307862 | 03/27/10 | 7729 | ST LO | POINT REPAIR-SEWER CONNECTION | 03/30/10 | 03/31/10 | N/A | N/A | 3/31/10 | 534S | D |
| 4016 | 11308860 | 03/30/10 | 8125 | GRANDVIEW | POINT REPAIR-SEWER CONNECTION | 04/01/10 | 04/13/10 | 04/26/10 | N/A | 4/26/10 | 533T | D |
| 4017 | 11308034 | 03/28/10 | 3329 | D'AMICO | POINT REPAIR-SEWER CONNECTION | 04/01/10 | CANCELLED | N/A | N/A | 4/3/10 | 492M | D |
| 4018 | 11308894 | 03/30/10 | 4304 | ROSENEATH | POINT REPAIR-SEWER MAIN LINE | 04/01/10 | 04/09/10 | N/A | N/A | 4/14/10 | 533H | D |
| 4020 | 11311868 | 04/04/10 | 1620 | W MAIN | POINT REPAIR-SEWER LATERAL | 04/01/10 | 04/12/10 | N/A | N/A | 4/14/10 | 492V | D |
| 4021 | 11310547 | 04/01/10 | 1000 | CALIFORNIA | POINT REPAIR-SEWER LATERAL | 04/07/10 | 04/08/10 | 04/14/10 | N/A | 4/14/10 | 493E | D |
| 4023 | 11312893 | 04/06/10 | 3434 | DIXIE | POINT REPAIR-SEWER LATERAL | 04/07/10 | 04/08/10 | 04/14/10 | N/A | 4/14/10 | 533G | D |
| 4026 | 11314087 | 04/07/10 | 5630 | OAKHAM | POINT REPAIR-SEWER LATERAL | 04/08/10 | 04/13/10 | 04/20/10 | N/A | 4/28/10 | 571Q | D |
| 4027 | 11314823 | 04/08/10 | 13302 | LAWN HAVEN | POINT REPAIR-SEWER CONNECTION | 04/13/10 | 04/15/10 | 04/30/10 | N/A | 4/29/10 | 571M | D |
| 4028 | 11314866 | 04/08/10 | 1204 | NIAGARA | POINT REPAIR-SEWER MAIN LINE | 04/13/10 | 04/16/10 | N/A | N/A | 4/30/10 | 571M | D |
| 4029 | 11320595 | 04/17/10 | 8518 | BLOSSOM BELL | POINT REPAIR-SEWER MAIN LINE | 04/13/10 | 4/20/2010 | N/A | N/A | 5/4/10 | 610G | D |
| 4031 | 11320578 | 04/17/10 | 5701 | MARTIN LUTHER KING | INSTALL CLEAN OUT | 04/19/10 | CANCELLED | N/A | N/A | 4/22/10 | 534J | D |
| 4032 | 11320577 | 04/17/10 | 5701 | MARTIN LUTHER KING | POINT REPAIR-SEWER MAIN LINE | 04/19/10 | 04/20/10 | N/A | N/A | 4/22/10 | 534J | D |
| 4033 | 11321806 | 04/19/10 | 3335 | CHARLESTON | POINT REPAIR-SEWER CONNECTION | 04/21/10 | 04/27/10 | 04/27/10 | N/A | 4/27/10 | 533G | D |
| 4037 | 1323721 | 04/21/10 | 5703 | MARTIN LUTHER KING | POINT REPAIR-SEWER MAIN LINE | 04/22/10 | 04/20/10 | 04/29/10 | N/A | 4/29/10 | 534J | D |

WORK ORDER STATUS-Texas ReExcavation, L.C.
Wastewater Collection System Rehabilitation and Renewal
File No. 4235-43

| W.O. No. | IMS Work Order No. | IMS W.O. Date | Street No. | Street Name | Work Type | Issue Date | Repair Date | Concrete Or Asphalt Date | Landscape Date | Closing Date | Key Map | Council District |
|----------|--------------------|---------------|------------|-----------------|-------------------------------|------------|-------------|--------------------------|----------------|--------------|---------|------------------|
| 4041 | 11327043 | 04/27/10 | 12921 | S POST OAK | POINT REPAIR-SEWER MAIN LINE | 04/29/10 | 04/30/10 | N/A | N/A | 4/30/10 | 571G | D |
| 4042 | 11327024 | 04/27/10 | 5322 | CASTLECREEK | POINT REPAIR-SEWER LATERAL | 04/29/10 | 05/04/10 | N/A | N/A | 5/4/10 | 571Y | D |
| 4051 | 11334904 | 05/07/10 | 5714 | NORTHBRIDGE | POINT REPAIR-SEWER CONNECTION | 05/11/10 | 05/20/10 | N/A | N/A | 5/20/10 | 534W | D |
| 4053 | 11335602 | 05/10/10 | 6323 | CALHOUN | POINT REPAIR-SEWER MAIN LINE | 05/11/10 | 05/13/10 | 05/18/10 | N/A | 5/18/10 | 533M | D |
| 4059 | 11338160 | 05/15/10 | 7600 | SOUTH FWY | POINT REPAIR-SEWER MAIN LINE | 05/24/10 | 06/12/10 | N/A | 06/16/10 | 6/16/10 | 533P | D |
| 4060 | 11340954 | 05/21/10 | 12111 | GLEN HOLLOW DR | POINT REPAIR-SEWER CONNECTION | 05/25/10 | 06/14/10 | N/A | 06/24/10 | 6/25/10 | 573M | D |
| 4061 | 11341894 | 05/24/10 | 5311 | DUMORE | POINT REPAIR-SEWER CONNECTION | 05/26/10 | 05/28/10 | N/A | 06/07/10 | 6/8/10 | 574E | D |
| 4064 | 11340802 | 05/20/10 | 3000 | HOLLY HALL | POINT REPAIR-SEWER MAIN LINE | 05/26/10 | CANCELLED | N/A | N/A | 6/18/10 | 533P | D |
| 4065 | 11344625 | 05/28/10 | 12930 | S MAIN | POINT REPAIR-SEWER CONNECTION | 06/01/10 | 06/10/10 | 06/24/10 | N/A | 6/18/10 | 533P | D |
| 4070 | 11348444 | 06/08/10 | 7306 | CASTLEVIEW | POINT REPAIR-SEWER CONNECTION | 06/10/10 | 06/15/10 | N/A | 06/24/10 | 6/24/10 | 571F | D |
| 4077 | 11352558 | 06/21/10 | 9200 | CULLEN | POINT REPAIR-SEWER CONNECTION | 06/22/10 | 06/23/10 | N/A | 06/24/10 | 6/24/10 | 570Z | D |
| 4085 | 11354955 | 06/28/10 | 1400 | S BRAESWOOD | POINT REPAIR-SEWER MAIN LINE | 07/01/10 | 07/06/10 | 06/29/10 | N/A | 6/29/10 | 573D | D |
| 4087 | 11355626 | 06/29/10 | 7100 | BERTNER | POINT REPAIR-SEWER LATERAL | 07/02/10 | CANCELLED | N/A | N/A | 7/15/10 | 532M | D |
| 4093 | 11359349 | 07/10/10 | 4349 | N MACGREGOR WAY | POINT REPAIR-SEWER MAIN LINE | 07/12/10 | 07/13/10 | N/A | 07/19/10 | 7/19/10 | 532H | D |
| 4095 | 11359380 | 07/10/10 | 12123 | PANAY | POINT REPAIR-SEWER MAIN LINE | 07/14/10 | 07/21/10 | N/A | 07/28/10 | 7/28/10 | 533H | D |
| 4101 | 11360787 | 07/16/10 | 7100 | BERTNER | INSTALL GRAVITY MAIN | 07/16/10 | 07/20/10 | 08/02/10 | 08/02/10 | 8/2/10 | 532M | D |
| 4102 | 11358353 | 07/07/10 | 1500 | RICHMOND | POINT REPAIR-SEWER CONNECTION | 07/16/10 | 07/28/10 | 08/02/10 | 08/02/10 | 8/2/10 | 492Z | D |
| 4103 | 11361129 | 07/18/10 | 3400 | S LOOP E | POINT REPAIR-SEWER MAIN LINE | 07/19/10 | 07/29/10 | N/A | N/A | 7/29/10 | 533N | D |
| 4104 | 11361104 | 07/18/10 | 7600 | FANNIN | POINT REPAIR-SEWER MAIN LINE | 07/19/10 | 07/24/10 | 08/13/10 | N/A | 8/13/10 | 532M | D |
| 4112 | 11364057 | 07/26/10 | 1017 | SWANSON | REMOVE AND REPLACE | 07/30/10 | 08/05/10 | 08/24/10 | N/A | 8/24/10 | 532M | D |
| 4132 | 11373828 | 08/23/10 | 4451 | W FUQUA | POINT REPAIR-SEWER LATERAL | 08/24/10 | 08/25/10 | 09/08/10 | 09/08/10 | 9/8/10 | 572S | D |
| 4162 | 11383936 | 09/23/10 | 6831 | CASTLEVIEW | POINT REPAIR-MAIN LINE | 09/28/10 | 09/30/10 | N/A | N/A | 9/30/10 | 571W | D |
| 4174 | 11388287 | 10/03/10 | 6835 | CASTLEVIEW LN | POINT REPAIR-SEWER LATERAL | 10/05/10 | 10/08/10 | N/A | 10/19/10 | 10/19/10 | 571W | D |
| 4189 | 11390826 | 10/08/10 | 6718 | ROWELL | POINT REPAIR-SEWER CONNECTION | 10/14/10 | 10/20/10 | N/A | N/A | 10/20/10 | 571W | D |
| 4191 | 11389477 | 10/06/10 | 7311 | REMEGAN | POINT REPAIR-SEWER CONNECTION | 10/15/10 | 10/21/10 | N/A | N/A | 10/21/10 | 571S | D |
| 4206 | 11401377 | 11/02/10 | 710 | STANFORD | POINT REPAIR-MAIN LINE | 11/04/10 | RECALLED | N/A | N/A | 11/8/10 | 534W | D |
| 4212 | 11402395 | 11/04/10 | 1710 | BRUN | POINT REPAIR-SEWER LATERAL | 11/10/10 | 11/15/10 | N/A | 11/16/10 | 11/16/10 | 493J | D |
| 4219 | 11399605 | 10/29/10 | 2001 | WOODHEAD | POINT REPAIR-SEWER LATERAL | 11/17/10 | CANCELLED | N/A | N/A | 12/15/10 | 492R | D |
| 4234 | 11423203 | 12/14/10 | 4002 | RIPPLEBROOK | POINT REPAIR-SEWER CONNECTION | 12/15/10 | 12/21/10 | N/A | N/A | 12/28/10 | 492R | D |
| 4000 | 11301509 | 03/13/10 | 10810 | TWIG | POINT REPAIR-SEWER CONNECTION | 03/17/10 | 03/29/10 | N/A | 04/01/10 | 4/1/10 | 572J | D |
| 4024 | 11315669 | 04/09/10 | 5631 | RUE | POINT REPAIR-SEWER MAIN LINE | 04/13/10 | 04/13/10 | 05/06/10 | 05/06/10 | 5/6/10 | 576S | E |
| 4036 | 11321695 | 04/19/10 | 859 | SULFUR | POINT REPAIR-SEWER CONNECTION | 04/21/10 | XFERTOSE | N/A | N/A | 4/22/10 | 574A | E |
| 4048 | 11330456 | 04/30/10 | 12107 | KIRKHOLM | POINT REPAIR-SEWER CONNECTION | 05/03/10 | 05/11/10 | N/A | 05/18/10 | 5/18/10 | 576E | E |
| 4052 | 11335254 | 05/09/10 | 5742 | THRUSH | POINT REPAIR-SEWER CONNECTION | 05/11/10 | 05/20/10 | N/A | N/A | 5/20/10 | 576Y | E |
| 4054 | 11335666 | 05/10/10 | 906 | TIL TREE | POINT REPAIR-SEWER LATERAL | 05/26/10 | 05/13/10 | N/A | N/A | 5/13/10 | 534W | E |
| 4063 | 11341887 | 05/24/10 | 1100 | KINGSPONT | POINT REPAIR-SEWER MAIN LINE | 05/26/10 | 05/29/10 | 06/16/10 | N/A | 6/16/201 | 576S | E |
| 4068 | 11348339 | 06/08/10 | 1014 | MARLEEN | POINT REPAIR-SEWER MAIN LINE | 06/10/10 | 06/16/10 | N/A | 06/24/10 | 6/24/10 | 576P | E |
| 4072 | 11350359 | 06/14/10 | 10226 | NEY | POINT REPAIR-SEWER MAIN LINE | 06/16/10 | 06/21/10 | N/A | 06/30/10 | 6/30/10 | 576A | E |
| 4082 | 11351493 | 06/17/10 | 13425 | PEORIA | POINT REPAIR-SEWER LATERAL | 06/23/10 | 06/29/10 | N/A | N/A | 6/29/10 | 576F | E |
| 4125 | 11370775 | 08/12/10 | 11602 | SAGEDOWNE | POINT REPAIR-SEWER MAIN LINE | 08/16/10 | CANCELLED | N/A | N/A | 8/20/10 | 497E | E |
| 4127 | 11373392 | 08/20/10 | 116026 | SAGEDOWNE | REHAB MANHOLE | 08/06/10 | 08/23/10 | 08/24/10 | N/A | 8/20/10 | 576Y | E |
| 4128 | 11373533 | 08/20/10 | 11200 | SAGEGLEN | POINT REPAIR-SEWER LATERAL | 08/23/10 | 09/03/10 | N/A | N/A | 8/24/10 | 576Y | E |
| 4141 | 11379984 | 09/10/10 | 13202 | JOLIET | POINT REPAIR-SEWER CONNECTION | 09/10/10 | 09/15/10 | N/A | 09/15/10 | 9/15/10 | 576Y | E |
| 4156 | 11382181 | 09/17/10 | 5827 | FLAMINGO | POINT REPAIR-MAIN LINE | 09/20/10 | 09/27/10 | N/A | N/A | 9/15/10 | 497A | E |
| 4160 | 11384239 | 09/24/10 | 5827 | FLAMINGO | REPAIR MANHOLE SEAL | 09/24/10 | 09/24/10 | N/A | N/A | 9/27/10 | 534X | E |
| 4192 | 11395352 | 10/19/10 | 11303 | HUGHES | POINT REPAIR-SEWER LATERAL | 10/21/10 | 10/22/10 | N/A | 09/29/10 | 9/29/10 | 534X | E |
| 4194 | 11396463 | 10/21/10 | 12826 | COULSON | POINT REPAIR-SEWER LATERAL | 10/22/10 | 10/25/10 | 10/29/10 | N/A | 10/29/10 | 576Y | E |
| 4210 | 11404118 | 11/09/10 | 446 | CAPEHILL | POINT REPAIR-SEWER LATERAL | 11/09/10 | 11/10/10 | 10/29/10 | N/A | 10/29/10 | 496M | E |
| | | | | | | | | | 11/19/10 | 11/19/10 | 616S | E |

WORK ORDER STATUS-Texas ReExcavation, L.C.
Wastewater Collection System Rehabilitation and Renewal

File No. 4235-43

| W.O. No. | IMS Work Order No. | IMS W.O. Date | Street No. | Street Name | Work Type | Issue Date | Repair Date | Concrete Or Asphalt Date | Landscape Date | Closing Date | Key Map | Council District |
|----------|--------------------|---------------|------------|---------------|-------------------------------|------------|--------------|--------------------------|----------------|--------------|---------|------------------|
| 4211 | 11403828 | 11/08/10 | 11000 | KINGSPPOINT | POINT REPAIR-MAIN LINE | 11/09/10 | 11/10/10 | N/A | N/A | 11/17/10 | 576P | E |
| 4214 | 11404966 | 11/10/10 | 11400 | KINGSPPOINT | REPAIR MANHOLE SEAL | 11/10/10 | 11/16/10 | 11/19/10 | N/A | 11/19/10 | 576P | E |
| 4237 | 11402757 | 11/05/10 | 10810 | TWIG | POINT REPAIR-SEWER CONNECTION | 11/15/10 | 11/20/10 | 12/01/10 | N/A | 12/1/10 | 576S | E |
| 4237 | 11422436 | 12/13/10 | 11106 | SAGEHEATHER | POINT REPAIR-SEWER CONNECTION | 12/21/10 | 12/28/10 | N/A | N/A | 12/28/10 | 616B | E |
| 4019 | 11311623 | 04/03/10 | 10602 | GLENWOLDE | POINT REPAIR-SEWER MAIN LINE | 04/07/10 | 04/12/10 | N/A | N/A | 4/14/10 | 529Q | F |
| 4022 | 11312538 | 04/05/10 | 5916 | GULFTON | POINT REPAIR-SEWER CONNECTION | 04/07/10 | 04/09/10 | 04/28/10 | N/A | 4/28/10 | 531A | F |
| 4025 | 11315835 | 04/09/10 | 12322 | RIDGESIDE | POINT REPAIR-SEWER LATERAL | 04/13/10 | 04/15/10 | 04/22/10 | N/A | 4/22/10 | 528M | F |
| 4034 | 11321773 | 04/19/10 | 12900 | HIGH STAR | POINT REPAIR-SEWER MAIN LINE | 04/21/10 | 05/06/10 | 05/26/10 | N/A | 5/26/10 | 528D | F |
| 4045 | 11329895 | 04/30/10 | 6026 | GULFTON | POINT REPAIR-SEWER LATERAL | 05/03/10 | CANCELLED | N/A | N/A | 5/10/10 | 531A | F |
| 4057 | 11338324 | 05/16/10 | 9027 | SANDSTONE | POINT REPAIR-SEWER CONNECTION | 05/20/10 | 05/25/10 | N/A | N/A | 06/07/10 | 530J | F |
| 4067 | 11347948 | 06/07/10 | 11603 | POMPANO | POINT REPAIR-SEWER CONNECTION | 06/10/10 | 06/11/10 | N/A | N/A | 6/16/10 | 529K | F |
| 4071 | 11346265 | 06/02/10 | 13322 | AVONSHIRE | POINT REPAIR-SEWER LATERAL | 06/10/10 | 06/16/10 | N/A | N/A | 06/24/10 | 528G | F |
| 4074 | 11350368 | 06/14/10 | 8319 | SHARPCREST | POINT REPAIR-SEWER CONNECTION | 06/16/10 | 06/21/10 | N/A | N/A | 6/30/10 | 530K | F |
| 4091 | 11357740 | 07/05/10 | 6230 | MEADWAY | POINT REPAIR-SEWER MAIN LINE | 07/09/10 | 07/21/10 | N/A | N/A | 08/17/10 | 528D | F |
| 4131 | 11373232 | 08/20/10 | 7326 | UNIVERSAL | POINT REPAIR-SEWER MAIN LINE | 08/24/10 | 08/25/10 | N/A | N/A | 8/25/10 | 529J | F |
| 4136 | 11372968 | 08/19/10 | 11431 | TRIOLA | POINT REPAIR-SEWER LATERAL | 08/27/10 | 08/30/10 | N/A | N/A | 9/7/10 | 529K | F |
| 4149 | 11381236 | 09/14/10 | 11418 | CARVEL | POINT REPAIR-SEWER LATERAL | 09/15/10 | 09/20/10 | N/A | N/A | 9/20/10 | 529K | F |
| 4238 | 11428067 | 12/21/10 | 11110 | SOMEFORD | POINT REPAIR-SEWER LATERAL | 12/28/10 | 12/31/10 | N/A | N/A | 12/31/10 | 529B | F |
| 4007 | 11302128 | 03/15/10 | 2501 | BERING | REHAB MANHOLE | 03/26/10 | XFER TO TRX1 | N/A | N/A | 4/1/10 | 491T | G |
| 4040 | 11325658 | 04/25/10 | 1387 | DEAULOLAIS | POINT REPAIR-SEWER MAIN LINE | 04/28/10 | 05/04/10 | N/A | N/A | 5/26/10 | 489P | G |
| 4055 | 11336239 | 05/11/10 | 3703 | KINGSTON VALE | POINT REPAIR-SEWER LATERAL | 05/14/10 | 06/13/10 | N/A | N/A | 6/16/10 | 528B | G |
| 4090 | 11357542 | 07/04/10 | 6230 | GREENPARK DR | POINT REPAIR-SEWER MAIN LINE | 07/07/10 | 07/12/10 | 07/21/10 | N/A | 7/21/10 | 528C | G |
| 4109 | 11363971 | 07/26/10 | 13906 | PERTHSHIRE | POINT REPAIR-SEWER CONNECTION | 07/27/10 | 08/02/10 | N/A | N/A | 08/17/10 | 489E | G |
| 4110 | 11363710 | 07/25/10 | 14826 | CAROLCREST | POINT REPAIR-SEWER MAIN LINE | 07/27/10 | 08/03/10 | N/A | N/A | 08/17/10 | 488G | G |
| 4142 | 11377773 | 09/02/10 | 2315 | BLUE WILLOW | POINT REPAIR-SEWER LATERAL | 09/13/10 | 09/22/10 | N/A | N/A | 9/22/10 | 489J | G |
| 4148 | 11379602 | 09/09/10 | 2002 | BRIAR TURN | POINT REPAIR-SEWER LATERAL | 09/15/10 | TRANS | N/A | N/A | 9/20/10 | 488S | G |
| 4159 | 11382488 | 09/20/10 | 14515 | KELLYWOOD | POINT REPAIR-SEWER CONNECTION | 09/24/10 | 09/27/10 | N/A | N/A | 9/28/10 | 488M | G |
| 4163 | 11384613 | 09/25/10 | 13722 | PINE ROCK | POINT REPAIR-SEWER CONNECTION | 09/28/10 | 09/30/10 | N/A | N/A | 10/05/10 | 489F | G |
| 4165 | 11383946 | 09/23/10 | 1017 | NANTUCKET | POINT REPAIR-MAIN LINE | 09/28/10 | 09/30/10 | N/A | N/A | 10/1/10 | 491J | G |
| 4179 | 11389055 | 10/05/10 | 8600 | WOODWAY | POINT REPAIR-MAIN LINE | 10/07/10 | 10/19/10 | 10/25/10 | N/A | 10/25/10 | 490J | G |
| 4183 | 11390985 | 10/09/10 | 4522 | OAKBEND | POINT REPAIR-SEWER CONNECTION | 10/12/10 | TRANS | N/A | N/A | 10/20/10 | 488M | G |
| 4185 | 11392303 | 10/12/10 | 174 | STONEY CREEK | POINT REPAIR-SEWER CONNECTION | 10/14/10 | 10/18/10 | N/A | N/A | 10/25/10 | 490J | G |
| 4198 | 11397515 | 10/24/10 | 11700 | LAKESIDE | POINT REPAIR-MAIN LINE | 10/27/10 | 11/01/10 | 11/01/10 | N/A | 11/1/10 | 489A | G |
| 4200 | 11398905 | 10/27/10 | 13818 | QUEENSBURY | POINT REPAIR-SEWER CONNECTION | 10/27/10 | 11/01/10 | N/A | N/A | 11/17/10 | 491J | G |
| 4233 | 11420760 | 12/10/10 | 923 | BRIAR RIDGE | POINT REPAIR-MAIN LINE | 12/14/10 | 12/17/10 | N/A | N/A | 12/21/10 | 491J | G |
| 4073 | 11350028 | 06/12/10 | 9900 | FRIENDLY | POINT REPAIR-SEWER MAIN LINE | 06/16/10 | CANCELLED | N/A | N/A | 6/23/10 | 454B | H |
| 4080 | 11352257 | 06/19/10 | 929 | MCCABE | POINT REPAIR-SEWER LATERAL | 06/23/10 | 06/28/10 | 06/30/10 | N/A | 6/30/10 | 413X | H |
| 4084 | 11353053 | 06/22/10 | 2708 | KEELAND | POINT REPAIR-SEWER MAIN LINE | 06/25/10 | 06/29/10 | 06/29/10 | N/A | 6/29/10 | 454E | H |
| 4088 | 11358708 | 07/01/10 | 7209 | HILLSBORO | POINT REPAIR-SEWER MAIN LINE | 07/02/10 | 07/09/10 | 07/17/10 | N/A | 7/17/10 | 489E | H |
| 4094 | 11359771 | 07/13/10 | 5800 | FULTON | REMOVE AND REPLACE | 07/13/10 | 07/22/10 | 07/22/10 | N/A | 7/22/10 | 453U | H |
| 4097 | 11358677 | 07/08/10 | 10129 | GOLDCREST | POINT REPAIR-SEWER MAIN LINE | 07/14/10 | 07/20/10 | N/A | N/A | 7/28/10 | 453C | H |
| 4098 | 11359050 | 07/09/10 | 3126 | TOLIVER | POINT REPAIR-SEWER LATERAL | 07/14/10 | 07/17/10 | N/A | N/A | 7/28/10 | 454J | H |
| 4099 | 11359330 | 07/10/10 | 115 | SHOTWELL | POINT REPAIR-SEWER CONNECTION | 07/14/10 | 07/21/10 | N/A | N/A | 7/28/10 | 494C | H |
| 4100 | 11359862 | 07/13/10 | 613 | MAYFORD | POINT REPAIR-SEWER CONNECTION | 07/14/10 | 07/22/10 | N/A | N/A | 8/2/10 | 413Y | H |
| 4106 | 11361276 | 07/19/10 | 8812 | LOMAX | POINT REPAIR-SEWER LATERAL | 07/15/10 | 07/22/10 | N/A | N/A | 08/02/10 | 413Y | H |
| 4113 | 11365355 | 07/29/10 | 8900 | MANUS | POINT REPAIR-SEWER CONNECTION | 07/26/10 | 08/03/10 | 08/17/10 | N/A | N/A | 454E | H |
| 4114 | 11364888 | 07/28/10 | 1000 | JAMES | REPAIR CASTING | 07/30/10 | 08/04/10 | N/A | N/A | 8/4/10 | 454E | H |
| 4116 | 11367153 | 08/04/10 | 7017 | HERSHE | POINT REPAIR-SEWER MAIN LINE | 08/02/10 | CANCELLED | N/A | N/A | 8/5/10 | 493H | H |
| | | | | | POINT REPAIR-SEWER MAIN LINE | 08/06/10 | 08/09/10 | 08/17/10 | N/A | 8/17/10 | 494H | H |

WORK ORDER STATUS-Texas ReExcavation, L.C.
Wastewater Collection System Rehabilitation and Renewal
File No. 4235-43

| W.O. No. | IMS Work Order No. | IMS W.O. Date | Street No. | Street Name | Work Type | Issue Date | Repair Date | Concrete Or Asphalt Date | Landscape Date | Closing Date | Key Map | Council District |
|----------|--------------------|---------------|------------|-------------|-------------------------------|------------|-------------|--------------------------|----------------|--------------|---------|------------------|
| 4117 | 11366561 | 08/02/10 | 213 | ALTIC | POINT REPAIR-SEWER MAIN LINE | 08/06/10 | 08/10/10 | 08/27/10 | N/A | 8/27/10 | 494U | H |
| 4121 | 11369780 | 08/10/10 | 2402 | PRESLEY | POINT REPAIR-SEWER LATERAL | 08/11/10 | 08/13/10 | N/A | N/A | 8/13/10 | 453M | H |
| 4122 | 11367190 | 08/04/10 | 121 | TALLANT | POINT REPAIR-SEWER LATERAL | 08/11/10 | 08/13/10 | N/A | 08/13/10 | 8/13/10 | 453B | H |
| 4123 | 11369768 | 08/10/10 | 5800 | FIRNAT | POINT REPAIR-SEWER LATERAL | 08/12/10 | 08/18/10 | 08/27/10 | N/A | 8/27/10 | 454G | H |
| 4124 | 11370343 | 08/11/10 | 643 | E 10TH ST | REMOVE AND REPLACE LATERAL | 08/12/10 | 08/12/10 | 08/25/10 | N/A | 8/25/10 | 493A | H |
| 4130 | 11373050 | 08/19/10 | 6800 | HELMERS | POINT REPAIR-SEWER LATERAL | 08/23/10 | 09/10/10 | 09/16/10 | N/A | 9/16/10 | 453C | H |
| 4135 | 11373059 | 08/19/10 | 1400 | GAZIN | POINT REPAIR-MAIN LINE | 08/27/10 | 08/30/10 | 09/10/10 | N/A | 9/10/10 | 494M | H |
| 4138 | 11378136 | 09/03/10 | 2400 | KEELAND | POINT REPAIR-SEWER MAIN LINE | 09/08/10 | 09/13/10 | 09/15/10 | N/A | 9/15/10 | 454E | H |
| 4139 | 11380295 | 09/11/10 | 4902 | FULTON | POINT REPAIR-SEWER LATERAL | 09/13/10 | CANCELLED | N/A | 09/15/10 | 9/15/10 | 453U | H |
| 4143 | 11380490 | 09/13/10 | 1035 | QUITMAN | POINT REPAIR-SEWER CONNECTION | 09/14/10 | CANCELLED | N/A | N/A | 9/15/10 | 493C | H |
| 4144 | 11380503 | 09/13/10 | 715 | KRESS | POINT REPAIR-SEWER LATERAL | 09/14/10 | 09/17/10 | N/A | N/A | 9/17/10 | 494H | H |
| 4145 | 11380421 | 09/13/10 | 2807 | HARDY | POINT REPAIR-SEWER LATERAL | 09/14/10 | 09/15/10 | 09/30/10 | N/A | 9/30/10 | 493D | H |
| 4151 | 11382171 | 09/17/10 | 735 | EUBANKS | POINT REPAIR-SEWER CONNECTION | 09/20/10 | 09/22/10 | N/A | N/A | 9/30/10 | 453L | H |
| 4153 | 11382437 | 09/19/10 | 6212 | SHERMAN | POINT REPAIR-SEWER CONNECTION | 09/20/10 | 09/23/10 | 09/29/10 | N/A | 9/29/10 | 494U | H |
| 4154 | 11382459 | 09/19/10 | 333 | N DELANO | POINT REPAIR-SEWER LATERAL | 09/20/10 | 09/23/10 | N/A | N/A | 9/29/10 | 494N | H |
| 4157 | 11381950 | 09/16/10 | 1014 | E 40 1/2 | POINT REPAIR-MAIN LINE | 09/23/10 | 09/29/10 | 09/29/10 | N/A | 9/29/10 | 453N | H |
| 4166 | 11385564 | 09/28/10 | 1014 | E 40 1/2 | REPAIR MANHOLE SEAL | 09/28/10 | 09/29/10 | N/A | N/A | 9/29/10 | 453P | H |
| 4170 | 11383707 | 09/22/10 | 306 | E WOOLAND | POINT REPAIR-SEWER CONNECTION | 10/05/10 | 10/06/10 | 10/07/10 | N/A | 10/7/10 | 493C | H |
| 4178 | 11385614 | 09/28/10 | 820 | NEYLAND | POINT REPAIR-SEWER CONNECTION | 10/07/10 | 10/11/10 | 10/12/10 | N/A | 10/12/10 | 453J | H |
| 4180 | 11386867 | 09/30/10 | 718 | FOWLER | POINT REPAIR-MAIN LINE | 10/07/10 | 10/12/10 | N/A | N/A | 10/25/10 | 453Z | H |
| 4181 | 11391042 | 10/09/10 | 1400 | FINCH | POINT REPAIR-MAIN LINE | 10/12/10 | 10/18/10 | 10/25/10 | N/A | 10/25/10 | 453X | H |
| 4190 | 11391997 | 10/12/10 | 919 | MELWOOD | POINT REPAIR-MAIN LINE | 10/14/10 | 10/19/10 | N/A | N/A | 10/19/10 | 493E | H |
| 4193 | 11395691 | 10/20/10 | 2811 | WASHINGTON | POINT REPAIR-MAIN LINE | 10/22/10 | RECALLED | N/A | N/A | 11/17/10 | 453X | H |
| 4199 | 11398616 | 10/26/10 | 805 | WALTON | POINT REPAIR-MAIN LINE | 10/27/10 | 10/28/10 | 11/17/10 | N/A | 11/17/10 | 453X | H |
| 4215 | 11405258 | 11/11/10 | 6537 | ENID | POINT REPAIR-SEWER LATERAL | 11/15/10 | 11/19/10 | 4x6 | 25x6 | | | |
| 4220 | 11402284 | 11/04/10 | 813 | BAYLAND | POINT REPAIR-SEWER LATERAL | 11/17/10 | 11/18/10 | 12/01/10 | N/A | 12/1/10 | 493B | H |
| 4223 | 11408207 | 11/19/10 | 2311 | EVERETT | POINT REPAIR-SEWER LATERAL | 11/19/10 | 11/19/10 | 12/01/10 | N/A | 12/1/10 | 493C | H |
| 4235 | 11411836 | 11/29/10 | 906 | HENRY | POINT REPAIR-SEWER LATERAL | 12/17/10 | 12/21/10 | 12/28/10 | N/A | 12/28/10 | 493C | H |
| 4240 | 11430049 | 12/27/10 | 310 | E JANISCH | POINT REPAIR-SEWER CONNECTION | 12/28/10 | 12/30/10 | N/A | N/A | 12/30/10 | 491F | H |
| 4241 | 11433070 | 01/03/11 | 1039 | WAVERLY | POINT REPAIR-MAIN LINE | 01/04/11 | 01/07/11 | 01/12/11 | N/A | 1/12/11 | 492D | H |
| 4246 | 11441366 | 01/15/11 | 4005 | HURLEY | POINT REPAIR-SEWER CONNECTION | 01/19/11 | 01/22/11 | 02/02/11 | N/A | 2/2/11 | 454B | H |
| 4247 | 11441212 | 01/14/11 | 2811 | WASHINGTON | POINT REPAIR-SEWER LATERAL | 01/19/11 | TRANS | N/A | N/A | 1/25/11 | 493E | H |
| 4002 | 11303237 | 03/17/10 | 5733 | BURWELL | REPAIR MANHOLE | 03/19/10 | 04/01/10 | N/A | N/A | 4/1/10 | 534C | I |
| 4005 | 11304066 | 03/19/10 | 6730 | CAYTON | POINT REPAIR-SEWER CONNECTION | 03/23/10 | 03/25/10 | N/A | N/A | 3/25/10 | 574C | I |
| 4009 | 11305725 | 03/23/10 | 8117 | BANGLE | POINT REPAIR-SEWER MAIN LINE | 03/30/10 | 04/01/10 | N/A | N/A | 4/1/10 | 535F | I |
| 4011 | 11305724 | 03/23/10 | 8116 | HARDING | POINT REPAIR-SEWER MAIN LINE | 03/30/10 | 04/05/10 | N/A | N/A | 4/14/10 | 535F | I |
| 4014 | 11304518 | 03/20/10 | 7798 | BRANIFF | POINT REPAIR-SEWER MAIN LINE | 03/26/10 | 04/16/10 | N/A | N/A | 4/14/10 | 575M | I |
| 4047 | 11328080 | 04/28/10 | 370 | SAN JACINTO | POINT REPAIR-SEWER MAIN LINE | 05/03/10 | 05/20/10 | 06/16/10 | N/A | 6/16/10 | 493T | I |
| 4049 | 11330166 | 04/30/10 | 3324 | MCILHENNY | POINT REPAIR-SEWER CONNECTION | 05/03/10 | 05/10/10 | 05/18/10 | N/A | 5/18/10 | 493Z | I |
| 4056 | 11339765 | 05/19/10 | 1198 | 97TH ST | POINT REPAIR-SEWER MAIN LINE | 05/19/10 | CANCELLED | N/A | N/A | 5/19/10 | 535D | I |
| 4058 | 11339487 | 05/18/10 | 2703 | LA BRANCH | POINT REPAIR-SEWER LATERAL | 05/20/10 | 05/24/10 | 06/07/10 | N/A | 6/7/10 | 493U | I |
| 4075 | 11351197 | 06/16/10 | 6333 | TELEPHONE | POINT REPAIR-SEWER LATERAL | 06/21/10 | 06/23/10 | 06/30/10 | N/A | 6/30/10 | 535S | I |
| 4078 | 11352527 | 06/21/10 | 5905 | MONSANTA | POINT REPAIR-SEWER LATERAL | 06/22/10 | 06/25/10 | 06/30/10 | N/A | 6/30/10 | 534V | I |
| 4079 | 11351567 | 06/17/10 | 7221 | PALESTINE | POINT REPAIR-SEWER LATERAL | 06/23/10 | 06/28/10 | N/A | N/A | 6/30/10 | 494M | I |
| 4089 | 11357610 | 07/05/10 | 7002 | GILLEN | POINT REPAIR-SEWER LATERAL | 07/06/10 | 07/08/10 | 07/21/10 | N/A | 7/21/10 | 534R | I |
| 4137 | 11374105 | 08/24/10 | 1720 | MAIN | POINT REPAIR-SEWER CONNECTION | 08/30/10 | TRANS | N/A | N/A | 9/11/10 | 493R | I |
| 4158 | 11384070 | 09/23/10 | 400 | TEXAS | REPLACE TOTAL MANHOLE | 09/24/10 | 09/24/10 | 10/05/10 | N/A | 10/5/10 | 493L | I |
| 4173 | 11388100 | 10/02/10 | 10533 | EAST | POINT REPAIR-SEWER LATERAL | 10/05/10 | 10/11/10 | 10/12/10 | N/A | 10/12/10 | 496E | I |

WORK ORDER STATUS-Texas ReExcavation, L.C.
Wastewater Collection System Rehabilitation and Renewal
File No. 4235-43

| W.O. No. | IMS Work Order No. | IMS W.O. Date | Street No. | Street Name | Work Type | Issue Date | Repair Date | Concrete Or Asphalt Date | Landscape Date | Closing Date | Key Map | Council District |
|----------|--------------------|---------------|------------|--------------|-------------------------------|------------|-------------|--------------------------|----------------|--------------|---------|------------------|
| 4182 | 11391318 | 10/11/10 | 6914 | AVE C | POINT REPAIR-SEWER LATERAL | 10/12/10 | 10/13/10 | 10/18/10 | N/A | 10/18/10 | 494V | I |
| 4196 | 11396447 | 10/21/10 | 11927 | EAST FWY | POINT REPAIR-MAIN LINE | 10/25/10 | 10/27/10 | N/A | N/A | 10/27/10 | 496F | I |
| 4205 | 11400693 | 11/01/10 | 8300 | LEONORA | POINT REPAIR-MAIN LINE | 11/03/10 | 11/05/10 | 11/19/10 | N/A | 11/19/10 | 535S | I |
| 4226 | 11411474 | 11/29/10 | 7731 | PECAN VILLAS | REPLACE TOTAL MANHOLE | 11/30/10 | 12/03/10 | N/A | 12/14/10 | 12/14/10 | 489Q | I |
| 4230 | 11408013 | 11/18/10 | 7045 | SANTA FE | POINT REPAIR-SEWER LATERAL | 12/01/10 | 12/02/10 | N/A | 12/14/10 | 12/14/10 | 574D | I |
| 4232 | 11421916 | 12/13/10 | 7002 | CORSICANA | POINT REPAIR-SEWER LATERAL | 12/14/10 | TRANS | N/A | N/A | 12/30/10 | 494N | I |
| 4232 | 11421641 | 12/12/10 | 9505 | CLINTON | POINT REPAIR-SEWER CONNECTION | 12/14/10 | 12/16/10 | N/A | N/A | 12/16/10 | 455B | I |
| 4050 | | | | SKIPPED | SKIPPED | | SKIPPED | | | SKIPPED | | SKIPPED |

| | | |
|--|-------------------------------------|--|
| SUBJECT: Request for the abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836. Parcels SY12-010 A through E and KY12-042 | Page <u>1</u> of <u>2</u> | Agenda Item # <div style="text-align: right; font-size: 2em;">17</div> |
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|--|-------------------------|---------------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|-------------------------|---------------------------------------|

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| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: G Key Map 491L  |
|--|---|

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|---|---|
| For additional information contact: Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: |
|---|---|

RECOMMENDATION: (Summary) It is recommended Council approve a Motion authorizing the abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836. **Parcels SY12-010 A through E and KY12-042**

Amount and Source of Funding: Not Applicable


SPECIFIC EXPLANATION:
 Tracy Youngblood, on behalf of Apartments at Post Oak Hills, Ltd., (Jennette M. Hunnicutt, President) requested the abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition. Apartments at Post Oak Hills, Ltd., the property owner, plans to incorporate the subject easements into its property to develop a multi-family residential complex.


This is Part One of a two-step process in which the applicant will first receive a Council authorized Motion acknowledging the concept of the subject request. Upon the applicant satisfactorily completing all transaction requirements including those enumerated below, the Department of Public Works and Engineering will forward a subsequent recommendation to 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 abandon and sell a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836;
2. The applicant be required to furnish the Department of Public Works and Engineering a durable, reproducible (Mylar) survey plat and field notes of the affected property;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the utility easement being abandoned and sold;

agd\sy12-010.rcl.doc CUIC #20AGD9234

REQUIRED AUTHORIZATION

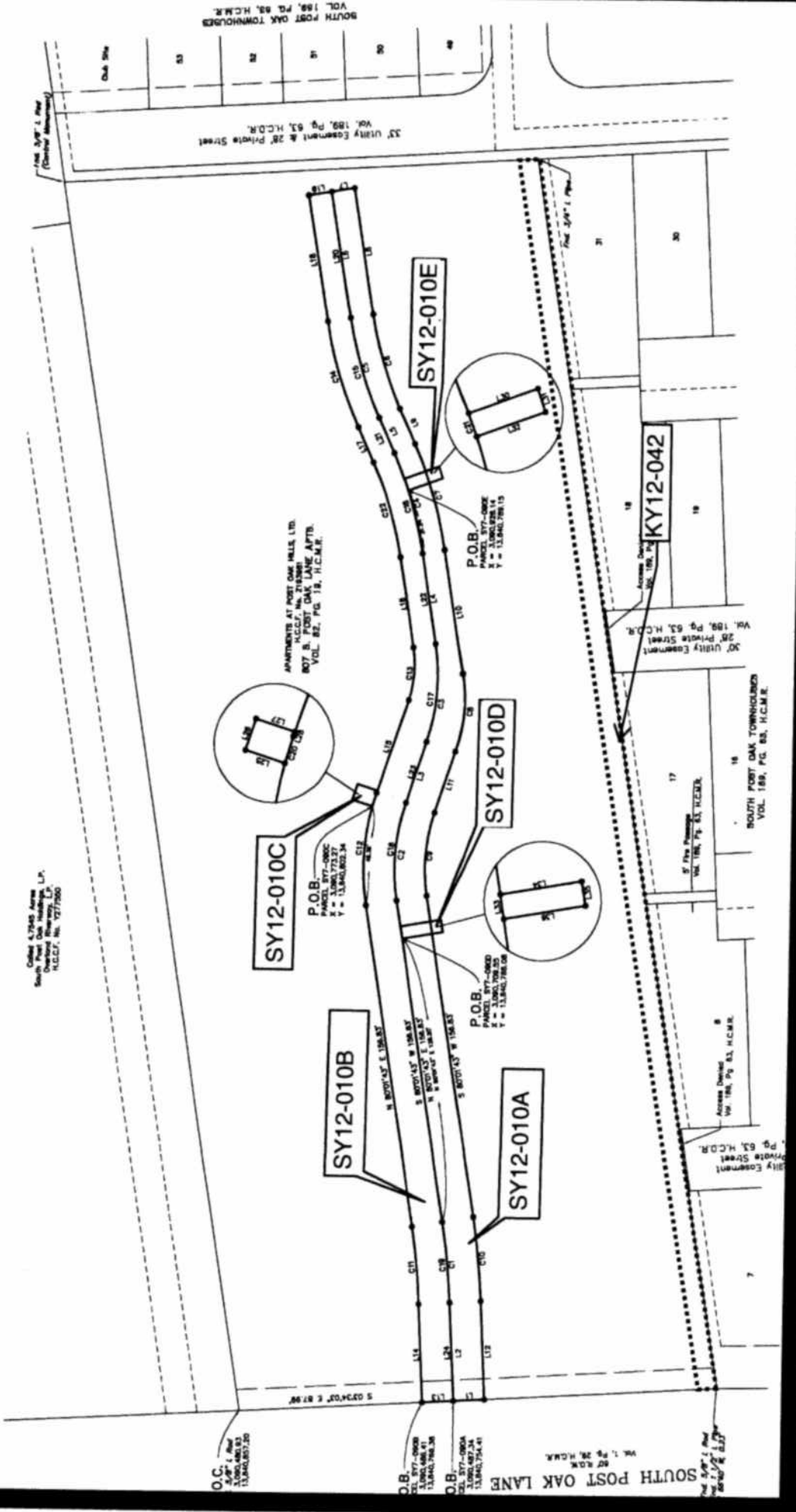
| | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division |
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|--------------|--|------------------------------|--|
| Date: | Subject: Request for the abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836. Parcels SY12-010 A through E and KY12-010 | Originator's Initials | Page <u>2</u> of <u>2</u>  |
|--------------|--|------------------------------|--|

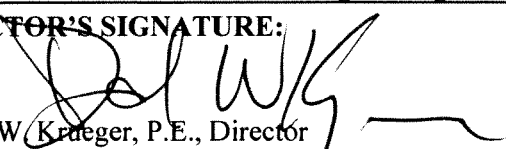


4. The applicant be required to: (a) cut, plug, and abandon the 6-inch to 8-inch sanitary sewer line within the variable-width utility easement to be abandoned; (b) cut, plug, and abandon the 8-inch water line located in the variable-width waterline easement to be abandoned; (c) cut, plug, and abandon the water meter within the water meter easement to be abandoned; (d) cut, plug, and abandon the two fire hydrants within the two fire hydrant easements to be abandoned; (e) remove the two water meter vaults located within the 807 South Post Oak Lane Apartments Addition, and (f) pay the depreciated value amount for the water line, sanitary sewer lines, manhole, and fire hydrant to be abandoned and sold. All of the foregoing items are to be completed 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 and sanitary sewer) that are being abandoned, relocated, and/or constructed as part of this project and submit drawings to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the property interests is not expected to exceed \$1,000,000.00, that the value be established by John Fox, an independent appraiser, appointed by the Director of Public Works and Engineering.

