

AGENDA - COUNCIL MEETING - TUESDAY - DECEMBER 20, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - DECEMBER 21, 2011 - 9:00 A. M.

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

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 43

MISCELLANEOUS - NUMBERS 1 through 3

1. RECOMMENDATION from Director Mayor's Office of Business Opportunity to set Airport Concessions Disadvantaged Business Enterprise (ACDBE) goals for airport leasing (concession) contracts for the period October 1, 2011 through September 30, 2014 in compliance with DBE Ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49 CFR Parts 23 and 26
2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 Operations and Maintenance Budget for the Lake Houston Facility Project operated by the **COASTAL WATER AUTHORITY** - \$2,754,284.00 - Enterprise Fund

AGENDA - DECEMBER 21, 2011 - PAGE 2

MISCELLANEOUS - continued

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2012 Operations, Maintenance and Consolidated Construction Budgets for the Trinity River Water Conveyance Project operated by the **COASTAL WATER AUTHORITY** - \$21,606,672.00 Enterprise Fund

ACCEPT WORK - NUMBER 4

4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$341,590.00 and acceptance of work on contract with **O'DONNELL/SNIDER CONSTRUCTION, LP** for Wortham Theater Hot Water Piping Replacement - 19.86% over the original contract amount - **DISTRICT I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 8

5. **J&J CLOTHIERS** for Classified Winter Jackets for the Houston Fire Department - 2 Years \$124,055.50 - General Fund
6. **B-CYCLE, LLC** for a bicycle share demonstration system for the Fleet Management Department \$104,934.00 - Grant Fund
7. **PITNEY BOWES, INC** for Lease of One Digital Mailing System and Postage Meter from the State of Texas Procurement and Support Services Contract for the Department of Neighborhoods 60 Months - \$172,380.00 - General Fund
8. **AMEND MOTION #2008-910, 12/17/08, TO INCREASE** spending authority from \$5,320,200.00 to \$7,448,280.00 for Chemical, Liquid Gaseous Chlorine for the Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION** - \$2,128,080.00 - Enterprise Fund

ORDINANCES - NUMBERS 9 through 43

9. ORDINANCE **AMENDING ARTICLE IV, CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the operation of chauffeured limousine services
10. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 35-foot-wide storm sewer easement along Ella Boulevard at Judiway Street, W. P. Morton Survey, A-539, Harris County, Texas; vacating and abandoning the easement to Bob-Don Company, Ltd., abutting owner, in consideration of owner's dedication to the City of a 25-foot-wide storm sewer easement, payment of \$5,099.00 and other consideration - **DISTRICT I - RODRIGUEZ**
11. ORDINANCE Canvassing the Returns of the City of Houston Runoff Election held on December 10, 2011; making various findings and provisions related to the subject; declaring the Official Results of the Runoff Election
12. ORDINANCE approving and authorizing Economic Development Agreement between the City of Houston, Texas, and **SCHLUMBERGER TECHNOLOGY CORPORATION** for the establishment and operation of a Western Hemisphere Financial Services Center - **DISTRICT G - PENNINGTON**
13. ORDINANCE providing for an ad valorem tax exemption on the significant historic structure located at **300-304 Main Street** in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

14. ORDINANCE delegating to the Mayor the limited authority to select, approve and authorize an Electric Supply Agreement with a retail electric provider; providing a maximum contract amount
15. ORDINANCE