DWK:NPC:agd

- c: Jun Chang, P.E., D.WRE
Marta Crinejo
David Feldman
Marlene Gafrick
Terry A. Garrison
Daniel Menendez, P.E.



Abandonment and sale of a variable-width utility easement, a variable-width water main easement, two 6-foot-wide fire hydrant easements, and an 8-foot-wide water meter easement, in exchange for the conveyance to the City of a 20-foot-wide water line easement, all located within the 807 South Post Oak Lane Apartments Addition, out of the William White Survey, A-836.

| | | |
|---|--|-----------------------------------|
| SUBJECT: Abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey. Parcel SY12-012 | Page <u>1</u> of <u>2</u> | Agenda Item # 18 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A  Key Map: 451P | |
| For additional information contact: Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate | Date and identification of prior authorizing Council Action: | |

RECOMMENDATION: (Summary) It is recommended City Council approve a Motion authorizing the abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey. **Parcel SY12-012**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:

Meysam Mosaheb, 6330 West 34th Street, Houston, Texas 77092, requested the abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey. Meysam Mosaheb, the abutting property owner, plans to incorporate the property being abandoned and sold into his abutting property for commercial development. Signs notifying the public of the pending street abandonment application were posted for at least thirty days.


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

1. The City abandon and sell a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey;
2. The City retain a 25-foot by 25-foot corner clip out of the existing right-of-way at the intersection of Wirt Road and Shoshone Road;
3. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the right-of-way being abandoned and sold;
4. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

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CUIC #20TP9233

REQUIRED AUTHORIZATION

| | | |
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| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division |
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|--------------|---|----------------------------------|-------------------------------------|
| Date: | Subject: Request for the abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey. Parcel SY12-012 | Originator's Initials | Page <u>2</u> of <u>2</u> |
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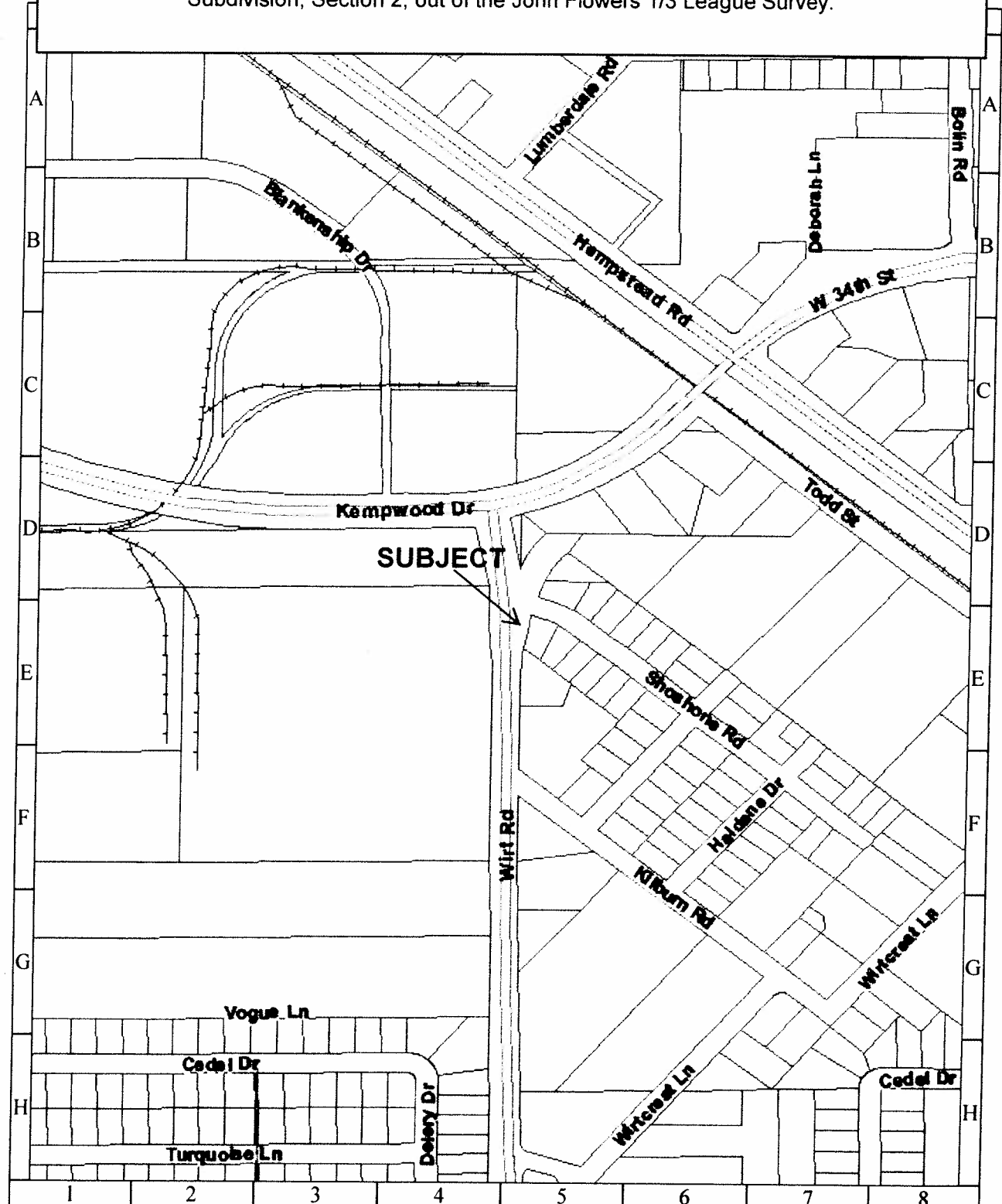
5. The Legal Department be authorized to prepare the necessary transaction documents; and
6. Inasmuch as the value of the property interest is not expected to exceed \$1,000,000.00, that the value be established by Bill Jackson, an independent appraiser, appointed by the Director of Public Works and Engineering.

DWK:NPC:tp

- c: Marta Crinejo
David Feldman
Marlene Gafrick
Terry A. Garrison
Daniel Menendez, P.E.
Jeffrey Weatherford, P.E., PTOE

Location Map - Parcel SY12-012

Abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road, Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey.

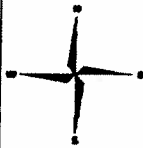


CITY OF HOUSTON

Department of Public Works and Engineering

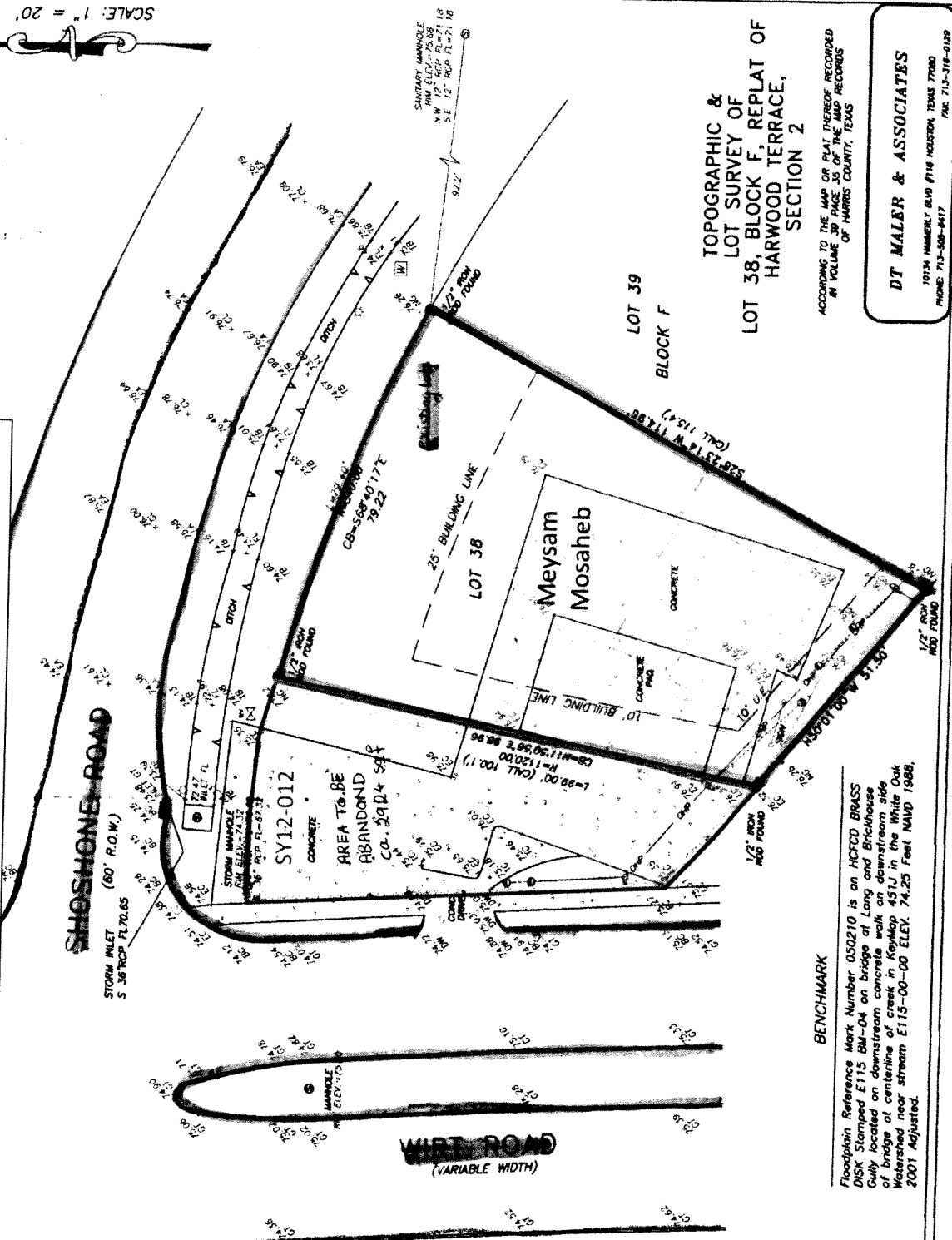
1 inch = 400 feet
Geographic Information & Management System (GIMS)

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



OWNER: MEYSAM MOSAHEB
 ADDRESS: 2332 WIRT ROAD
 HOUSTON TX, 77055

Parcel SY12-012
 Abandonment and sale of a ±2,934-square-foot portion of excess Wirt Road,
 Harwood Terrace Subdivision, Section 2, out of the John Flowers 1/3 League Survey.



**TOPOGRAPHIC &
 LOT SURVEY OF
 LOT 38, BLOCK F, REPLAT OF
 HARWOOD TERRACE,
 SECTION 2**

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 39 PAGE 35 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS

DT MALER & ASSOCIATES
 10124 HUMBERT BLVD #118 HOUSTON, TEXAS 77060
 PHONE: 713-568-8417
 FAX: 713-716-0129

- LEGEND**
- PROPERTY CORNER
 - CURB INLET
 - ⊕ WATER VALVE
 - ⊕ WATER METER
 - ⊕ LIGHT POST
 - ⊕ GUY WIRE
 - ⊕ POWER POLE
 - ⊕ SANITARY MANHOLE

GENERAL NOTES

- A: THIS PROPERTY DOES NOT LE WITHIN THE 100 YEAR FLOOD PLAIN AS ESTABLISHED BY THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT, COMMUNITY/PANEL NO. 48201C 0655 L MAP DATE: 6-18-2007 ZONE X
- B: BEARING SHOWN ARE BASED ON RECORDED PLAT.
- C: THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT. OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE SAME AS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON.

[Signature]
 DON TED MALER REGISTERED
 PROFESSIONAL LAND SURVEYOR
 NUMBER 4342
 DRAWING NO. 10-01544
 AUGUST 14, 2010

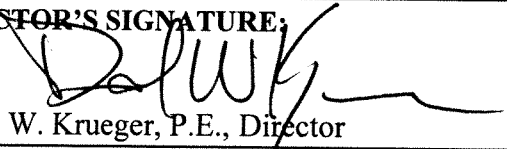


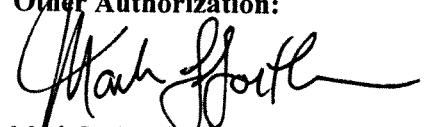


BENCHMARK

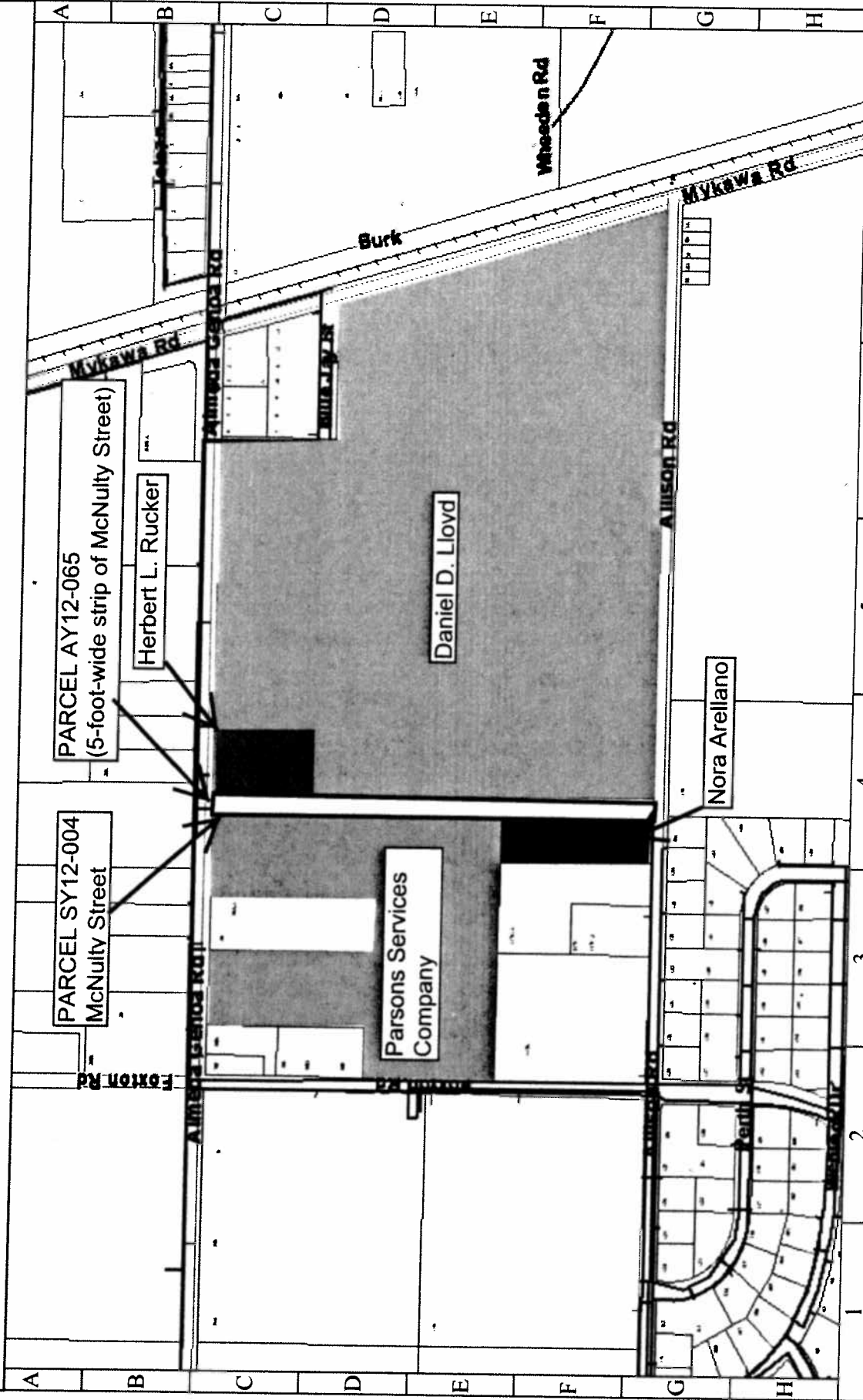
Floodplain Reference Mark Number 050210 is an HCFCD BRASS DISK Stamped E115 BM-04 on bridge at Long and Brickhouse Gully located on downstream concrete walk on downstream side of bridge at centerline of creek in KeyMap 431J in the White Oak Watershed near stream E115-00-00 ELEV. 74.25 Feet MVD 1986, 2001 Adjusted.

SCALE: 1" = 20'



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|---|-----------------------------|--|--|
| SUBJECT: Request for a motion declining the acceptance of, rejecting, and refusing the dedication of McNulty Street, from Allison Road to 5 feet south of the Almeda Genoa Road right-of-way line, located in the Minnetex Place Subdivision. Parcels SY12-004 and AY12-065 | | Page <u>1</u> of <u>1</u> | Agenda Item # <div style="text-align: right; font-size: 2em;">19</div> |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | | Council District affected: E Key Map 574Q  | |
| For additional information contact:  Nancy P. Collins Phone: (832) 395-3130 Senior Assistant Director-Real Estate | | Date and identification of prior authorizing Council Action: | |
| RECOMMENDATION: (Summary) It is recommended City Council approve a motion declining the acceptance of, rejecting, and refusing the dedication of McNulty Street, from Allison Road to 5 feet south of the Almeda Genoa Road right-of-way line, located in the Minnetex Place Subdivision. Parcels SY12-004 and AY12-065 | | | |
| Amount and Source of Funding: Not Applicable | | | |
| SPECIFIC EXPLANATION: Daniel D. Lloyd, 2911 Quincannon, Houston, Texas 77043, requested the non-acceptance of McNulty Street, from Allison Road to Almeda Genoa Road, located in the Minnetex Place Subdivision. Almeda Genoa Road is an existing 60-foot-wide right-of-way and, per the Major Thoroughfare and Freeway Plan (MTFP) Hierarchy Table (T-4-70), Almeda Genoa Road should be 70 feet wide to meet future needs. Therefore, the City must retain a 5-foot-wide strip of McNulty Street (Parcel AY12-065) along the south side of Almeda Genoa Road right-of-way line for the future widening of Almeda Genoa Road. McNulty Street was never paved or used for utility purposes. Further, the City has identified no future need for this street. Daniel D. Lloyd, the property owner, plans to fence in his portion of the subject street to prevent the public from trespassing on his property. The abutting property owners have been notified of Daniel Lloyd's request. 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 motion declining the acceptance of, rejecting, and refusing the dedication of McNulty Street, from Allison Road to 5 feet south of the Almeda Genoa Road right-of-way line, located in the Minnetex Place Subdivision. NPC:WSB:tj c: Marta Crinejo David M. Feldman Marlene Gafrick Terry A. Garrison Daniel Menendez, P.E. Jeffrey Weatherford, P.E., PTOE | | | |
| tj\sy12-004.rcl.doc | | CUIC #20TJ9227 | |
| REQUIRED AUTHORIZATION | | | |
| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division | |

Non-acceptance of McNulty Street, from Allison Road to 5 feet south of the Alameda Genoa Road right-of-way line, located in the Minnetex Place Subdivision. Parcels SY12-004 and AY12-065



1 inch = 0 feet

CITY OF HOUSTON

Department of Public Works and Engineering
 Geographic Information & Management System (GIMS)




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

REQUEST FOR COUNCIL ACTION

| | | | |
|---|--|----------------|-------------------------------|
| SUBJECT: Parcel LY10-002; City of Houston v. Sunshine Development One, L.P., et al., Cause No. 982,647; Bellaire West Drainage Improvements Project; WBS/CIP No. M-000283-0001-3-01; Legal Department File No. 055-1000010-002. | | Page 1 of 2 | Agenda Item # 20 |
|---|--|----------------|-------------------------------|

| | | |
|---|------------------------------|----------------------------|
| FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney | Origination Date 10/12/11 | Agenda Date NOV 09 2011 |
|---|------------------------------|----------------------------|

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| DIRECTOR'S SIGNATURE:  | Council District affected: "F" Al Hoang; Key Map#529J |
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| For additional information contact: Joseph N. Quintal <i>JNQ</i> Phone: 832.393.6286 (alternatively Ondrea U. Taylor 832.393.6280) | Date and identification of prior authorizing Council action: B.A.O. #2010-0125, psd. 02/10/10 |
|--|--|

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

Amount and Source of Funding:
 \$1,190,083.00; No appropriation is needed as funding will be provided by the previously approved Appropriation Ordinance No. 2010-0125, psd. 02/10/10. Drainage Improvement Commercial Paper Series F Fund.

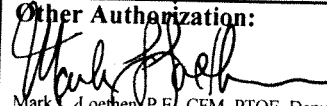
SPECIFIC EXPLANATION:

The Bellaire West Drainage Improvements Project consists of storm water drainage improvements to serve the area. The project includes required piping, sheet flow modifications, or detention to reduce the risk of structural flooding during 100 year, 1% probability rainfall events. The project area has multiple reports of structural flooding. The project includes construction of a drainage swale along Cook Road to intercept overland sheet flow from the Crown Colony area.

This eminent domain proceeding involves the acquisition of fee simple title in and to 5.9339 acres (258,479 sf) of land out of a parent tract containing 8.0425 acres (350,331 sf) of land. The property is located at 7515 Cook Road and is owned by Sunshine Development One, LP. The property is effectively vacant. The City's final offer of \$1,033,916.00, in October 2010, to purchase the needed property was rejected by the landowner and no counter-offer was submitted. Efforts by Public Works & Engineering to negotiate the purchase were unsuccessful and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The Legal Department retained the same appraiser, utilized by Public Works & Engineering in making the City's final offer, to value the property and testify at the Special Commissioners' Hearing. The appraiser updated the appraisal report for the hearing, and presented the following conclusions and opinions of market value for the Special Commissioners consideration.

City's Testimony Before the Special Commissioners: \$1,033,916.00 (i.e. \$4.00 psf for the land being acquired, no improvements thereon or damages thereto)

Landowner's Testimony Before the Special Commissioners: \$5,243,525.00 (i.e. \$5.00 psf for the land being acquired, no improvements thereon and \$3,951,130.00 in damages)

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| h:\mark\sunshinerca.wpd | | |
| REQUIRED AUTHORIZATION | | |
| Other Authorization: | Other Authorization: | Other Authorization:  Mark C. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services Division, PWE |

| | | | |
|------------------|---|-------------------------------------|----------------|
| Date 10/12/11 | SUBJECT: Parcel LY10-002; Sunshine Development One, LP; Bellaire West Drainage Improvements Project; L.D. File No. 055-1000010-002; | Originator's Initials JNQ/OUT | Page 2 of 2 |
|------------------|---|-------------------------------------|----------------|

Award of Special Commissioners: \$1,183,916.00 The legal department filed Objections to the Award of Special Commissioners to preserve the City's legal and procedural options pending City Council's consideration and approval of this matter. The landowner also filed objections to the Award of Special Commissioners and the matter has been placed on the Court's trial docket.

The "**Costs of Court**" are as follows, to wit: \$187.00 filing fee; \$280.00 Service of process fee; \$2,700.00 Special Commissioners' fees (i.e. \$900.00 x 3); \$3,000.00 Appraiser's fee; **Total: \$6,167.00.** These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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

| | | |
|---|------------------------------|-------------------------------|
| SUBJECT: Parcels LY6-019, LY6-020, LY6-21, LY6-022, LY8-27, LY8-028A & LY8-28B; City of Houston v. J.E. Fisher Investments, Ltd., et al., Cause No. 922,974; Pinemont Paving: T.C. Jester to Ella Blvd. Detention Pond Construction Project; WBS/CIP No. N-000475-0001-2-01; L.D. File Nos. 052-0800016-002 & -003; | Page <u>1</u> of <u>2</u> | Agenda Item # 21 |
|---|------------------------------|-------------------------------|

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|---|------------------------------|----------------------------|
| FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney | Origination Date 10/03/11 | Agenda Date NOV 09 2011 |
|---|------------------------------|----------------------------|

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| DIRECTOR'S SIGNATURE:  | Council District affected: "A" Brenda Stardig; Key Map 452E & F |
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|--|--|
| For additional information contact: Joseph N. Quintal <i>JNQ</i> Phone: 832.393.6286 (alternatively Ondrea U. Taylor 832.393.6280) | Prior Council action: BAO #2007-1067, psd. 09/19/07; Authorizing Ord #2008-334, psd. 04/16/08; CM #2009-0599, psd. 8-12-09 |
|--|--|

RECOMMENDATION: (Summary)

That the City Attorney be authorized, by Motion, to settle this case for the total amount of \$962,500.00 and pay the City's additional appraisal costs of \$2,450.00 for trial preparation in this case. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
\$221,539.00; No appropriation needed as funding will be provided by previously approved Appropriation Ordinance No. 2007-1067, psd. 9/19/07. Street & Bridge Consolidated Construction Fund (4506)
M.P. 10/19/2011

SPECIFIC EXPLANATION:

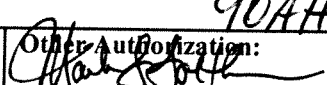
The project will provide for right-of-way acquisition, engineering and construction of two 24 foot-wide concrete roadways with curbs, sidewalks, street lighting and the necessary underground utilities. The project will improve traffic circulation and drainage in the service area.

This eminent domain proceeding involves the acquisition of fee simple title to 7 parcels of land containing a total of 128,901 square feet (2.96 acres) needed for a detention pond in connection with the Pinemont Paving Project: T.C. Jester to Ella Blvd. Three of the parcels (38,766 sf) are arguably encumbered with an 81 year old street dedication that was purportedly never accepted by the City. The street dedication is contained in a 1920 plat for a subdivision that was never developed. The streets were never constructed, and the City never maintained the purported right-of-way area or used it for any other public purpose. The entire area remains vacant land today.

Award of Special Commissioners: \$743,411.00. The City and the landowner both filed Objections to the Award of Special Commissioners and the matter is currently set for a jury trial.

City's Testimony For Trial: \$582,061.00 (i.e. \$6.00 psf for the 90,135 sf of land being acquired in Parcels LY6-019, -020, -021, -022; \$1.00 total for the 38,766 sf of land contained in Parcels LY8-027, -028A, -028B; no improvements thereon and \$41,250.00 as damages to the remainder)

Landowner's Testimony For Trial: \$1,217,328.00 (i.e. \$8.75 psf for the entire 128,901 sf of the land being acquired; no improvements thereon and \$89,444.00 as damages to the remainder)

| | | | | | | |
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| h:\JQCondemn\Pinemont\rca.wpd | | | REQUIRED AUTHORIZATION | | | <i>90AH 245</i> |
| Other Authorization: | Other Authorization: | Other Authorization: |  Mark L. Loethen, P.E. CFM, PTOE, Deputy Director Planning and Development Services Division, PWE | | | |

| | | | |
|------------------|---|-------------------------------------|------------------------------|
| Date 10/03/11 | SUBJECT: Parcels LY6-019, -020, -021, -022 & LY8-027, 028A, 028B; Pinemont Paving (WBS#N-000475-0001-2); LD File#052-0800016-002 & -003 | Originator's Initials JNQ/OUT | Page <u>2</u> of <u>2</u> |
|------------------|---|-------------------------------------|------------------------------|

We recommend that the City Attorney be authorized, by Motion, to settle this case for the total amount of \$962,500.00, based on the potential of greater exposure to the City in a jury trial and to pay the additional appraisal costs of \$2,450.00 for trial preparation. The settlement amount (\$7.38 psf) is based on and consistent with the one comparable sale used by both the City's and the landowner's appraisers in forming their respective value opinions. This comparable sale is physically closer and more comparable to the subject than any of the others considered by each appraiser and sold for \$7.00 psf. Funding will be provided by a previously approved blanket Appropriation Ordinance.

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9086

Subject: Purchase of Modular Office Building from the State of Texas Procurement and Support Services Contract for the General Services Department on behalf of the Parks and Recreation Department. S19-N23991

Category #
4

Page 1 of 1

Agenda Item

22-22A

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

Origination Date
October 07, 2011

Agenda Date
NOV 09 2011

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
B

For additional information contact:
Jacquelyn L. Nisby Phone: (832) 393-8023
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)
Approve an ordinance authorizing the appropriation of \$125,310.56 out of the Parks Special Fund (4012) and approve the purchase of a modular office building in the total amount of \$125,310.56 from the State of Texas Procurement and Support Services contract for the General Services Department on behalf of the Parks & Recreation Department.

Award Amount: \$125,310.56

Finance Budget

\$125,310.56 - Parks Special Fund (4012) WBS F-504A06-0003-4-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$125,310.56 out of the Parks Special Fund (4012) and approve the purchase of a modular office building in the total amount of \$125,310.56 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the General Services Department on behalf of the Parks & Recreation Department, and that authorization be given to issue a purchase order to the State contractor, Nortex Modular Space, Inc. This modular building will be delivered to Keith Wiess Park, located at 12300 Aldine Westfield Road and will offer an office and maintenance area for the Houston Parks and Recreation Department (HPARD) personnel to maintain park and possible space to be used by East Aldine Improvement District Bike Patrol. Funding for this facility came from East Aldine Improvement District to the Houston Parks and Recreation Department (HPARD).

The scope of work requires the construction contractor to provide all labor, tools, materials, equipment, supplies, supervision and transportation necessary to furnish, deliver, set in place, level and tie down one 28' x 64' modular office building. The contractor will also be required to install concrete blocks on concrete pads, upgrade the electric panel to 400 amps, skirting, two decks, and one ramp that is compliant with the American with Disabilities Act (ADA). The building will come with a full one year warranty and the life expectancy is twenty-five years.

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

Buyer: Roy Korthals

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

22-22A

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9176

Subject: Emergency Pumping Bypass Services at the 69th Street Wastewater Treatment Plant for the Public Works & Engineering Department
S12-E24089

Category #
4

Page 1 of 1

Agenda Item

23

FROM (Department or other point of origin):

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

Origination Date

November 02, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
G

For additional information contact:

David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve payment to Godwin Pumps of America, Inc. in the total amount of \$352,499.10 for emergency pumping bypass services at the 69th Street Wastewater Treatment Plant for the Public Works & Engineering Department.

Payment Amount: \$352,499.10

Finance Budget

\$352,499.10 - Water and Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve payment to Godwin Pumps of America, Inc. in the total amount of \$352,499.10 for emergency pumping bypass services at the 69th Street Wastewater Treatment Plant for the Public Works & Engineering Department.

On January 10, 2011, one of main sanitary sewer influent pumps failed at the 69th Street WWTP. The pump failure prevented the plant from meeting the required daily wastewater pumping capacity. The turnaround for the pump repair was estimated at 14-weeks, so bypass pumping services were needed immediately to prevent sanitary sewer overflows and to avoid complete failure of the sewer line which would have forced the shutdown of the wastewater treatment facility, posing an immediate health and safety hazard to City employees and citizens in the area. The Strategic Purchasing Division issued an emergency purchase order to address the emergency.

The scope of work required the contractor to provide all labor, materials, equipment, permits, insurance, bonds, supervision and transportation necessary to setup, operate and maintain the pumping bypass system until at least two of the three constant speed pumps were repaired and placed back into service.

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

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9164

Subject: Purchase of Construction Services to Provide an Air Conditioning System and Chiller Replacements from the State of Texas Procurement and Support Services Contract for the Public Works and Engineering Department S50-C24072E

Category #
4

Page 1 of 2

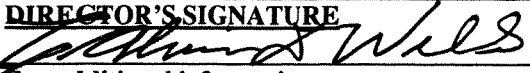
Agenda Item

24

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

Origination Date
October 10, 2011

Agenda Date
NOV 09 2011

DIRECTOR'S SIGNATURE


Council District(s) affected
D, F, I

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of construction services for an air conditioning system and chiller replacements in the amount of \$346,210.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$17,310.50 for a total amount not to exceed \$363,520.50 through the State of Texas Procurement and Support Services Contract for the Public Works and Engineering Department.

Awarded Amount: \$363,520.50

Finance Budget

\$363,520.50 - Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

Background:

The 25-ton split air conditioning system at the Department's Shop Training Center at 7400 Ardmore is not functional and not repairable. Currently, the Shop Training Center is being partially cooled with two window units that are inefficient and undersized for the area. The two 60-ton air cooled chillers that provide chilled water for the air conditioning system that cools the Department's Wastewater Operations Branch Headquarters building at 4545 Groveway are over 10-years-old and have been plagued with breakdowns over the past two years; therefore, they must be replaced. Finally, the 215-ton air cooled chiller that provides chilled water for the air conditioning system at the Department's Wastewater Operations Branch Laboratory facility at 10500 Bellaire Blvd is over 11-years-old and in poor condition, i.e. the compressors are burnt and the condenser coils are corroded. Therefore, it is essential that the chiller at the laboratory facility be replaced as soon as possible. It is essential that the temperature in the laboratory be maintained at an optimum level to insure the accuracy of the chemical analyses performed therein.

Recommendation:

The City Purchasing Agent recommends that City Council approve the purchase of construction services for chiller replacements in the amount of \$346,210.00 and contingencies (5% for unforeseen changes within the scope of work) in the amount of \$17,310.50 for a total amount not to exceed \$363,520.50 from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Public Works and Engineering Department and that authorization be given to issue purchase orders, as necessary, to the State contract vendor RDI Mechanical, Inc.

The scope of works requires the construction contractor to provide all materials, labor, equipment, supervision and transportation necessary to remove and properly dispose of one 25-ton split air conditioning system, two 60-ton air cooled chillers and one 215 ton air cooled chiller at 7400 Ardmore, 4545 Groveway and 10500 Bellaire Blvd, respectively. The contractor shall also be required to furnish and install one new 25-ton split air conditioning system, two new 60-ton air cooled chillers and one 225-ton air cooled chiller at 7400 Ardmore, 4545 Groveway and 10500 Bellaire Blvd, respectively. The new split air condition system

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

107

24 A

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|---------------------|---|--------------------------------|-------------|
| Date: 10/10/2011 | Subject: Purchase of Construction Services to Provide an Air Conditioning System and Chiller Replacements from the State of Texas Procurement and Support Services Contract for the Public Works and Engineering Department S50-C24072E | Originator's Initials AL | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

and chillers will replace units that are over ten years old and beyond economical repair. Materials and workmanship for this project are warranted for five years and the life expectancy is 20 years. The contractor shall have 120 calendar days to complete all work associated with and required, after receipt of the written notice to proceed.

Pay or Play Program:

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

Buyer: ArtLopez

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9182

Subject: Formal Bids Received for the Purchase of Submersible Pumps for the Public Works and Engineering Department
S50-N24048

Category #
4

Page 1 of 1

Agenda Item

25

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

Origination Date
October 10, 2011

Agenda Date
NOV 09 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
D

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Pump Solutions, Inc. on its low bid meeting specifications in the amount of \$84,892.00 for the purchase of submersible pumps for the Public Works and Engineering Department.

Awarded Amount: \$84,892.00

Finance Budget

\$84,892.00 - Combined Utility System General Purpose Fund (8305)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Pump Solutions, Inc. on its low bid meeting specifications in the amount of \$84,892.00 for submersible pumps for the Public Works and Engineering Department and that authorization be given to issue a purchase order. These submersible wet pit pumps will be installed at the Water Control Improvement District (WCID) #51, located at 4900 Gallagher, and used to pump wastewater from WCID #51 for subsequent transport to the Alameda Sims Wastewater Treatment Facility for processing.

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

| <u>COMPANY</u> | <u>TOTAL AMOUNT</u> |
|--------------------------------|---|
| 1. Coastal Pump Services, Inc. | \$69,420.00 (Did Not Meet Specifications) |
| 2. Pump Solutions, Inc. | \$84,892.00 |

This purchase consists of two 12-inch, 147-horsepower, 460-volt submersible wet pit pumps. The pumps will come with warranties of seven years on the motor and pump and ten years on the guide cable/guide rail system and the life expectancy is 10-15 years. These new pumps will replace existing 20-year-old units that are in poor operating condition and have exceeded their life expectancy. The old pumps will be stripped of salvageable parts, which will be placed in inventory and used to repair similar pumps in service at various locations within the City. The unusable components will be sent to the Property Disposal Management Office for disposition.

Buyer: Art Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MDT

25 19

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9186

Subject: Formal Bids Received to Furnish Pumps and Parts for the Public Works and Engineering Department
S45-N24040

Category #
4

Page 1 of 1

Agenda Item

26

FROM (Department or other point of origin):

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

Origination Date

October 13, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

1

For additional information contact:

David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Smith Pump Company, Inc. on its sole bid in an amount not to exceed \$669,761.00 to furnish pumps and parts for the Public Works and Engineering Department.

Award Amount: \$669,761.00

Finance Budget

\$ 76,361.00 - PWE-Water & Sewer System Operating Fund (8300)
\$593,400.00 - PWE-Combine Utility System General Purpuse Fund (8305)

\$669,761.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Smith Pump Company, Inc. on its sole bid in an amount not to exceed \$669,761.00 for dry pit sewage pumps and parts for the Public Works and Engineering Department, and that authorization be given to issue purchase orders. These pumps will be utilized to process wastewater that is delivered to the 69th Street Wastewater Treatment Plant and subsequent to treatment delivered to the receiving stream, Buffalo Bayou. The pump parts will be used to repair two 10-year-old units that are used to transfer waste from clarifiers to different areas of the 69th Street Wastewater Treatment Plant.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Eight prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Prior to issuing the solicitation, the Strategic Purchasing Division conducted a thorough search for contractors who could possibly provide these materials. As a result, seventy contractors were identified and notified of the Invitation to Bid (ITB). Subsequent to the receipt of the bid, prospective contractors were contacted to determine the reason for the limited response to the ITB. Potential respondents advised that they did not have the necessary experience or did not have the relationship to bid on the specified pumps and parts.

This purchase consists of six dry pit sewage pumps, four dry pit sewage pump rotating assemblies and various pump parts. These new pumps, rotating assemblies and parts will come with a full one-year warranty. The new pumps and rotating assemblies will replace 25-year-old units that are beyond economical repair. The pump parts will be used to repair two 10-year-old, 14-inch, 150-horsepower, vertical dry pit centrifugal pumps and will extend the life of the pumps approximately five-years. The old pumps will be stripped of salvageable parts, which will be placed in inventory and used to repair similar pumps in service at various locations within the City. The unusable components will be sent to the Property Disposal Management Office for disposition.

Attachment: MWBE zero percent goal document approved by the Mayor's Office of Business Opportunities.

Buyer: Sandy Yen
PR# 10127669, 10128711 and 10134366

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

M

26/12

Department Memorandum

To: Calvin D. Wells, Deputy Director
ARA Department/City Purchasing Agent

From: DAVID YEE, SENIOR BUYER
Public Work & Engineering Department,

Date: October 17, 2011

Subject: MWBE Participation Form

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

I am requesting a MWBE goal below 11% Yes No _____ 0%

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

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

Solicitation Number: N24108 Estimated Dollar Amount: \$313,540.00

Anticipated Advertisement Date: 10/21/11 Solicitation Due Date: 11/10/11

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

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

Name and Intent of this Solicitation: Dry Pit Centrifugal Wasting pumps

Rationale for requesting a Waiver or Revision:

The pumps are manufactured complete and drop shipped directly from the manufacturer to the City of Houston who have their own personnel to install and pipe the pumps therefore there is no opportunity for MWBE participation.

Concurrence:

Michael Brown (for Tony Henshaw)

Tony Henshaw, Manager
PWE Small Business Development Group

Robert Gallegos
Robert Gallegos, Assistant Director
*Office of Business Opportunity

PWE Department Representative

Jim Calvert 10/19/11
PWE Department Representative

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9141

Subject: Formal Bids Received for Beverage, Electrolyte Replenishment
for Various Departments
S40-S23968

Category #
4

Page 1 of 2

Agenda Item

27

FROM (Department or other point of origin):

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

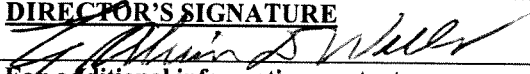
Origination Date

November 02, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE



Council District(s) affected

All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to A.C. Sales Co. on its low bid in an amount not to exceed \$233,856.16 for electrolyte replenishment beverages for various departments.

Estimated Spending Authority: \$233,856.16

Finance Budget

\$113,990.72 Water & Sewer System Operating Fund (8300)
\$ 83,164.64 General Fund (1000)
\$ 36,700.80 HAS - Revenue (8001)
\$233,856.16 TOTAL

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to A.C. Sales Co., on its low bid in an amount not to exceed \$233,856.16 for electrolyte replenishment beverages for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60 month period. This award consists of flavored dry powder mix to blend electrolyte replenishment beverages. These beverages will be used by the Houston Airport System, Public Works & Engineering, Solid Waste Management, Fire, Police and General Services Departments to help combat fatigue, replenish the bodies thermo-regulatory and energy requirements, and replace the bodies depleted supply of water, electrolytes and energy, in an effort to prevent and avoid the onset of circulatory shock, heat stress, and heat cramps associated with dehydration.

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

A.C. Sales Co.: Award on its low bid for Group 2, Items No. 1 and No. 2, electrolyte beverages, in an amount not to exceed \$233,856.16.

| <u>Company</u> | <u>Total Amount</u> |
|---------------------------|---------------------|
| 1. A.C. Sales Co. | \$233,856.16 |
| 2. CERA Products (Bid #2) | \$622,938.56 |
| 3. CERA Products (Bid #1) | \$642,595.20 |

- Due to the disparity between the bids, Strategic Purchasing spoke with a representative of AC Sales Co. to discuss and review the scope of work for this project. AC Sales Co. representative stated that its bid includes all costs associated with performing the work called for in the bid specifications. Based on the aforementioned, Strategic Purchasing and the affected Departments are confident that the recommended company can perform the specified work for the bid price.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date:
11/2/2011

Subject: Formal Bids Received for Beverage, Electrolyte
Replenishment for Various Departments
S40-S23968

Originator's
Initials
JM

Page 2 of 2

Group No. 1, Item Nos. 1 and 2 are not being awarded as these items were alternate products to those products listed in Group No. 2. In Group No. 2, Item 3 is not being awarded. Item No. 3 was an alternate size package option that was not cost effective.

M/WBE Subcontracting: The bid was issued with a 5% goal for M/WBE participation. AC Sales Co. has designated the below-named companies as its certified M/WBE subcontractors:

| <u>Name</u> | <u>Type of Service</u> | <u>Dollar Amount</u> | <u>Percentage</u> |
|----------------------------|---------------------------|----------------------|-------------------|
| Herman Packaging Co., Inc. | Packaging Supplies. | \$ 3,400.00 | 1.45 % |
| Lee Printing Company, Inc. | Printing Services, Labels | \$11,143.00 | 4.76% |
| | | | 6.21% |

Buyer: Jeff D. Meekins

ESTIMATED SPENDING AUTHORITY

| DEPARTMENT | FY 12 | OUT YEARS | TOTAL |
|----------------------------|--------------------|---------------------|---------------------|
| Public Works & Engineering | \$22,798.14 | \$ 91,192.58 | \$113,990.72 |
| Solid Waste Management | \$10,000.00 | \$ 42,200.00 | \$ 52,200.00 |
| Houston Airport System | \$ 6,700.80 | \$ 30,000.00 | \$ 36,700.80 |
| Houston Fire | \$ 3,967.84 | \$ 16,000.00 | \$ 19,967.84 |
| Houston Police | \$ 2,800.00 | \$ 7,187.60 | \$ 9,987.60 |
| General Services | \$ 109.20 | \$ 900.00 | \$ 1,009.20 |
| TOTAL | \$46,375.98 | \$187,480.18 | \$233,856.16 |

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

| | | | |
|--|-------------------|--------------------|-------------------------------|
| SUBJECT: Approve a third amended and restated ordinance authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G-1 and G-2, in an aggregate principal amount not to exceed a total of \$200 million (the "Ordinance"). | Category # | Page 1 of 1 | Agenda Item# 28 |
|--|-------------------|--------------------|-------------------------------|

| | | |
|---|--|---------------------------------------|
| FROM: (Department or other point of origin): Finance Department and Office of City Controller | Origination Date 11/2/2011 | Agenda Date NOV 09 2011 |
|---|--|---------------------------------------|

| | |
|--|---|
| DIRECTOR'S SIGNATURE:  | Council Districts affected: All |
|--|---|

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|---|---|
| For additional information contact: James Moncur Phone: 713-837-9615 Shawnell Holman Phone: 832-393-3513 | Date and identification of prior authorizing Council Action: |
|---|---|

RECOMMENDATION: (Summary) Approve ordinance authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G-1 and G-2, in an aggregate principal amount not to exceed a total of \$200 million, for the purpose of providing financing for certain authorized purposes; approving and authorizing certain authorized officials and designated employees to act on behalf of the City in the selling and delivery of such notes, within the limitations and procedures specific herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery, and security of such notes, including the approval of an issuing and paying agent agreement, one or more credit agreements, offering memorandum and one or more commercial paper dealer agreements.

| | |
|-------------------------------|------------------------|
| Amount of Funding: N/A | Finance Budget: |
|-------------------------------|------------------------|

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

SPECIFIC EXPLANATION:
Starting in 1993, City Council began authorizing commercial paper programs to provide appropriation capacity and "on time" funding for various capital expenditures of the City funded with proceeds of general obligation debt. The issuance of commercial paper has provided an expedient, cost-effective method of and providing interim financing. Commercial paper notes are later refinanced with fixed rate bonds with maturities matching the useful lives of the projects or equipment being financed.

The liquidity facility that supports the existing \$276 million Series G Commercial Paper Program is scheduled to expire on November 15, 2011. Due to volatile market conditions, this item is posted as an item that cannot be tagged. The Series G Commercial Paper Program supports the City's Capital Improvement Plan. The Ordinance splits the Series G Commercial Paper Program into two subseries to be designated as Series G-1 and Series G-2 and replaces the current Series G Commercial Paper Program with the liquidity providers described below. The aggregate amount of commercial paper capacity is \$200 million, which is a reduction of \$76 million such programs previous capacity.

G-1: Comerica Bank will provide liquidity for the Series G-1 program in the amount of \$75 million, plus interest. The liquidity facility will have a 2-year term, with a commitment fee of 45 basis points per annum based on the City's current long-term ratings. Ramirez & Co., Inc., Loop Capital Markets and Williams Capital are recommended as dealers.


G-2: Sumitomo Mitsui Banking Corporation will provide liquidity for the Series G-2 program in the amount of \$125 million, plus interest. The liquidity agreement will have a 3-year term, and the commitment fee will be 45 basis points per annum based on the City's current long-term ratings. Ramirez & Co., Inc., Loop Capital Markets, JP Morgan and Williams Capital are recommended as dealers.

U.S. Bank National Association is recommended as issuing/paying agent, along with Vinson & Elkins L.L.P. and the Law Offices of Francisco G. Medina as co-bond counsel, with respect to both new commercial paper programs.

Recommendation
The Finance Working Group ("FWG") recommends approval of this transaction.

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

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|--|--|--|---|-------------------------------|
| SUBJECT: Approve an ordinance that authorizes and approves the pricing certificate relating to City of Houston, Texas, Airport System Special Facilities Revenue and Refunding Bonds, Series 2011; Ratifying other actions and making certain findings with respect thereto. | | Category # | Page 1 of 1 | Agenda Item# 29 |
| FROM (Department or other point of origin): Department of Finance and Office of the City Controller | | Origination Date: 11/03/2011 | Agenda Date NOV 09 2011 | |
| DIRECTOR'S SIGNATURE:  | | Council District Affected: All | | |
| For additional information contact: James Moncur Shawnell Holman-Smith | | Phone: 832-393-1009 Phone: 832-393-3513 | Date and identification of prior authorizing Council action: | |
| RECOMMENDATION: (Summary) Approve an ordinance that authorizes and approves the pricing certificate relating to City of Houston, Texas, Airport System Special Facilities Revenue and Refunding Bonds, Series 2011; Ratifying other actions and making certain findings with respect thereto. | | | | |
| Amount of Funding: Not Applicable | | | Finance Budget: | |
| Source of Funding: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Other (Specify) <input checked="" type="checkbox"/> Enterprise Fund | | | | |
| <u>SPECIFIC EXPLANATION:</u> | | | | |
| <p>The City has previously approved the issuance of Houston Airport System Special Facilities Revenue and Refunding Bonds, Series 2011 (the "2011 Special Facility Bonds") on October 19th, 2011. These bonds will finance up to \$200 million relating to the redevelopment of the South Concourse of Terminal B used by Continental Airlines ("Continental") at George Bush Intercontinental Airport and, to the extent market conditions allow, refund a portion of certain outstanding Series 1997B special facility bonds.</p> <p>The sale of the Series 2011 Special Facility Bonds will occur on November 8, 2011, and will be consummated upon approval of this Ordinance by the City Council. As reflected in the attached memorandum, this item is posted as item that cannot be tagged. The details of the final pricing information will be distributed to Council Tuesday afternoon, November 8th.</p> <p>The 2011 Special Facility Bonds will not constitute an indebtedness of the City, nor will it be a general obligation of the City. No holder of any 2011 Special Facility Bonds shall have the right to demand payment of any funds raised or to be raised by taxation, and may not be repaid in any circumstances from tax revenues. In addition, the 2011 Special Facility Bonds shall not constitute obligations of the City's Airport System, nor will airport system revenues be pledged or made available to repay any of the Special Series 2011 Bonds.</p> <p>The 2011 Special Facility Bonds transaction was presented to Budget and Fiscal Affairs Committee on October 4, 2011.</p> | | | | |
| <u>Recommendation:</u> | | | | |
| The Finance Working Group recommends the approval of this item. | | | | |
| REQUIRED AUTHORIZATION | | | | |
| Finance Director: | | Other Authorization: | | Other Authorization: |




CITY OF HOUSTON

Finance Department

Interoffice

Correspondence

To: Council Members

From: Kelly Dowe, Director 
Finance Department

cc: Mayor Annise D. Parker

Date: October 18, 2011

Subject: City Council Agenda Item 12 - October
19,2011

The purpose of this memorandum is to provide additional information regarding the captioned agenda item and advise City Council of an additional agenda item relating to the Ordinance Approving City of Houston, Texas Airport System Special Facilities Revenue and Refunding Bonds (Continental Airlines, Inc. Terminal Improvements Projects), Series 2011 ("2011 Special Facility Bonds") scheduled to go before City Council on Wednesday, November 9, 2011.

Agenda Item 12 is an ordinance that will authorize the issuance and delivery of the 2011 Special Facility Bonds, authorize and approve the form of the (i) Second Amended and Restated Lease Agreement (which amends and replaces lease approved in Ordinance 2011-671), (ii) Second Amended and Restated Terminal Trust Indenture, (iii) the Purchase Agreement, (iv) Preliminary Official Statement and other related documents relating to the Series 2011 Special Facility Bonds. The 2011 Special Facility Bonds are solely secured by special facility lease payments of Continental Airlines; no City revenues are pledged to secure these bonds.

Should Council approve this agenda item, the City, in conjunction with the financing team, will sell the 2011 Special Facility Bonds on November 8, 2011. In order to confirm and approve the sale of such bonds, including the principal amounts and interest rates relating to thereto, relevant Texas law governing this transaction will require City Council to consider approval of an additional ordinance on November 9, 2011. Because there will be a pending bond purchase contract relating to the 2011 Special Facility Bonds between the City and the underwriters reflecting the final pricing information that would not be valid/honored for more than a week, the proposed item will be posted as "not taggable."

As provided in the RCA relating to this agenda item, the 2011 Special Facility Bonds will finance needed improvements for the Houston Airport System and support the local economy in various ways.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|----------------------------|
| SUBJECT: An Ordinance amending sections of Chapter 8 of the Code of Ordinances relating to the regulation of Automotive Towing | Page 1 of 2 | Agenda Item # 30 |
|---|-----------------------|----------------------------|

| | | |
|--|--------------------------|------------------------------------|
| FROM: (Department or other point of origin): Houston Police Department | Origination Date: | Agenda Date: NOV 09 2011 |
|--|--------------------------|------------------------------------|

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| DIRECTOR'S SIGNATURE: <i>C. A. McClelland, Jr.</i> Charles A. McClelland, Jr., Chief of Police | Council District affected: All |
|---|--|

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|--|---|
| For additional information contact: Joseph A. Fenninger, <i>JAF 11/3/11</i> CFO and Deputy Director Phone: 713-308-1770 | Date and identification of prior authorizing Council Action: |
|--|---|

RECOMMENDATION: (Summary) Approve an Ordinance amending sections of Chapter 8 of the Code of Ordinances related to Automotive Dealers and Auto Wreckers to conform to changes in state law, clarify existing language in the Code, and establish new regulations for nonconsent private property tows.

Amount and Source of Funding: Not applicable

SPECIFIC EXPLANATION:

Chapter 8 of the Code of Ordinances (the Code) regulates automotive businesses and auto wreckers in the City of Houston. The Houston Police Department recommends that City Council consider amendments to Sections 8-111, 8-117, 8-118, 8-123, 8-134, 8-141, 8-193, and 8-203 of the Code.

Chapter 2308 of the Texas Occupations Code gives municipalities the authority to require nonconsent tow companies to register their trucks with the local police department. Currently, the Auto Dealers Detail issues a registration medallion to all nonconsent wrecker companies except those that exclusively perform nonconsent private property towing. The proposed amendment to Section 8-111 would require all companies exclusively performing nonconsent private property tows in the city to register with the City and be charged an annual registration fee of \$100.

Changes to Section 8-117 would require all vehicles subject to nonconsent tows that originate in Houston be stored within the Houston city limits unless the vehicle owner authorizes the tow to go elsewhere. This proposed amendment also establishes a mileage fee that may be assessed to a vehicle owner who requests a tow of more than 20 miles. Fees for tows of more than 20 miles will be calculated by multiplying the miles in excess of 20 by an amount not greater than two percent (2%) of the applicable charge for the tow.

A proposed amendment to Section 8-118, would establish the maximum number of wreckers allowed on scenes that require a police officer when no law enforcement officer is present. The new language specifies that the number of wreckers allowed on scene is equal to the number vehicles involved plus two.

Revisions to 8-123 modify the process for conducting tow fee studies and designate the party responsible for requesting and paying for a fee study.

Language would be added to Section 8-134 and Section 8-135 that allows the automotive board to hear wrecker driver license appeals denied by HPD.

REQUIRED AUTHORIZATION

| | | |
|------------------------|---|-----------------------------|
| Finance Budget: | Other Authorization: <i>[Signature]</i> 11/3/11 | Other Authorization: |
|------------------------|---|-----------------------------|

| | | | |
|-------------|---|----------------------------------|------------------------|
| Date | An Ordinance amending sections of Chapter 8 of the Code of Ordinances relating to the Regulation of Automotive Towing | Originator's Initials | Page 2 of 2 |
|-------------|---|----------------------------------|------------------------|

Section 8-141 would be revised to reflect the appropriate state code and licensing agency governing wreckers and private storage lots.

Language in Section 8-193 would eliminate the previous maximum daily storage fee of \$15.00 and changes it to an amount not to exceed the applicable daily storage fee established by the Texas Occupations Code.

Quarterly reporting requirements delineated in 8-203 for authorized private storage lots would be eliminated by the proposed amendments.

Section 1-9 will also be modified to correct a reference to article III of Chapter 8.

Sec. 1-9. Procedures for denial, suspension or revocation of licenses and permits—Generally.

(f) Proceedings relating to licenses and permits issued under article III of chapter 8 of this Code shall additionally be governed by the procedures established therein in division 4 thereof. To the extent of any conflict, the provisions of chapter 8 shall control over this section.

Sec. 8-111. State and local registration.

(a) Auto wreckers shall be registered as tow trucks under applicable provisions of state and local law, including, without limitation, Chapter 2308 643 of the Texas Occupations Transportation Code and this chapter.

(b) Any tow truck that performs a nonconsent tow on private property in the city must be registered with the police department, regardless of whether the owner of the tow truck has a place of business in the city. A registrant may apply to the police department for registration of a tow truck by i) submitting a completed application on a form promulgated by the police chief; ii) paying a fee of \$100.00 per tow truck to the police department; iii) providing verification that the tow truck is equipped to tow light-duty or heavy-duty motor vehicles according to the manufacturer's guidelines; and (iv) providing proof of insurance that meets the requirements of section 86.400 of title 16 of the Texas Administrative Code.

(c) Upon receipt of an application, the police department will inspect the tow truck to determine compliance with the requirements of this section and, if found in compliance, shall issue proof of registration to the applicant.

(d) As a condition of maintaining registration in good standing, the registrant must meet the signage, safety equipment and safety clothing and identification requirements of sections 86.701, 86.1000 and 86.1001 of title 16 of the Texas Administrative Code and must carry and openly display the appropriate city proof of registration on the registrant's tow trucks.

(e) The registration for each tow truck registered under this section shall be annually renewed by payment of an annual fee of \$100.00 per tow truck to the police department, which shall verify that the tow truck is still in compliance with this section.

Sec. 8-117. Nonconsent tow regulations.

(a) A person that performs a nonconsent tow in the city may not operate or permit another person to operate a tow truck on a public roadway in the city unless the person has registered with the police department under this subchapter.

(b) A private storage lot owned or used by a towing company to store a motor vehicle subject to a nonconsent tow must be located within the city limits.

(c) A towing company that performs a nonconsent tow of a motor vehicle:

(1) Shall immediately tow the motor vehicle to a private storage lot located within the city limits; and

(2) May not unload the towed motor vehicle at a place other than the private storage lot.

(d) Notwithstanding the foregoing, a towing company that performs a nonconsent tow of a motor vehicle may unload a motor vehicle at a place other than its private storage lot only:

(1) If safety reasons or mechanical breakdown require the transfer of the motor vehicle to another tow truck;

(2) To transfer the motor vehicle to another tow truck, within 100 feet of the private property, if the original tow truck is the company's only available truck that is capable of entering the property and removing a motor vehicle, and the original truck is needed immediately for additional towing; or

(3) The towing company agrees to take the motor vehicle to a location designated by the vehicle owner, provided that, in the event of a police-authorized tow, if the motor vehicle is unloaded at a location that is more than twenty miles from the site of the tow, the vehicle owner shall pay the towing company a mileage fee, in addition to the service charge for the tow established pursuant to section 8-123. A mileage fee assessed under this subsection shall be calculated by multiplying the number of miles in excess of twenty miles by an amount that is not greater than two percent of the applicable service charge for the tow.

(e) A towing company that transfers a motor vehicle to another tow truck pursuant to subsection (d)(1) or (d)(2) may not charge an additional fee for the transfer.

(f) Once a law enforcement officer has authorized a tow under this section, the wrecker slip has been signed and the services commenced, the services shall remain nonconsent towing services under the auspices of the authorizing agency and may not be changed to a consent tow.

Sec. 8-118. Parking at police scenes.

Whenever a person operating an auto wrecker or other vehicle arrives at a police scene, the driver shall park his vehicle as close to the street curb as possible and in such a manner as not to interfere with traffic. He shall not park his vehicle within a distance of 100 feet from a wrecked or stalled vehicle. It is a defense to prosecution under this section that the vehicle is operated by a law enforcement officer or is parked as directed by a law enforcement officer at the scene. No wrecker driver shall stop or park or allow his auto wrecker to remain stopped or parked at a police scene if the number of auto wreckers already present at the scene equals the number of wrecked or stalled vehicles; provided, that no more than two additional auto wreckers may remain at a police scene when (i) no law enforcement officer is present and (ii) ~~the additional auto wrecker(s) have been authorized by a law enforcement officer to provide a warning of the police scene to oncoming traffic.~~ It is an affirmative defense to prosecution that a law enforcement officer was present and in control of the police scene at the time that the wrecker driver arrived and had called the wrecker driver to the police scene or had asked the wrecker driver to cause his auto wrecker to remain at the scene.

Sec. 8-123. Towing charges.

(a) For purposes of this section, a vehicle is towed "without the consent of the vehicle owner" whenever the vehicle is towed as a nonconsent tow as defined in section 8-101 of this chapter, is a wrecked vehicle on a freeway, regardless of location, a stalled vehicle in a moving lane on a freeway, or a tow directed by a law enforcement officer; provided that this phrase shall not include a tow performed by a tow operator described in section 8-103(c)(3) of this Code.

(b) Whenever a vehicle is towed without consent of the vehicle owner, the service charge for a tow not requiring the use of a heavy-duty wrecker shall not exceed the amount established pursuant to subsection (d). This charge shall be applicable whether the vehicle is to be towed from public or private property.

(c) Whenever a vehicle is towed without consent of the vehicle owner, and the use of a heavy-duty wrecker is required due to the size or condition of

the motor vehicle, the fee for the tow shall be no more than the amount per hour established pursuant to subsection (d) with a minimum charge of two hours to be assessed without regard to the actual time expended. The hourly rate shall be determined by starting the time charges when the heavy-duty wrecker leaves to report to the police scene and shall be stopped when the actual towing job is completed. The time going to the police scene may be included in the charges, but the time used to return shall not be included in the charges. The hourly rate established pursuant to subsection (d) does not apply to recovery services, a fee for which may also be reasonably imposed.

The law enforcement officer in charge of a police scene shall have authority to summon a heavy-duty wrecker when in his opinion such equipment is required. The vehicle owner of the vehicle whose car is serviced by a heavy-duty wrecker called by the investigating officer shall be responsible for any and all charges that result from such heavy-duty wrecker service.

(d) The rates referred to in subsections (b) and (c), above, shall be established in accordance with the following process:

- (1) ~~A rate review for auto wreckers, including heavy-duty wreckers, may shall be initiated by request of any tow operator that performs nonconsent tows in the city. Any such request must be made in writing to the director of administrative and regulatory affairs. Upon receipt of a request for a rate review, the director shall prepare an estimate of the administrative cost of the rate review, and if the tow operator determines to proceed with the rate review, the tow operator shall submit a cashier's check to the director in an amount equal to the estimated administrative cost the director of administration and regulatory affairs during calendar years ending with the digits three or eight. The rate review shall be conducted in accordance with procedures established for that purpose by the director. Without limitation, the director may select a representative group of auto wrecker owners and request that they provide verified financial data and vehicle-operating data regarding their operating costs and return on investment for use as a basis in conducting the review. Following receipt and review of the required data, the director shall make a recommendation to city council whether any rate change is justified, and, if so, the amount of the recommended increase or decrease. If a rate change is recommended to the city council, then the city council or a committee of city council shall conduct a hearing before adopting any increase or decrease. The increase or decrease may be adopted by motion and shall be effective on the first day of the next calendar year.~~
- (2) ~~During any calendar year other than a calendar year ending with the digits three, four, eight, or nine, any tow operator that performs~~

~~nonconsent tows within the city may request a rate study, which shall be performed in the same manner provided in item (1) above. Any such request must be made in writing to the director and accompanied by a nonrefundable fee of \$5,000.00 in the form of a cashier's check payable to the city to defray the cost of the study. If the study indicates that a rate increase is justified, then the director shall submit his recommendation to the city council. The provisions of this item shall not be applicable if a rate study has been performed within the preceding period of 12 months.~~

- (3) Except for years in which a rate adjustment adopted by city council under item (1) ~~or (2)~~ will take effect, the director shall adjust the rates effective January 1 of each year, based upon a weighted blend of the following indices with one-half attributed to the percentage increase or decrease in the Consumer Price Index, All Urban Consumers, All Items, United States average, and one-sixth each attributed to the percentage increase or decrease in:
- a. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Motor Vehicle Maintenance & Repair;
 - b. Consumer Price Index, All Urban Customers (CPI-U), U.S. City Average, Vehicle Insurance; and
 - c. Consumer Price Index, All Urban Customers (CPI-U), Houston-Galveston-Brazoria Average, Gasoline;

all as published by the U. S. Department of Labor. The adjustment shall be based upon the most current data available on November 15, shall be rounded to the nearest increment of \$0.50 cents and shall be effective on the following January 1. Notice of the adjusted rates shall be published one time in a daily newspaper of general circulation within the city and filed in the city secretary's office on or about December 1. The director may establish and promulgate regulations relating to the adjustment process.

(e) ~~When~~ in any case where a vehicle is received by ~~released from~~ a storage lot and fees are collected ~~from the vehicle owner~~, an additional \$20.00 fee shall be collected and remitted to the police department to defray the costs of enforcement of complaints related to police private storage lot agreements and other costs associated with the towing of a vehicle without the consent of the vehicle owner. The time and method of remittance of the additional \$20.00 fee prescribed in this subsection shall be established by the police department so as to make the transfer of funds as close to the date and time of the release of the vehicle from the storage as is practical or possible. The time and method of remittance may include the electronic transfer of funds at the time of the release

of the vehicle or at a later time as specified by the police department. This subsection does not apply to a vehicle submitted for auction.

(f) If the vehicle owner is present when ~~at or comes upon the scene~~ where an auto wrecker is attempting to tow a vehicle, and the vehicle owner does not desire the vehicle to be towed, no charge shall be made, and the vehicle owner shall be allowed to take possession of the vehicle if the vehicle has not been hooked up by the auto wrecker. If the motor vehicle has been lawfully hooked up to the auto wrecker, but not towed from the scene, the vehicle shall be released to the vehicle owner upon payment of one-half the regular auto wrecker fee. This section shall not apply where the vehicle owner is unable to remove the vehicle from the scene immediately if the vehicle were released to the vehicle owner.

(g) The towing of a vehicle and a trailer being towed by the vehicle shall constitute two separate tows and shall require the removal of both the vehicle and the trailer to the same licensed storage facility, unless otherwise authorized by a law enforcement officer.

Sec. 8-134. Issuance; denial; hearing.

(a) The police chief or his designee shall approve an application and issue the wrecker driver license after payment of the application fee and completion of the investigation of the criminal and driving record of the applicant, unless:

- (1) The information provided in the application is materially false or incorrect or the applicant has failed in any material way to comply with this article;
- (2) The applicant has had a wrecker driver license revoked during the preceding one year period; or
- (3) The applicant is not in compliance with the criminal history provisions of section 1-10 of this Code.

(b) In the event that an application is proposed for denial, the police chief or his designee shall promptly inform the applicant in writing of the reasons for the proposed denial and of the applicant's right to a hearing before the automotive board ~~a hearing officer designated by the police chief~~ regarding the proposed denial. The notice shall be sent by United States certified mail, return receipt requested, to the applicant's address set out in the application.

(c) The applicant may perfect his appeal of the proposed denial by a letter addressed to the chairman of the automotive board ~~police chief~~ and delivered to the chairman of the automotive board ~~police chief or his designee~~ within 15 days after the date that notice of the proposed denial of the application is placed in the United States mail. The letter of appeal must state that an appeal from the decision of the police chief or his designee is desired. The appeal process shall be conducted in accordance with rules promulgated by the automotive board ~~police chief~~ for that purpose. If the proposed denial is based in whole or in part upon section 1-10 of this Code, then the notice and hearing procedures shall also include any requirements to comply with section 1-9 of this Code and applicable state laws. The determination of the automotive board ~~hearing officer~~ with respect to the application shall be final, unless otherwise provided by law.

Sec. 8-135. Standards for review.

(a) An applicant whose application for a wrecker driver license has been proposed for denial pursuant to item (3) of subsection (a) of section 8-134 of this Code may qualify for a wrecker driver license only if the automotive board a ~~hearing examiner~~ determines that the applicant is presently fit to engage in the occupation of a wrecker driver. The standards for review that the automotive board ~~hearing examiner~~ shall use in determining the applicant's fitness shall be:

- (1) The extent and nature of the applicant's past criminal activity;
- (2) The age of the applicant at the time of the commission of the crime;
- (3) The amount of time that has elapsed since the applicant's last criminal activity;
- (4) The conduct and work activity of the applicant prior to and following the criminal activity;
- (5) Evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) Other evidence of the applicant's fitness, including letters of recommendation from:
 - a. Prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant;

- b. The sheriff and chief of police in the community where the applicant resides; and
- c. Any other person in contact with the applicant.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the automotive board ~~hearing examiner~~ the recommendations of the prosecution, law enforcement, and correctional authorities as required by item (6) of subsection (a) of this section.

Sec. 8-141. Application; affirmative defense.

(a) Any person who is not required to obtain a license under the Vehicle Storage Facility Act (including, without limitation, a person licensed under the Texas Motor Vehicle Commission Code (~~article 4413(36), Texas Revised Civil Statutes chapter 2301, Texas Occupations Code~~) that desires to operate a private storage lot within the city shall obtain an authorization under this division.

(b) It is an affirmative defense to prosecution of any offense specified in this division 3, except those offenses enumerated in section 8-193, that the actor was required to hold a license from the Texas Department of Licensing and Regulation ~~Transportation~~ pursuant to the Vehicle Storage Facility Act and was acting within the scope of authority granted pursuant to a license issued thereunder.

(c) In addition to the daily storage fees authorized under subsection (b), a private storage lot may impose notification and other fees not exceeding those specified in the Vehicle Storage Facility Act.

(d) Each fee charged by a private storage lot for towing, storage, or any other service that is regulated under this article shall be separately itemized and noted on the records of the storage lot and on a receipt which shall be given the vehicle owner. The receipt shall also include the printed name and signature of the storage lot operator or employee who conducted the release transaction. The receipt shall also state a police department telephone number for auto wrecker/storage lot information to be provided by the police chief. No fees, except those specifically authorized by section 8-123 of this Code and by this section, may be charged for services that are regulated under this article without consent of the vehicle owner, except a private storage lot may collect any applicable sales tax that is required to be collected pursuant to law in addition to the maximum charges permitted by this chapter. It shall be unlawful for any person to impose any sales tax on any fee authorized by this chapter unless the sales tax is imposed by state law for the services subject to the fee, and further it

shall be unlawful to collect any amounts as sales tax in excess of the amount imposed by law.

Sec. 8-193. Fees.

(a) The provisions of this section are applicable to services regulated under this article for nonconsent tows. It shall be the duty of each private storage lot owner and operator whether operating under a state Vehicle Storage Facility Act license or a city authorization to comply with this section and to ensure that all agents or employees of the private storage lot comply with this section.

(b) A ~~maximum~~ daily storage fee of ~~\$15.00~~ may be imposed for each day or part of a day that a vehicle remains stored in an amount not to exceed the applicable daily storage fee established in section 2303.155(b)(3), Texas Occupations Code. The time shall be computed as provided in section ~~14(c) of the Vehicle Storage Facility Act~~ 2303.155(d), Texas Occupations Code. ~~The above fee shall not apply to the storage of vehicles that are longer than 25 feet, which shall instead be subject to the fee provided for such vehicles in section 14(c) of the Vehicles Storage Facility Act.~~

(c) In addition to the daily storage fees authorized under subsection (b), a private storage lot may impose notification and other fees not exceeding those specified in the Vehicle Storage Facility Act.

(d) Each fee charged by a private storage lot for towing, storage, or any other service that is regulated under this article shall be separately itemized and noted on the records of the storage lot and on a receipt which shall be given the vehicle owner. The receipt shall also include the printed name and signature of the storage lot operator or employee who conducted the release transaction. The receipt shall also state a police department telephone number for auto wrecker/storage lot information to be provided by the police chief. No fees, except those specifically authorized by section 8-123 of this Code and by this section, may be charged for services that are regulated under this article without consent of the vehicle owner, except a private storage lot may collect any applicable sales tax that is required to be collected pursuant to law in addition to the maximum charges permitted by this chapter. It shall be unlawful for any person to impose any sales tax on any fee authorized by this chapter unless the sales tax is imposed by state law for the services subject to the fee, and further it shall be unlawful to collect any amounts as sales tax in excess of the amount imposed by law.

Sec. 8-203. Quarterly reports.

~~(a) It shall be the duty of each person who holds an authorization to operate a private storage lot under this article to furnish to the director of administration and regulatory affairs, on forms provided by the director, a quarterly report summary for each private storage lot disclosing full information on operations for each calendar year quarter. The data furnished shall include data on reasonably incurred expenditures, including salaries, administrative costs, accounting and legal fees, insurance, licenses, taxes, utilities, maintenance, depreciation and any other information reasonably required and requested by the director in order to accurately determine private storage lot operating costs. Such reports shall be delivered on or before the twentieth day of May, August, November and February of each year, and shall cover operations for the preceding calendar quarter. Such report shall be sworn to before a notary public.~~

~~(b) It shall be unlawful for any operator of a private storage lot to fail to keep records supporting the quarterly reports for two years following the date of their entry or creation.~~

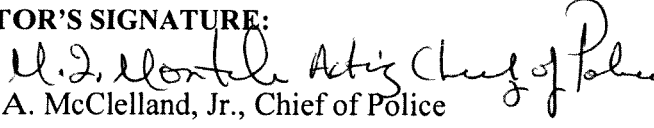
~~(c) The failure to keep such records or to timely file any quarterly report shall be punishable by a fine of not less than \$100.00 nor more than \$500.00. Each day that any offense continues shall constitute a separate offense. To the extent that any violation of this section also constitutes an offense under state law, the offense shall be punishable as provided by the applicable state law.~~


TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|----------------------------|
| SUBJECT: An Ordinance amending sections of Chapter 8 and Section 28-34 of the Code of Ordinances relating to the regulation of Automotive Businesses | Page 1 of 2 | Agenda Item # 31 |
|---|-----------------------|----------------------------|

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| FROM: (Department or other point of origin): Houston Police Department | Origination Date: | Agenda Date: NOV 09 2011 |
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| DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police | Council District affected: All |
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|---|---|
| For additional information contact: Joseph A. Fenninger,  11/3/11 CFO and Deputy Director Phone: 713-308-1770 | Date and identification of prior authorizing Council Action: |
|---|---|

RECOMMENDATION: (Summary) Approve an Ordinance amending sections of Chapter 8 and Section 28-34 of the Code of Ordinances related to Automotive Dealers and Auto Wreckers to conform to changes in state law, clarify existing language in the Code and establish license requirements and fee limits for automotive businesses.

Amount and Source of Funding: Not applicable

SPECIFIC EXPLANATION:

Chapter 8 and Section 28-34 of the Code of Ordinances (the Code) regulate automotive businesses, auto wreckers, and storage lot facilities in the City of Houston. The Houston Police Department recommends that City Council consider the following amendments to Chapter 8 and Section 28-34 to conform to changes in state law, clarify existing language in the Code and establish license requirements and fee limits for automotive businesses.

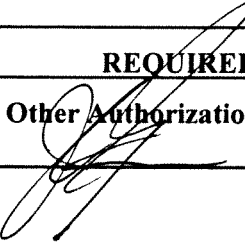
Chapter 2303 (Vehicle Storage Facilities) of the Texas Occupations Code has replaced Article 6687-9A of the Texas Revised Civil Statutes. In addition, state law has redefined the businesses formerly known as "automotive wrecking and salvage yards" to "automotive recyclers" and "automotive rebuilders." As a result, the proposed amendments are necessary to conform to changes in state law and include changes to the following sections:

Section 8-16. – Definitions; Section 8-17. – Automotive Board; Section 8-22. – Purchase or sale of vehicles, parts, etc., when identification marks are removed, changed, etc.; Section 8-26. – Other required records; Section 8-30. – Automobile Wrecking and salvage yards, automotive repair facilities; Section 8-31. – Penalty; Section 8-32. – Administrative fees and teardown fees; Section 8-58. – Fees; Section 8-61. – Display; Section 8-91. – Purpose, relationship to other provisions; and Section 28-34. – Location of automobile storage lots, automobile wrecking and salvage yards and lots used for open storage by metal recyclers/secondhand metal dealers.

Changes to the Code

The proposed definition of an "automotive repair facility" in Section 8-16 clarifies that an automotive repair facility does not include a fleet repair operation, hobbyist, educational repair facility or any repair not made in exchange for compensation. In addition, the proposed amendment to Section 8-16 includes new definitions entitled "collision repair facility, mechanical repair facility," and "used automotive parts recycler" which are intended to clarify the applicability of the requirements of Section 8-22, which will be re-titled "Automotive repair facility display and recordkeeping requirements" and changed to reflect the new requirements for these facilities.

REQUIRED AUTHORIZATION

| | | |
|------------------------|--|-----------------------------|
| Finance Budget: | Other Authorization:  11/3/11 | Other Authorization: |
|------------------------|--|-----------------------------|

| | | | |
|-------------|---|------------------------------|--------------------|
| Date | An Ordinance amending sections of Chapter 8 and Section 28-34 of the Code of Ordinances relating to Automotive Businesses | Originator's Initials | Page 2 of 2 |
|-------------|---|------------------------------|--------------------|

Section 8-16 would be amended to clarify that the Consent Storage Facility License is for businesses which do not have to be licensees pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code). This language is also changed in Section 8-91.

Changes to Section 8-17 would designate one position to represent collision repair facilities and add two new positions to represent mechanical repair facilities and the insurance industry for the purpose of including more stakeholders on the board.

Section 8-31 would clarify that failure to obtain a license is not a defense for failure to abide by the requirements established for businesses regulated by Chapter 8 of the Code, thereby extending the penalties to unlicensed businesses as well.

The proposed amendment to Section 8-22 would require the automotive repair facilities to give the vehicle owner copies of any documents that require their signature and require that the owner sign a repair estimate before any repairs are made to the vehicle so that the owner is aware of the costs associated with the repairs. It would also establish requirements for proper signage in the common service areas of business premises and require certain information to be provided on invoices. The business would be required to maintain records for a minimum of two years. Additionally, language would be included which describes a criminal penalty for violating certain provisions relating to the invoice; such as failure to make or assess any cost to the public without being authorized in writing; tampering with the contract, estimate or invoice; and causing a vehicle owner to sign any estimate that does not itemize the repairs.

Proposed changes to Section 8-26 would update the language in the Code to accurately reflect the language used in state law, allow for the use of electronic record keeping systems in addition to written records, and establish procedures for the purchase or sale of vehicles or parts when the identification marks are removed or altered.

Section 8-32 is a newly created section and would establish limits for business owners who charge administrative fees and guidelines for teardown fees. This section requires any person alleging a violation of this section to file a sworn complaint in municipal court.

Section 8-58 would be changed to comply with new definitions and creates the category of used automotive parts recycler with corresponding license fees and makes it unlawful for any automotive business operating under the Code to operate without first obtaining a license.

Section 8-61 would require an automotive repair facility to display its license on its building, sign, advertisements, work order authorizations, repair estimates, and final invoice forms. This proposed amendment also requires the city to maintain a list of all licensed automotive repair facilities on its website.

Section 8-92 will be amended to allow body shops with storage privileges that were located on a major thoroughfare at the time of licensing to continue to operate at the same location even if the major thoroughfare is subsequently downgraded to a lower classification.

Section 28-34 includes the changes to terminology prescribed by state law for used automotive parts recyclers or lots used for open storage by automobile rebuilders. The section prohibits operating these businesses within 300 feet of an existing church, school, or residence.

Sec. 8-16. Definitions.

The following words, ~~terms and phrases, when used in this article,~~ shall have the meanings below ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized agent. An insurance company or other agent acting on behalf of a vehicle owner with respect to authorization of repairs.

* * *

~~*Automotive rebuilders.* Any person who, primarily or incidentally, wholly or part time, engages in, conducts, or carries on the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise dealing with the public in or operating as a public dealer in used, or secondhand or salvage titled motor vehicles or trailers for the purpose by the method or plan of rebuilding or dismantling of wrecked or salvage titled motor vehicles or trailers or of dismantling, wrecking, disassembling and selling the dismantled wrecks or the disassembled parts or accessories thereof to the public.~~

~~*Automotive repair facility.* Any person who engages in, conducts or carries on the public business of repairing motor vehicles or motor vehicle trailers, or both. This term includes a mobile automotive repair business.~~ *Automotive repair facility.* Any person who engages in, conducts or carries on the public business of repairing motor vehicles or motor vehicle trailers, or both, including a mobile automotive repair business and a dealer in motor vehicles that repairs motor vehicles or trailers; provided, however, that this term does not include i) a fleet repair operation that exclusively services fleet-owned vehicles, ii) a hobbyist who engages in automotive repair solely for the purpose of recreation or education and not for any commercial purpose, iii) an educational repair facility that does not provide repairs or services to the general public, or iv) any repair not made in exchange for compensation.

* * *

Collision repair facility. Any automotive repair facility that is engaged in the public business of repairing or replacing the nonmechanical exterior or interior body parts of a damaged motor vehicle.

* * *

Consent Automotive storage lot facility operator. Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, ~~or and~~ repossessed motor vehicles; provided however that this term ~~does shall~~ not include those who store new motor vehicles pending the retail sales thereof nor those who own or operate lots or garages for the hourly or daily parking of motor vehicles. The term also ~~does shall~~ not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code article 6687-9a, Texas Revised Civil Statutes), unless the facility—~~in addition to keeping vehicles parked or stored without the owners' consent, as authorized by a license granted thereunder—~~keeps vehicles parked or stored with the owners' consent.

* * *

Dealer in motor vehicles. Any person who, ~~publicly engages in, conducts, or carries on the~~ public business of buying, selling, offering for sale to the public, consigning to be sold to the public, trading or otherwise dealing in motor vehicles or motor vehicle trailers, or both; provided, however, that this term does not include a person who repairs or stores disabled, wrecked or salvage titled motor vehicles, with and to the public.

* * *

Mechanical repair facility. Any automotive repair facility that is engaged in the public business of making mechanical-related repairs to motor vehicles or motor vehicle trailers, or both.

* * *

Used automotive parts recycler. Any person who engages in the public business of keeping or storing discarded, abandoned, junked, wrecked, worn out, salvage titled or otherwise disabled motor vehicles, including but not limited to cars, trucks, tractor trailers and buses, for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking those motor vehicles to extract therefrom parts, components or accessories for sale, for export or for use in an automotive repair or rebuilding business.

Sec. 8-17. Automotive board.

(a) There is hereby created an automotive board consisting of thirteen 44 members appointed by the mayor and confirmed by the city council. The mayor shall

designate the member to be chairman. Each of the thirteen ~~eleven~~ positions shall be numbered and filled as follows:

- (1) Position number one shall be filled by a new car dealer.
- (2) Position number two shall be filled by a used car dealer.
- (3) Position number three shall be filled by a wholesale parts and accessories dealer.
- (4) Position number four shall be filled by a new and used automobile retail parts dealer.
- (5) Position number five shall be filled by a service station or gasoline station operator.
- (6) Position number six shall be filled by a person who owns and operates a vehicle storage lot.
- (7) Position number seven shall be filled by a person who is not related within the first or second degree by consanguinity or affinity to any person who holds any interest in or is employed by any automotive business of a type that is subject to regulation under this chapter and is situated in the county.
- (8) Position number eight shall be filled by a person who owns and operates a collision repair facility ~~an automotive repair facility~~.
- (9) Position number nine shall be filled by a person who owns and operates a used automotive parts recycler or an automotive rebuilder ~~an automobile wrecking and salvage yard~~.
- (10) Position number ten shall be filled by a person who owns and operates a mechanical repair facility.
- (11) Position number eleven shall be filled by a person who is employed by the insurance industry.
- (12) ~~10~~ Position number twelve ~~ten~~ shall be filled by a member of the legal department of the city designated by the city attorney, who shall be an ex officio member only.

(1344) Position number thirteen 44 shall be the chief of police or a his duly authorized representative from ~~assigned to~~ the automobile dealers detail, who shall serve as secretary of the automotive board and shall be an ex officio member only.

(b) Appointments to positions created hereunder shall be made on or before January second of each year and shall take effect on that date. Each member of the board shall serve for a term of one year and until his successor has been appointed and qualified. Any appointed member of the board shall be subject to discharge and removal from his position on the board at any time by the mayor.

(c) Each member of the automotive board shall receive \$25.00 per diem for his services while attending meetings of the automotive board, and each member of the board who is employed by the city shall receive the same compensation as other members of the board for attending those meetings not held during, or which continue beyond, his regular working hours. To the extent permitted by law, per diem payments to the board members shall be made out of the auto dealers' fund.

(d) Six Five members of the automotive board (excluding ex officio members) present at any meeting shall constitute a quorum for the transaction of all business of the board, and a majority vote of those members of the board present at any meeting shall prevail. The board shall hold not less than one nor more than three regular meetings each calendar month, provided that additional meetings may be conducted if required in order to meet deadlines imposed by law or by any contract to which the city is a party.

(e) No entity that is subject to regulation under this chapter, including a parent, affiliate, partner or subsidiary thereof, shall be permitted to have more than one representative on the board at any given time. For purposes of this subsection, "representative" includes an owner, officer, employee or other representative.

**Sec. 8-22. Automotive repair facility display and recordkeeping requirements
Purchase or sale of vehicles, parts, etc., when identification marks
are removed, changed, etc.**

(a) An automotive repair facility shall prominently display and have available for inspection the following documentation, as applicable, in the areas of its business premises that are accessible to the public:

(1) A valid and current automotive repair facility license;

- (2) A valid certificate of occupancy;
- (3) A work order authorization or repair estimate form;
- (4) All storage costs;
- (5) The maximum labor rates for any repair for which the facility charges an hourly rate;
- (6) A storage lot license;
- (7) A certificate of garagekeepers and liability insurance with a policy limit of not less than \$300,000.00;
- (8) A Texas sales tax permit; and
- (9) A certificate of registration, if the automotive repair facility is a collision repair facility.

(b) If a vehicle owner or authorized agent authorizes an automotive repair facility to perform repair work on a motor vehicle, the automotive repair facility shall maintain a record of the work order authorization, repair estimate or final invoice associated with that repair work for two years following the later of the date the work order authorization or repair estimate is provided to the vehicle owner or authorized agent or the date the final invoice is provided to the vehicle owner or authorized agent.

(c) If the repair work performed on a motor vehicle will exceed \$100.00, exclusive of any fee paid to another entity not owned by or affiliated with the automotive repair facility in connection with the towing of a motor vehicle, the automotive repair facility shall obtain the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof on a work order authorization or repair estimate prior to initiating any repair on the motor vehicle.

(d) A work order authorization, repair estimate or final invoice, and attachments thereto, prepared pursuant to this section shall contain the following information:

- (1) The name, address, telephone number and automotive repair license number of the automotive repair facility;
- (2) The name, address and telephone number of the vehicle owner and of any authorized agent identified by the vehicle owner;

- (3) If more than 20% of the repair work has been subcontracted to be performed off-premises, information regarding the specific repair work performed by the subcontractor and the name, address and telephone number of the person who performed the work;
 - (4) The date of the work order authorization, repair estimate or final invoice;
 - (5) The year, make, model, odometer reading (if a reading can be obtained), license plate number and vehicle identification number of the motor vehicle;
 - (6) The estimated number of days to complete authorized repairs, if the repairs are for collision-related damage;
 - (7) A description of the vehicle owner's or authorized agent's request for repairs to or concerns about the motor vehicle;
 - (8) The estimated labor charges based on a flat rate, an hourly rate, or a combination of the two;
 - (9) An itemized estimate of the total repair costs, including administrative fees or teardown fees, if any;
 - (10) The estimated charges for shop supplies or for hazardous or other waste removal;
 - (11) The charges for daily storage of the motor vehicle, as applicable;
 - (12) The terms of any parts or service warranties, including, when applicable, any term requiring a part to be returned to the manufacturer or supplier; and
 - (13) A space for an initialed notation indicating that the vehicle owner requests the return of replaced parts. Unless otherwise provided by law or by the terms of a warranty, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner within a period of time not to exceed three business days from the date that repair of the motor vehicle has begun.
- (e) If the cost of repairs exceeds the amount of a work order authorization or repair estimate authorized by the vehicle owner or authorized agent pursuant to subsection (c) by the greater of \$100.00 or ten percent of the amount of the work order

authorization or repair estimate, then prior to completing the repairs, the automotive repair facility shall obtain written approval (which may be in electronic or facsimile form) from the vehicle owner or an authorized agent.

(f) A vehicle owner or authorized agent may grant to an automotive repair facility a written waiver (which may be in electronic or facsimile form and shall include the vehicle owner's or the authorized agent's signature or a facsimile or electronic signature thereof) of the requirements of subsection (c) or subsection (e) of this section, provided, however, that this subsection is not applicable to any repair that is made to a motor vehicle that is incapable of being operated in a normal manner or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter. A waiver granted under this subsection must include the following statements in at least 14 point font size bold type, with a signature line next to each statement, so that the vehicle owner or authorized agent has the ability to sign a partial waiver:

- (1) "I hereby acknowledge and waive the legal requirement for this automotive repair facility to obtain my signature on a work order authorization or repair estimate before making any repair that will exceed \$100.00. I hereby agree that this automotive repair facility may contact me to obtain my verbal authorization in lieu of my written signature for any repair that will exceed \$100.00."
- (2) "I hereby acknowledge and waive the legal requirement for this automotive repair facility to obtain my written approval before making any repair that will exceed the greater of \$100.00 or ten percent of the total amount of the work order authorization or repair estimate that I signed or waived signature of on (date on which work order authorization, repair estimate or waiver was signed). I hereby agree that this automotive repair facility may contact me to obtain my verbal authorization in lieu of my written approval for any repair that will exceed the greater of \$100.00 or ten percent of the total amount of the work order authorization or repair estimate."

An automotive repair facility that obtains a waiver under this subsection shall maintain a record of the waiver, any oral work order authorization or repair estimate provided and any verbal authorization obtained pursuant to that waiver for two years following the date that an oral work order authorization or repair estimate is provided to the vehicle owner or authorized agent. A record of waiver, oral work order authorization or repair estimate and verbal authorization shall contain the information required by subsection (d) of this section. Signature of a waiver pursuant to this subsection does not constitute a waiver of the automotive repair facility's obligation to obtain authorization from the vehicle owner or authorized agent prior to the performance of work on the subject motor vehicle.

(g) An automotive repair facility or one of its employees commits an offense if the automotive repair facility or employee:

- (1) Makes any repair or assesses any cost that has not been expressly authorized in writing (which may be in electronic or facsimile form) by the vehicle owner or an authorized agent, except as provided in subsection (f);
- (2) Alters any vehicle owner contract, work order authorization, repair estimate, final invoice, or other document without the written authorization (which may be in electronic or facsimile form) of the vehicle owner or an authorized agent, except as provided in subsection (f);
- (3) Causes or allows a vehicle owner to sign any work order authorization or repair estimate that does not itemize the repairs authorized by the vehicle owner or include the motor vehicle's odometer reading (if a reading can be obtained) at the time of repair;
- (4) Fails to provide a vehicle owner a copy of a final invoice requiring the vehicle owner's or authorized agent's signature upon completion or cancellation of the repair work; or
- (5) Fails to provide a vehicle owner a copy of any other document requiring the vehicle owner's or authorized agent's signature upon request of the vehicle owner.

(h) An authorized agent that is an insurance company or an employee thereof commits an offense if, in connection with the repair of damage to a motor vehicle covered by an automobile insurance policy, the authorized agent or employee:

- (1) Solicits or accepts a referral fee or gratuity in exchange for referring a vehicle owner or third-party claimant to an automotive repair facility to repair the damage;
- (2) States or suggests, either orally or in writing, to a vehicle owner that the vehicle owner must use a specific automotive repair facility or an automotive repair facility identified on a preferred list compiled by an authorized agent for the damage repair or parts replacement to be covered by the policy; or

(3) Restricts the right of a vehicle owner or third-party claimant to choose an automotive repair facility by requiring the vehicle owner or third-party claimant to travel an unreasonable distance to repair the damage.

(i) Any record required to be maintained under this section shall be kept in written form or in an electronic recordkeeping system.

~~It shall be unlawful for any person to purchase, sell or exchange in the city any motor vehicle, motor vehicle trailer, motor vehicle accessories and tires or motor vehicle parts from or on which any of the original manufacturer's identification numbers, or other original marks of identification, shall have been removed, obliterated, defaced, or changed, unless there shall be filed with the chief of police or his duly authorized representative, prior to and within five days of the date of such sale, purchase or exchange, a full description of the property involved and the reason for or explanation of the removal, obliteration, defacement or changing of identification numbers or marks, such description to be in writing and duly sworn to before a notary public.~~

Sec. 8-26. Other required records.

(a) Every person who, as dealer, ~~shall~~ makes any sale, purchase, transfer or exchange of either a new or used motor vehicle, or new or used motor vehicle trailer, in the city shall keep a ~~permanent, written record~~ of any and all transfers and assignments, if any, made by the ~~such~~ person, or chattel mortgages, liens or notes covered by or secured by lien upon those ~~such~~ motor vehicles or motor vehicle trailers. The, such record shall include the following information:

(1) The~~to~~ show the name and address of each transferee; and

(2) A, description of the mortgage, lien or note transferred and of the property affected thereby, including the motor number, model and license number of the motor vehicle or trailer therein involved.

~~It shall be required that the person selling the car has a valid government issued ID, and that all information is recorded off of such ID.~~

(b) Every licensee under this article who shall repossesses any motor vehicle or trailer or forecloses any lien or mortgage upon any motor vehicle shall keep a ~~permanent, written record thereof, and of each such repossession or foreclosure, that~~ includes the following information:

- (1) ~~The~~ stating the name of the mortgagor;
- (2) ~~The~~, the amount of indebtedness, principal, interest and other items, if any, separately;
- (3) ~~The~~, the date and manner of foreclosure, whether by suit or private sale; and
- (4) ~~The~~; the description of the property repossessed or foreclosed upon, including the motor number, model and license number of the motor vehicle or trailer therein involved, and the name and address of the purchaser thereof.

(c) Every licensee ~~Each person to whom a license is issued~~ under this article who deals to deal in secondhand or used motor vehicle parts or accessories shall keep ~~at all times in the place of business of such licensee~~ a written record of, secondhand and used motor vehicle accessories and parts except tires, purchased by the licensee or deposited for any purpose with such licensee, and of each motor vehicle or motor vehicle trailer purchased or received by such person for the purpose of rebuilding or dismantling the same. With respect to accessories and parts, the record inventory shall include any item that constitutes a "major component part" as defined in section 501.0914 of the Texas Transportation Code, or a "component part," "~~front-end assembly,~~" "~~tail section,~~" "interior component part," "minor component part," or and "special accessory part" as those terms are defined in section 2302.251 of the Texas Occupations Code ~~article 6687-2 of the Texas Revised Civil Statutes~~. Additionally, the record shall include any other part or parts that are regularly the subject of trade by automotive parts thieves as determined by regulation promulgated by the automotive board; and supported by clear and convincing evidence that there is recurring ~~reoccurring~~ theft of the same type of part, provided that; any such automotive board regulation that adds additional parts shall expire on the second anniversary of its adoption unless extended by the automotive board, and again supported by clear and convincing evidence that there is recurring ~~reoccurring~~ theft of the same type of part.

The ~~Such~~ record shall include the following information:

- (1) The vehicle identification number ~~must show the motor number and license number of all motor vehicles or trailers transferred unto the licensee;~~
- (2) An and an accurate description in the English language of the secondhand or used motor vehicle parts or accessories ~~article~~ purchased or deposited, the vehicle identification number of the motor vehicle from which the parts

or accessories were removed, the amount of money paid for same or loaned thereon, and the time of purchase, transfer, or deposit thereof;

- (3) ~~The, showing the name, age, sex, signature, if any, residence, race, and approximate height and weight of the person from whom the licensee so acquired the property;~~
- (4) ~~A, and shall include a photograph depicting the showing the face of such transferor or seller together with the secondhand or used motor vehicle parts or accessories article so purchased and a thumbprint of the such transferor or seller, provided that if a licensee acquires an entire motor vehicle or trailer is acquired from the person who is the owner of the motor vehicle or trailer, then in lieu of the aforesaid photograph and thumbprint, the buyer shall may obtain and maintain a copy of the seller's vehicle title and. It shall be required that the person selling the car has a valid government issued ID, and that all information is recorded off of such ID. Such written record must also include the vehicle identification number of the motor vehicle or the trailer; and~~
- (5) ~~A. Such written record must also include a unique identification inventory number which corresponds to a transaction and has been attached to the motor vehicle or trailer and to the secondhand or used motor vehicle parts or accessories purchased by the licensee. Such written record shall be kept in book form or in an approved computerized format. The record must include the part description and a unique inventory number or motor vehicle identification number from which the part came.~~

(d) It is an affirmative defense to prosecution under this section subsection that both the transferor and the transferee are city and/or state licensed dealers in used parts and used accessories and that the transfer was documented in full compliance with State Law 6687-2 Chapter 2302 of the Texas Occupations Code requesting the name of the business that the motor vehicle or motor vehicle part is purchased from and the Texas Certificate of Inventory number or federal taxpayer identification number and the record must include the part description and a unique inventory number or motor vehicle identification number from which the part came. It is also an affirmative defense to prosecution under this section that the transferee is a city licensed dealer in used parts and used accessories and that the transferor is a person who conducts a similar business in another jurisdiction who caused the parts or accessories to be delivered to the transferee by commercial freight line or common carrier and the transferee documented the inventory number kept by the transferor for the part under Texas state law, if the transferor resides in Texas, or obtain the transferor's federal taxpayer identification number if the transferor resides outside the State of Texas. The provisions

of this ~~section~~ ~~subsection (e)~~ are in addition to any applicable state law, including but not limited to ~~article 6687-2 of the Texas Revised Civil Statutes~~ Chapter 2302 of the Texas Occupations Code. Records forms promulgated hereunder shall be designed to include any state requirements that are also applicable in order to avoid any duplication of records. Any violation of this section that also constitutes a violation of state law shall be punishable as provided by the applicable state law.

(e) A person who sells a motor vehicle, motor vehicle trailer, or a secondhand or used motor vehicle accessory or part to a licensee under this section must have a valid government issued ID from which the licensee shall record the required information.

(f) Any record required to be maintained under this section shall be kept at the place of business of the licensee in written form or in an electronic recordkeeping system.

Sec. 8-30. Used automotive parts recyclers, automotive rebuilders and Automobile wrecking and salvage yards automotive repair facilities.

(a) *Definitions:*

Automotive business dealing in used parts and used accessories ~~means as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the trade of a "used parts and used accessories dealer," as defined in this chapter.

Automotive repair facility ~~means as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the trade of an "automotive repair facility," as defined in this chapter.

Automotive rebuilder means any lot or tract of land used for the purpose of carrying on the trade of an "automobile rebuilder," as defined in this chapter.

Used automotive parts recycler means ~~Automotive wrecking and salvage yard as used herein shall mean~~ any lot or tract of land used for the purpose of carrying on the business or trade of ~~a an~~ "used automotive parts recycler automotive rebuilder," as defined in this chapter, ~~or any lot or tract of land whereon three or more discarded, abandoned, junked, wrecked, worn out or otherwise disabled automotive vehicles, including but not limited to autos, trucks, tractor trailers and buses, are kept or stored for the purpose of disassembling, dismantling, cutting up, stripping or otherwise wrecking such automotive vehicles~~

~~to extract therefrom parts, components or accessories for sale or for use in an automotive repair or rebuilding business.~~

~~*Solid* as used herein in reference to a fence means shall mean a fence constructed and maintained so that the outer surface thereof is continuous and without interstices, gaps, spaces or holes. This shall not be construed to prohibit any spaces or gaps left by a properly constructed and maintained chain link fence with strips or slats as hereinafter provided.~~

~~*Stored* means as used herein shall mean placed on or left on property.~~

(b) *Compliance.* All lots and tracts of land used for the purpose of carrying on the business or trade of ~~an automotive wrecking and salvage yard~~ a used automotive parts recycler, or an automotive rebuilder, or an automotive repair facility or an automotive business dealing in used parts and used accessories shall comply with the requirements of this section.

(c) *Removal of flammable liquids from vehicles.* All gasoline, gasohol, and diesel fuel shall be completely drained and removed from any junked, wrecked or abandoned automotive vehicle before the vehicle is stored at a ~~placed in any automotive wrecking and salvage yard~~ used automotive parts recycler, or ~~yard operated by an~~ automotive rebuilder or automotive repair facility in the city. All flammable liquids drained from any vehicle in the ~~such~~ yard shall be stored in a safe manner and in strict accordance with the Fire Code of the city.

(d) *Fencing wall requirements.* Each area utilized for the keeping or storing of used automotive parts and/or used accessories by an automotive business dealing in used parts and used accessories or each area that is utilized for the keeping, storing, dismantling, cutting up, stripping or otherwise wrecking of any discarded, abandoned, junked, wrecked or otherwise disabled automotive vehicles upon any used automotive parts recycler, automotive rebuilder ~~automotive wrecking and salvage yard~~ or any automotive repair facility within the city shall be completely surrounded and enclosed by a solid fence or wall as follows:

- (1) Any side of the ~~such~~ yard that ~~which~~ extends generally parallel to, and within one hundred (100) feet of any public street right-of-way shall be enclosed ~~bounded~~ by a solid fence or wall at least eight feet in height.
- (2) All sides of the ~~such~~ yard not included in (d)(1) above shall be enclosed ~~bounded~~ by a solid fence or wall at least six feet in height.

(e) *Construction, maintenance of fence or wall.* Every fence or wall herein required shall be constructed and maintained as follows:

- (1) All fences shall be constructed of wood, masonry, corrugated sheet metal, chain link, or any combination thereof; provided, however, that any one side of a used automotive parts recycler, automotive rebuilder ~~an automotive wrecking and salvage yard~~ or automotive repair facility shall be enclosed ~~bounded~~ by a fence or wall constructed of only one of the above materials.
- (2) Chain link fences shall be constructed of galvanized chain link fencing with wood or metal slats or strips run through all links of the chain link fence.
- (3) All fences or walls shall extend downward to within three inches of the ground and shall test plumb and square at all times.
- (4) All fences or walls shall be constructed in compliance with all applicable provisions of the Construction Code.

(f) *Use of wall, door or building as part of fence or wall.* Any part of a fence or wall required by subsection (d) hereof may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on the said premises, if the ~~such~~ wall or door meets all construction requirements hereinabove set forth.

(g) *Gates at openings in enclosure.* Openings in the prescribed enclosure that ~~which~~ are necessary to permit reasonable access to said used automotive parts recyclers, automotive rebuilders ~~automotive wrecking salvage yards~~, automotive repair facilities or automotive businesses dealing in used parts and used accessories shall be equipped with a solid gate or gates, constructed and maintained in accordance with the requirements for a fence or wall hereinabove set forth. Gates ~~Such gates~~ shall be closed and securely locked at all times, except during normal business hours.

(h) *Use of premises outside enclosure.* It shall be unlawful for any owner, operator, his agents or employees, to display, store or work on any junked or wrecked automotive vehicle, or the parts, accessories or junk therefrom outside of or above the herein required fence or wall. It is a defense to prosecution under this subsection that the actor has established and is using one unfenced rectangular area not exceeding ten feet by 100 feet in maximum dimensions on ~~upon~~ the premises to display dismantled component parts or accessories for sale, which parts and accessories are stored and arranged in compliance with all other applicable provisions of this section. The display area authorized in the foregoing affirmative defense may also be utilized for the display for sale of whole motor vehicles, whether wrecked or damaged ~~or not~~, provided that the

operator of the premises also holds an automotive dealer's license for vehicle sales at the premises. Nothing in this subsection shall be construed to authorize the use of any public street or other public property for the sale or display of any merchandise in contravention of section 40-8 of this Code.

(i) *Arrangements of vehicles, parts and materials.*

- (1) All automotive vehicles, parts and other materials located in or on the premises of any used automotive parts recycler, automotive rebuilder, automotive wrecking and salvage yard or automotive repair facility or automotive business dealing in used parts and used accessories in the city shall be arranged so as to allow reasonable access to, and inspection of, the premises by authorized fire, health, neighborhood protection and police officials of the city.
- (2) All automotive vehicles, parts and materials stored in any used automotive parts recycler, automotive rebuilder ~~automotive wrecking and salvage yard~~, automotive repair facility, or automotive business dealing in used parts and used accessories must be stored at least six inches above the surface of the yard. A motor vehicle stored in its normal upright position shall be deemed to be stored in compliance with the foregoing requirement if all portions of the body floor plan of the vehicle are situated at least six inches above the lot surface, regardless of the height of wheels, tires, brake components, axles and suspension components that are attached in their normal manner to the vehicle and regardless of the height of wheels, tires or other devices used to elevate the vehicle.

It is an affirmative defense to prosecution under this item (2) that the vehicle's parts and materials were in process of disassembly and were situated within a "disassembly area" designated ~~upon an automotive wrecking and salvage yard~~ a used automotive parts recycler or automotive rebuilder pursuant to item (3), below, at the time of the alleged offense.

- (3) Each duly licensed used automotive parts recycler or automotive rebuilder ~~automotive wrecking and salvage yard~~ may file with the automotive board a plat or legal survey of its said yard accurately setting forth under oath the dimensions and size of the yard thereof, exclusive of all covered improvements and out buildings utilized as part thereof and in connection therewith. ~~The~~ Such plat or legal survey shall also accurately depict all adjoining public thoroughfares. Each ~~such~~ yard filing a ~~such~~ plat or legal survey may designate upon the ~~such~~ plat or legal survey an accurately delineated open area not to exceed 20 percent of the unimproved area

within the yard, or 21,780 square feet within the yard, whichever designation is smaller, as a "disassembly area." Upon approval of the such plat or legal survey and designated "disassembly area" by the automotive board, the duly licensed yard operator may use the such area for the active disassembly of wrecked vehicles in the usual course of yard business. A true copy of the such approved plat or legal survey and designated "disassembly area" shall be displayed at all times upon the premises of business for review by any peace officer of the State of Texas or the neighborhood protection official of the city.

(j) *Control of vegetation.* It shall be unlawful for the owner or operator of a used automotive parts recycler, automotive rebuilder an automotive wrecking and salvage yard, automotive repair facility or automotive business dealing in used parts and used accessories to allow grass or other vegetation to grow to a height of more than nine inches above the ground

(k) *Watershed.* No used automotive parts recycler, automotive rebuilder automotive wrecking and salvage yard, automotive repair facility or automotive business dealing in used parts and used accessories shall be located on top of a watershed.

(l) *Compliance with regulations and ordinances.* All used automotive parts recyclers, automotive rebuilders automotive wrecking and salvage yards, and all automotive repair facilities and all automotive businesses dealing in used parts and used accessories must at all times be in full compliance with all city ordinances regarding health and safety, including specifically without limitation, all requirements of the Fire Code, and with all state regulations regarding hazardous waste disposal, including specifically without limitation, all requirements promulgated by the Texas Commission on Environmental Quality.

(m) *Improved surface.* All portions of lots or tracts of land used in the operation of a used automotive parts recycler, an automotive rebuilder an automotive wrecking and salvage yard, an automotive repair facility or an automotive business dealing in used parts and used accessories must have an all-weather surface of concrete, asphalt, blacktop, stone, macadam, limestone, iron ore, gravel or shell of the such composition and drainage as to enable the safe and effective movement of motor vehicles upon all portions of the lot, both under their own power and under tow, at all times regardless of prevailing weather conditions.

(n) *Violations and penalties.* Failure by any person to comply with any provision of this section shall be grounds for the revocation of or the refusal to issue or renew any license required of the owner or operator of a used automotive parts recycler an automotive wrecking and salvage yard, an automotive rebuilder, automotive repair

facility or an automotive business dealing in used parts and used accessories under this Code. It shall be unlawful for any person to fail to comply with any applicable provision of this section.

~~(o) Vehicles stored less than 30 days for repairs. For automotive repair facilities,~~ it is an affirmative defense to prosecution under subsections (c) and (d), above, that a wrecked or disabled vehicle stored thereupon is owned by a person other than the owner of the automotive repair facility and is being stored at the automotive repair facility for the purpose of its repair at the automotive repair facility and that the vehicle has been stored upon the automotive repair facility for 30 days or less at the time of the alleged offense.

Sec. 8-31. Penalty.

Unless otherwise provided, any person who violates any provision of this article, regardless of whether the person holds a license issued pursuant to this chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$500.00; provided, however, if the person is convicted of an offense under this article that is also a violation of the penal laws of the state, the person shall be subject to the penalties set out in the penal laws for the offense.

A used parts and accessories seller commits a separate offense for each sale of used parts and/or used accessories made without a valid salesman's license. The offense shall be punishable by a fine of not less than \$200.00 nor more than \$500.00 than for each transaction.

Sec. 8-32. Administrative fees and teardown fees.

(a) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner an administrative fee in excess of \$50.00. For purposes of this subsection, "administrative fee" means a fee assessed for the processing of paperwork on a motor vehicle being repaired.

(b) It shall be unlawful for any owner, operator, his agents or employees to charge any vehicle owner a teardown fee in excess of the industry standards established in the most recent version of an estimating guide for motor vehicle components and labor hours that is published or otherwise maintained by CCC

Pathways, Mitchell or Audatex. For purposes of this subsection, "teardown fee" means a fee assessed for the removal of a motor vehicle component to determine the extent of damage associated with that motor vehicle component.

(c) Any person alleging a violation of this section shall file a sworn complaint in the municipal court.

Sec. 8-58. Fees.

(a) The following schedule shall constitute the license fees payable for each of the respective licenses issued under this division, all of which fees shall be payable to the chief of police:

| | Initial License Fee | Renewal License Fee |
|---|---------------------|---------------------|
| (1) Dealer in new motor vehicles | \$330.00 | \$310.00 |
| (2) Dealer in used motor vehicles | \$120.00 | \$100.00 |
| (3) Wholesale automotive jobber and supply dealer | \$220.00 | \$200.00 |
| (4) Retail supply dealer | \$170.00 | \$150.00 |
| (5) Automotive rebuilder and dismantler | \$610.00 | \$590.00 |
| (6) Used automotive parts recycler | \$610.00 | \$590.00 |
| (7) Automotive parts rebuilder | \$220.00 | \$200.00 |
| (8) Consent Automotive storage lot facility operator | \$220.00 | \$200.00 |
| (9) Automotive repair facility | \$490.00 | \$470.00 |
| (10) Used parts and used accessories dealer | \$380.00 | \$360.00 |
| (11) Body shop facility with storage privileges | \$510.00 | \$470.00 |

(b) Fees on all licenses issued during any calendar year shall be paid in advance to the chief of police.

(c) Any combination license may be issued for any combination of the businesses governed by this article, upon payment of the appropriate fee as herein provided, after application for the such license has been made and approval has been granted by the automotive board pursuant to the terms of this division. The following schedule of combination license fees shall apply and shall be payable to the chief of

police in lieu of separate licenses for two or more classes of business conducted by the licensee:

| | Initial License Fee | Renewal License Fee |
|---|---------------------|---------------------|
| (1) A dealer in new vehicles, used vehicles, and parts and accessories, new or used, or both | \$500.00 | \$460.00 |
| (2) A dealer in used vehicles and parts and accessories, new or used, or both | \$500.00 | \$460.00 |
| (3) A person engaged in the business of wholesale automotive jobber and supply dealer and in the business of retail supply dealer | \$390.00 | \$350.00 |

(d) A dealer who inadvertently obtains duplicate licenses for the same address under subsections (a) and (c) shall be entitled to a refund for the such duplication; provided, the city shall retain \$40.00 for handling the refund.

(e) Upon disapproval by the automotive board of any license issued hereunder, the applicant (by requesting same in writing) shall be entitled to a refund of money paid the city; provided, the city shall retain \$40.00 for handling the refund.

(f) No license issued pursuant to the provisions of this division may be renewed more than 30 days after the date of its expiration. If a license had expired and not been renewed within 30 days, the applicant may apply for a new license as an initial applicant. The fee for such a new license shall be the fee set out for an original license.

(g) It shall be unlawful for any person to operate a business for which a license under this division is required without first obtaining a license therefor.

Sec. 8-61. Display.

(a) A license issued under this division shall be displayed in a conspicuous place in the office of each place of business maintained by the licensee.

(b) A copy of an automotive repair facility license issued under this division shall be displayed on the building or sign of the automotive repair facility, included in print or internet advertisements for the automotive repair facility and printed on work order

authorization, repair estimate and final invoice forms utilized by the automotive repair facility.

(c) The city shall maintain a list of all licensed automotive repair facilities on its website and shall update that information on a quarterly basis.

Sec. 8-91. Purpose; relationship to other provisions.

(a) Pursuant to the provisions of this division, an automotive repair facility that primarily functions as a body shop may qualify to obtain a license as a body shop facility with storage privileges. A holder of that license shall, subject to compliance with this division, be entitled to function as both an automotive repair facility and a consent an automotive storage lot facility operator under this article so that a storage fee may be imposed for vehicles that are stored with the owner's consent pending their repair at the body shop or other disposition. The holder of a body shop facility with storage privileges license shall not be required to also hold an automotive repair facility license or a consent automotive storage lot facility's operator's license for operations at the covered premises in compliance with this division.

(b) A body shop facility with storage privileges that is licensed under this division is not required to comply with the land use requirements established in section 28-34 of this Code. However, it is the intent of city council in adopting this article that the article cannot be used to circumvent the 300-foot land use restrictions that apply therein to any storage lot, whether in existence at the time of adoption of this article or created thereafter.

(c) Nothing contained in this division shall be construed to preclude an automotive repair facility, whether primarily operating as a body shop or not, that is situated in a location that complies with section 28-34 of this Code from obtaining a license under the state Vehicle Storage Facility Act or a private storage lot authorization under article III of this chapter, as applicable, and conducting vehicle storage operations thereunder.

(d) Nothing contained in this division shall be construed to preclude any automotive repair facility, whether primarily operating as a body shop or not, from storing vehicles without imposing a fee for the service as authorized in section 8-30 of this Code.

(e) All provisions of this article that apply to automotive repair facilities shall also apply to a body shop facility with storage privileges license holder, except that the license holder may not store vehicles as provided in section 8-30(o) of this Code.

Sec. 8-92. Licensing requirements.

In order to obtain a body shop facility with storage privileges license, the applicant must demonstrate:

- (1) That on the premises where the licensed facility will be situated, the applicant operates a body shop that is operationally equipped with one or more frame machines, an estimating system, two or more fully equipped body repair bays and one or more city permitted vehicle paint booths, which equipment shall be situated within enclosed structures.
- (2) That the licensed facility may not derive more than 25 percent of all income from fees charged specifically for storage of vehicles on the premises.
- (3) That, in addition to the vehicle storage area required under item (5), below, the operator has, upon the premises, not less than five parking spaces for every 1,000 square feet of gross floor area, as required for an auto repair establishment under chapter 26 of this Code.
- (4) That the premises abuts a major thoroughfare and will take access to the premises for all purposes relating to the operation of the body shop and the storage of vehicles from the major thoroughfare, provided, however, that any body shop facility with storage privileges that commenced operations on or after December 27, 1999, in compliance with this subsection may continue to operate at its premises notwithstanding a subsequent reclassification of the abutting major thoroughfare to a lower classification of public street.
- (5) That the premises has an enclosed all-weather-improved surface parking area not larger than seven and one-half marked parking spaces per 1,000 square feet of gross floor area, measured and construed in the same manner provided in chapter 26 of this Code, that will be utilized as its vehicle storage area. The area shall be enclosed in the same manner described in section 8-30(e) of this Code, provided that if the premises abuts any deed restricted property and the deed restrictions require a

particular type of fence, then the fence shall also conform to the style required in the abutting property's deed restrictions. The vehicle storage area shall be located on the same tract or parcel of land where the body shop is situated or a contiguous tract or parcel of land. For this purpose, "contiguous" shall include an abutting tract or parcel and shall also include a tract or parcel that is situated directly across the major thoroughfare from which the body shop takes its access. For these purposes, the term directly across means that 50 percent or more of the tract frontages on the opposite sides of the major thoroughfare are parallel.

- (6) That signs are conspicuously posted at each public entrance to the premises setting forth the hours of operation and the amount of any daily vehicle storage fee imposed.

Sec. 28-34. Location of automobile storage lots, used automotive parts recyclers or lots used for open storage by automotive rebuilders automobile wrecking and salvage yards and lots used for open storage by metal recyclers/secondhand metal dealers.

(a) *Prohibition.* It shall be unlawful for any person to operate or cause to be operated within 300 feet of an existing church, school, or residence:

- (1) An an-automobile storage lot, whether licensed as an automotive storage lot pursuant to chapter 8 of this Code or as a vehicle storage facility pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code article 6687-9a, Texas Revised Civil Statutes);
- (2) A used automotive parts recycler, an automotive wrecking and salvage yard as defined in chapter 8 of this Code;
- (3) A lot used for open storage by an automotive rebuilder as defined in chapter 8 of this Code;
- (4) A, a lot used for open storage by a metal recycler/secondhand metal dealer, all as defined in chapter 7 of this Code; or
- (5) Aa lot used for open storage by a used parts and used accessories dealer as defined in chapter 8 of this Code, within 300 feet of an existing church, school, or residence.

The 300 foot measurement required under this section shall be made on the basis of land uses in existence at the time that the original permit or license application for the facility is filed and at the time of any expansion of the size of the property used for the facility. A facility that is lawfully in operation shall not become unlawful because a church, school, or residence is subsequently established within 300 feet of the facility and, provided that the facility remains continuously in operation without cessation for a period of 90 or more consecutive days, the permit or license for the facility may, subject to compliance with other applicable laws, nevertheless be renewed or transferred."

(b) *Definitions and standards:*

~~(6)~~—*Boundary of operations.* ~~The~~ ~~shall be the~~ fence line limiting the portion of a larger lot or tract to be used as the business operation area for the business requiring licensure under this Code. The boundary of operations and the fence shall be shown on a legal (or official) survey filed with the application for license and must be fenced according to the applicable standards of this Code. ~~The fence shall be shown on the survey.~~ The survey shall additionally show each route that will be used for vehicular ingress or egress to the business operation area. If the ingress or egress will not be exclusively taken from one or more public streets that abut the business operation area, then each route of vehicular ingress or egress must be included within the surveyed and fenced boundary of operations. This definition is applicable to automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards,~~ and lots used for open storage by metal recyclers/secondhand metal dealers only and has no effect on any other person or business required to be licensed by the city.

~~(4)~~—*Church.* A structure where a society of persons who profess a religious belief regularly assemble for religious worship or religious instruction and which is exempt from ad valorem taxes.

~~(5)~~—*Measurement of 300 feet.* ~~The~~ ~~shall be in a~~ straight line from the property line or (at the applicant's request) from the boundary of operations of the automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard,~~ or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence.

~~(4)~~—*Open storage.* Materials stored upon a lot not within an enclosed structure.

~~(3)~~ *Residence.* Any structure which, at the time that of the application for a license is filed, is being used as a dwelling place for residential purposes, whether single-family or multifamily. A structure located on a lot or tract of land used as an automobile storage lot, used automotive parts recycler, lot used for open storage by an automotive rebuilder, automobile wrecking and salvage yard or lot used for open storage by a metal recycler/secondhand metal dealer shall not be considered a residence within the terms of this definition.

~~(2)~~ *School.* A public or private elementary, junior high or ~~and~~ high school.

(c) *Existing structure.*

- (1) The terms of this section shall apply to all existing licensed automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards~~, and lots used for open storage by metal recyclers/secondhand metal dealers, from and after December 22, 1982, and to all lots used for open storage by a used parts and used accessories dealer, from and after December 22, 1993. Any owner or operator of an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder, automobile wrecking and salvage yard or lot used for open storage by a metal recycler/secondhand metal dealer, which as of December 22, 1982, and any owner or operator of a lot used for open storage by a used parts and used accessories dealer, which as of December 22, 1993, is located within 300 feet of a church, school or residence shall, within 30 days of the date specified above, as applicable, make application with the appropriate licensing department for a special permit that indicates that the holder of the permit is located within 300 feet of a church, school or residence. It shall be unlawful to own or operate an automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard~~, a lot used for open storage by a metal recycler/secondhand metal dealer or a lot used for open storage by a used parts and used accessories dealer within 300 feet of a church, school or residence without first procuring the special permit required by this subsection.
- (2) Subject to compliance with other applicable laws, including chapters 7 and 8 of this Code as applicable, a special permit may be transferred to another owner. Application shall be made to the department responsible for issuing the permit, ~~whether the police department or the administration and regulatory affairs department,~~ and the permit shall be executed by both the transferor and the transferee. ~~If in the event that the use of the~~

premises is suspended at any time for a period of 90 or more consecutive days, then the special permit shall expire. ~~This, and this~~ provision shall not be construed to allow the transfer of a special permit that has so expired. A special permit may be revoked for failure to comply with any applicable law, regulation, or statute relating to the licensing or other regulation of the business.

- (3) If improvements upon any lot covered by this subsection are destroyed or damaged as a result of fire, explosion, weather or other Act of God in excess of 50 percent of the value of the then-current market value of the improvement based on the current city tax rolls, ~~the such~~ improvement shall not be rebuilt or otherwise reconstructed. Nothing in this subsection shall be construed to prohibit the minor repair or routine maintenance of any existing improvements.
- (4) No holder of a special permit shall be entitled to expand or otherwise enlarge the business by adding additional improvements or land or to make a new investment thereto; provided, however, that this restriction on the addition of improvements shall not apply to improvements made in order to comply with any state or local ordinance, statute or regulations.
- (5) If a licensed automobile storage lot, used automotive parts recycler, a lot used for open storage by an automotive rebuilder ~~automobile wrecking and salvage yard~~, or a lot used for open storage by a metal recycler/secondhand metal dealer or a used auto parts and used accessories dealer holds a valid special permit under this subsection, then it shall not be placed in violation of this section, or become ineligible for a renewal of a permit or license, or be required to obtain a special permit, due to the subsequent construction or placement of a church, school or residence within 300 feet of the location of ~~the such~~ licensed business.

(d) *Newly annexed areas.* Persons owning or operating automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders ~~automobile wrecking and salvage yards~~, lots used for open storage by metal recyclers/secondhand metal dealers, and used parts and used accessories dealers situated in areas that are newly annexed into the corporate limits of the city after the dates specified in subsection (c) above, as applicable, may apply for and be granted special permits in the same manner provided for existing owners or operators under subsection (c), above. The application for the special permit must be filed within 30 days following the effective date of the annexation of the area where the lot or yard is situated. Special permits issued under this subsection and holders thereof shall be subject to all of the same restrictions imposed under subsection (c) with regard to other

special permits and holders thereof, provided that the effective date of the annexation of the area where the lot or yard is situated shall apply in lieu of the applicable date specified in subsection (c) above, in any determination made with regard to the special permit or business operated thereunder. The provisions of this subsection shall not be available to the operator of any premises unless the premises was open for a business subject to regulation under this section on the date of first publication in a newspaper of general circulation of the notice of annexation hearings under Section 43.052 of the Local Government Code or unless the operator had, on or before that date, leased or purchased the property and had actually commenced improving it for the express purpose of establishing the regulated business.

(e) *Reserved.*

(f) *Improvement of specially permitted facilities.*

(1) Notwithstanding the provisions of item (4) of subsection (c), above, the planning commission may authorize the improvement of a specially permitted facility that is regulated under this section in accordance with this subsection. An application for improvement of a specially permitted facility shall be made to the planning official in a form prescribed by the director of planning and development and shall include:

- a. A nonrefundable fee of \$200.00; and
- b. A statement of the specific facts and reasons that the applicant believes warrant the authorization, which shall address each of the criteria of item (4) of this subsection.

The director shall review ~~cause~~ each application ~~to be reviewed and provide~~ ~~shall cause~~ a staff report regarding the application ~~to be provided~~ to the commission prior to the meeting at which the application will be considered. The commission shall schedule the consideration of each application for a meeting of the commission and shall instruct the applicant and the director to give ~~cause~~ notice ~~to be given~~ as provided in items (2) and (3) of this subsection.

(2) Notice of the commission meeting at which the application will be considered shall be given in both English and Spanish at the expense of the applicant by:

- a. The publication of notice, in a form to be prescribed by the director, in a newspaper of general circulation in the city, at least 15 days before the date of the commission meeting;
 - b. The mailing of notice, at least 15 days before the date of the commission meeting, to the owners, as shown on the most recently approved tax roll, of each tract or parcel of property that is situated in whole or in part within a distance of 300 feet from the boundaries of the property that is the subject of the request for a transfer application;
 - c. The mailing of notice, at least 15 days before the date of the commission meeting, to all civic associations registered with the planning and development department whose boundaries include all or a portion of the area situated within 300 feet of the property that is the subject of the transfer application; and
 - d. The posting of notice upon a sign on the property for which the improvement is requested, giving notice of the application and the date of the commission meeting. The director shall prescribe the dimensions of the sign and shall establish criteria for the location of the sign. If the property for which the application is made fronts on or has access to more than one public street, the director may require placement of more than one sign on the subject property upon a finding that more than one sign is necessary to provide adequate notice. The sign or signs shall be posted 72 hours after the director gives notice for their posting to the applicant, provided that the sign shall be posted at least 15 days prior to the date of the hearing.
- (3) The applicant shall provide the following information to the director at the time specified by the director:
- a. A certified list of the property owners to whom notice must be given pursuant to item (2) of this subsection; and
 - b. For each property owner and registered civic association to whom notice must be given pursuant to item (2) of this subsection:
 1. One stamped envelope addressed to each property owner and registered civic association; and

2. One copy of the notice of the public hearing in the form prescribed by the director.

The applicant shall also provide proof to the director that the required newspaper notices have been timely published and that the required sign(s) have been posted and maintained for the required time period.

- (4) The applicant and any member of the public may address the commission and present evidence or comments regarding the application at the meeting at which it is considered. The burden shall be upon the applicant to show by a preponderance of the credible evidence that the applicant is entitled to the granting of the application. Following the receipt of evidence and comments, the commission shall consider the matter and shall grant the application if it determines that each of the following criteria exists:
 - a. The improvement will not substantially increase the vehicular traffic on any street that is not a major thoroughfare. In making this determination, the commission shall consider whether the facility takes its primary access from a major thoroughfare and whether it has rail or waterborne access for the receipt and shipment of materials.
 - b. The improvement will not have a negative effect upon the appearance of the community in which it is situated. In making this determination, the commission shall consider the applicant's plans for perimeter fencing and landscaping as well as the appearance of any structures, equipment, or other features of the facility that may be visible from the exterior.
 - c. The facility, by virtue of its activities, does not pose a substantial risk of adverse health effects, unlawful noise, fire, explosion, or other nuisance conditions, and the proposed improvements will not increase those risks. In making this determination, the commission shall consider the prior operating history of the facility.
 - d. There exists upon the property a capital investment of at least \$500,000.00 current book value in facilities and equipment.
 - e. The facilities and equipment upon the property were placed for the operation of the facility for which the authorization is sought and may not readily be adapted to other uses that are not subject to regulation under this section or be removed to another location.

- f. The granting of the application will not be injurious to the public health, safety, and welfare.

The commission may condition its granting of the application, ~~if granted~~, upon the applicant's installation and maintenance of buffer zones, trees, shrubs, special fences, or other improvements to reduce noise or improve the external appearance of the property if it determines that the action is desirable to protect the public health, safety, and welfare. Any such requirement shall be consistent with the purpose of causing the use of the applicant's property to be as harmonious as practicable with the use of other nearby properties.

- (5) The applicant or any person to whom notice is required to be given under part b. or c. of item (2) of this subsection may appeal, provided that the person attended and participated in the commission meeting, either in person or through an authorized representative. Appeals shall be to the city council and shall be governed by rule 12 of the city council rules of procedure (section 2-2 of this Code). Notice of an appeal must be filed in the city secretary's office by the tenth day following the rendition of the commission's decision on the application. The commission shall cause each meeting or portion thereof at which an application is to be considered to be videorecorded. Notwithstanding any provision of rule 12 to the contrary, any required transcript for an appeal to the city council may be prepared from the video recording. An appeal shall not suspend the action of the commission pending the decision of the city council.


(g) The licensing department may extend the filing period for a special permit upon demonstration to the director by clear and convincing evidence that the facility was in fact in operation on the effective date and that the applicant's failure to timely file was based upon an error or misunderstanding and not the result of conscious indifference to the requirements of this section.

(h) The provisions of this section are not applicable to the premises of a body shop facility with storage privileges operating under a valid license issued under division 4 of article II of chapter 8 of this Code.

REQUEST FOR COUNCIL ACTION

| | | | |
|---|--|-----------------------|----------------------------|
| SUBJECT: Ordinance amending Section 16-9 of the Code pertaining to Juvenile Case Managers | | Page 1 of 1 | Agenda Item # 32 |
|---|--|-----------------------|----------------------------|

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|---|---|-----------------------------------|
| FROM (Department or other point of origin): Municipal Courts Department | Origination Date November 1, 2011 | Agenda Date NOV 09 2011 |
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| DIRECTOR'S SIGNATURE:  | Council District affected: All |
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| For additional information contact: Barbara E. Hartle, Director and Presiding Judge Phone: 713.247.5464 | Date and identification of prior authorizing Council action: Ord. No. 07-1297 (11/28/2007) |
|--|--|

RECOMMENDATION: (Summary)
That the City Council approve amendments to Section 16-9 of the Code of Ordinance to reflect recent state law requirements for training and a code of ethics for Juvenile Case Managers, and to approve an increase in the Juvenile Case Manager Fee.

Amount and Source of Funding:
Fund 2211 (Juvenile Case Manager Fund)

SPECIFIC EXPLANATION:

State Law. Senate Bill 61, passed in the 82nd legislative session, amended the Code of Criminal Procedure to establish minimum training and education standards and a code of ethics for juvenile case managers, similar to the requirements for juvenile probation officers. The law requires the City Council to adopt the training standards and an ethics code by Dec. 1, 2011. Additionally, the bill authorized additional expenditures from the juvenile case manager fund (in addition to salary and benefits) to pay for training, travel, office supplies and other necessary expenses of a juvenile case manager.

Juvenile Case Manager Fund - Fee Increase. The City Council approved the establishment of a Juvenile Case Manager Fund in November 2007, and set a \$3.00 fee which is collected as a cost of court on misdemeanor convictions in the municipal courts, as authorized by Section 102.0174 of the Code of Criminal Procedure. This ordinance seeks to raise the fee to \$5.00.

As background, in 2007, the City's Juvenile Case Manager Program (the "Program") was established with a staff of five Juvenile Case Managers and two Court Counselors who served four HISD campuses. For the 2011-2012 school year, the Program will include a staff of 15 Juvenile Case Managers who will serve 11 HISD campuses. The Program's goal is to continue partnering with HISD and additional school districts in the Houston area to expand the Program's scope of service. Thus, because the scope of the Program has more than doubled and will continue to expand, the Municipal Courts Department seeks to increase the Juvenile Case Manager fee to \$5.00, as allowed under state law.

| REQUIRED AUTHORIZATION | | |
|-----------------------------|-----------------------------|-----------------------------|
| Other Authorization: | Other Authorization: | Other Authorization: |

Sec. 16-9. Juvenile case manager fund.

(a) As authorized by Article 45.056 of the Texas Code of Criminal Procedure ("Article 45.056"), upon approval of city council, the municipal courts department may employ a juvenile case manager to perform the duties contemplated in subsections (a) and (c) of Article 45.056.

(b) As required by Article 45.056, the city council has adopted rules for juvenile case managers, which are set forth in Exhibit A to Ordinance No. 2011- 1 and specifically include a code of ethics with an enforcement procedure, educational pre-service and in-service training standards, and the training described in Article 45.056.

(c) As required by Article 45.056, the presiding judge, on behalf of the municipal courts department, shall implement the rules adopted by the city council.

(d) As authorized by section (b) of aArticle 102.0174 of the Texas Code of Criminal Procedure, there is hereby created a juvenile case manager fund ("fund"), which shall be administered under the direction of city council and may only be used to finance the salary, and benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056 ~~of the Texas Code of Criminal Procedure.~~

(e) Each defendant convicted of a fine-only misdemeanor offense shall be assessed a juvenile case manager fee of ~~\$3.00~~ \$5.00 as a cost of court, which shall be collected by the clerk of the court or his designee and paid to the city controller for deposit into the fund. A person is considered "convicted" for purposes of this section under any of the circumstances provided in aArticle 102.0174(e) of the Texas Code of Criminal Procedure.

(f) The juvenile case manager fee may be waived upon a showing of financial hardship under the procedures established by the municipal courts department.

City of Houston, Texas, Ordinance No. 2011-_____

AN ORDINANCE AMENDING SECTION 16-9 OF THE CODE OF ORDINANCES OF HOUSTON, TEXAS, RELATING TO JUVENILE CASE MANAGERS FOR THE MUNICIPAL COURTS DEPARTMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City has, pursuant to Texas Code of Criminal Procedure Article 102.0174, authorized a juvenile case manager fund supported by additional costs assessed and collected in municipal court; and

WHEREAS, the City has, pursuant to Texas Code of Criminal Procedure Article 45.056, employed a juvenile case manager to provide services in cases involving juvenile offenders before the Municipal Courts; and

WHEREAS, the 82nd Texas Legislature enacted Senate Bill 61, which requires a governing body employing a juvenile case manager to adopt, by December 1, 2011, reasonable rules for juvenile case managers that provide for a code of ethics, educational pre-service and in-service training standards, and training in relevant substantive areas; and

WHEREAS, the City wishes to ensure that its juvenile case managers receive the requisite training and are held to the highest ethical standards; **NOW, THEREFORE,**

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

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this ordinance.

Section 2. That Section 16-9 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 16-9. Juvenile case manager.

(a) As authorized by Article 45.056 of the Texas Code of Criminal Procedure ('Article 45.056'), upon approval of city council, the municipal courts department may employ a juvenile case manager to perform the duties contemplated in subsections (a) and (c) of Article 45.056.

(b) As required by Article 45.056, the city council has adopted rules for juvenile case managers, which are set forth in Exhibit A to Ordinance No. 2011-_____¹ and specifically include a code of ethics with an enforcement procedure, educational pre-service and in-service training standards, and the training described in Article 45.056.

(c) As required by Article 45.056, the presiding judge, on behalf of the municipal courts department, shall implement the rules adopted by the city council.

(d) As authorized by Article 102.0174 of the Texas Code of Criminal Procedure, there is hereby created a juvenile case manager fund ('fund'), which shall be administered under the direction of city council and may only be used to finance the salary, benefits, training, travel expenses, office supplies, and other necessary expenses relating to the position of a juvenile case manager employed under Article 45.056.

(e) Each defendant convicted of a fine-only misdemeanor offense shall be assessed a juvenile case manager fee of \$5.00 as a cost of court, which shall be collected by the clerk of the court or his designee and paid to the city controller for deposit into the fund. A person is considered 'convicted' for purposes of this section under any of the circumstances provided in Article 102.0174(e) of the Texas Code of Criminal Procedure.

(f) The juvenile case manager fee may be waived upon a showing of financial hardship under the procedures established by the municipal courts department."

Section 3. That the City Council hereby adopts the *Rules for Juvenile Case Managers* attached hereto as Exhibit A and incorporated herein for all purposes.

Section 4. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained

¹ Editor shall insert Number of Ordinance adopting this provision.

herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2011.

APPROVED this ___ day of _____, 2011.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. _____
TBC:asw 11/1/2011 Senior Assistant City Attorney
Requested by the Honorable Barbara E. Hartle, Presiding Judge, Municipal Courts Department
L.D. File No. 0441100025001

EXHIBIT A



RULES FOR JUVENILE CASE MANAGERS

| | | |
|-------------|--|----------|
| I. | CODE OF ETHICS FOR JUVENILE CASE MANAGERS | 1 |
| II. | JUVENILE CASE MANAGER (JCM) EDUCATIONAL PRE-SERVICE AND IN-SERVICE TRAINING | 3 |
| III. | JUVENILE CASE MANAGER TRAINING | 5 |



CODE OF ETHICS FOR JUVENILE CASE MANAGERS
CITY OF HOUSTON CODE OF ORDINANCES
SECTION 16-9

PREAMBLE

The goal of the City of Houston's Juvenile Case Manager Program is to assist the Municipal Courts Department in administering the Municipal Courts' juvenile dockets and in supervising the Courts' orders in juvenile cases. The mission of the Juvenile Case Manager is to assist judges in providing juveniles the resources to shape their futures, connect with the community, and become law abiding citizens.

It is also the duty of the Juvenile Case Manager to reduce juvenile referrals into the justice system through effective, preventative case management and utilization of intervention procedures, which may be administered prior to citation issuance for failure to attend school offenses. When these procedures fail to meaningfully address the causes of truant behavior, the Juvenile Case Manager shall assist the Courts and students who have been referred to the Municipal Courts by formulating creative sanctioning to resolve citations non-punitively, where appropriate.

When applying this Code of Ethics, keep foremost in mind that the City is guided at all times by the values of integrity, excellence, compassion, and respect for the dignity of every person.

STANDARDS

Confidentiality. A Juvenile Case Manager shall not disclose to any unauthorized person any confidential information acquired in the course of employment. A Juvenile Case Manager shall not violate the confidentiality of juvenile clients, unless it is to seek consultation services from within the case management program or school campus; or when the juvenile has threatened to harm himself, herself or others; or to provide details of any criminal activity or enterprise.

Conflicts of Interest. A Juvenile Case Manager shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. In order to maintain the community's trust in the judicial system, a Juvenile Case Manager should avoid soliciting or accepting improper gifts, gratuities, or loans, and

should avoid engaging in business relationships that give rise to an appearance of impropriety. Additionally, Juvenile Case Managers are subject to the provisions of Section 14-183 of the City of Houston Code of Ordinances and Mayor's Executive Order 1-28. Juvenile Case Managers who are executive level employees are subject to Section 18-3 of the City of Houston Code of Ordinances.

Competence. A Juvenile Case Manager shall endeavor at all times to perform official duties properly and with courtesy and diligence. A Juvenile Case Manager shall fulfill his or her duty and represent himself or herself only within the boundaries of their education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

Respect for the Law. A Juvenile Case Manager shall abide by all federal, state, county, and municipal laws, guidelines, ordinances and rules. A Juvenile Case Manager shall be familiar with the Texas Code of Judicial Conduct and the basic standards to which members of the judiciary are held.

Abuse of Position. A Juvenile Case Manager shall not use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself, herself, or any other person. A Juvenile Case Manager shall always maintain an appropriate relationship with juveniles coming under the jurisdiction of the Court. A Juvenile Case Manager shall not discriminate against any person on the basis of age, sex, creed, sexual preference, disability, or national origin.

ENFORCEMENT

Any alleged violation of applicable ethical standards shall be subject to investigation and discipline by the Presiding Judge of the Municipal Courts or his or her designee.



**JUVENILE CASE MANAGER (JCM) EDUCATIONAL
PRE-SERVICE AND IN-SERVICE TRAINING**
CITY OF HOUSTON CODE OF ORDINANCES
SECTION 16-9

RECOMMENDATIONS FOR APPLICANTS:

Preferred: A four year degree in relevant social sciences field such as social work, psychology, criminal justice, or sociology.

Acceptable: A four year degree in any discipline and minimum two years experience in a related field to be determined by the Municipal Courts Department.

Least recommended: A high school diploma/GED and five years relevant (or applicable) experience to be determined by the Municipal Courts Department.

RECOMMENDATIONS FOR EXISTING JCM:

Existing Juvenile Case Managers that lack suggested areas of training should begin obtaining said requirements through the "in-service" section pursuant to a time frame to be determined by the Municipal Courts Department.

DEFINITIONS:

Pre-service Training refers to those skills, training, or certifications possessed at the time of hire or prior to the commencement of the Juvenile Case Manager's full duties.

In-Service Training refers to additional skills, training, or certification hours obtained after commencement of Juvenile Case Manager's full duties.

PRE-SERVICE TRAINING REQUIREMENTS:

(Minimum recommendation of 24 hours of the following prior to start case work)

New Juvenile Case Managers shall receive the following training prior to assuming their job duties:

- The role of the Juvenile Case Manager
- Ethics
- Juvenile law & introduction to court procedure

- Fundamentals of case planning and management
- Interagency collaboration
- Risk assessment
- Juvenile mental health
- Child psychology
- Report writing

IN-SERVICE TRAINING REQUIREMENTS:

(Minimum recommendation of 8 hours/year)

In-service training requirements and topics may include the following:

- Mental health
- Legal updates
- Recognizing and Reporting Abuse & Neglect
- Substance abuse
- Special topics:
 - Juvenile Gangs
 - Family Violence
 - Bullying
 - Sex offenders
 - Juveniles with Learning, Psychological, and Physical Disabilities
- Upgrades in Documentation and Technology
- How to Be an Expert Witness



JUVENILE CASE MANAGER TRAINING
CITY OF HOUSTON CODE OF ORDINANCES
SECTION 16-9

(a) The Role of the Juvenile Case Manager

In the State of Texas, municipal and justice courts come into contact with more children accused of violating the law than the juvenile courts do. Juvenile Case Managers are employed as a local strategic measure to help prevent children from becoming further involved in the justice system and to curb juvenile crime at the local level. Juvenile Case Managers provide necessary prevention and intervention services to clients and their families in order to reduce truancy and increase attendance in target school campuses.

Juvenile Case Managers serve youth and families through community service and awareness, case management, and true social advocacy. Although the primary directive of the Juvenile Case Manager Program is to decrease instances of non-attendance, the Juvenile Case Manager has a duty to serve all students and families who request assistance.

A Juvenile Case Manager provides services in cases involving juvenile offenders before a court consistent with the court's statutory powers. Juvenile Case Managers assist the court in administering the court's juvenile docket and in supervising its orders in juvenile cases. Juvenile Case Managers timely report any information or recommendations relevant to assisting the judge in making decisions that are in the best interest of the child.

While state law provides some parameters, the work performed by Juvenile Case Managers is determined in light of local needs and circumstances. Accordingly, Juvenile Case Managers may also perform intake duties on complaints filed, operate diversion programs, implement dispositional orders by providing supervision services, and initiate proceedings for enforcing those orders in the event of a violation.

(b) Case Planning And Case Management

SB 61, passed in the Texas 82nd Legislative Session, established requirements for Juvenile Case Managers employed by Texas municipal courts. These requirements include training in topics including case planning and case management. Case management is among the strategies used by Juvenile Case

Managers to reduce juvenile crime and help prevent children from becoming further involved in the justice system.

The Juvenile Case Manager coordinates with local service providers to assist families in obtaining counseling, human services, or other assistance. The case plan serves as a road map to keep all parties apprised of services that have been arranged and the status of service provision.

Case plans are typically developed during an intake meeting with the student and their family. The information gathered during the initial meeting assists the Juvenile Case Manager in identifying the family's needs, services they may be currently receiving, and assessing if any additional services may be needed. The greater the family's involvement in the development of the plan, the greater their commitment to the activities and goals contained in the plan.

Once needs are identified and plans to address those needs are developed, the Juvenile Case Manager maintain contact with the family on a regular basis to determine progress and adjust the plan as needed. Moving from crisis management to case management reduces stress for all involved and allows for more effective service provisions. These procedures assist the Juvenile Case Manager in meeting their goals of reducing juvenile crime and preventing children from becoming further involved in the juvenile justice system.

Advantages of a case plan for the Juvenile Case Manager:

- Allows identification of strengths and needs;
- Allows better management of complex cases by breaking the various needs into manageable segments;
- Assists in identifying resources that best fit the child's needs; and
- Allows the opportunity to demonstrate that the child and their family are responsible for their failure or success.

Advantages for the juvenile:

- Provides alternate solutions and strategies for avoiding risky behavior or situations;
- Opportunity to learn cause and effect, how his or her behavior created the given situation;
- Provides a clear understanding of who is responsible for what in terms of accomplishing the goals described in the case plan; and
- Allows the child to learn coping mechanisms by setting and achieving short and long term goals.

Advantages for the parent/guardian:

- Increases consistency when faced with challenging circumstances or behavior;
- Provides understanding of the consequences of ineffective approaches and also positive consequences of effective goal setting;

- Allows the parent to learn coping mechanisms and achieving short and long term goals; and
- Provides parent/guardian a clear understanding of their role and responsibilities and those of the Juvenile Case Manager.

(c) Applicable Procedural And Substantive Law

City of Houston Juvenile Case Managers shall receive training in applicable procedural and substantive law that include, but is not limited to:

- The structure of the Texas judicial system and the jurisdiction of the municipal court;
- The basic elements of the criminal justice system, the juvenile justice system, their differences, and their interactions;
- The role of the judge and the prosecutor;
- The rights of defendants;
- The elements and statutory foundations of fine-only misdemeanors often committed by juveniles;
- Procedures for summoning juveniles and their parents/guardians into court;
- Sanctions available to the court to address and remedy offenses committed by juveniles, including mandatory sanctions required for commission of certain alcoholic beverage and tobacco offenses; and
- Procedures involving juveniles who become adults and who have unadjudicated cases or who have not complied with court orders.

(d) Courtroom Proceedings And Presentation

Training in applicable courtroom proceedings and presentation should include, but should not be limited to:

- The role of the Juvenile Case Manager;
- Code of Ethics applicable to City of Houston employees, Municipal Courts Department employees and Juvenile Case Managers;
- Courtroom protocol (attire, order of events, talking to defendants, etc.) and;
- Defining and maintaining professional boundaries between the Juvenile Case Manager, the juvenile, and the juvenile's parents/guardians.

(e) Services to At-Risk Youth

Section 264.302 of the Texas Family Code provides that an "At-Risk Youth" or a parent/guardian of the youth may be referred to the Department of Department of Family and Protective Services ("DFPS") by municipal courts in Texas as part of sentencing. Such services require that there be a contract for services with the DFPS within the county. If there is a contract for services, and the court orders that services be provided, then the DFPS "*shall provide services for the child and the child's family.*" Municipal courts also have broad authority to make further orders for the best interest of the child and in order to obtain compliance of the court order.

Article 45.057 of the Texas Code of Criminal Procedure also grants municipal courts broad authority to make orders to increase the likelihood that children and

their families will comply with court orders that are designed to lower recidivism and address the underlying behavior highlighted by the commission of the crime.

It is critical that courts have a method for creating a broad referral base in order to avail the court of the ability to increase compliance with the court's orders and the laws of the State of Texas.

The services available for the courts to order include crisis family intervention, emergency short-term residential care for children 10 years of age or older, family counseling, parenting skills training, youth coping skills training, advocacy training, and mentoring (Sec. 264.302 (f)(1-7), Texas Family Code).

Texas Code of Criminal Procedure, Art. 45.057, provides that a court may enter orders addressing the concerns and issues presented by Section 264.302(f) of the Texas Family Code but may also enter an order requiring that the child attend a special program the court determines to be in the best interest of the child. Where there are services which have been approved by the county, the court may enter an order that includes rehabilitation, counseling, self-esteem, and leadership, work and job skills training, job interviewing and work preparation, self-improvement, parenting, manners, violence avoidance, tutoring, sensitivity training, parental responsibility, community service, restitution, advocacy, or mentoring. (Art. 45.057(2), Texas Code of Criminal Procedure).

The court may also enter orders requiring the parents to take classes, attend school classes and functions, and refrain from behavior provided the court makes specific findings of the need for the orders in order to insure compliance of the court's orders. See Art. 45.057(3), C.C.P. The court may order the parent to incur the costs of such programs not to exceed \$100 to pay for the costs of the program. See Art. 45.057(4), C.C.P.

(f) Local Programs And Services For Juveniles

Community resource awareness is an essential component in accessing services for juveniles. Community resources encourage the healthy development of juveniles and families through direct services. These community resource services aid in addressing the cause of delinquent behavior, re-enforce accountability, remove barriers, and reduce recidivism.

Local services may include:

- Crisis family intervention;
- Emergency short-term residential care for children 10 years of age or older ;
- Family counseling;
- Parenting skills training;
- Youth coping skills training;
- Advocacy training; and

- Mentoring.

These may be accessed through court referrals, school referrals, community referrals, and/or through Texas 2-1-1.

(g) Detecting And Preventing Abuse, Exploitation And Neglect Of Juveniles

Article 45.056, Texas Code of Criminal Procedure, was recently amended in regards to Juvenile Case Managers. Section 2, Subsection f, states that the governing body of the employing governmental entity under Subsection (a) shall adopt reasonable rules for juvenile case managers that provide training in detecting and preventing abuse, exploitation, and neglect of juveniles.

The Juvenile Case Manager should know the Texas Family Code definition of abuse, exploitation and neglect of juveniles as they will have direct access to families and juveniles in their home, school, and community environments.

As per the Texas Family Code, all citizens of Texas are required to report the belief of abuse, neglect, or exploitation of a child. Any person suspecting abuse and not reporting it can be held liable for a misdemeanor or state jail felony. Juvenile Case Managers should have immediate knowledge of the procedure for reporting abuse, neglect, or exploitation as they may find evidence of such while investigating and preparing their reports to the court.

Juvenile Case Managers consult with judges regarding:

- The child's home environment;
- The child's developmental, psychological, and educational status;
- The child's previous interaction with the justice system; and
- Any sanction that is available to the court that would be in the best interest of the child

Juvenile Case Managers are to give priority to cases brought under Sections 25.093 (failure to attend school) and 25.094 (parent contributing to non-attendance) of the Texas Education Code. Juvenile offenders are likely to live in environments where there is potential for lack of supervision or neglect which may contribute to truancy. Therefore, Juvenile Case Managers must understand the complexity of how these environments directly contribute to increased likelihood of repeated offenses by the juvenile and/or parent/guardian including abuse, neglect, or exploitation.

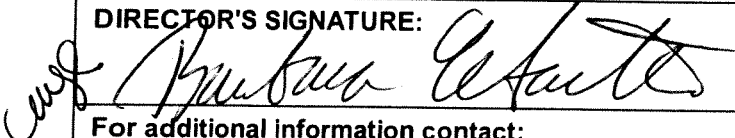
TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|--|--|----------------------------|
| SUBJECT: Ordinance approving a Memorandum of Understanding between Houston Independent School District and the City of Houston for the Juvenile Case Manager Program. | | Page 1 of 1 | Agenda Item 33 |
| FROM (Department or other point of origin): Municipal Courts Department | | Origination Date | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE: <i>Barbara E. Hartle</i> | | Council District(s) affected: All | |
| For additional information contact: Barbara E. Hartle, <i>Director and Presiding Judge</i> Municipal Courts Department 713.247.5464 | | Date and identification of prior authorizing Council action: Ord. No. 07-1297, § 1 (11/28/2007) | |
| RECOMMENDATION: Approve Ordinance authorizing a Memorandum of Understanding between Houston Independent School District and the City of Houston for the Juvenile Case Manager Program for the 2011-2012 academic year, with four (4) one-year renewals. | | | |
| Amount and Source of Funding: Fund 2211/Juvenile Case Manager Fund | | Finance Budget: | |
| SPECIFIC EXPLANATION: The Municipal Courts Department requests City Council approval of an Ordinance authorizing an Memorandum of Understanding between the Houston Independent School District (HISD) and the City of Houston to coordinate resources to address student truancy through the continuation and expansion of the Juvenile Case Manager Program ("Program") for the 2011-2012 academic year, with four (4) one-year renewals. The Program employs Juvenile Case Managers authorized pursuant to §45.056 of the Texas Code of Criminal Procedure who partner with HISD campus administrators to identify truant youth, assess factors that may contribute to their truancy, and provide appropriate referrals and services to the youth and/or families in an effort to successfully improve attendance or return students to school. The Juvenile Case Managers are paid through the Juvenile Case Manager Fund authorized pursuant to §102.0174 of the Texas Code of Criminal Procedure. In November 2007, Houston City Council approved the establishment of a Juvenile Case Manage Fund for the City of Houston under Chapter 16 of the Code of Ordinances. Memorandums of Understanding between the City of Houston and Houston Independent School District were signed in 2008, 2009, and 2010. The Juvenile Case Manager Program began with a staff of five (5) Juvenile Case Managers and two (2) Court Counselors who served four (4) HISD campuses. For upcoming 2011-2012 academic year, the Program will include a staff of fifteen (15) Juvenile Case Managers who will serve eleven (11) HISD campuses. The goal of the Program is to continue partnering with the Houston Independent School District in an effort to expand the Program's scope of service to the Houston community. | | | |
| REQUIRED AUTHORIZATION | | | |
| Other Authorization: <input checked="" type="checkbox"/> Catherine Flowers, Director, Department of Neighborhoods | | Other Authorization: <i>[Signature]</i> | |

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|---|------------------------------|-----------------------------------|
| SUBJECT: An Ordinance amending Section 16-47 of the Code of Ordinances, Houston, Texas relating to the failure of defendants to appear in Municipal Courts. | Category # | Page 1 of 1 | Agenda Item # 34 |
| FROM: (Department or other point of origin): Municipal Courts | Origination Date | | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE:  | Council Districts affected: All | | |
| For additional information contact: Judge Barbara E. Hartle Director and Presiding Judge Municipal Courts Judicial Department 713.247.5464 | Date and identification of prior authorizing Council Action: | | |
| RECOMMENDATION: (Summary) Approval of an Ordinance amending Section 16-47 of the Code of Ordinances. This ordinance will clarify that failing to appear for arraignment in municipal court is a violation of the Code of Ordinances. | | | |
| Amount of Funding: N/A | | F & A Budget: N/A | |
| SOURCE OF FUNDING: [N/A] <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify) | | | |
| SPECIFIC EXPLANATION: <p>When a person fails to appear in court, the person can be charged under the Penal Code, the Transportation Code or the Houston Code of Ordinances. Both the Penal Code and the Transportation Code make it a violation to fail to appear for either an arraignment or a trial setting. The Code of Ordinances should be amended to make it clear that failing to appear for either an arraignment or a trial setting in the Municipal Courts is also a violation of the code.</p> <p>When a person is scheduled for an arraignment they actually appear before a judge and can enter a plea to the judge. The person can also have a trial on the citation without requiring that a formal charging instrument be filed with the courts. When a person appears before a judge it is reported as a judge trial to the state for purposes of record keeping. However, the courts currently call it an "arraignment setting" even though the citizen can have a trial before the judge. Changing the ordinance will simply clarify the wording of the ordinance.</p> <p>The courts are also working on a new computer system that will have greater flexibility when it comes to filing charges. Based upon the new wording of the ordinance, the courts will be able to file more accurate documents related to a person's failure to appear in court. Tracking these documents help the courts keep better records and make it easier to capture information for reports that are sent to the State of Texas.</p> | | | |
| REQUIRED AUTHORIZATION: | | | |
| F&A Director: | Other Authorization: | Other Authorization: | |

Chapter 16

MUNICIPAL COURTS

ARTICLE III. PRACTICE AND PROCEDURE

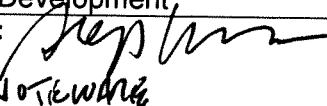
Sec. 16-47. Failure of defendant to appear at trial.

It shall be unlawful for any person knowingly to fail to appear for the arraignment or trial of any charge against the person pending in the municipal courts of the city.

HCD 11-100

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

10-11 HHH-amendment

| | | | | |
|--|--|---|-----------------------------------|----------------------------|
| SUBJECT An Ordinance authorizing the execution of a First Contract amendment between the City of Houston and Healthcare for the Homeless-Houston for the administration and operation of Project Access for Homeless Individuals. | | Category # 1 | Page 1 of 1 | Agenda Item # 35 |
| FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development, | | Origination Date 10/27/11 | Agenda Date NOV 09 2011 | |
| DIRECTOR'S SIGNATURE:  FOR JAMES D. NOTEWARE | | Council District affected: All | | |
| For additional information contact: Melody Barr Phone: 713-868-8329 | | Date and identification of prior authorizing Council action: 12/15/10; Ordinance 10-1024 | | |

RECOMMENDATION: (Summary)
Approval of an ordinance authorizing the execution of a First Contract amendment between the City of Houston (City) and Healthcare for the Homeless-Houston, providing up to an additional \$32,880 for the administration and operation of Project Access, which offers transportation services to homeless individuals and families seeking health care and supportive services.

| | |
|--|------------------------|
| Amount of Funding: \$32,880.00 | Finance Budget: |
|--|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) COMMUNITY DEVELOPMENT BLOCK GRANT FUND (5000)

SPECIFIC EXPLANATION:

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

By passage of ordinance 10-1024 on December 15, 2010, City Council authorized and approved a contract between the City of Houston and Healthcare for the Homeless-Houston (HHH), which provided funding for the administration and operation of Project Access. Healthcare for the Homeless-Houston is a nonprofit corporation organized by a strategic alliance of local service providers whose mission is to promote health, hope, and dignity for Houston's homeless through accessible and comprehensive care. Since the program's implementation in August 2003, HHH has provided transportation services to thousands of homeless individuals. Project Access is the first of its kind. Project Access has been featured on an ABC affiliate and its story released for national distribution regarding the program's success. Healthcare for the Homeless-Houston desires to continue this project.

The initial funding of the Contract provided for program costs in the amount of \$137,000 for twelve (12) months beginning December 1, 2010 and ending August 31, 2011. HCDD is currently conducting a RFP for Public Services with successful proposers beginning services on December 1, 2011. The HHH contract was extended to November 30, 2011, by HCDD. This amendment provides an additional \$32,880 to fund homeless transportation activities during the extension period. This extension and amendment will allow the agency to continue operating throughout the RFP process without a gap in services.

| REQUIRED AUTHORIZATION | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |

Date:
10/27/11

Subject. An Ordinance authorizing the execution of a First Contract amendment between the City of Houston and Healthcare for the Homeless-Houston for the administration and operation of Project Access for Homeless Individuals.

**Originator's
Initials**

**Page
2 of 2**

Under the current scope, 4250 homeless persons were served. Under the amended scope, an additional 1062 homeless persons will be served.

The funding for the original contract and the contract amendment is as follows:

| CATEGORY | Original Amount | Amended Amount | Total Contract Amount | Percentage |
|-------------------------|------------------------|-----------------------|------------------------------|-------------------|
| Administration | \$6,600 | \$1708.35 | \$8,308.35 | 4.9% |
| Support Services | \$130,400 | \$31,171.65 | \$161,571.65 | 95.1% |
| Total CDBG Funds | \$137,000 | \$32,880.00 | \$169,880.00 | 100.00% |

This project was presented to and approved by the Housing Committee on September 29, 2011.

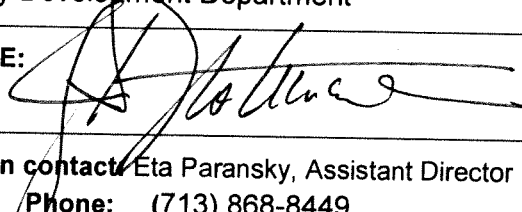
JDN:BB:MB:rj

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

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION 11-VLAC

| | | | |
|---|-------------------|-----------------------|----------------------------|
| SUBJECT: An Ordinance authorizing a loan agreement between the City of Houston and The Village Learning Center, Inc. | Category # | Page 1 of 2 | Agenda Item # 36 |
| | | | |

| | | |
|---|-------------------------------------|-----------------------------------|
| FROM (Department or other point of origin): James D. Noteware, Director Housing and Community Development Department | Origination Date 10/12/11 | Agenda Date NOV 09 2011 |
|---|-------------------------------------|-----------------------------------|

| | |
|---|---|
| DIRECTOR'S SIGNATURE:  | Council District affected: District "E" |
|---|---|

| | |
|--|---|
| For additional information contact: Eta Paransky, Assistant Director Phone: (713) 868-8449 | Date and identification of prior authorizing Council action: |
|--|---|

RECOMMENDATION: (Summary)
The Department recommends approval of an Ordinance authorizing an \$881,000 Loan Agreement between the City of Houston and The Village Learning Center, Inc. to construct an affordable housing apartment complex.

| | |
|-------------------------------------|------------------------|
| Amount of Funding: \$881,000 | Finance Budget: |
|-------------------------------------|------------------------|

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund
 Other (Specify) HOME Funds

SPECIFIC EXPLANATION:
The Village Learning Center, Inc. (VLC) was formed in 2000 as a 501 (c) 3 nonprofit corporation to provide vitally needed services to individuals with developmental and physical disabilities and their families. Their main facility is located at 3819 Plum Valley, Kingwood, Texas 77339. The Village Learning Center currently serves up to 200 low-income individuals between the ages of 5 to 78 with multiple physical and developmental disabilities.

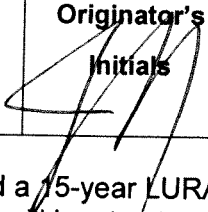
HUD is providing a Section 811 40-year forgivable loan of \$1,816,800 toward the project development and construction costs. The HUD loan will have a 40-year Land Use Restriction Agreement (LURA). The Meadows Foundation has awarded a grant of \$50,000 toward the project and the Federal Home Loan Bank (FHLB) is providing a forgivable loan in the amount of \$98,000 with an interest rate of zero percent and a 15-year term.

VLC is the proposed developer of Village at Hickory Glen Apartments, an affordable housing complex for individuals with developmental and physical disabilities. The 15-unit complex will provide permanent housing for up to 28 individuals with disabilities and their family members. The development will be made up of cottage style one-story apartment homes. The complex will have three 3-bedroom units, six 2-bedroom units, and six 1-bedroom units. The project will be subsidized by a HUD 811 Project Rental Assistance Contract (PRAC), which will cover the difference between the tenant rents, based on a maximum of 30% of gross income for housing (many of the prospective residents have incomes of approximately \$700 per month), and total project budgeted expenses. The project is located within a ¼ mile radius of parks/green spaces, shopping, restaurants, religious services and Village Learning & Achievement Center facilities. The entire site, including walkways, hallways, building entrances, units and common areas will be barrier free, and usable for mobility-impaired residents regardless of their disability. Residents will have access to an onsite activities center, onsite/near-site support services, and onsite/near-site transportation.

REQUIRED AUTHORIZATION

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|

cup

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|-------------------------|---|---|-----------------------|
| Date 10/12/11 | Subject: An Ordinance authorizing an Agreement between the City of Houston and The Village Learning Center, Inc. | Originator's Initials  | Page 1 of 2 |
|-------------------------|---|---|-----------------------|

The City's PBL will have an interest rate of zero percent with a 15-year term and a 15-year LURA. In order to retain the ability to recapture some or all of the loan funds in the future, the loan will be structured such that if the property is sold or refinanced within 35 years after the end of the 15-year loan term (which corresponds to 10 years after the expiration of the HUD LURA), the City will receive 50% of the proceeds, up to the principal balance of the loan.

The City will restrict 10 floating HOME assisted units with 8 units restricted to HUD High HOME rents and 2 units restricted to HUD Low HOME rents. Fourteen units are designated for mobility and sensory impaired residents.

Sources of Funds:

| | |
|-------------------------------|--------------------|
| HUD – Section 811 Grant | \$ 1,816,800 |
| City of Houston/Home Funds | 881,000 |
| Meadows Foundation | 50,000 |
| Federal Home Loan | <u>98,000</u> |
| Total Sources of Funds | \$2,845,800 |

Uses of Funds:

| | |
|----------------------------|--------------------|
| Hard Costs | \$ 2,082,951 |
| Acquisition | 320,000 |
| Soft Costs | 267,176 |
| Financing & Other Costs | <u>175,673</u> |
| Total Uses of Funds | \$2,845,800 |

This project is consistent with the City of Houston Consolidated Plan to create affordable housing units for the disabled. The City's participation in the project will contribute to the goal of increasing the number of affordable rental housing units in the Houston area.

This item was presented to the Housing and Community Development Committee on July 21, 2011, and no action was taken due to lack of quorum.

The Department recommends approval of an agreement between the City and The Village Learning Center, Inc.

JN:EP:ss

cc: CTR, FIN, LGL, CMS, MYR



RCA Transmittal

601 Sawyer St., 4th Floor
Houston, Texas 77007

HCD11-103 An Ordinance authorizing a loan agreement between the City of Houston and The Village Learning Center, Inc.

Contact Person(s) - Renee Carrington, 8-8360 David Godwin, 8-8351 Chris Butler, 5-4196 Ray Daniels, 8-8321 Gayve Anklesaria, 8-8466 Bob Bradford, 8-8340 Melody Barr, 8-8329 X Eta Paransky, 8-8449 Linda Crosson, 8-8498 David Kim, 8-8323 Deidre Rasheed, 8-8429 Derek Sellers, 8-8428

DELIVERED TO MAYOR'S AGENDA OFFICE

Roxanne Lawson

HCD Staffperson

Thursday, November 3, 2011

Date

Time

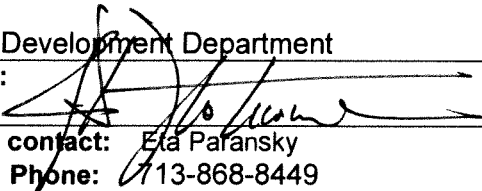
Printed Name

Signature

Revised RCA

Comments

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | | | |
|---|--|--|-----------------------------------|--------------------------------|
| SUBJECT: An Ordinance approving and authorizing an amendment to the contract regarding the use of Neighborhood Stabilization Funds (round 1) between the City of Houston and Habitat for Humanity Inc. | | Category # | Page 1 of 1 | Agenda Item # 37 |
| FROM (Department or other point of origin): James D. Noteware Housing and Community Development Department | | Origination Date 11/3/11 | Agenda Date NOV 09 2011 | |
| DIRECTOR'S SIGNATURE:  | | Council District affected: A,B,D,E,H,I | | |
| For additional information contact: Eta Pafansky Phone: 713-868-8449 | | Date and identification of prior authorizing Council action: 6/16/10 – 10-458 12/22/10 – 10-1048 | | |

RECOMMENDATION: (Summary)
 The Department recommends approval of an Ordinance approving and authorizing an amendment to the contract regarding the use of Neighborhood Stabilization Program Round I ("NSP1") funds by and between the City of Houston ("City") and Houston Habitat for Humanity ("Habitat for Humanity Inc."). The amendment will reflect the City's Consolidated Plan's policy allowing Habitat for Humanity Inc. to acquire, rehabilitate, and sell foreclosed, abandoned and/or vacated homes using NSP1 funds for households earning up to 120% of the Area Median Income (AMI); additionally, 25% of the total NSP allocation will be used to serve households whose income does not exceed 50% of the AMI.

Amount of Funding: No additional funding **Finance Budget:**

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

SPECIFIC EXPLANATION:
 Habitat for Humanity Inc. currently has a contract with the City using NSP1 funds in the amount of \$1,430,549 to acquire, rehabilitate, and sell seventeen foreclosed, abandoned and/or vacated homes. The contract currently permits Habitat for Humanity Inc. to sell these houses only to families that earn up to 50% of area median income. The amendment allows families earning up to 120% of area median income to purchase these homes; additionally, 25% of the total loan will be used to serve households whose income does not exceed 50% of the area median income.
 The Department already amended the current NSP1 Plan in November 2010 to permit this increase in area median income. The proceeds of the sale of rehabilitated homes by Habitat for Humanity Inc. to qualified homebuyers will be used to further the sale of affordable housing and NSP eligible activities.
 This project is consistent with the City's Consolidated Plan to create affordable housing units and encourage community development. The City's participation in the project will contribute to the goals of expanding sustainable homeownership opportunities for low-income families in the City and stabilizing neighborhoods with high foreclosure rates.
 This item was presented to the Housing and Community Development Committee on June 23, 2011, and no action was taken due to lack of quorum.
 The Department recommends approval of this amendment to the contract between the City and Habitat for Humanity Inc.
 JN:EP:MF

REQUIRED AUTHORIZATION

| | | |
|-----------------|-----------------------------|-----------------------------|
| Finance: | Other Authorization: | Other Authorization: |
|-----------------|-----------------------------|-----------------------------|

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

HCD11-105

SUBJECT: The Housing and Community Development Department recommends City Council's approval of an Ordinance to appropriate and use \$3,101,439 in TIRZ Affordable Housing Funds for the fourth of five scheduled installments for repayment of HUD grants.

Page
1 of 1

Agenda Item
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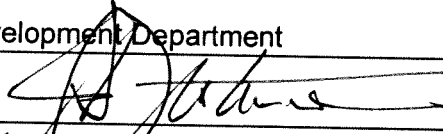
FROM (Department or other point of origin):
James D. Noteware, Director
Housing and Community Development Department

Origination Date

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE:



Council District affected:

For additional information contact:
Veronica Chapa-Jones/Derek Sellers
Phone: 713-868-8335/713-868-8428

Date and identification of prior authorizing Council action: Ordinance 2008-1048 dated November 19, 2008, Ordinance 2009-1129 dated November 17, 2009

RECOMMENDATION: (Summary)

The Housing and Community Development Department recommends City Council's approval of an Ordinance to appropriate and use \$3,101,439 in TIRZ Affordable Housing Funds for the fourth of five scheduled installments for repayment of HUD grants.

Amount of Funding:
\$3,101,439

Finance Budget:

SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify) TIRZ Affordable Housing Fund 2409

SPECIFIC EXPLANATION:

The Housing and Community Development Department has management responsibility for ensuring that HUD grants awarded to the City are used in compliance with appropriate federal regulations and statutes. The City annually receives grant funds primarily for four HUD entitlement programs: Community Development Block Grant (CDBG), Housing Opportunities for Persons with AIDS (HOPWA), Emergency Shelter Grant (ESG), and HOME Investment Partnerships. HUD continuously monitors the grant recipients to assess compliance with its complex regulations and to ensure that the funds are being used for eligible purposes.

HUD's monitoring of 2004 and 2005 program activities found non-compliance with HUD program regulations and disallowed certain expenditures made with HOME, HOPWA, and CDBG funds. The City worked with HUD for more than a year to resolve the related findings. Through negotiations and corrective action, the City's total exposure was reduced considerably, resulting in the City's obligation to effectuate repayment of same by transferring funds from a nonfederal source into its HUD CDBG, HOME, and HOPWA accounts in the total amount of \$15,507,194 over a five-year period, or to face reduced grant awards in the future. The executed Settlement Agreement is attached for reference.

On November 19, 2008, the Mayor was authorized by Ordinance No. 2008-1048 to execute all necessary documents related to the Settlement Agreement that was reached between HUD and the City of Houston. The fourth payment to HUD is coming due on December 1, 2011. Therefore, the Housing and Community Development Department recommends City Council approval to appropriate and use \$3,101,439 in TIRZ funds to make the fourth of five installments to the City's HUD account for HOME to be completed on or before December 1, 2011 in compliance with a prior agreed upon schedule.

Approval is therefore recommended.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

RCA# 9192

TO: Mayor via City Secretary

Subject: Ordinance appropriating \$1,815,511.90 from the Equipment Acquisition Consolidated Fund and authorization to purchase capital equipment for use by the Houston Fire Department

Category #
4

Page 1 of 2

Agenda Item

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FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

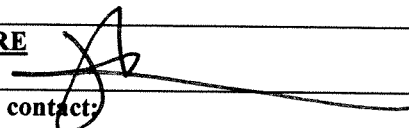
Origination Date

October 06, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE



Council District(s) affected

All

For additional information contact:

Neil Depascal *NJD*
Beda Kent *B*

Phone: (832) 394-6755

Phone: (832) 394-6748

Date and Identification of prior authorizing Council Action:

September 28, 2011 MOTION 2011-0745

RECOMMENDATION: (Summary)

The Houston Fire Department recommends that City Council appropriate \$1,815,511.90 from the Equipment Acquisition Consolidated Fund (Fund 1800) and authorize the purchase of capital equipment to be used by the Houston Fire Department.

\$1,815,511.90

Equipment Acquisition Consolidated Fund (Fund 1800)

Finance Budget

SPECIFIC EXPLANATION:

The Fire Chief recommends that City Council adopt an Ordinance authorizing the appropriation of \$1,815,511.90 from the FY12 Equipment Acquisition Consolidated Fund for the purchase of Capital Equipment items for HFD as approved in the FY12 Equipment Acquisition Plan. The Appropriation Ordinance is required to provide the funding for the purchase of capital equipment by utilizing current City contract agreements.

Bunker Gear – The request is for the purchase of 155 sets of bunker gear at \$1,242.27 each. This replacement of fire fighting gear for suppression personnel is specific to HFD requirements that meet or exceed NFPA 1971, "Structural and Proximity Firefighting Gear" minimum standards. This purchase will be made utilizing our existing contract with Lion Apparel. The total cost for this purchase is approximately \$192,551.85.

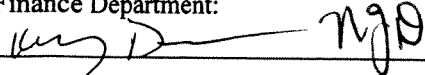
Automatic External Defibrillators (AEDs) – The request is for the purchase of 252 automatic external defibrillators at \$2,404.30 each. An AED is a portable electronic device that automatically diagnoses the potentially life threatening cardiac rhythm in a patient. This purchase will replace all AEDs on HFD engines, ladders, ambulances, and public access locations due to current units having surpassed their life expectancy and technology. This purchase will be made utilizing our existing contract with Medtronic Physio Control. The total cost for this purchase is approximately \$605,883.60.

Breathing Air System – The request is for the purchase of 1 Scott breathing air compressor system. This replacement compressor is used to fill the air cylinders on the self contained breathing apparatus (SCBA) for entry into hazardous environments for life saving and fire suppression efforts. This purchase will be made utilizing our existing contract with Scott Health and Safety. The total cost for this purchase is approximately \$56,670.

SCBA-Upgrade kit – The request is for the purchase of 59 SCBA-Upgrade kits at \$2,020 each. The kits are for the NFPA 2003 compliant Scott Air-Pak SCBAs that will upgrade them to the required NFPA 2007 compliance standard. This purchase will be made utilizing our existing contract with Scott Health and Safety. The total cost for this purchase is approximately \$119,180.

REQUIRED AUTHORIZATION

Finance Department:



Other Authorization:

Other Authorization:

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 10/6/2011 | Subject: Ordinance appropriating \$1,815,511.90 from the Equipment Acquisition Consolidated Fund and authorization to purchase capital equipment for use by the Houston Fire Department | Originator's Initials ND | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

TNT Rescue Equipment – The request is for the purchase of 1 set of the TNT extrication rescue tools that includes a: Cutter, Ram, Spreader and Pump. This purchase will replace one of two remaining Hurst equipment sets that have exceeded their useful service life. It will also provide replacement or loaner pieces in the event the other Hurst unit breaks down. This purchase will be made utilizing our current contract with Advance Rescue Systems. The total cost for this purchase is approximately \$20,500.

Fire Apparatus Equipment – The request is to purchase the primary equipment for 3 fire engines and 2 ladder trucks. This equipment consists of hose, nozzles, axes, portable ladders, hand tools, etc. This equipment is standard for firefighting and rescue emergencies and will remain constant on each engine and ladder. This purchase will be made utilizing our current contracts with various vendors as outlined below. The total cost for this purchase is approximately \$436,872.45.

| Vendor | Equipment |
|-------------------------|--|
| Advance Rescue Systems | hydraulic extrication rescue tools (jaws of life), hydraulic hoses, airbag kits, Stoke baskets, stabilization kits, anchor slings, carabineers, rescue ropes |
| Dooley Tackaberry | hose nozzles, hose connectors, hose caps, Hydrant valves, water appliances, ladders, pike poles, Halligan tools, bolt cutters, sledge hammers, spanner wrenches, safety cones, LED Flood lights, cord reels, tripod flood lights, grass brooms, Streamlight fire hand lights |
| Nevada Pacific | lengths of fire hose: 1.75", 2.5", 3", and 4" sizes |
| Scott Health and Safety | SCBA air bottles, airpacks, thermal imaging cameras |
| Grace Industries | TPASS accountability devices |
| AAA Fire | Water Extinguishers, CO2 Extinguishers, Dry Chemical Extinguishers |
| Metro Fire | hose clamps, hose straps, 6" supply hoses, ventilation fans, wheel choks |
| Grainger | Reciprocating saws, saw blades, tool boxes and hand tools, lockout kits, flathead axes, pickhead axes, chain saws, scoop shovels |

Laptop Computers - The request is for the purchase of 35 tough book laptop computers at \$4,609.40 each. This purchase is a component of the forthcoming upgrade to the Grace Accountability System. This system monitors the safety of firefighters operating on the fire-ground and in other hazardous environments. This purchase will be made utilizing our current contract with Hewlett Packard. The total cost for this purchase is approximately \$161,329.

Mil Spec Connectors– The request is for the purchase of 989 Mil Spec Connectors at \$225 each. These connectors (pigtaills) are a component of the EZ COMM system that provides a secure quick-connect from a portable radio to allow hands-free radio communication capability on the fire-ground. These components are required due to the forthcoming changes to the radio system and will allow continued use of the EZ COMM system. These items will be made utilizing the contract with Scott Health and Safety. The total expenditure for these items will be approximately \$222,525.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Ordinance for the appropriation of \$19,341 from the FY12 Equipment Acquisition Fund (1800) to purchase capital equipment for the Parks and Recreation Department.

Category #

Page 1 of 1

Agenda Item

41


FROM (Department or other point of origin):
Houston Parks and Recreation Department

Origination Date:
October 20, 2011

Agenda Date
NOV 09 2011

DIRECTOR'S SIGNATURE:

Joe Turner, Director



Council District(s) affected:

ALL

For additional information contact:

Luci Correa, 832-395-7057
Walter Guthrie, 832-395-7042

Date and Identification of prior authorizing Council Action: NA

RECOMMENDATION: (Summary):

The Parks and Recreation Department recommends City Council approve and ordinance authorizing the appropriation of \$19,341 out of the FY12 Equipment Acquisition Fund (Fund 1800) for the purchase of a Capital Equipment item as approved in the FY12 Equipment Acquisition Plan.

Amount of Funding:

\$19,341 Fund 1800 Equipment Acquisition Fund

Finance Budget:

SPECIFIC EXPLANATION:

The Capital Equipment purchase is as follows:

One (1) Timber Ax Tree & Brush Shredder for Skid-steers - Loftness Manufacturing Model No. 73AXH2-07

The Timber Ax will be installed on a John Deere steer skid loader currently in PARD inventory. This equipment will be used to selectively cut and mulch unwanted trees, brush vines, grass and under growth. This equipment is the most efficient and environmentally safe way to clear large areas for fire breaks and forest management because it allows for the use of smaller equipment and reduces impact on terrain. The equipment also reduces job site clean-up and man hours.

Finance Director:

Other Authorization:

Other Authorization:

J. Loeb for Kelly Dowc

10-27-11

REQUEST FOR COUNCIL ACTION

RCA# 9201

TO: Mayor via City Secretary

Subject: Approve an Ordinance appropriating from Public Works & Engineering and Houston Airport System Funds for the public safety radio system project of the Information Technology Department

Category #
1

Page 1 of 1

Agenda Item
42

FROM (Department or other point of origin):

Gary Morris
Deputy Director
Information Technology

Origination Date

October 20, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE

Council District(s) affected
All

For additional information contact:

Tom Sorley Phone: (832) 393-0300
Frank Rodriguez Phone: (832) 393-0205

Date and Identification of prior authorizing Council Action:

08-11-10: 2010-0648 / 08-05-09: 2009-0713

RECOMMENDATION: (Summary)

Approve an Ordinance authorizing the appropriation of \$10,295,826.00 from the Public Works & Engineering Water and Sewer System Consolidated Construction Fund and \$2,018,699.00 from the Houston Airport System Airport Improvement Fund for project implementation in the Public Safety Radio System for the Information Technology Department.

Award Amount: \$12,314,525.00

Finance Budget

\$10,295,826.00 - PWE- Water and Sewer System Consolidated Construction Fund (Fund 8500)
\$ 2,018,699.00 - HAS - Airport Improvement Fund (Fund 8011)

\$12,314,525.00 Total Award

SPECIFIC EXPLANATION:

The Acting Director of the Information Technology Department recommends City Council to approve an Ordinance to appropriate \$10,295,826 from the Public Works & Engineering Water and Sewer System Consolidated Construction Fund (Fund 8500) and \$2,018,699 from the Houston Airport System Airport Improvement Fund (Fund 8011) for the radio system project implementation. In August 2007, the City published a Request for Proposals (RFP) to replace the City's aging public safety radio systems. After evaluations the City awarded a contract to Motorola, Inc. in October 29th 2008.

In the last twelve months, the following project related tasks have been accomplished:

1. Completed Site Acquisition.
2. Site Civil work approximately 85% completed.
3. Equipment delivery 90% completed.
4. Site Optimization work approximately 40% completed.
5. Completed Fleet Mapping process.
6. Began installation of dispatch consoles at Houston Emergency Center.
7. Began installation of mobile radios in Fire Apparatus.
8. Completed installation of mobile radios for PW&E System users.
9. Completed Interlocal Agreement with Harris County and Greater Harris County 911 for microwave backhaul network sharing.

The project team will be working on the following tasks during FY 2012:

1. Complete Site Civil work.
2. Complete Fleet Mapping process.
3. Complete transition of Public Service users by April 2012.
4. Complete transition of Fire Department users to General Government layer by July 2012.
5. Continue to pursue partnership opportunities.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|--------------------------|
| SUBJECT: First Amendment to Antenna Site License Agreement with Texas Tower Limited, at 600 Travis Street, Houston, Texas for the Radio Communications Division of the Information Technology Department | Page 1 of 1 | Agenda Item 44 |
|---|-----------------------|--------------------------|

| | | |
|---|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): General Services Department | Origination Date | Agenda Date NOV 09 2011 |
|---|-------------------------|-----------------------------------|

| | |
|--|-------------------------------------|
| DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix</i> 10/7/11 | Council District affected: 1 |
|--|-------------------------------------|

| | |
|--|--|
| For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023 | Date and identification of prior authorizing Council action: Ordinance No. 2009-1227; 12/02/2009 |
|--|--|

RECOMMENDATION: Approve and authorize a First Amendment to Antenna Site License Agreement with Texas Tower Limited, a Texas limited partnership (Licensor), for ground and roof top space at the JPMorgan Chase Tower at 600 Travis Street, Houston, Texas for the Radio Communications Division of the Information Technology Department.

| | |
|--|------------------------|
| Amount and Source Of Funding: FY2012 - \$138,380.00 Police Consolidated Construction Fund (4504) – (previously appropriated by Ordinance 2009-0713 and 2010-0648) | Finance Budget: |
|--|------------------------|

SPECIFIC EXPLANATION: The City of Houston recently purchased a new radio system to replace the current outmoded Public Safety Radio system. The new radio system will have more channels, allowing radio service used by local government to serve the needs of a growing community. The new technology will be interoperable, allowing Fire, Police and Public Works to communicate more effectively with each other within the City and with other public safety entities. To facilitate this project, the Radio Communications Division of the Information Technology Department has entered into various license agreements to lease communication tower rooftop space and ground space for the installation, operation and maintenance of antennas and other telecommunications equipment.

The proposed First Amendment with Texas Tower Limited, a Texas limited partnership (Licensor), will allow the City to install additional antennas, relocate several microwave dishes to another floor and also give the City the option to take over the ownership and maintenance of an auxiliary air conditioner unit that is necessary to offset the high heat loads given off by the telecommunications equipment and to ensure its smooth operation. As consideration for installation of the additional equipment, the current monthly license fee of \$12,000.00 will increase to \$17,000.00 monthly, with an annual escalator of 2% during the license term. The amended term of the license agreement will commence 30 days following the date the City installs the site equipment or the commencement of operations; however in no event shall the date be later than January 1, 2012. The First Amendment provides for a ten-year license term with three five-year automatic renewal options. All other terms and conditions of the original License Agreement remain the same.

The General Services Department recommends approval of a First Amendment to Antenna Site License Agreement with Texas Tower Limited, Licensor, for the Radio Communications Division of the Information Technology Department.

SM:HB:JLN:RB:npb
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby and Tom Sorley

REQUIRED AUTHORIZATION CUIC ID# 25 RB 121

General Services Department:

H. Bautista

Humberto Bautista, P.E.
Assistant Director

Information Technology Department:

G. Morris

Gary Morris
Acting Director

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving and authorizing an interlocal agreement between the City of Houston and the Sam Houston State University Regional Crime Lab for laboratory testing services in DUI/ DWI cases

Page
1 of 1

Agenda Item #

43

FROM: (Department or other point of origin):

Origination Date:


Agenda Date:

Houston Police Department

NOV 09 2011

DIRECTOR'S SIGNATURE:

Council District affected:

CMC

Charles A. McClelland, Jr., Chief of Police

All

For additional information contact:

Joseph A. Fenninger Phone: 713-308-1770

JAF 11/3/11

Phone:

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Adopt an ordinance approving and authorizing an interlocal agreement between the Sam Houston State University Regional Crime Lab and the City of Houston for laboratory testing services on blood and/or urine for cases involving Driving Under the Influence and/or Driving While Intoxicated in the amount of \$65,000.

Amount and Source of Funding: \$65,000 General Fund - 1000

SPECIFIC EXPLANATION:

The Houston Police Department recommends that City Council approve an ordinance authorizing an interlocal agreement between the City of Houston for the Houston Police Department Crime Laboratory (HPDCL) and Sam Houston State University for the Sam Houston State University Regional Crime Laboratory (SHSURCL) for Driving Under the Influence/ Driving While Intoxicated (DUI/DWI) cases for a period of one year in an amount not to exceed \$65,000. The funds for toxicology testing under this agreement are already contained within the Houston Police Department's budget and the agreement will automatically renew annually for four successive years should funding be available. This agreement will increase the capacity for DUI/DWI toxicology testing by providing a second local option and will help reduce future case backlogs.

Under this agreement, the HPDCL will submit an agreed upon number of blood and/or urine samples to the SHSURCL for forensic toxicology testing of DUI/DWI cases at \$300 per case. SHSU will provide the test results to HPD within 60 days of submission and will notify the submitting officer within the 60 day period if additional analysis is required beyond the 60 day limit. HPD may designate a maximum of two cases per month as priority cases with test results due from SHSU within 30 days after HPD designates a sample as a priority case.

The SHSURCL will conduct toxicology analysis on the samples provided by HPDCL using protocols recognized by the American Society of Crime Lab Directors/ Laboratory Accreditation Board - International and maintain applicable Texas Department of Public Safety (DPS) accreditation for the duration of this agreement. The SHSURCL will also provide expert witness testimony and consulting services if necessary based on a fee schedule provided in the agreement.

REQUIRED AUTHORIZATION

Finance:

Other Authorization:

Other Authorization:

JAF 11/3/11

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Lease Agreement with Legacy Community Health Services Inc. at the Lyons Health Center at 5602 Lyons Avenue, Houston, Texas for the Department of Health and Human Services

Page
1 of 1

Agenda Item

45

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

Origination Date

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE:

Scott Minnix

Scott Minnix 9/19/11

Council District affected: H

For additional information contact:

Jacquelyn L. Nisby Phone: 832-393-8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Approve and authorize a Lease Agreement with Legacy Community Health Services Inc., a Texas nonprofit corporation (Tenant), for the lease space at the Lyons Health Center located at 5602 Lyons Avenue, Houston, Texas 77002 for the Department of Health and Human Services (DHHS).

Amount and Source Of Funding: Revenue

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends approval of a Lease Agreement with Legacy Community Health Services Inc. (Legacy) a Texas nonprofit corporation, for 23,250 square feet of lease space at the Lyons Health Center located at 5602 Lyons Avenue, Houston, Texas 77002. Legacy is permitted to use the leased premises to provide primary health care services, dental care, immunization, and other health services to low-income persons on a discounted or sliding fee schedule based on federal poverty guidelines. The City recognizes these services to be a legitimate public and municipal purpose that are in the best interest of the citizens of Houston. Legacy is required to submit to DHHS annual reports of the services provided.

The proposed lease provides for a five-year initial term with two five-year renewal options at a monthly rental of:

- \$17,437.50 (\$0.75 psf per month/\$9.00 psf per annum) Months 1 - 24
- \$17,960.62 (\$0.77 psf per month/\$9.27 psf per annum) Months 25 - 48
- \$18,503.12 (\$0.79 psf per month/\$9.55 psf per annum) Months 49 - 60

As consideration for power washing the sidewalks, entry ways and parking lots; cleaning and painting the interior of the building, and repairing or replacing cracked flooring, the City will give Legacy a credit equal to seven months' rent.

Legacy is responsible for maintenance, taxes, insurance and all the operating expenses of the leased premises, which includes utilities, janitorial and security services.

The lease term will commence on the date of countersignature by the City Controller. Either party may terminate the lease without cause at any time during the term of the lease by providing 120 days prior written notice.

SM:BB:JLN:RB:npb

xc: Marta Crinejo, Jacquelyn L. Nisby, Anna Russell and Claudette Manning

REQUIRED AUTHORIZATION

CUIC ID# 25 RB 120

General Services Department:

H. Bautista

Humberto Bautista, P.E.
Assistant Director

Department of Health and Human Services:

Stephen L. Williams

Stephen L. Williams, M.Ed., M.P.A.
Director

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9007

Subject: Approve an Ordinance Awarding a Contract for Closed Captioning Services for the Mayor's Office S33-L23838

Category #
4

Page 1 of 2

Agenda Item

46

FROM (Department or other point of origin):

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

Origination Date

September 12, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Dwight Williams Phone: (832) 393-1277
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to The Captioning Company, Inc. on its low bid meeting specifications in the amount of \$234,000.00 for closed captioning services for the Mayor's Office (Houston Television).

Maximum Contract Amount: \$234,000.00

Finance Budget

\$234,000.00 - Cable Television Fund (2401)

[Signature]

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to The Captioning Company, Inc. on its low bid meeting specifications in the amount of \$234,000.00 for closed captioning services for the Mayor's Office (Houston Television). The City Purchasing Agent may terminate this contract at any time upon 30 days written notice to the contractor.

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

| <u>Company</u> | <u>Total Amount</u> |
|--|---|
| 1. Florida Captioning Services | \$188,437.50 (Does Not Meet Specifications) |
| 2. The Captioning Company, Inc. | \$234,000.00 |

The scope of work requires the contractor to provide all equipment, materials, tools, labor, supervision and transportation necessary to provide real-time stenographic writing for simultaneous closed-captioning of live productions and post production stenographic writing to enable closed-captioning of off-line programs for the Mayor's Office (Houston Television). The contractor will also be required to provide basic closed captioning services.

Pay or Play Program:

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

Buyer: Conley Jackson

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

10

R

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 9/12/2011 | Subject: Approve an Ordinance Awarding a Contract for Closed Captioning Services for the Mayor's Office S33-L23838 | Originator's Initials CJ | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

Estimated Spending Authority

| Department | FY12 | Out Years | Total Amount |
|----------------------|-------------|------------------|---------------------|
| Mayor's Office (HTV) | \$36,415.00 | \$197,585.00 | \$234,000.00 |

Attachment: MWBE Zero-Percent Goal Document approved by the Office of Business Opportunity

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Approve and authorize an ordinance awarding a contract to MuniServices, LLC for Sales/Use Tax Audit and Sales/Use Tax Analysis and Reporting Services

Category #

Page 1 of 1

Agenda Item#

47

FROM: (Department or other point of origin):

Kelly Dowe, Director
Finance Department

Origination Date

October 28, 2011

Agenda Date

NOV 09 2011

DIRECTOR'S SIGNATURE:

Kelly Dowe
Kelly Dowe, Finance Department

Council Districts affected:

All

For additional information contact:

Kelly Dowe, Director
Jim Locke

Phone: (713) 221-0935

Phone: (713) 837-9676

Date and identification of prior authorizing Council Action:

N/A

RECOMMENDATION: (Summary)

Approve and authorize an ordinance awarding a contract to MuniServices, LLC for Sales/Use Tax Audit and Sales/Use Tax Analysis and Reporting Services

Amount of Funding: FY2012

- 1) Sales Use Tax Audit-Contingency based on recoveries to City estimated at \$93,750
- 2) Sales Use Tax Analysis and Reporting Services: Original Allocation - \$44,000

Maximum Contract Amount - \$850,000

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund

SPECIFIC EXPLANATION:

Finance Department recommends that City Council approve an ordinance authorizing the award of a two year contract with two option years to MuniServices, LLC to perform two services, 1) Sales and Use Tax Audit and 2) provide Sales and Use Tax Analysis and Reporting Services. The purpose of the audit is to ensure the City is not being underpaid sales tax by taxpayers or that the Texas Comptroller of Public Accounts is not misallocating funds due the City. The services of sales and use tax analysis and reporting will be used as the economic reporting entity for sales tax forecasting, collection analysis, and the identification of sales tax leakage.

Compensation to MuniServices, LLC is based on the following payment terms:

- 1) Sales and Use Tax Audit - The Contractor will be paid a contingency fee based on sales tax recovery paid to the City by the Texas Comptroller of Public Accounts and the Contractor will not be paid until the funds are paid to the City by the Texas Comptroller of Public Accounts. The fee will be 25% of the recovered amount in the first year of the contract and 30% thereafter. The FY2012 amount is estimated at \$93,750 with the total estimated fees over the contract period of \$637,500.
- 2) Sales and Use Tax Analysis and Reporting Services - The Contractor will be paid a fee of \$44,000 annually with the total estimated fees over the contract period of \$212,500. These services will include sales tax forecasting, quarterly sales tax capture leakage analysis, monthly cash reports, and a quarterly digest containing Top 100 Historical performance accounts, Top 100 Sales tax performance accounts, economic category performance, business classification codes, historical economic composition, and geographical area reports.

M/WBE Subcontracting:

The Office of Business Opportunity has reviewed the scope of work and has determined there is a capacity for a 10% MWBE goal. The divisible work to be subcontracted out to an M/WBE firm is:

Economic forecasting and business trend analysis; Extrapolation and cash and economic performance by business segments; Identify businesses not in compliance with sales tax reporting; Physical canvassing within the City for improper sales tax reporting; and assist in refining a sourcing model to uncover businesses that apply the Texas sourcing rules incorrectly.

Pay or Play Program:

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

Scheduled to be presented to Budget and Fiscal Affairs Committee on November 7, 2011.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|--|-------------------|--------------------|----------------------------|
| SUBJECT: Property Acquisition – William P. Hobby Airport (HOU), Project 999 (WBS# A-000528-0003-2-01) | Category # | Page 1 of 1 | Agenda Item # 48 |
|--|-------------------|--------------------|----------------------------|

| | | |
|--|---|-----------------------------------|
| FROM (Department or other point of origin): Houston Airport System | Origination Date October 20, 2011 | Agenda Date NOV 09 2011 |
|--|---|-----------------------------------|

| | |
|---|--|
| DIRECTOR'S SIGNATURE: <i>M. Kae</i> <i>M. Kae</i> | Council District affected: I |
|---|--|

| | |
|--|--|
| For additional information contact: Janet Schafer <i>JNS</i> Phone: 281-233-1796 James Valenta 281-233-1828 | Date and identification of prior authorizing Council action: N/A |
|--|--|

| | |
|--|-------------------------------------|
| AMOUNT & SOURCE OF FUNDING: CIP A-0528 \$88,000.00 HAS-Consolidated2001 NONAMT Construction (Fund 8202) | Prior appropriations: N/A |
|--|-------------------------------------|

RECOMMENDATION: (Summary) Approve an ordinance appropriating \$88,000.00 from the Airport System Bond Funds and approving and authorizing a Purchase and Sale Agreement to acquire vacant land adjacent to William P. Hobby Airport (HOU).

SPECIFIC EXPLANATION: The Houston Airport System (HAS) requests the appropriation of requested funds and the approval of a Purchase and Sale Agreement with the Pasadena Independent School District (Pasadena ISD) for the acquisition of tract of land and all improvements located on the northwest corner of Airport Boulevard and Monroe Road (Key Map 575C). HAS requires the property as additional runway protection zone for Runway 4/22. An off-premise sign was located on the property, but was recently removed at the request of Pasadena ISD in support of HOU interests and operations. The acquisition of this land is in HAS's Capital Improvement Program.

The Pasadena ISD acquired the property under tax foreclosure with the current sale price of \$86,210.00 being the amount stated in the foreclosure judgment. This amount is supported by a land value as determined by professional appraiser under contract with the City.

HAS requests approval of a Purchase and Sale Agreement for the property acquisition described below:

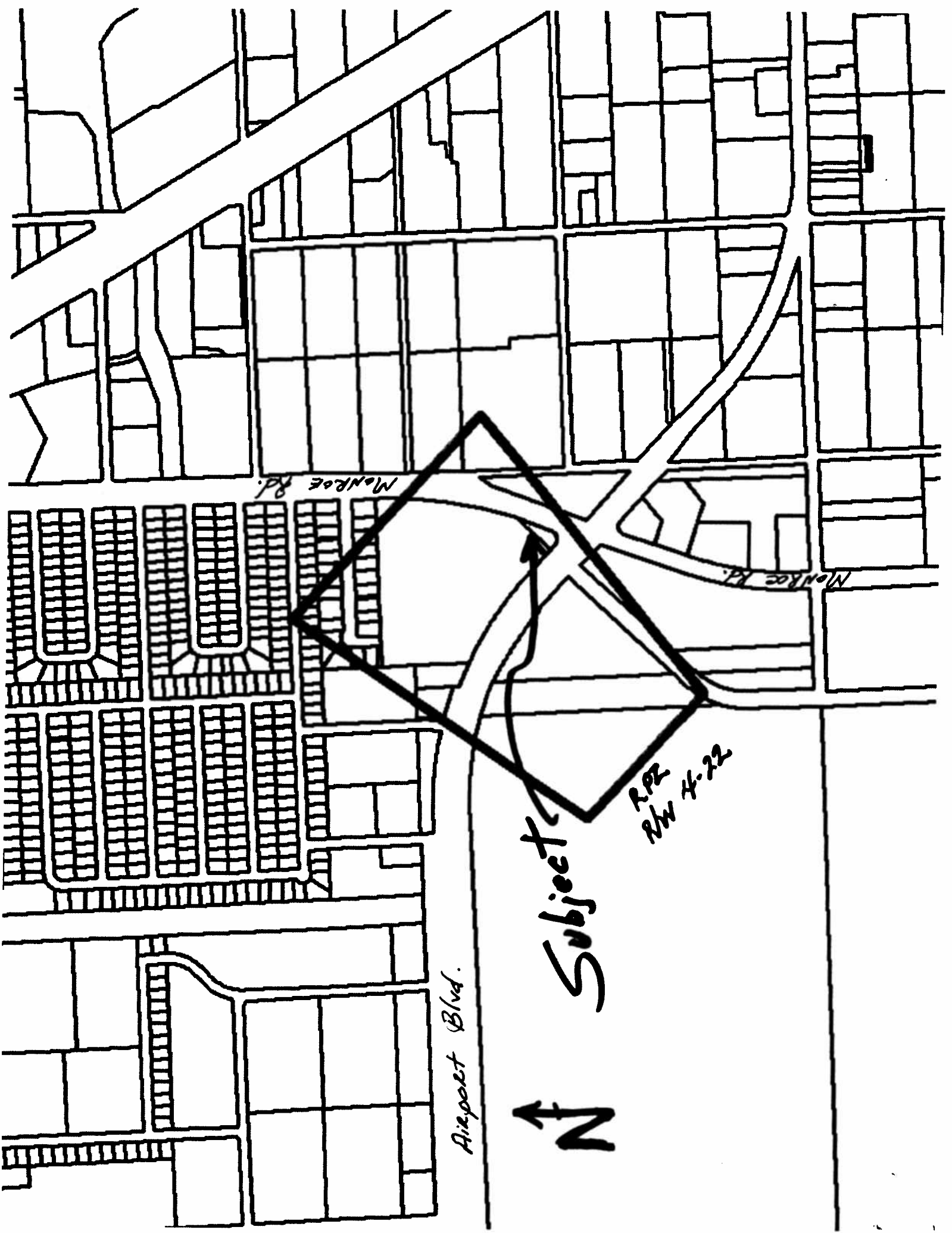
| Owner | Property Description | Purchase Price |
|--------------------------------------|---|----------------|
| Pasadena Independent School District | Approximately 0.435 acres of land (18,948 sq. ft.) being Tract 3H out of the G.W. Sherrick Survey, Abstract 1113, Houston, Harris County, Texas | \$86,210.00 |
| | 8500 Block of Airport Boulevard (vacant land) | |
| | Estimated Title Insurance and Closing Costs (not to exceed) | \$1,790.00 |
| | Requested Appropriation | \$88,000.00 |

HAS further requests the appropriation of \$88,000.00 from the Airport Bond Funds for the above property acquisition, inclusive of the payment of title insurance premium and other miscellaneous closing costs. The Legal Department prepared the Purchase and Sale Agreement and has reviewed the documentation related to the acquisition.

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

REQUIRED AUTHORIZATION

| | | |
|----------------------------|-----------------------------|-----------------------------|
| Finance Department: | Other Authorization: | Other Authorization: |
|----------------------------|-----------------------------|-----------------------------|



Airport Blvd.

Monroe Rd.

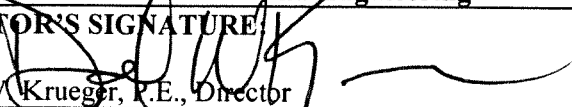
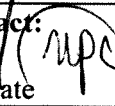
Monroe Rd.

Subject

RPR
2/4-22

To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|--|-----------------------------------|
| SUBJECT: PROPERTY: An ordinance approving the Purchase and Sale Agreement between the City of Houston and Railworks Track Systems - Texas, Inc., a Texas corporation and authorizing payment of the purchase price and moving expenses for the acquisition of Parcel CY3-003 located at 6040 and 6060 Armour Drive for the 69 TH STREET WASTEWATER TREATMENT PLANT EXPANSION AND BUFFER ZONE PROJECT WBS R-000509-0007-2-01 OWNER: Railworks Track Systems - Texas, Inc., a Texas corporation | Page 1 of 1 | Agenda Item # 49 |
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date 10/29/11 | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: I Key Map 494 R HM | |
| For additional information contact: Nancy P. Collins Senior Assistant Director-Real Estate  Phone: (832) 395-3130 | Date and identification of prior authorizing Council Action: Ordinance 2009-0706 passed July 29, 2009 | |

RECOMMENDATION: (Summary) An ordinance approving the Purchase and Sale Agreement between the City of Houston and Railworks Track Systems - Texas, Inc., a Texas corporation and authorizing payment of the purchase price and moving expenses for the acquisition of Parcel CY3-003.

Amount and Source of Funding: \$1,257,500.00 No additional funding required (covered under Ordinance 2009-0706) *M.P. 10/26/2011*
R-000019-00RE-2-01 Water and Sewer System Consolidated Construction Fund 8500)

SPECIFIC EXPLANATION:
The 69TH STREET WASTEWATER TREATMENT PLANT EXPANSION AND BUFFER ZONE PROJECT will provide the necessary land for a federally required buffer zone around a portion of the expanded plant area.

PURCHASE:
The City desires to acquire 147,176 square feet of improved commercial land located at 6040 and 6060 Armour Drive to be used for a buffer zone for the 69th Street Wastewater Treatment Plant. The property was appraised by Scott P. Stephens, MAI, Independent Fee Appraiser. Parcel CY3-003 was referred to the Legal Department to begin condemnation proceedings due to the City and the owner being unable to finalize negotiations for the transaction. Before a condemnation hearing was scheduled the City's attorney and the owner's attorney arrived at a settlement of \$1,250,000.00, which includes the cost for land, improvements, and moving expenses.

SETTLEMENT:
147,176 square feet of land, improvements and moving expenses.....\$ 1,250,000.00
Title policy and services.....\$ 7,500.00
TOTAL COST.....\$ 1,257,500.00

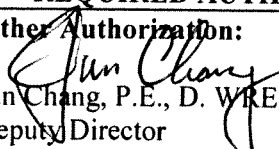
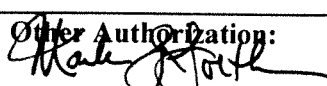
It is recommended that an ordinance be passed approving and authorizing payment for land acquisition costs for the PURCHASE of Parcel CY3-003 and improvements thereon, owned by Railworks Track Systems - Texas Inc., a Texas corporation, and authorizing the Mayor to execute and the City Secretary to attest a Purchase and Sale Agreement. Parcel CY3-003 is a tract of land containing 147,176 square feet and improvements thereon being out of the Harris and Wilson Two League Grant, Abstract 32, Harris County, Texas, and being out of that certain tract of land sold to Wm A. Smith Construction Company by deed dated December 4, 1952, as recorded in Volume 2556, Page 114 and Volume 7051, Page 196 of the Harris County Deed Records, Harris County, Texas, according to City of Houston field notes.

DWK:NPC:hm
Z:\reales\WPDATA\LANDACQ\MONTEZ\69th Street\CY3-003

cc: Marta Crinejo

CUIC #20HM01

REQUIRED AUTHORIZATION

| | | |
|----------------------------|---|---|
| Finance Department: | Other Authorization:  Jun Chang, P.E., D. WRE Deputy Director Public Utilities Division | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division |
|----------------------------|---|---|

LOCATION MAP

Description:

Subject Address: 6040 Armour Dr, Houston, TX 77020

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



CAUTION:

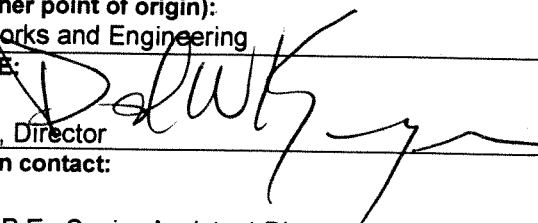
The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

Prepared by City of Houston using MapPro Service. MapPro Inc., PO Box 37427, Houston, TX 77237 1-866-3MAPPRO.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|--------------------------------|
| SUBJECT: Interlocal agreement between the City of Houston and the Houston Parks Board for the provision and acceptance of local matching funds for the construction of the Brays Path project (N-000420-0042-4). | Page 1 of 1 | Agenda Item # 50 |
|--|-----------------------|--------------------------------|

| | | |
|--|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|-------------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: D, I CEH |
|--|--|

| | |
|--|--|
| For additional information contact: CEH Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E Phone: (832) 395-2686 | Date and identification of prior authorizing Council action: 8/3/11 - Resolution # 2011-21 |
|--|--|

RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing the execution of an Interlocal agreement between the City of Houston and the Houston Parks Board for the provision and acceptance of the local matching funds for the construction of the Brays Path project.

Amount and Source of Funding: N/A

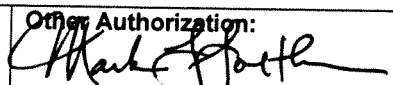
PROJECT NOTICE/JUSTIFICATION:
On August 3, 2011, City Council approved Resolution # 2011-21 authorizing the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, Federal Highway Authority and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Brays Path was one of the five projects selected within the City.

The scope of the Brays Path project is to design and construct a shared-use path, off-street bikeway, along Brays Bayou from 75th St. to Forest Hill and Lawndale to Old Spanish Trail. The federally funded project will be constructed by the Texas Department of Transportation (TxDOT).

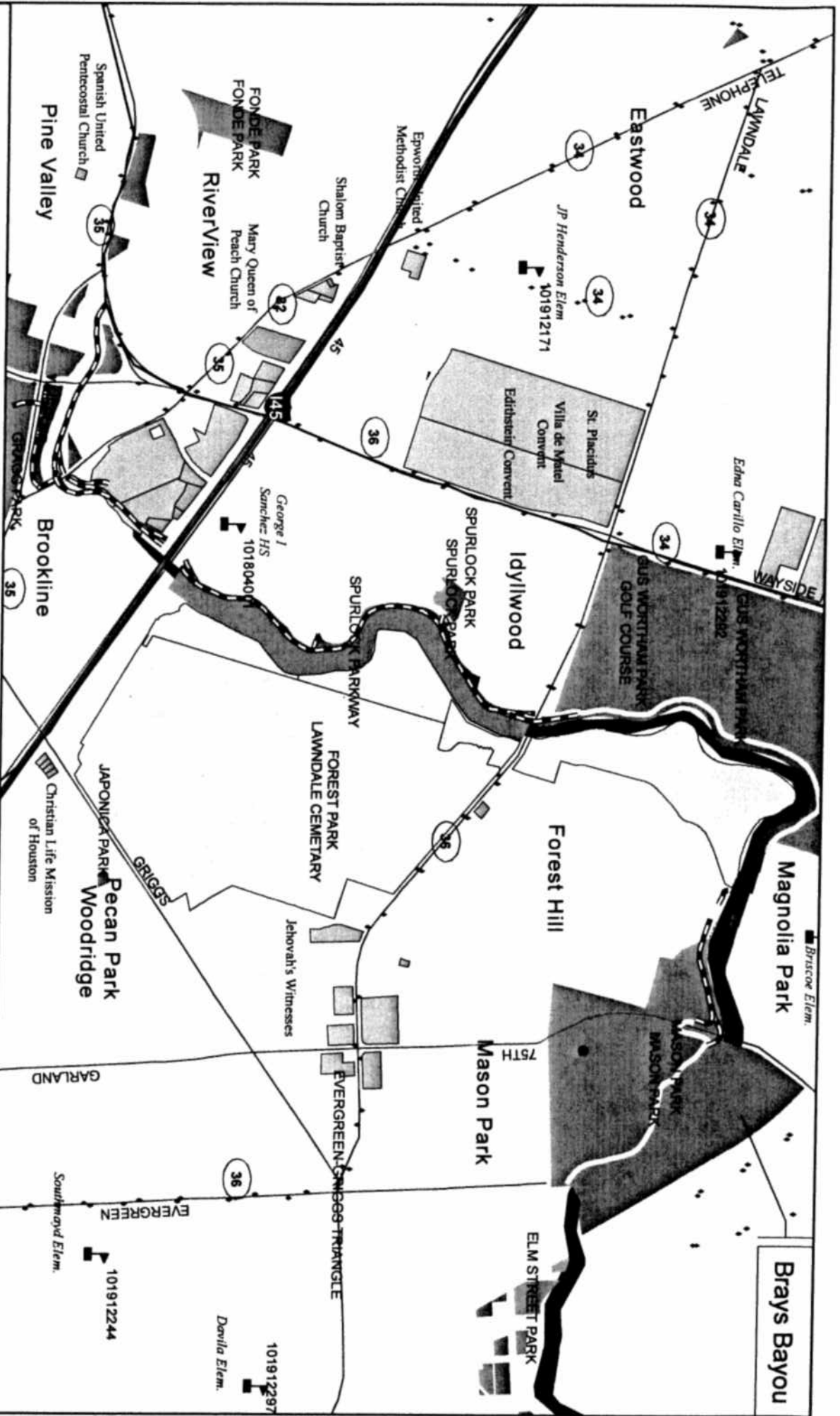
LOCATION:
The Brays Bayou Bikeway project is located along Brays Bayou from 75th St. to Forest Hill and Lawndale to Old Spanish Trail. Key Map Grid No. 534 D,E,F,G,H.

SCOPE OF THIS AGREEMENT:
This agreement commits the Houston Parks Board to providing the City with the 25% required local match for the Brays Path bikeway project (N-000420-0042-4). The cost to design and construct the Brays Path project is estimated at \$2,627,187. The 25% local match for this project is \$656,797.00. Of this amount, \$258,000.00 is in-kind engineering services provided by the Houston Parks Board. The cash portion totals \$398,797.00, which includes \$30,000.00 for environmental assessment services to be contracted by the City, and \$368,797.00 to be paid to TxDOT toward the cost to construct the project. Funds from the Houston Parks Board will be deposited into Fund 4510, Contribution to Capital Projects, for future appropriation.

**REQUIRED AUTHORIZATION
CUIC ID #20IPB01**

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| Finance Department: | Other Authorization: | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division |
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27

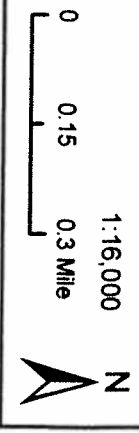


Legend

- Proposed Brays Shared Use Path
- Existing Shared Use Path
- Major Arteries
- Forest Park Lawndale Cemetary
- Retail Establishments
- Religious Institutions
- Metro Bus Stops
- Metro Bus Route
- Community Centers
- Public Schools
- Parks

Brays Path Houston, Texas

Property Description and Location ATTACHMENT A



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT:
Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Brays Path project (N-000420-0042-4).
Page 1 of 1
Agenda Item # 50A

FROM (Department or other point of origin):
Department of Public Works and Engineering
Origination Date
Agenda Date
NOV 09 2011

DIRECTOR'S SIGNATURE:
D.W.K.
Daniel W. Krueger, P.E., Director
Council District affected:
D, I CEH

For additional information contact:
CEH
Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E
Phone: (832) 395-2686
Date and identification of prior authorizing Council action:
8/3/11 - Resolution # 2011-21

RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing an Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Brays Path project and appropriate funds.

Amount and Source of Funding:
\$368,797.00 from Fund 4510 - Contribution for Capital Projects M.P. 10/13/2011

PROJECT NOTICE/JUSTIFICATION:
On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Brays Path was one of the five projects selected within the City.

The scope of the Brays Path project is to design and construct a shared-use path, off-street bikeway, along Brays Bayou from 75th St. to Forest Hill and Lawndale to Old Spanish Trail. The federally funded project will be constructed by the Texas Department of Transportation (TxDOT).

LOCATION:
The Brays Bayou Bikeway project is located along Brays Bayou from 75th St. to Forest Hill and Lawndale to Old Spanish Trail. Key Map Grid No. 534 D,E,F,G,H

SCOPE OF THIS AGREEMENT:
This agreement commits the City to providing the 25% required local match for the Brays Path project. The cost to design and construct the Brays Path project is estimated at \$2,627,187. The 25% local match for this project is \$656,797.00. Of this amount, \$258,000.00 is in-kind engineering services provided by the Houston Parks Board. The cash portion totals \$398,797.00, which includes \$30,000.00 for environmental assessment services to be contracted by the City, and \$368,797.00 to be paid to TxDOT toward the cost to construct the project. The City will only act as a pass-through entity. The local matching funds will be reimbursed to the City by the Houston Parks Board via an agreement which will be submitted to City Council under a separate action.

**REQUIRED AUTHORIZATION
CUIC ID #20IPB02**

Finance Department:
Kelly D.

Other Authorization:

Other Authorization:
Mark L. Leethen
Mark L. Leethen, P.E., CFM, PTOE
Deputy Director
Planning & Development Services Division

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

| | | |
|--|----------------|-------------------------------|
| SUBJECT: Interlocal agreement between the City of Houston and the Houston Parks Board for the provision and acceptance of local matching funds for the construction of the Cullen Park Path project (N-000420-0043-4). | Page 1 of 1 | Agenda Item # 51 |
|--|----------------|-------------------------------|

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|--|------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE: <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Director | Council District affected: A, G CEH |
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|---|---|
| For additional information contact: CEH Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E Phone: (832) 395-2686 | Date and identification of prior authorizing Council action: 8/3/11 – Resolution # 2011-21 |
|---|---|

RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing the execution of an Interlocal agreement between the City of Houston and the Houston Parks Board for the provision and acceptance of the local matching funds for the construction of the Cullen Park Path project.

Amount and Source of Funding: N/A

PROJECT NOTICE/JUSTIFICATION:
On August 3, 2011, City Council approved Resolution # 2011-21 authorizing the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, Federal Highway Authority and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Cullen Park Path was one of the five projects selected within the City.

The scope of the Cullen Park Path project is to design and construct a shared-use path, off-street bikeway, along Barker Cypress and thru Cullen Park to connect the Park 10, Energy Corridor, Enclave and Westchase business centers.

LOCATION:
The Cullen Park Path project is located along Saums Road, within Cullen Park and along Barker Cypress Road from Cullen Park to Park Row. Key Map Grid No. 447 S,W

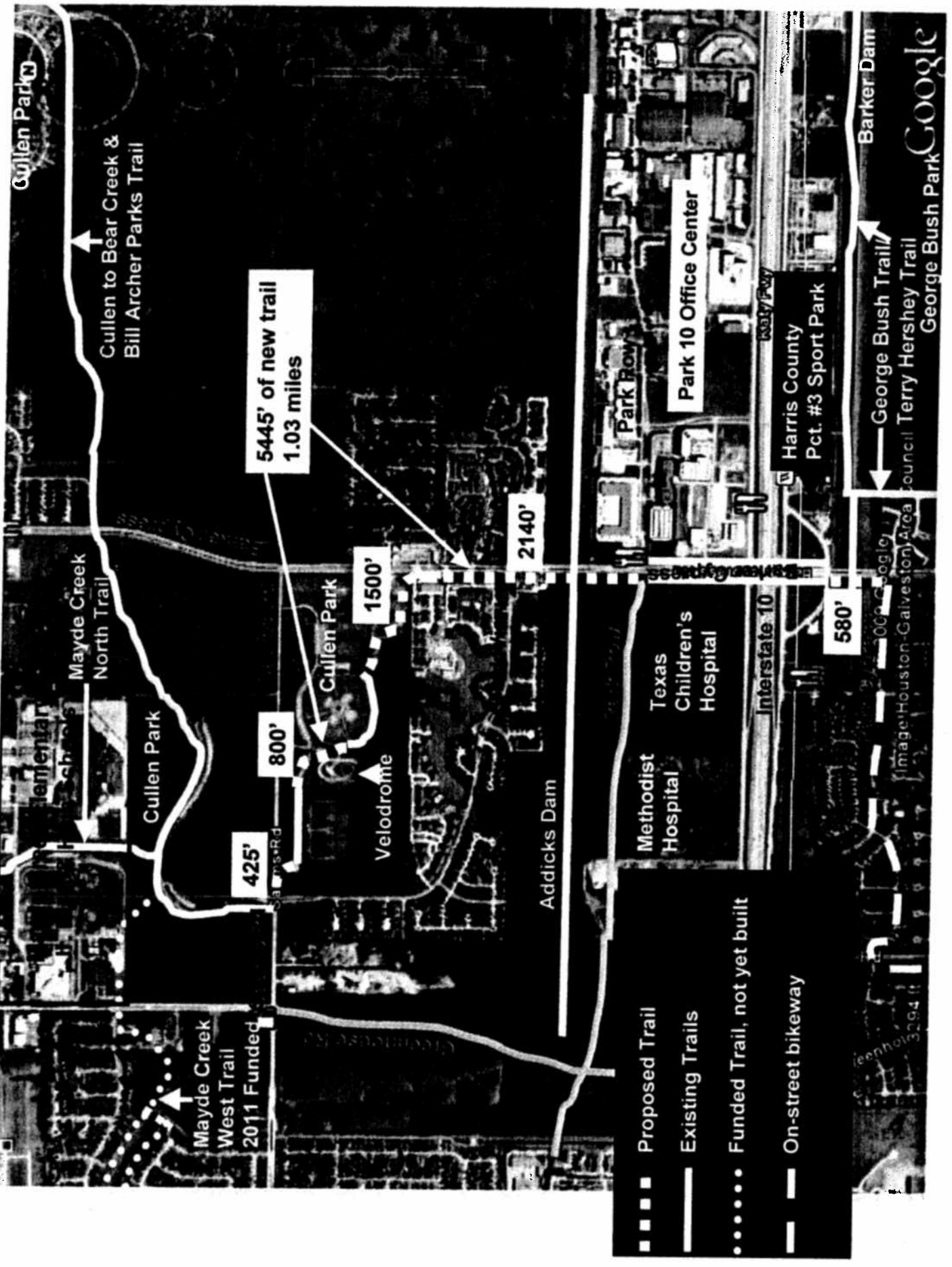
SCOPE OF THIS AGREEMENT:
This agreement commits the Houston Parks Board to providing the City the 20% required local match for the Cullen Park Path project (N-000420-0043-4). The cost to design and construct the Cullen Park Path project is estimated at \$827,425. The 20% local match for this project is \$165,485.00 to be paid to TxDOT toward the cost to construct the project. Funds from the Houston Parks Board will be deposited into Fund 4510, Contribution to Capital Projects, for future appropriation.

**REQUIRED AUTHORIZATION
CUIC ID #20IPB03**

| | | |
|----------------------------|-----------------------------|--|
| Finance Department: | Other Authorization: | Other Authorization: <i>Mark L. Loethen</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division |
|----------------------------|-----------------------------|--|



Property Location - A Hack next A



5445' of new trail
1.03 miles

- ■ ■ ■ Proposed Trail
- Existing Trails
- Funded Trail, not yet built
- - - On-street bikeway

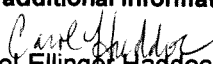
George Bush Park Google

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

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|--|----------------|--------------------------------|
| SUBJECT: Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Cullen Park Path project (N-000420-0043-4). | Page 1 of 1 | Agenda Item # 51A |
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| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|------------------|-----------------------------------|

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| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: A, G  |
|--|--|

| | |
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| For additional information contact:  Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E Phone: (832) 395-2686 | Date and identification of prior authorizing Council action: 8/3/11 – Resolution # 2011-21 |
|--|--|

RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing an Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the Cullen Park Path project and appropriate funds.

Amount and Source of Funding:
\$165,485.00 from Fund 4510 – Contribution for Capital Projects. *M.P. 10/13/2011*


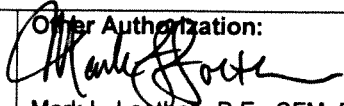
PROJECT NOTICE/JUSTIFICATION:
On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The Cullen Park Path was one of the five projects selected within the City.

The scope of the Cullen Park Path project is to design and construct a shared-use path, off-street bikeway, along Barker Cypress and thru Cullen Park to connect the Park 10, Energy Corridor, Enclave and Westchase business centers.

LOCATION:
The Cullen Park Path project is located along Saums Road, within Cullen Park and along Barker Cypress Road from Cullen Park to Park Row. Key Map Grid No. 447 S,W

SCOPE OF THIS AGREEMENT:
This agreement commits the City to providing the 20% required local match for the Cullen Park Path project. The cost to design and construct the Cullen Park Path project is estimated at \$827,425.00. The 20% local match for this project is \$165,485.00 to be paid to TxDOT toward the cost to construct the project. The City will only act as a pass-through entity. The local matching funds will be reimbursed to the City by the Houston Parks Board via an agreement which will be submitted to City Council under a separate action.

**REQUIRED AUTHORIZATION
CUIC ID #20IPB04**

| | |
|--|--|
| Finance Department:  | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division |
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53A

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

SUBJECT:
Interlocal agreement between the City of Houston and the International Management District for the provision and acceptance of local matching funds for the construction of the IMD Bikeway project (N-000420-0044-4).

Page 1 of 1 Agenda Item # 52

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

Origination Date Agenda Date NOV 09 2011

DIRECTOR'S SIGNATURE: *[Signature]*

Council District affected: F *CEH*

For additional information contact: *CEH*

Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E
Phone: (832) 395-2686

Date and identification of prior authorizing Council action:
8/3/11 - Resolution # 2011-21

RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing the execution of an Interlocal agreement between the City of Houston and the International Management District for the provision and acceptance of the local matching funds for the construction of the IMD Bikeway project.

Amount and Source of Funding: N/A

PROJECT NOTICE/JUSTIFICATION:
On August 3, 2011, City Council approved Resolution # 2011-21 authorizing the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, Federal Highway Authority and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The IMD Bikeway was one of the five projects selected within the City.

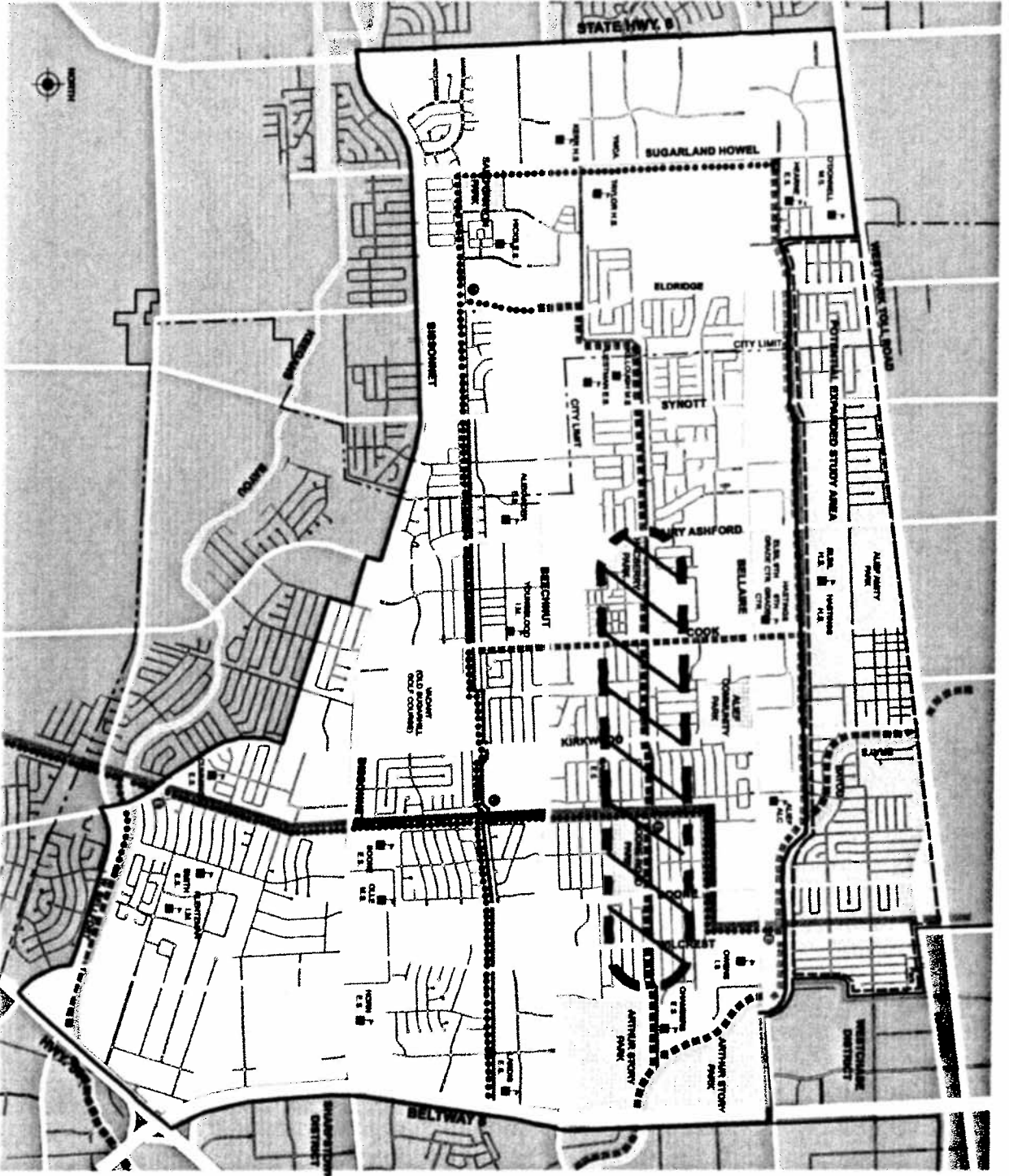
The scope of the IMD Bikeway project is to design and construct a shared-use path, off-street bikeway, along Harris County Drainage Easement D122 from Dairy Ashford to Arthur Story Park.

LOCATION:
The IMD Bikeway project is located along Harris County Drainage Easement D122 from Dairy Ashford to Arthur Story Park. Key Map Grid No. 528 M, 529 J,K,L

SCOPE OF THIS AGREEMENT:
This agreement commits the International Management District to providing the City the 20% required local match for the IMD Bikeway project (N-000420-0044-4). The cost to design and construct the IMD Bikeway project is estimated at \$2,007,843.00. The 20% local match for this project is \$401,569.00 to be paid to TxDOT toward the cost to construct the project. Funds from the International Management District will be deposited into Fund 4510, Contribution to Capital Projects, for future appropriation.

**REQUIRED AUTHORIZATION
CUIC ID #20IPB05**

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| Finance Department: | Other Authorization: | Other Authorization: <i>[Signature]</i> Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division |
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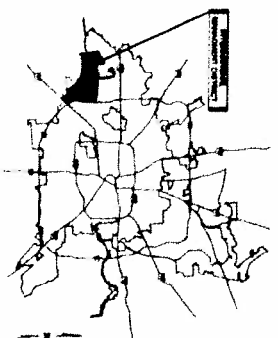


PROPOSED HIKE & BIKE TRAIL

ATTACHMENT A-1

- LEGEND**
- IMD BOUNDARY
 - BAYOU / DRAINAGE DITCH
 - POWER LINE EASEMENT
 - POTENTIAL HIKE/BIKE TRAIL
 - PROPOSED HIKE/BIKE TRAIL (HOUSTON BIKE NETWORK)
 - TRAIL MARKER
 - Ⓜ SCHOOL
 - Ⓟ PARK

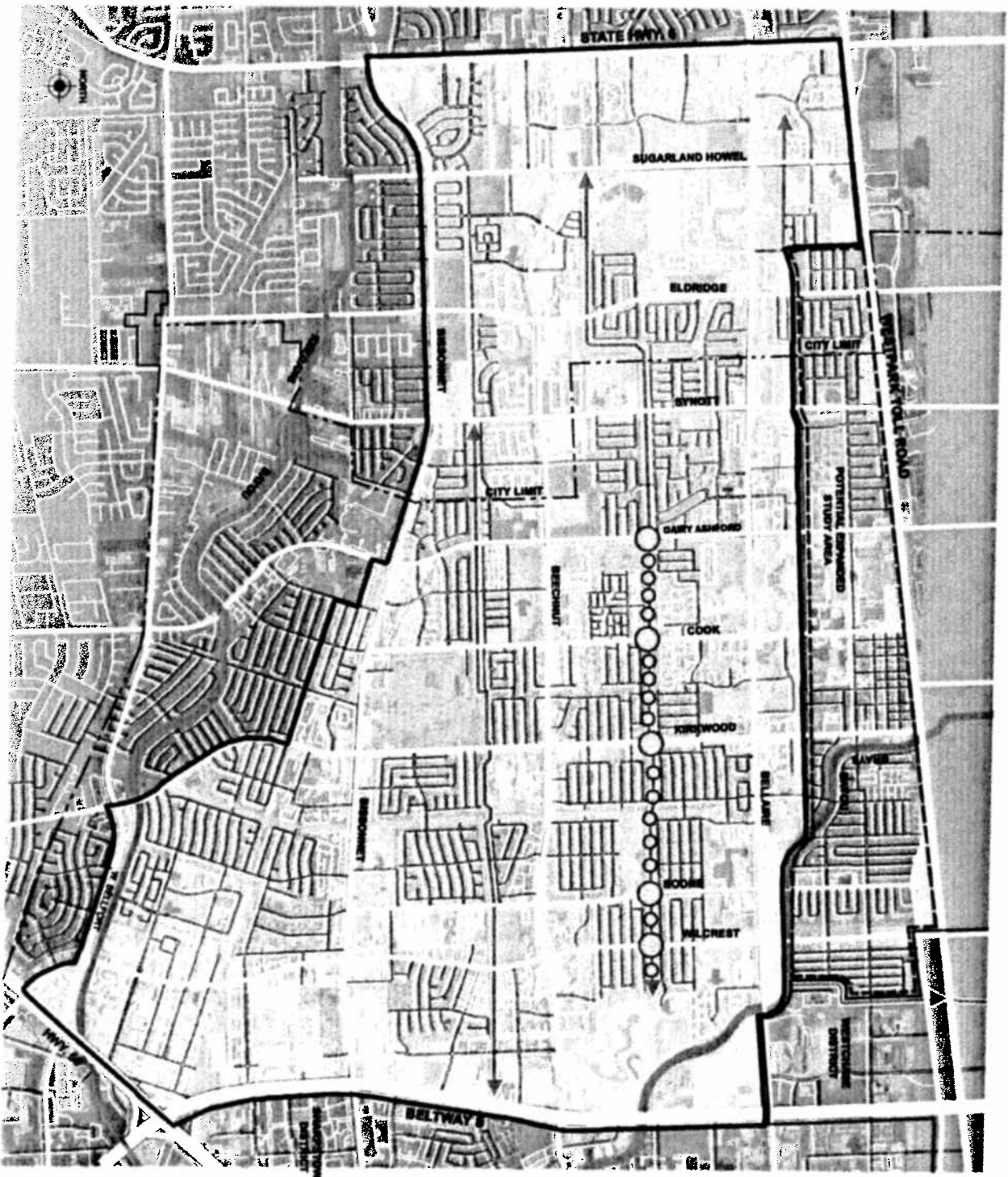
PROPOSED HIKE
AND BIKE TRAIL
2.3 MILES



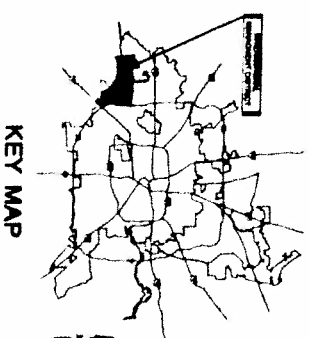
ATTACHMENT A-2

LEGEND

- IMD BOUNDARY
- - - POTENTIAL EXPANDED STUDY AREA
- CITY LIMIT
- BAYOU
- DRAINAGE/BAYOU
- TRAIL ACCESS POINTS
- ○ ○ TRAIL



PROPOSED TRAIL MAP



KEY MAP

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

| | | |
|--|----------------|--------------------------------|
| SUBJECT: Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the IMD Bikeway project (N-000420-0044-4) | Page 1 of 1 | Agenda Item # 52A |
|--|----------------|--------------------------------|

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|--|------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
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| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: F CEH |
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|---|---|
| For additional information contact: CEH Carol Ellinger Haddock, P.E., Senior Assistant Director, P&D, PW&E Phone: (832) 395-2686 | Date and identification of prior authorizing Council action: 8/3/11 - Resolution # 2011-21 |
|---|---|

RECOMMENDATION: (Summary)
It is recommended that City Council pass an ordinance authorizing an Advanced Funding Agreement between the City of Houston and the Texas Department of Transportation for the construction of the IMD Bikeway project and appropriate funds.

Amount and Source of Funding:
\$401,569.00 from Fund 4510 - Contribution for Capital Projects. *M.P. 10/13/2011*


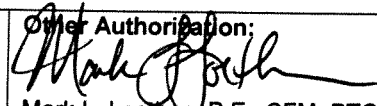
PROJECT NOTICE/JUSTIFICATION:
On August 3, 2011, City Council approved Resolution # 2011-21 which authorized the local matching funds for five (5) projects awarded funding through the 2009 Transportation Enhancement Program administered by Texas Department of Transportation (TxDOT). The 2009 Transportation Enhancement Program call for projects was a statewide competitive process whereby all project nominations underwent eligibility reviews by TxDOT, FHWA and the Transportation Enhancement Project Evaluation Committee. The subsequent evaluations and recommendations were provided to the Texas Transportation Commission who, on July 29, 2010, selected five (5) of the original fifteen (15) local projects for funding. The IMD Bikeway was one of the five projects selected within the City.

The scope of the IMD Bikeway project is to design and construct a shared-use path, off-street bikeway, along Harris County Drainage Easement D122 from Dairy Ashford to Arthur Story Park.

LOCATION:
The IMD Bikeway project is located along Harris County Drainage Easement D122 from Dairy Ashford to Arthur Story Park. Key Map Grid No. 528 M, 529 J,K,L

SCOPE OF THIS AGREEMENT:
This agreement commits the City to providing the 20% required local match for the IMD Bikeway project. The cost to design and construct the IMD Bikeway project is estimated at \$2,007,843.00. The 20% local match for this project is \$401,569.00 to be paid to TxDOT toward the cost to construct the project. The City will only act as a pass-through entity. The local matching funds will be reimbursed to the City by the International Management District via an agreement which will be submitted to City Council under a separate action.

**REQUIRED AUTHORIZATION
CUIC ID #20IPB06**


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|--|--|
| Finance Department:  | Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division |
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|--|-----------------------|--------------------------------|
| SUBJECT: Amendment and Allocation of Additional funds to the Professional Engineering Services Contract between the City and Kimley-Horn & Associates, Inc. for Comprehensive Mobility Planning – Phase II. | Page 1 of 2 | Agenda Item # 53 |
|--|-----------------------|--------------------------------|

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|---|------------------------------------|-----------------------------------|
| From: (Department or other point of origin): Department of Public works and Engineering | Origination Date 9/29/11 | Agenda Date NOV 09 2011 |
|---|------------------------------------|-----------------------------------|

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| Director's Signature:  Daniel W. Krueger, P.E. | Council District affected: All |
|--|--|

| | |
|--|--|
| For additional information contact: Jeffrey Weatherford, P.E., PTOE Deputy Director (832) 395-2461 | Date and identification of prior authorizing Council action: Dated: 04/09/08 Ordinance: #2008-0310 Dated: 06/01/11 Ordinance: #2011-408 |
|--|--|

Recommendation: (Summary) Approve an Amendment to the Professional Engineer Services contract with Kimley-Horn & Associates, Inc. and allocating additional funds.

Amount and Source of Funding: \$728,817.00 from Mobility Response Team Fund 2304
(Previous allocation of \$596,616.00 from Mobility Response Team Fund No. 2304)

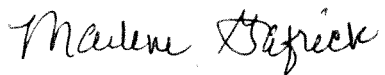

PROJECT NOTICE/JUSTIFICATION: This project is part of the ongoing mobility planning analyses and is a joint effort between the Public Works & Engineering Department and the Planning and Development Department. The analyses are targeted to improve regional mobility and enhance growth in the Greater Houston Region. The additional funding will be used to evaluate specific geographic areas and corridors of the City using the work completed in Phase I of this project.

DESCRIPTION/SCOPE: This second phase of the Contract includes a series of work orders to be issued to the Consultant for evaluation of mobility and congestion in specific geographic areas, mobility corridors, and major thoroughfares. The first area identified for study is the West Inner Loop bounded by Downtown and Midtown, the Southwest Freeway, the West Loop and the Katy Freeway. The consultant will also work on Major Thoroughfare Plan changes and assist with the integration of the City Mobility Plan into the Capital Improvement Program process. Other geographic areas or corridors may be added as funding permits.

LOCATION: This project is located throughout the City.

PREVIOUS HISTORY AND SCOPE: City Council approved the original contract on April 9, 2008 under Ordinance Number 2008-0310. The scope of services under the Original Contract consisted of development of mobility planning tools to evaluate regional travel demands, mobility and congestion. The tools included computer models for traffic congestion evaluation, measures of effectiveness to test congestion mitigation techniques and designation of additional possible functional street classifications for the Major Thoroughfare and Freeway Plan.

REQUIRED AUTHORIZATION CUIC ID # 20JSW19A *AD*

| | | |
|----------------------------|--|---|
| Finance Department: | Other Authorization:  Marlene Gafrick, Director Planning & Development Department | Other Authorization:  Jeffrey Weatherford, P.E., PTOE Deputy Director Traffic Operations Division |
|----------------------------|--|---|

SUBJECT: Amendment and Allocation of Additional funds to the Professional Engineering Services Contract between the City and Kimley-Horn & Associates, Inc. for Comprehensive Mobility Planning -- Phase II.

**Originator's
Initials**

**Page
1 of 2**

PREVIOUS HISTORY AND SCOPE- Continued:

On June 1, 2011 under Ordinance Number 2011-408; City Council approved an inter-local agreement between the City of Houston and Houston Galveston Area Council (H-GAC) to accept \$400,000.00 from H-GAC toward the project, which is included in the additional allocation of funds totaling \$728,817.00.

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

M/WBE INFORMATION: The M/WBE goal established for this project is set at 24%. The original contract was approved by Ordinance 2008-0310 totaled \$596,616.00. The consultant has expended \$596,616.00 to date. Of this amount \$155,906.00 or (26.13%) has been paid to M/WBE sub-consultants to date. Assuming approval of this contract amendment and allocation of additional funds the contract amount will increase to \$1,325,433.00.



| <u>Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Total Contract</u> |
|---------------------------|---------------------------|---------------------|----------------------------|
| 1. Prior MBE Work | Various Services | \$155,906.00 | 11.76% |
| 2. GUNDA Corporation, LLC | Data Collection, Modeling | <u>\$174,917.00</u> | <u>13.20%</u> |
| | TOTAL | \$330,823.00 | 24.96% |

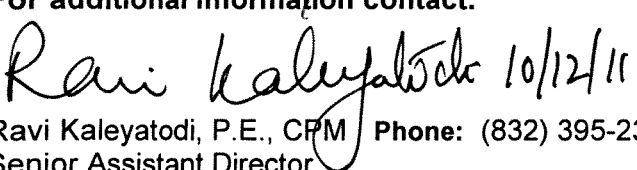
DWK:JSW:MG:lhm

c: Jeffrey Weatherford, P.E., PTOE
Marlene Gafrick
Susan Bandy
Morris Scott
Tony Henshaw
Preston Rice
Timothy Laws
LaVerne Hollins-McGlothen

| | | |
|--|-----------------------|--------------------------------|
| SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Pate Engineers, Inc. for Keegans Bayou Trail. WBS No. N-000420-0025-3, TxDOT CSJ 0912-71-631 | Page 1 of 2 | Agenda Item # 54 |
|--|-----------------------|--------------------------------|

| | | |
|--|-------------------------|---------------------------------------|
| From: (Department or Other Point of Origin) Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|-------------------------|---------------------------------------|

| | |
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| Director's Signature:  Daniel W. Krueger, P.E. | Council District affected: C, F  |
|--|---|

| | |
|---|---|
| For additional information contact:  Ravi Kaleyatodi, P.E., CFM Phone: (832) 395-2326 Senior Assistant Director | Date and identification of prior authorizing Council action: Ord. No. 2005-0749 Dated: 06/15/2005 |
|---|---|

Recommendation: Approve an ordinance appropriating additional funds to the Professional Engineering Services Contract with Pate Engineers, Inc.

Amount and Source of Funding: \$64,600.00 from the Street and Bridge Consolidated Construction Fund No. 4506. (Original (previous) appropriation of \$281,600.00 from the Street and Bridge Consolidated Construction Fund No. 437). *U.P. 10/17/2011*


PROJECT NOTICE/JUSTIFICATION: The Houston Bikeway Program provides design and construction of approximately 334 miles of bikeways and trails in the City of Houston. To date 316.11 miles of "On-street" bikeways and "Off-street" trails have been completed. Another 17.57 miles, mostly "Off-street" trails are currently under design and/or in construction. The Houston Bikeway Program was implemented to develop a citywide network of bicycle facilities projected to be integrated into an overall transportation network for the Houston area. The eligible costs of the projects are 80% funded by the Federal Highway Administration through the Intermodal Surface Transportation Efficiency Act under the Transportation Enhancement, Congestion Mitigation and Air Quality Programs. The 20% local match funding is provided by the City of Houston. In addition to the local match, the City is responsible for paying 100% of the costs in excess of federal participation.

DESCRIPTION/SCOPE: The project consists of a reinforced concrete hike and bike trail approximately 4.04 miles long and 10-feet wide along the north bank of Keegans Bayou. Two prefabricated bridges are included in the project. The project also includes retaining walls, utility adjustments, accessibility ramps, signage, pavement markings, lighting conduit and landscaping.

LOCATION: The trail is generally bounded by Bissonnet on the north, West Bellfort on the south, South Gessner on the east and Kirkwood on the West. Key Map grids: 528U,V,Z; 529W,X; and 530W,S,T.

PREVIOUS HISTORY AND SCOPE: On June 15, 2005, Council appropriated funds in the amount of \$281,600.00 by Ordinance No. 2005-0749. The scope included Basic Services (Phases II, & III) and Additional Services. To date, Phase II Basic Services is 95.40% complete and Additional Services are 95.62% completed. The project is ready to be bid for construction by Texas Department of Transportation (TxDOT) in March 2012.

| | | |
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| REQUIRED AUTHORIZATION | | CUIC ID #20MHS123 <i>MD</i> |
|-------------------------------|--|------------------------------------|

| | | |
|----------------------------|-----------------------------|---|
| Finance Department: | Other Authorization: | Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division |
|----------------------------|-----------------------------|---|

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|-------------|---|--|-----------------------|
| Date | SUBJECT: Additional Appropriation for Professional Engineering Services Contract between the City of Houston and Pate Engineers, Inc. for Keegans Bayou Trail. WBS No. N-000420-0025-3, TxDOT CSJ 0912-71-631 | Originator's Initials <i>MMS</i> | Page 2 of 2 |
|-------------|---|--|-----------------------|

SCOPE OF THIS SUPPLEMENT AND FEE: This request is for an additional appropriation for engineering services. There are four areas along the trail that require re-alignment due to changes in site condition. The scope of work will include additional field visits, surveying, redesigning, revising and updating current design drawings, updating Corp of Engineers and Coast Guard permits. The cost for these services is \$64,600.00 to be appropriated as follows: \$56,150.00 for Contract Services and \$8,450.00 for CIP Cost recovery.

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

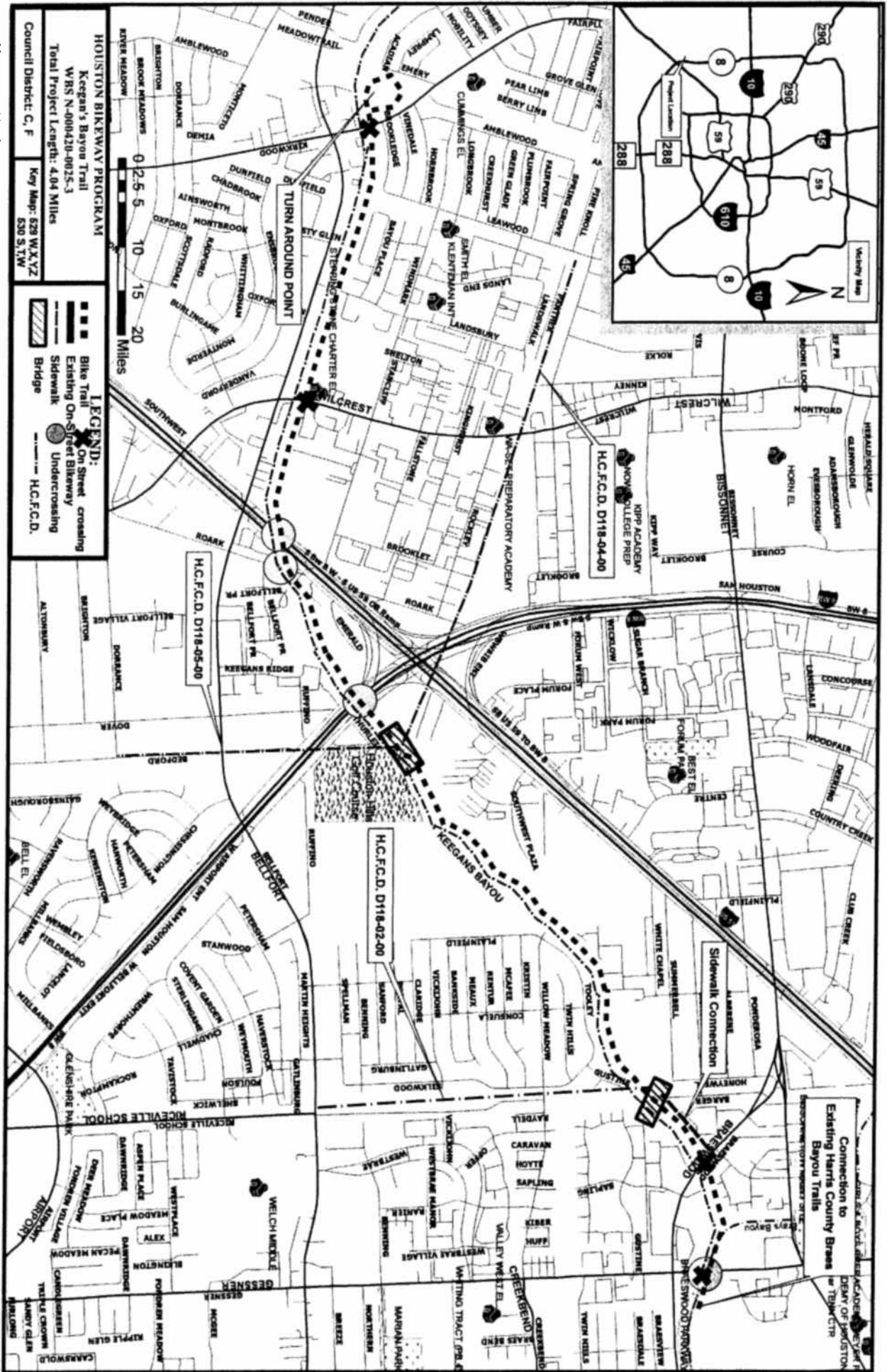
M/WBE INFORMATION: The M/WBE goal established for this project is 17%. The original Contract as approved by Ordinance No. 2005-0749 was \$256,000.00. The consultant has been paid \$203,086.70 (79.33%) to date. Of this amount \$67,247.51 (33.11%) has been paid to M/WBE sub-consultants to date. Assuming approval of the requested additional appropriation, the contract amount will increase to \$312,150.00. The consultant previously satisfied the M/WBE goal established for this project.

RDH MB MMS

DWK:DRM:RK:MS:MHS:mg/ddh

Z:\design\A-NP-DIV\Bikeway Files\Mahe\N-0420-25 Keegans Bayou Trail\1.0 Design Contract\1.2 RCA\Design\RCA 08182011\RCA # 20MHS123.doc

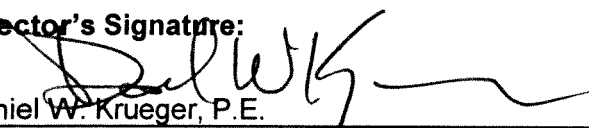
ec: File No. N-000420-0025 (1.2 RCA)




Map created by Sony Tran 14 FI

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| SUBJECT: Contract Award for Lift Station Renewal and Replacement – Green Crest and Fairway Lift Stations. WBS No. R-000267-00E5-4 and R-000267-00E6-4. | Page 1 of 2 | Agenda Item # 55 |
|--|-----------------------|----------------------------|

| | | |
|---|--------------------------|------------------------------------|
| FROM: (Department or other point of origin): Department of Public Works and Engineering | Origination Date: | Agenda Date: NOV 09 2011 |
|---|--------------------------|------------------------------------|

| | |
|--|---|
| Director's Signature:  Daniel W. Krueger, P.E. | Council District affected: G, I |
|--|---|

| | |
|---|---|
| For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director | Date and identification of prior authorizing Council action: |
|---|---|

RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$1,696,400.00 from the Water and Sewer System Consolidated Construction Fund No. 8500.
M.P. 10/17/2011

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing lift station renewal and replacement program.

DESCRIPTION/SCOPE: This project consists of rehabilitation of two lift stations. The project will upgrade two pumps for Fairway Lift Station and three pumps for Green Crest Lift Station, including all associated concrete, electrical and piping. The Contract duration for this project is 270 calendar days. This project was designed by Infrastructure Associates, Inc.

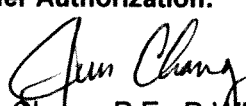
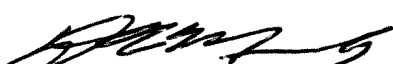
LOCATION: The project is located in the following Key Map Grids:

| <u>Location</u> | <u>Address</u> | <u>Key Map Grid</u> | <u>Council District</u> |
|-----------------------------|----------------|---------------------|-------------------------|
| 1. Green Crest Lift Station | 3780 Highway 6 | 487Z | G |
| 2. Fairway Lift Station | 7342 Fairway | 534R | I |

BIDS: Bids were received on August 11, 2011. The four (4) bids are as follows:

| <u>Bidder</u> | <u>Bid Amount</u> |
|---|-------------------|
| 1. R J Construction Company, Inc. | \$1,470,000.00 |
| 2. R+B Group, Inc. | \$1,686,176.10 |
| 3. Peltier Brothers Construction, Ltd. By: PB, LLC; ITS General Partners | \$1,749,888.00 |
| 4. Boyer, Inc. | \$2,045,165.00 |

REQUIRED AUTHORIZATION CUIC ID #20AKH26 Avt

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

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|------|--|----------------------------|-------------|
| Date | SUBJECT: Contract Award for Lift Station Renewal and Replacement – Green Crest and Fairway Lift Stations. WBS No. R-000267-00E5-4 and R-000267-00E6-4 | Originator's Initials ✓ | Page 2 of 2 |
|------|--|----------------------------|-------------|

AWARD: It is recommended that this construction contract be awarded to R J Construction Company, Inc. with a low bid of \$1,470,000.00 and Addenda Numbers 1 and 2 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$1,696,400.00 to be appropriated as follows:

- Bid Amount \$1,470,000.00
- Contingencies \$ 73,500.00
- Engineering and Testing Services \$ 50,000.00
- CIP Cost Recovery \$ 102,900.00

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

PAY OR PLAY PROGRAM:

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

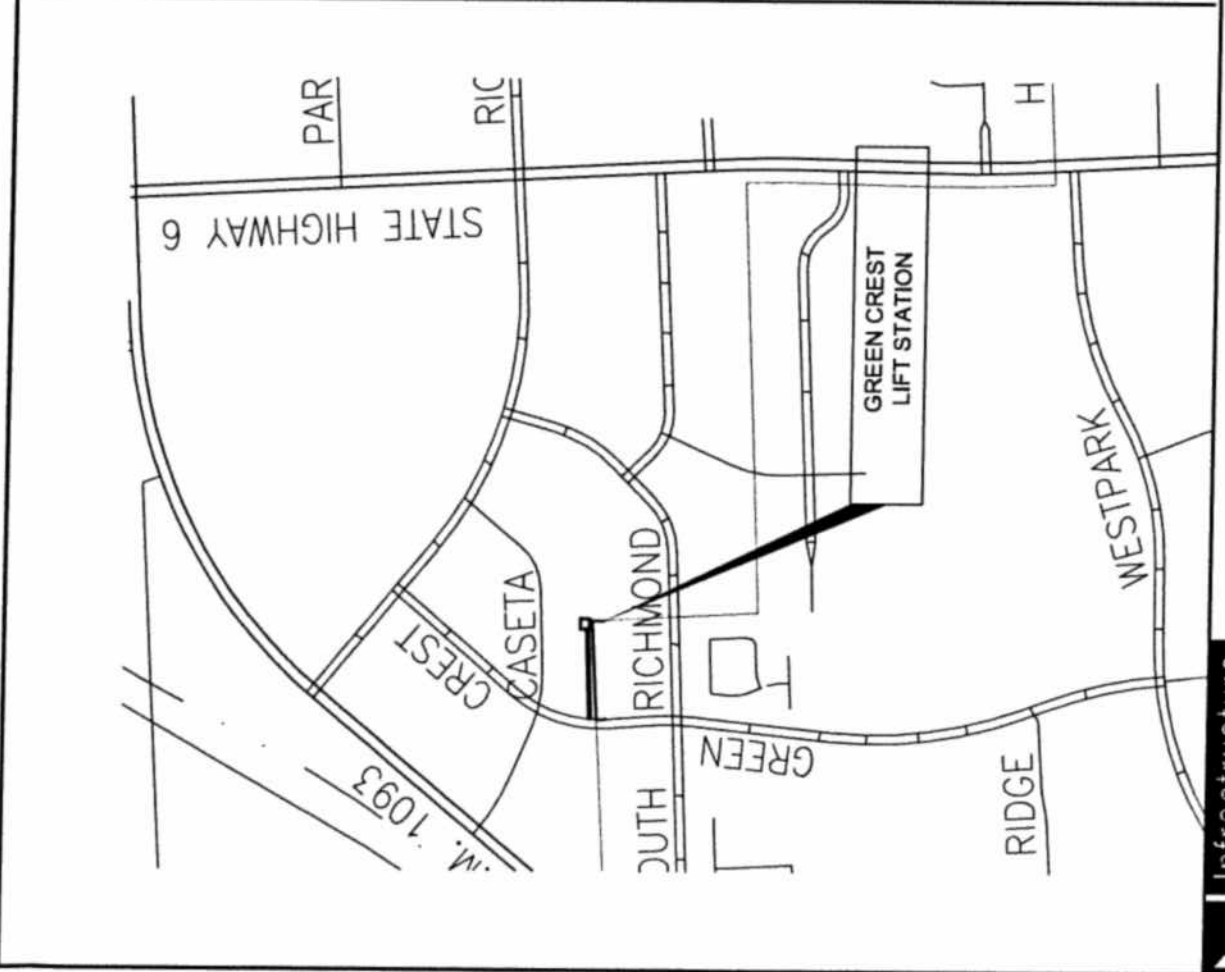
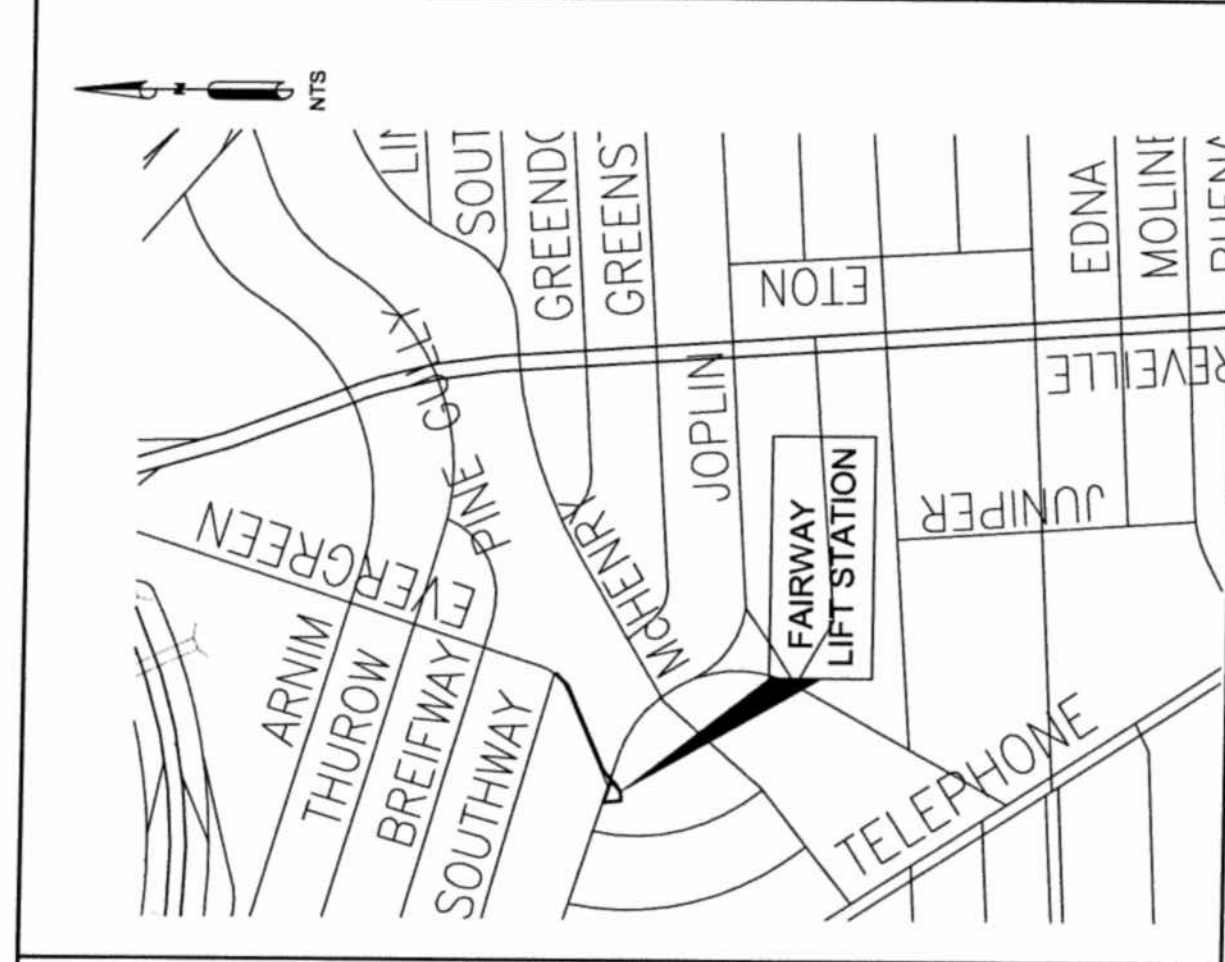
M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10.20% MBE goal, and 8.33% SBE goal for this project.

| <u>MBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|-------------------------------------|------------------------------------|---------------------|----------------------|
| 1. L. Mobley Concrete Construction | Demolition, Pouring Concrete | \$150,000.00 | 10.20% |
| | TOTAL | \$150,000.00 | 10.20% |
| <u>SBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
| 1. Professional Traffic Control | Traffic Control, Plumbing Supplies | \$100,000.00 | 6.80% |
| 2. Central Texas Hauling | Trucking | \$ 10,000.00 | 0.68% |
| 3. Mickie Service Company, Inc. | Utility line (Tap and Meter) | \$ 10,000.00 | 0.68% |
| 4. Environmental Allies, G.P., Inc. | Erosion Control & Silt Fencing | \$ 2,500.00 | 0.17% |
| | TOTAL | \$122,500.00 | 8.33% |

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


DWK:DRM:RK:EN:BZ:AKH:pa

c: File R-0267-86-3



**PUMP AND LIFT STATION RENEWAL AND REPLACEMENT
CITY OF HOUSTON PUBLIC WORKS AND ENGINEERING
WBS No. R-000267-00E5&E6-4**

VICINITY MAP

Infrastructure Associates
INFRASTRUCTURE ASSOCIATES, INC.
6117 RICHMOND AVENUE, SUITE 200
HOUSTON, TEXAS 77057
(713) 622-0120 PH (713) 622-0557 FAX
www.iahouston.com

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for 69th Street Wastewater Treatment Plant Improvements (Package 4). WBS No. R-000509-0013-4.

Page 1 of 2

Agenda Item # 56

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

Origination Date:

Agenda Date: NOV 09 2011

Director's Signature: Daniel W. Krueger, P.E.

Council District affected: A 2.

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

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary) Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$15,949,800.00 Water and Sewer System Consolidated Construction Fund 8500.

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

DESCRIPTION/SCOPE: This project consists of Construction of various improvements at 69th Street Wastewater Treatment Plant including grit removal, clarifiers, chlorination system, dechlorination system, truck loading facilities and associated work.

The Contract duration for this project is 900 calendar days. This project was designed by CH2M Hill, Inc.

LOCATION: The project area is located at 2525 S/Sgt. Macario Garcia. The project is located in Key Map Grid 494R.

BIDS: Bids were received on August 25, 2011. The five (5) bids are as follows:

Table with 2 columns: Bidder, Bid Amount. Lists 5 bidders including Pepper-Lawson Waterworks, LLC and Bartlett Cocke General Contractors, LLC.

REQUIRED AUTHORIZATION

CUIC ID #20BZ95

Finance Department:

Other Authorization:

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

Other Authorization:

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

| | | | |
|------|--|-------------------------------------|----------------|
| Date | Subject: Contract Award for 69th Street Wastewater Treatment Plant Improvements (Package 4). WBS No. R-000509-0013-4. | Originator's Initials <i>b-z</i> | Page 2 of 2 |
|------|--|-------------------------------------|----------------|

AWARD: It is recommended that this construction Contract be awarded to Pepper-Lawson Waterworks, LLC with a low bid of \$14,156,052.00 and that Addenda Numbers 1, 2, 3 and 4 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$15,949,800.00 to be appropriated as follows:

| | |
|------------------------------------|-----------------|
| • Bid Amount | \$14,156,052.00 |
| • Contingencies | \$ 707,802.60 |
| • Engineering and Testing Services | \$ 95,000.00 |
| • CIP Cost Recovery | \$ 990,945.40 |

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

PAY OR PLAY PROGRAM:

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

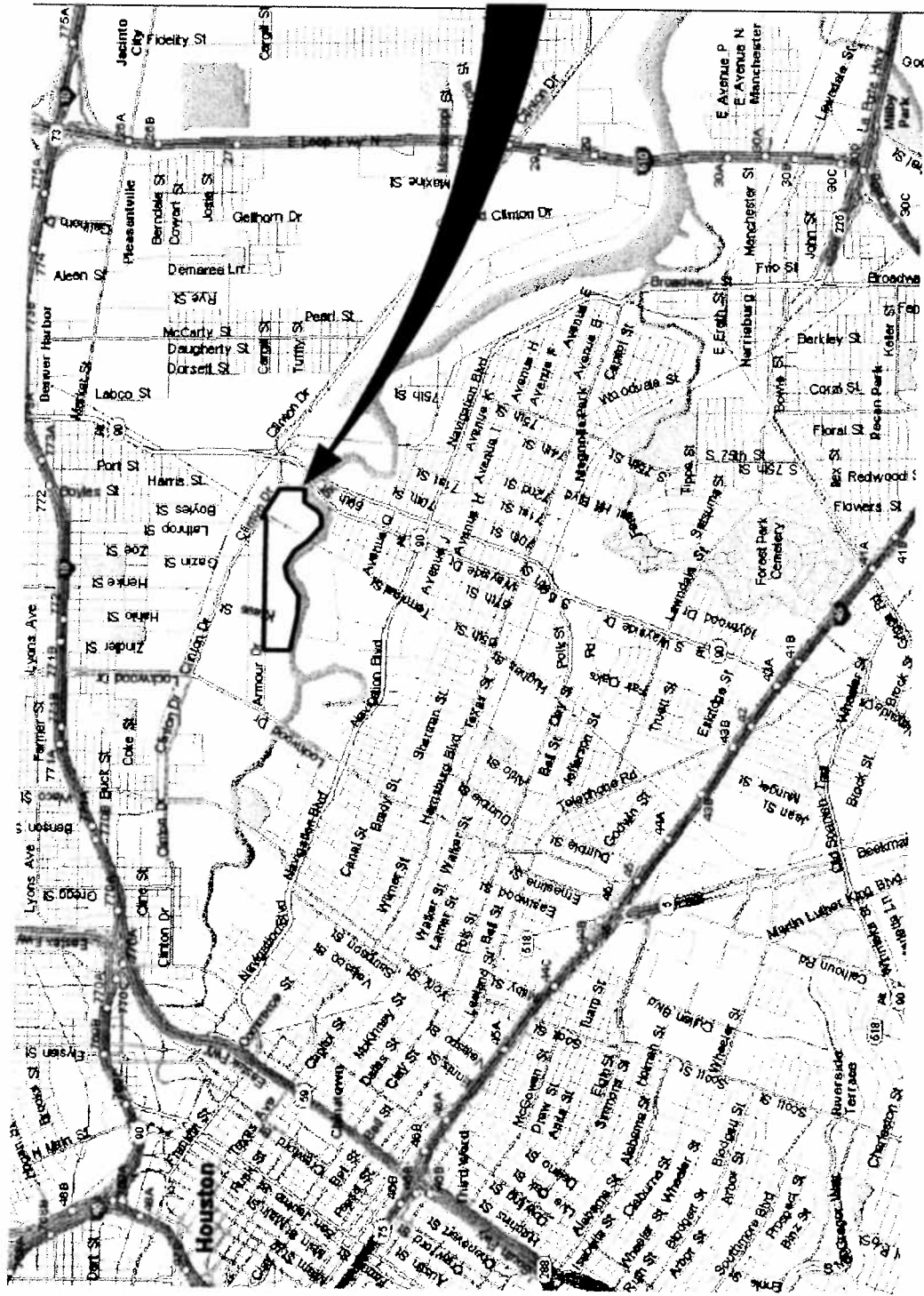
M/SBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 10% MBE goal and 8% SBE goal for this project.

| <u>MBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|--|---------------------------|-----------------------|----------------------|
| 1. Lazer Construction Company, Inc. | Concrete Work | \$ 150,000.00 | 1.06% |
| 2. Medcalf Fabrication, Inc. | Metal Supplies | \$ 477,000.00 | 3.37% |
| 3. Escalante Construction, Inc. | Grit and Scum Removal | \$ 100,000.00 | 0.70% |
| 4. Bamex Painting, Inc. | Painting | \$ 50,000.00 | 0.35% |
| 5. Medina Supply, Inc. | Electrical | \$ 649,200.00 | 4.59% |
| | TOTAL | \$1,426,200.00 | 10.07% |
| <u>SBE - Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
| 1. Houston's Waterproofing & Sheet Metal Specialist, LLC | Roofing and Waterproofing | \$ 700,000.00 | 4.94% |
| 2. Automation Nation, Inc. | Instrumentation | \$ 255,800.00 | 1.81% |
| 3. Macaulay Controls Company | Controls | \$ 189,900.00 | 1.34% |
| | TOTAL | \$1,145,700.00 | 8.09% |

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

DWK:DRM:RK:EN:BZ:pa

c: File No. R-000509-0013-4



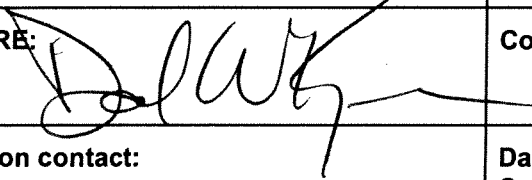
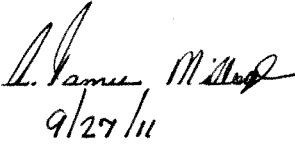
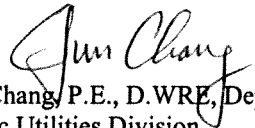
69th STREET WWTP
 2525 S/ SGT
 MACARIO GARCIA DR.
 KEYMAP NO. 494R

**69th STREET WASTEWATER
 TREATMENT PLANT IMPROVEMENTS
 (PACKAGE 4)**

WBS NO. R-000509-0013-4

CH2MHILL

VICINITY MAP

| SUBJECT: Contract Award for Water Service Line Replacement, WBS No. S-000035-0141-4, File No. WA 10983 | | Category | Page 1 of <u>2</u> | Agenda Item # <u>57</u> | | | | | | | | |
|--|---|--|--|-----------------------------------|---------------|-------------------|---|----------------|------------------------------------|----------------|-----------------------------------|----------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date | Agenda Date NOV 09 2011 | | | | | | | | | |
| DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E.  | | Council District affected: All | | | | | | | | | | |
| For additional information contact: A. James Millage Senior Assistant Director Phone: (713) 641-9566 | | Date and identification of prior authorizing Council action: N/A | | | | | | | | | | |
| RECOMMENDATION: (Summary) Accept low bid, award construction contract, and allocate funds. | | | | | | | | | | | | |
| Amount and Source of Funding: \$2,118,168.00 Water and Sewer System Consolidated Construction Fund No. 8500 <i>W.P. 10/4/2011</i> | | | | | | | | | | | | |
| SPECIFIC EXPLANATION: This project consists of the removal of existing water service lines and installation of new copper service lines at residences located throughout the City. | | | | | | | | | | | | |
| DESCRIPTION/SCOPE: The scope of this contract includes removal of existing water service lines which are constructed of ¾-inch to 2-inch diameter plastic, and installation of new copper service lines of the same size. This project covers the cost for service line replacement at approximately 2000 residences located within the City Limits. The work also includes the replacement of any and all "U Branches" encountered when replacing these service lines. These U Branches are to be replaced with new water taps. The contract duration for this project is 730 calendar days. | | | | | | | | | | | | |
| LOCATION: The project area is generally bounded by the City Limits. The project is located in Various Key Map grids. | | | | | | | | | | | | |
| BIDS: Three (3) bids were received for this project on 07/21/11 as follows: | | | | | | | | | | | | |
| <table border="0"> <thead> <tr> <th style="text-align: left;"><u>Bidder</u></th> <th style="text-align: left;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Reliance Construction Services, L.P.</td> <td>\$1,960,159.99</td> </tr> <tr> <td>2. D. L. Elliott Enterprises, Inc.</td> <td>\$2,770,920.49</td> </tr> <tr> <td>3. Spring Equipment Company, Inc.</td> <td>\$2,819,566.12</td> </tr> </tbody> </table> | | | | | <u>Bidder</u> | <u>Bid Amount</u> | 1. Reliance Construction Services, L.P. | \$1,960,159.99 | 2. D. L. Elliott Enterprises, Inc. | \$2,770,920.49 | 3. Spring Equipment Company, Inc. | \$2,819,566.12 |
| <u>Bidder</u> | <u>Bid Amount</u> | | | | | | | | | | | |
| 1. Reliance Construction Services, L.P. | \$1,960,159.99 | | | | | | | | | | | |
| 2. D. L. Elliott Enterprises, Inc. | \$2,770,920.49 | | | | | | | | | | | |
| 3. Spring Equipment Company, Inc. | \$2,819,566.12 | | | | | | | | | | | |
| REQUIRED AUTHORIZATION CUIC#20AJM253 <i>NOT</i> | | | | | | | | | | | | |
| Finance Department: | Other Authorization:  9/27/11 | | Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director Public Utilities Division | | | | | | | | | |

| | | | |
|-------------|--|------------------------------|-------------------------------------|
| Date | Subject Contract Award for Water Service Line Replacement, File No. WA 10983 | Originator's Initials | Page <u>2</u> of <u>2</u> |
|-------------|--|------------------------------|-------------------------------------|

AWARD: It is recommended that this construction contract be awarded to Reliance Construction Services, L.P. with a low bid of \$1,960,159.99

PROJECT COST: The total cost of this project is \$2,118,168.00 to be allocated as follows:

- Bid Amount \$1,960,159.99
 - Contingencies \$ 98,008.01
 - Engineering Testing Services \$ 60,000.00
- \$2,118,168.00

Gorronдона & Associates, Inc. will provide Engineering Testing Services under a previously approved contract.

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

M/WDBE PARTICIPATION: The low bidder has submitted the following proposed MBE/SBE participation plan to satisfy the 11% MBE goal and 9% SBE goal for this project.

| <u>Name of Firms</u> | <u>Work Description</u> | <u>Amount</u> | <u>% of Contract</u> |
|----------------------------|--------------------------------|---------------|----------------------|
| Texas Fluid Power Products | Material Supply | \$215,618.00 | 11.00 % |
| G.M. Construction | Underground Utilities & Paving | \$176,415.00 | 9.00 % |
| TOTAL | | \$392,033.00 | 20.00% |

DWK:JC:AJM:OS:SM:TC:al

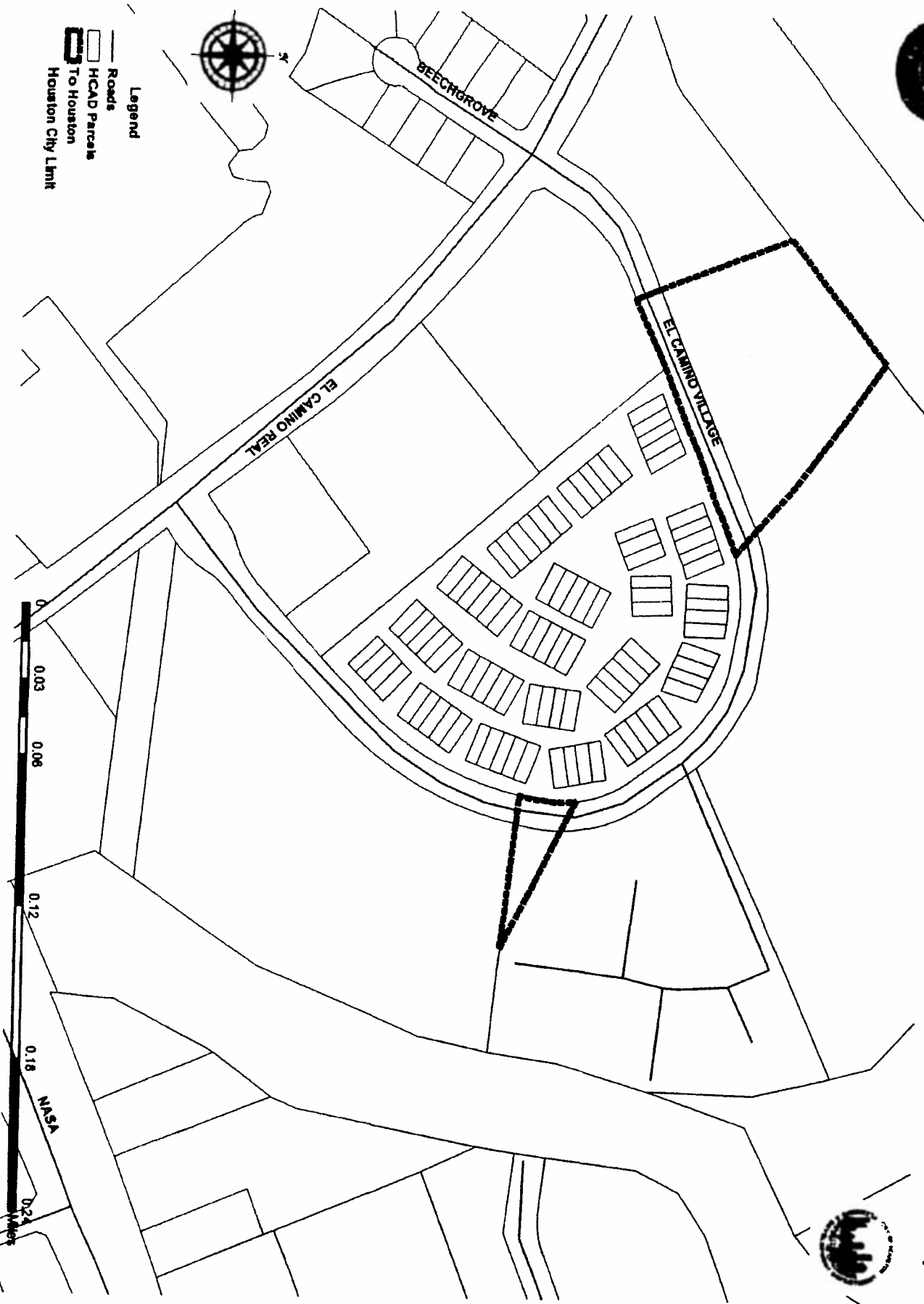
cc: Sam Lathrun
File No. WA 10983

| | | | | | | | | | | |
|---|-----------------------------|---|------------------------|--|-------------------------|------------------|-------------|-------------------|-------------------------|-------------------|
| SUBJECT: Ordinance repealing Ordinance 2011-914 and an Ordinance approving and authorizing a boundary adjustment between the City of Houston and the City of Webster | | Category # | Page 1 of 1 | Agenda Item #8,58A | | | | | | |
| FROM (Department or other point of origin): Planning and Development | | Origination Date November 3, 2011 | | Agenda Date November 9, 2011 | | | | | | |
| DIRECTOR'S SIGNATURE: <i>Margaret L. Hagrue by M. Shah</i> | | Council District affected: E | | | | | | | | |
| For additional information contact: Margaret Wallace Phone: 713-837-7826 | | Date and identification of prior authorizing Council action: Ordinance No. 2011-914 passed October 26, 2011 | | | | | | | | |
| RECOMMENDATION: (Summary) It is recommended that City Council repeal Ordinance 2011-914 and pass on First and Second Reading the Ordinance approving and authorizing a boundary adjustment between the City of Houston and the City of Webster. Such adjustment would result in a clarification of boundary lines and enhance public safety to the affected properties. | | | | | | | | | | |
| Amount and Source of Funding: N/A | | | Finance Budget: | | | | | | | |
| SPECIFIC EXPLANATION: | | | | | | | | | | |
| <p>On October 26, 2011 City Council adopted Ordinance 2011-914 upon a single reading. The Charter requires two readings for certain annexation matters. It is recommended that the City Council repeal Ordinance 2011-914 and adopt a similar ordinance on two readings as required by Article 1 Section 2-b of the City Charter.</p> <p>The City of Houston and the City of Webster consented to an agreement whereby the City of Webster provided police, emergency, and fire protection services to certain properties situated within the City of Houston's corporate boundaries due in part to the proximity of Webster's public safety facilities to those properties. In April, 2011, the City of Webster formally requested that the City of Houston resume the provision of police, emergency and fire protection services to those certain properties.</p> <p>The existing common boundary line divides multi-family and condominium residential properties located within the City of Houston and the City of Webster which complicates dispatched service calls and may impact service response times. In an effort to clarify the boundary line and enhance public safety, the City of Houston and the City of Webster has agreed to adjust the boundary line to better define the jurisdictions. This adjustment would result in the City of Webster relinquishing 4.6 acres of land and the City of Houston relinquishing 1.7 acres of land. Each city would then accept and annex into its corporate boundaries, the land previously relinquished by the other city. This adjustment will not have a material financial impact.</p> <p>Planning and Development Department staff presented the proposed boundary adjustment to the City Council Development and Regulatory Affairs Committee on August 18, 2011. The City of Webster approved and executed the boundary adjustment agreement approved by the City of Webster City Council on October 4, 2011.</p> <p>The ordinance requires two readings before it can be passed as follows:</p> <table> <tr> <td>1st Reading</td> <td>November 9, 2011</td> </tr> <tr> <td>Publication</td> <td>November 11, 2011</td> </tr> <tr> <td>2nd Reading</td> <td>December 14, 2011</td> </tr> </table> | | | | | 1 st Reading | November 9, 2011 | Publication | November 11, 2011 | 2 nd Reading | December 14, 2011 |
| 1 st Reading | November 9, 2011 | | | | | | | | | |
| Publication | November 11, 2011 | | | | | | | | | |
| 2 nd Reading | December 14, 2011 | | | | | | | | | |
| Cc: Marta Crinejo David Feldman | | Sameera Mahendru Kelly Dowe | | | | | | | | |
| REQUIRED AUTHORIZATION | | | | | | | | | | |
| Finance Director: | Other Authorization: | Other Authorization: | | | | | | | | |

12/16/11



Houston Webster Proposed Boundary Adjustment (to Houston)



Legend
— Roads
▨ HCAD Parcels
- - - To Houston
— Houston City Limit



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary **RCA #**

| | | | |
|--|-------------------|--------------------|---|
| SUBJECT: Public hearing to consider whether a property tax exemption will be mandatorily applied to certain goods-in-transit on January 1, 2012 | Category # | Page 1 of 1 | Agenda Item# 59 |
|--|-------------------|--------------------|---|

| | | |
|--|---|-----------------------------------|
| FROM: (Department or other point of origin): Andy Icken , Chief Development Officer Kelly Dowe, Director, Finance | Origination Date November 9, 2011 | Agenda Date NOV 09 2011 |
|--|---|-----------------------------------|

| | |
|----------------------------------|---|
| DIRECTOR'S SIGNATURE: | Council Districts affected: All |
|----------------------------------|---|

| | |
|--|--|
| For additional information contact: Andy Icken Phone: 832-393-1064 Kelly Dowe Phone: 713-221-0935 | Date and identification of prior authorizing Council Action: December 5, 2007 / Ord. 2007-1418 |
|--|--|

RECOMMENDATION: (Summary) That City Council approve a motion calling a public hearing on November 16 to hear public comment concerning whether a mandatory property tax exemption for goods-in-transit should be allowed to take effect automatically on January 1, 2012.

| | |
|---------------------------|------------------------|
| Amount of Funding: | Finance Budget: |
|---------------------------|------------------------|

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

SPECIFIC EXPLANATION:

On January 1, 2012, a property tax exemption on certain goods-in transit, known as the “Super Freeport” Exemption, will automatically take effect unless the city takes prior action to prevent it. The City has already once prevented this exemption from taking effect (in 2007), but Senate Bill 1 of the 2011 Texas Special Session requires cities to once again take official action, between October 1, 2011, and December 31, 2011, to provide for the taxation of Super Freeport goods-in-transit in 2012. The city must conduct a public hearing prior to doing so.

The Super Freeport law covers all goods-in-transit, expanding the existing “Freeport” exemption that covers export goods only. To qualify for the exemption, the goods must be detained at a location in this state in which the owner of the property does not have a direct or indirect ownership interest for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property and be transported to another location in this state or outside this state not later than 175 days after the date the person acquired the property in or imported the property into this state.

Jurisdictions such as the Houston, Spring Branch, and Alief Independent School Districts have already in voted to again prevent this exemption from taking place, and other taxing jurisdictions in the Houston metropolitan area are in process of doing so.

This exemption would cost the city of Houston at least \$5.9 million (estimated) in property tax revenue in all future fiscal years beginning in FY 2013.

Approval of the motion to call a public hearing to hear public comment on the exemption of goods-in-transit from property taxation is recommended.

cc: Dave Feldman, City Attorney
Marta Crinejo, Agenda Director

REQUIRED AUTHORIZATION

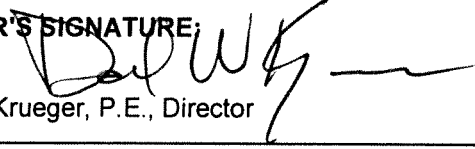

| | | |
|--------------------------|-----------------------------|-----------------------------|
| Finance Director: | Other Authorization: | Other Authorization: |
|--------------------------|-----------------------------|-----------------------------|


TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | |
|---|-----------------------|----------------------------|
| SUBJECT: Motion to set a public hearing date relating to a request for the designation of a banner district in the Houston Museum District | Page 1 of 1 | Agenda Item # 60 |
|---|-----------------------|----------------------------|

| | | |
|--|-------------------------|-----------------------------------|
| FROM (Department or other point of origin): Department of Public Works and Engineering | Origination Date | Agenda Date NOV 09 2011 |
|--|-------------------------|-----------------------------------|

| | |
|--|---|
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | Council District affected: C and D  |
|--|---|

| | |
|--|--|
| For additional information contact:  Mark L. Loethen, P.E., PTOE, CFM Phone: (832) 395-2705 Deputy Director | Date and identification of prior authorizing Council action: N/A |
|--|--|

RECOMMENDATION: (Summary)

Approval of a motion for a public hearing relative to a request for the designation of a banner district in the Houston Museum District

Amount and Source of Funding: N/A

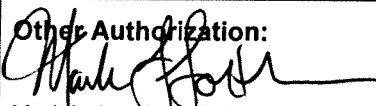
DESCRIPTION/SCOPE: The Department of Public Works and Engineering has received a request from the Houston Museum District for the designation of a banner district as defined in Section 40-30 of the City of Houston Code of Ordinances. The boundaries of the proposed district exist within the city limits. Placement of banners will be on specific sections of roadways as shown in the attached exhibit. The Code of Ordinances defines that the City Council shall conduct a hearing to consider the merits of the request. The request is accompanied by exhibits which address the merits and include verification that the proposed districts have streets with a minimum 60-foot right-of-way and that the district is predominately non-residential.

The Department of Public Works and Engineering is requesting that a public hearing be held on November 16, 2011 to consider the designation of a banner district in the Houston Museum District. During the hearing, the Houston Museum District will present evidence of said merits relative to Section 40-30.

LOCATION: Montrose Boulevard from U.S. 59 to Mecom Fountain; Binz Street from Montrose Boulevard to Alameda Road; Main Street encircling Mecom Fountain to Wheeler Street; Fannin Street from Hermann Drive to Wheeler Street; San Jacinto Street from Hermann Drive to Calumet Street; Hermann Drive from Main Street to Caroline Street; Alameda Road from Ewing Street to Wheeler Street

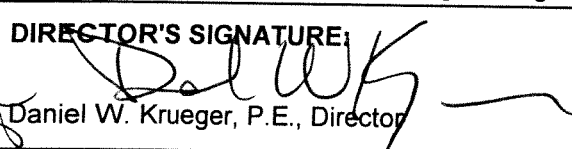

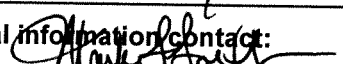
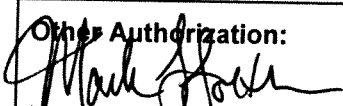
The project is located in Key Map Grids 493 W, X & 533 A, B.

REQUIRED AUTHORIZATION 20MLL67

| | |
|--|-----------------------------|
| Other Authorization:  Mark L. Loethen, P.E., PTOE, CFM Deputy Director Planning and Development Services | Other Authorization: |
|--|-----------------------------|

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

| | | | |
|---|--|---|-----------------------------------|
| SUBJECT: Motion to set a public hearing date relating to a request for the designation of a Banner District in the International Management District | | Page 1 of 1 | Agenda Item # 61 |
| FROM (Department or other point of origin): Department of Public Works and Engineering | | Origination Date | Agenda Date NOV 09 2011 |
| DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director | | Council District affected: F & G  | |
| For additional information contact:  Mark L. Loethen, P.E., PTOE, CFM Phone: (832) 395-2705 Deputy Director | | Date and identification of prior authorizing Council action: N/A | |
| RECOMMENDATION: (Summary) Approval of a motion setting a public hearing date relative to a request for the designation of a banner district in the International Management District | | | |
| Amount and Source of Funding: N/A | | | |
| DESCRIPTION/SCOPE: The Department of Public Works and Engineering has received a request from the International Management District for the designation of a banner district as defined in Section 40-30 of the City of Houston Code of Ordinances. The boundaries of the proposed district exist within the city limits. Placement of banners will be on specific sections of roadways as shown in the attached exhibit. The Code of Ordinances defines that the City Council shall conduct a hearing to consider the merits of the request. The request is accompanied by exhibits which address the merits and include verification that the proposed districts have streets with a minimum 60-foot right-of-way and that the district is predominately non-residential. The Department of Public Works and Engineering is requesting that a public hearing be held on November 16, 2011, to consider the designation of a banner district in the International Management District. During the hearing, the International Management District will present evidence of said merits relative to Section 40-30. | | | |
| LOCATION: The proposed area contained in the city limits is a corridor on Bellaire Boulevard from Turtlewood Drive west to Houston City Limits and a corridor on Beechnut Street from Beltway 8 west to Highway 6, excluding the area between Brookwulf Drive and Sugarland-Howell Road. The project is located in Key Map Grids 528 G,H,J&R & 529 E,F,G,N,P&Q. | | | |
| REQUIRED AUTHORIZATION | | | 20MLL66 |
| Other Authorization:  Mark L. Loethen, P.E., PTOE, CFM Deputy Director Planning and Development Services | | Other Authorization: | |

62

NOV 09 2011

MOTION NO. 2011

MOTION by Council Member Gonzalez that the recommendation of the Purchasing Agent, on bids received for Traffic Signal System Parts for the Department of Public Works and Engineering, S12-N23849, be adopted, and authority is hereby given to issue purchase order to Republic Intelligent Transportation Services, Inc., on their low overall bid meeting specifications in an amount not to exceed \$739,645.44.

Seconded by Council Member Hoang

On 10/26/2011 the above motion was tagged by Council Member Jones.

mla

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9028

Subject: Formal Bids Received for Traffic Signal System Parts for the Public Works & Engineering Department S12-N23849

Category #
4

Page 1 of 2 Agenda Item

621#

FROM (Department or other point of origin):

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

Origination Date

August 05, 2011

Agenda Date

NOV 09 2011
~~OCT 28 2011~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

A, C, G

For additional information contact:

David Guernsey Phone: (832) 395-3640
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Republic Intelligent Transportation Services, Inc. on its low overall bid meeting specifications in an amount not to exceed \$739,645.44 for traffic signal system parts for the Public Works and Engineering Department.

Awarded Amount: \$739,645.44

F & A Budget

\$739,645.44 - Federal Government Grant (Fund 5000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Republic Intelligent Transportation Services, Inc. on its low overall bid meeting specifications in an amount not to exceed \$739,645.44 for traffic signal system parts for the Public Works & Engineering Department and that authorization be given to issue a purchase order. These traffic signal system parts will be used by the Department's Traffic and Transportation Division as part of the City's Culberson Project to replace the City's less efficient and less visible incandescent traffic signal heads that do not meet the current U.S. Department of Transportation standards.

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

| COMPANY | TOTAL AMOUNT |
|---|-----------------------------|
| 1. Endeavor Concepts LLC | \$ 3,100.00 (Partial Bid) |
| 2. Traffic Parts, Inc. | \$ 80,391.00 (Partial Bid) |
| 3. Paradigm Traffic Systems, Inc. | \$ 146,567.00 (Partial Bid) |
| 4. Excellence Opto, Inc. | \$ 580,357.00 (Partial Bid) |
| 5. TraStar, Inc. | \$ 651,346.80 (Partial Bid) |
| 6. Leotek Electronics USA Corp. | \$ 670,450.00 (Partial Bid) |
| 7. Republic Intelligent Transportation Services, Inc. | \$ 739,645.44 |
| 8. Globe Electric Supply, Inc. | \$ 767,311.75 |
| 9. General Traffic Equipment Corp. | \$1,088,477.50 |
| 10. McCain, Inc. | \$1,091,441.00 |

This purchase consists of traffic signal system components/parts including, but not limited to, various types and sizes of light emitting diodes, mounting hardware, directional signals and accessories. The aforementioned items will come with a full one-year warranty and the life expectancy is ten years. The old components/parts will be sent to the Property Disposal Management Office for disposition.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

lp

A

| | | | |
|-------------------|--|--------------------------------|-------------|
| Date: 8/5/2011 | Subject: Formal Bids Received for Traffic Signal System Parts for the Public Works & Engineering Department S12-N23849 | Originator's Initials MK | Page 2 of 2 |
|-------------------|--|--------------------------------|-------------|

MWBE Subcontracting:

This invitation to bid was issued with a 6% goal for MWBE participation. Republic Intelligent Transportation Services, Inc. has designated the below-named company as its certified MWBE subcontractor.

| <u>Name</u> | <u>Type of Service</u> | <u>Amount</u> |
|------------------------------|-------------------------------|----------------------|
| Energy Electric Supply, Inc. | Traffic Signal Parts | \$44,378.73 |

The Office of Business Opportunity will monitor this award.

Buyer: Martin L. King

63

NOV 09 2011

MOTION NO. 2011

MOTION by Council Member Gonzalez that the recommendation of the Purchasing Agent, to amend Motion No. 2008-0380, passed and adopted June 4, 2008, which authorized purchase of Chemical, Liquid Ammonium Sulfate for the Department of Public Works and Engineering, S12-S22503-A1, be adopted, and Motion No. 2008-0380 is hereby amended to increase the spending authority on award to ALTIVIA Corporation from \$229,724.95 to \$321,614.93.

Seconded by Council Member Noriega

On 10/26/11 the above motion was tagged by Council Member Jones.

cr

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9189

Subject: Amend Council Motion 2008-0380, Passed June 4, 2008, for Chemical, Liquid Ammonium Sulfate for the Public Works and Engineering Department
S12-S22503-A1

Category #
4

Page of 1 Agenda Item

63 #70

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

Origination Date
September 29, 2011

Agenda Date
NOV 09 2011
~~OCT 26 2011~~

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

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

Date and Identification of prior authorizing Council Action:
CM No. 2008-0380, passed 06-04-2008

RECOMMENDATION: (Summary)

Amend Council Motion 2008-0380, passed June 4, 2008, to increase the spending authority from \$229,724.95 to \$321,614.93 for chemical, liquid ammonium sulfate for the Public Works and Engineering Department.

Spending Authority Increased By: \$91,889.98

Finance Budget

\$91,889.98 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2008-0380, passed June 4, 2008, to increase the spending authority for chemical, liquid ammonium sulfate awarded to ALTIVIA Corporation, from \$229,724.95 to \$321,614.93. The additional spending authority is needed to sustain the Department until the end of the awarded term or until new award is put in place. The extreme and prolonged dry weather conditions and numerous ruptured water mains increased the volume of ground water to be treated and distributed citywide, thus causing the spending authority limit to be exhausted prior to the end of the awarded term.

This award began June 12, 2008 for a 60-month period, with two option years to extend, in an amount not to exceed \$229,724.95. Expenditures as of September 30, 2011 totaled \$194,784.50. All terms and conditions shall remain as originally approved by City Council.

The award consisted of approximately 2,524,450 pounds of liquid ammonium sulfate, which is utilized on a daily basis by the Department's Drinking Water Operations Branch to prevent the formation of carcinogenic compounds during the treatment of potable water at groundwater plants and re-pump stations located citywide. Liquid ammonium sulfate is essential to comply with the regulations promulgated by the Texas Commission on Environmental Quality and the Environmental Protection Agency to preserve and protect the public's health and safety.

The solicitation was issued with a 11% M/WBE participation goal. The supplier is currently achieving 4.72%. The Office of Business Opportunity met with the supplier to help them identify alternative subcontractors and opportunities for M/WBE firms and will continue to monitor and work with the supplier to achieve the established M/WBE goal.

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MJS
A

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9172

Subject: Approve an Ordinance to Appropriate Funds and Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract # 4600010747 for the CRM Solution Upgrade for the Houston 3-1-1 Helpline for the I.T. Dept./S37-T23484-A1

Category #
1 & 4

Page 1 of 2 Agenda Item

64 #9

FROM (Department or other point of origin):

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

Origination Date

October 18, 2011

Agenda Date

NOV 09 2011
~~OCT 20 2011~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Gary Morris Phone: (832) 393-0065
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

Ord. No. 2010-1007; passed 12-08-10

RECOMMENDATION: (Summary)

Approve an ordinance appropriating \$1,538,280.00 out of the Equipment Acquisition Consolidated Fund and approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and Lagan Technologies, Inc. from \$2,858,430.00 to \$3,573,037.00 for the constituent relationship management solution upgrade for the Houston 3-1-1 Helpline for the Information Technology Department.

Maximum Contract Amount Increased By: \$714,607.00

Finance Budget

[Signature]

\$1,538,280.00 - FY12 Equipment Acquisition Consolidated Fund (1800) WBS# X-681117-0001-3-01
\$ 52,016.00 - Central Services Revolving Fund (1002) (Out Years)

\$1,590,296.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance appropriating \$1,538,280.00 out of the Equipment Acquisition Consolidated Fund and approve an amending ordinance to increase the maximum contract amount for the contract between the City of Houston and Lagan Technologies, Inc. from \$2,858,430.00 to \$3,573,037.00 for the constituent relationship management (CRM) solution upgrade for the Houston 3-1-1 Helpline for the Information Technology Department (ITD).

The total appropriation includes \$875,689.00 from the FY12 equipment acquisition fund which could not be approved at the time of the initial contract award in FY11. The additional increase to the maximum contract amount of \$714,607.00 is needed to: (1) enable social networking components and smart phone applications to integrate seamlessly with the 3-1-1 CRM system; (2) set-up a robust role-based security framework; and (3) establish the basis for future objectives such as an enterprise-wide access tool for organizing citizen information across multiple City operations, which can support the regional 3-1-1 service. The additional funds requested shall sustain the department through the end of the contract term.

This contract was awarded on December 8, 2010 by Ordinance No. 2010-1007 for a three-year term, with two one-year options in the amount of \$2,858,430.00. The scope of work required the contractor to provide all supervision, resources, tools, software and supplies to enhance and upgrade the 3-1-1 Helpline. The new system will integrate with the GIS system to include a powerful knowledge base and workflow/case management system. Additionally, the new system will input and track calls effectively, upload any or all file formats including pictures and videos, produce comprehensive reports, and include advanced web self-service for 24/7 access and online status updates.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature]

[Handwritten mark]

| | | | |
|---------------------|---|--------------------------------|-------------|
| Date: 10/18/2011 | Subject: Approve an Ordinance to Appropriate Funds and Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract # 4600010747 for the CRM Solution Upgrade for the Houston 3-1-1 Helpline for the I.T. Dept./S37-T23484-A1 | Originator's Initials JH | Page 2 of 2 |
|---------------------|---|--------------------------------|-------------|

Phase I of the project is currently 60% complete. It is projected that the go-live date will be mid November 2011. Additional functionality and features such as: (1) effective workflow/case management, (2) Integration with GIS and eight back-office systems, (3) advanced web self-service for 24/7 access, and (4) social media and smart apps integration shall be completed at the end of June 2012.

This contract was issued as a goal-oriented contract with a 7.11% M/WBE participation level, and the contractor is currently achieving 5.073%. The Mayor's Office of Business Opportunity will continue to monitor this contract to ensure maximum M/WBE participation.

Buyer: Joyce Hays

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9123

Subject: Formal Bids Received for Fuel Systems Tank Testing Services for the Fleet Management Department S33-L23876

Category #
4

Page 1 of 1 Agenda Item

65 20

FROM (Department or other point of origin):

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

Origination Date

9/21/11

Agenda Date

NOV 09 2011
~~OCT 20 2011~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kim Burley Phone: (832) 393-6920
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Valley Tank Testing, LLC on its low bid in an amount not to exceed \$344,335.00 for fuel systems tank testing services for the Fleet Management Department.

Maximum Contract Amount: \$344,335.00

Finance Budget

\$344,335.00 - Fleet Management Revolving Fund (1005)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Valley Tank Testing, LLC on its low bid in an amount not to exceed \$344,335.00 for fuel systems tank testing services for the Fleet Management Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

| | <u>Company</u> | <u>Total Amount</u> |
|----|--------------------------|---------------------|
| 1. | Valley Tank Testing, LLC | \$344,335.00 |
| 2. | UST Services, Inc. | \$545,346.50 |

The scope of work requires the contractor to provide all personnel, management, supervision, labor, equipment and incidentals necessary to provide fuel systems tank testing. The contractor shall be required to provide services such as line leak testing, stage I and II vapor recovery, including recovery re-test. Testing will be performed at approximately 120 sites citywide at periodic intervals as required by statutory guidelines.

Pay or Play Program:

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

Buyer: Conley Jackson

Estimated Spending Authority

| Department | FY12 | Out Years | Total Amount |
|-----------------------------|-------------|--------------|--------------|
| Fleet Management Department | \$57,700.00 | \$286,635.00 | \$344,335.00 |

Attachment: M/WBE Zero-Percent Goal Document approved by the Office of Business Opportunity

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

AC



CITY OF HOUSTON

Department of Public Works and Engineering

Interoffice

Correspondence

RECEIVED
A/C/D/DIRECTOR'S OFFICE

MAR 24 2011

To: Tony Henshaw
Robert Gallegos

From: Assistant Director
Materials Management Branch

Date: February 24, 2011

Attn: Tim Mills

Subject: **MWDBE SET GOAL REQUEST
FOR FUEL SYSTEM TANK TESTING FOR
VARIOUS DEPARTMENTS**

The Public Works and Engineering Department (PW&E) is requesting the Office of Business Development to review/advise on the current MWDBE goal of 0% and set a new goal for the renewal/new Fuel System Tank Testing.

Public Works and Engineering is not the largest user on this contract. The previous goal was set at 0%. Attached is the RCA and justification from the current contract for your review.

Current Goal 0%

New Goal 0% ✓

Office of Business Development Justification: _____

Concur:

Robert Gallegos: Approved *Robert Gallegos* Disapproved _____

Tony Henshaw: Approved *Michael Brown* Disapproved _____
(for Tony Henshaw)

David Guernsey
David Guernsey

mw
DG:mwr

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Television Production Equipment Repair and Routine Maintenance for the Mayor's Office (HTV)/S33-L23857

Category #
4

RCA# 9084

Page 1 of 2

Agenda Item

66 ~~21~~

FROM (Department or other point of origin):

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

Origination Date

9/21/11

Agenda Date

~~OCT 26 2011~~

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

NOV 09 2011

For additional information contact:

Dwight Williams Phone: (832) 393-1277
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Professional Audio Video Service, Inc. in an amount not to exceed \$230,125.00 for television production equipment repair and routine maintenance for the Mayor's Office.

Maximum Contract Amount: \$230,125.00

Finance Budget

\$230,125.00 - Special Cable Fund (2401)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Professional Audio Video Service, Inc., in an amount not to exceed \$230,125.00 for television production repair and routine maintenance for the Mayor's Office Houston Television (HTV). 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 personnel, management, supervision, labor, equipment and incidentals necessary to repair television production equipment that will be used to produce various City of Houston meetings and other media related programs.

This Best Value Bid (BVB) was advertised in accordance with the requirements of the State of Texas bid laws. Eighteen prospective proposers downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from Industrial Audio Video, Inc., Noslar T.I. Inc., and Professional Audio/Video Service, Inc. The evaluation committee consisted of three evaluators from the Mayor's Office, HTV Houston Television. The proposals were evaluated based upon the following criteria:

- Expertise / Experience / Qualifications
- Price
- Financial Strength
- M/WBE Participation

Professional Audio Video Service, Inc. was determined the best respondent.

Pay or Play Program:

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

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

3

| | | | |
|--------------------|---|--------------------------------|-------------|
| Date: 9/10/2011 | Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Television Production Equipment Repair and Routine Maintenance for the Mayor's Office (HTV)/S33-L23857 | Originator's Initials CJ | Page 2 of 2 |
|--------------------|---|--------------------------------|-------------|

Buyer: Conley Jackson

Estimated Spending Authority

| Department | FY12 | Out Years | Total Amount |
|--------------------|-------------|--------------|--------------|
| Mayor's Office HTV | \$35,000.00 | \$195,125.00 | \$230,125.00 |

Attachment: MWBE Zero-Percent Goal Document approved by the Office of Business Opportunity



Administration & Regulatory Affairs

Memorandum

To: Calvin D. Wells, Deputy Director
City Purchasing
Strategic Purchasing Division

From: Conley Jackson

Date: July 6, 2011

Subject: MWBE Participation Form

I am requesting a walver 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% RDG

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

If requesting a revision, how many solicitations were received: 3

Solicitation Number: S33-L23857 Estimated Dollar Amount: \$230,125.00 Goal On Last Contract: N/A

Anticipated Advertisement Date: 1/14/2011 Solicitation Due Date: 2/3/2011 Was Goal met: Yes No

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

Name and Intent of this Solicitation: Contract will be used to repair and do routine maintenance of television production equipment.

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

The vendor community capable of participating as a sub-contractor in the solicitation for television production repair and routine maintenance is currently limited to two City of Houston registered sub-contractors. One vendor has an extremely expensive charge back to the prime contractor for after hours and holiday pay and the second vendor advised the prime that they were not willing to participate. The prime contractor has made sincere efforts to meet the M/WBE percentage requirement but has been unsuccessful. Therefore we are requesting that the Office of Business Opportunity approve a zero M/WBE participation goal. Please refer to the attached vendor provided documents that substantiate their efforts.

Concurrence:

SPD Initiator

Robert Gallegos, Deputy Assistant Director

*Office of Business Opportunity

Division Manager



required, if the request is zero percent MWBE participation, or to revised the MWBE goal.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Additional Funds for Radio Automated Meter Reading System (AMR) and Fixed Network/Advanced Meter Infrastructure System (AMI) Contract with Itron, Inc. for Public Works & Engineering Department.
WBS# S-000956-0002-5

Page
1 of 2

Agenda Item

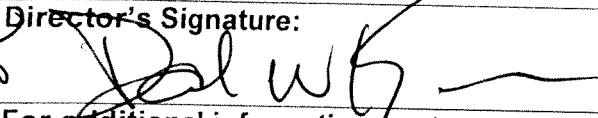
67 ~~33~~

From: (Department or other point of origin):
Daniel W. Krueger, P.E., Director
Public Works and Engineering Department

Origination Date
10/11/2011

Agenda Date

~~OCT 26 2011~~

Director's Signature:


Council District affected:
All

NOV 09 2011

For additional information contact:
Tommy McClung Phone: 713-371-1357
David Guernsey Phone: 832-395-3640

Date and identification of prior authorizing Council action:

Ord. #98-0575, passed July 15, 1998; Ord. #01-1181, passed December 19, 2001; Ord. #03-0581, passed June 18, 2003; Ord. #06-1071, passed October 24 2006; Ord. #08-0896, passed October 8, 2008; Ord. #09-0751, passed August 12, 2009; Ord. #10-790, passed October 6, 2010; Ord. # 11-262, passed April 13, 2011

RECOMMENDATION: Approve an ordinance appropriating additional funds to the Itron, Inc. contract for Radio Automated Meter Reading and Fixed Network/ Advanced Meter Infrastructure Systems.

SOURCE OF FUNDING: \$3,766,576.28 - Water & Sewer System Consolidated Construction Fund (8500)

Finance Department:

M.P. 10/18/2011

SPECIFIC EXPLANATION:

The Public Works and Engineering Department recommends that City Council approve an ordinance authorizing the appropriation of \$3,766,576.28 from the Water & Sewer System Consolidated Construction Fund (8500), to install and replace critical Automated Meter Reading and Fixed Network/Advanced Meter Infrastructure System Components for the Public Works & Engineering Department.

The ordinance will provide materials, equipment and software to assure the highest level of metering system accuracy. This includes registers, electronic endpoints, data collectors, data repeaters, and all other mechanisms required to operate a water meter reading operation. In order to ensure good customer service and accurate billing, this appropriation is necessary.

On July 15, 1998, City Council awarded by Ordinance No. 98-575, a five year contract in the amount of \$25,510,709.00. Since that time, the contract has been amended and extended leaving a maximum contract amount of \$64,903,350.00 with an expiration date of December 17, 2012.

The Radio Automated Meter Reading System (AMR) and Fixed Network /Advanced Meter Infrastructure System (AMI) currently employ Itron endpoints that can be read only by Itron hardware. These endpoints attach to the meters and send an electronic signal to be read. Itron comprises 90% of the Automated Meter Reading System. Itron is the sole source provider of these parts.

REQUIRED AUTHORIZATION

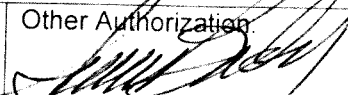
CUIC ID 20DLN12

NDT

Finance Department

Other Authorization:

Other Authorization


Susan Bandy, Deputy Director

SUBJECT: SUBJECT: Appropriate Additional Funds for Radio Automated Meter Reading System (AMR) and Fixed Network/Advanced Meter Infrastructure System (AMI) Contract with Itron, Inc. for Public Works & Engineering Department.
WBS# S-000956-0002-5

Originator's Initials

dln

Page
2 of 2

M/WDBE Subcontractor:

This contract was awarded with a 0.6% participation level with the only opportunity of MWBE participation being delivery of equipment. Itron Inc. had worked closely with the Affirmative Action Division (AAD) to incorporate a small MWBE component into the subject contract. They agreed to hire a local MWBE delivery service, Rabbit Run Delivery, to drive trucks to Minnesota and bring Itron equipment (endpoints) back to Houston. Later it was determined that it was more cost effective to have the endpoints connected to the new meters at the factory. It was determined by AAD there were no other MWBE opportunities within the scope of the automated meter reading contract.

This recommendation is made in pursuant to Chapter 252 Section 252, 022 (a) (7) (D) of the Texas Government Code for exempt procurements.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation
WBS# R-000266-0176-4

Page
1 of 2

Agenda Item #

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FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

Agenda Date

~~OCT 20 2011~~

DIRECTOR'S SIGNATURE

Daniel W. Krueger, P.E.

Council District affected:
All

NOV 09 2011

For additional information contact:

Jason Iken, P.E.

Senior Assistant Director

Phone: (832) 395-4989

Date and identification of prior authorizing Council action:

N/A

RECOMMENDATION: (Summary)

Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: \$595,057.00 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 II.

M.P. 10/5/2011

SPECIFIC EXPLANATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems 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 730 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Three (3) bids were received on July 14, 2011 for this project as follows:

| Bidder | Bid Amount |
|---|--------------|
| 1. Envirowaste Services Group, Inc. | \$561,958.83 |
| 2. Specialized Maintenance Services, Inc. | \$638,163.00 |
| 3. CleanServe, Inc. | \$703,856.25 |

File/Project No. WW 4277-66

REQUIRED AUTHORIZATION

CUIC# 20JAI395

Finance Department

Other Authorization:

Other Authorization:

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

| | | | |
|-------------|---|------------------------------|-----------------------|
| Date | Subject: Contract Award for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0176-4 | Originator's Initials | Page 2 of 2 |
|-------------|---|------------------------------|-----------------------|

AWARD: It is recommended that this construction contract be awarded to Envirowaste Services Group, Inc., with a low bid of \$561,958.83.

PROJECT COST: The total cost of this project is \$595,057.00 to be appropriated as follows:

- Bid Amount \$561,958.83
- Contingencies \$28,098.17
- Engineering Testing Services \$5,000.00

Engineering Testing Services will be provided by All-Terra Materials Testing, Inc. under a previously approved contract.

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

M/WSBE PARTICIPATION: No City M/WSBE participation goal has been established for this project.

All known rights-of-way and easements required for this project have been acquired.

EDP

DWK:JC:JI:DR:mb

File No. WW 4277-66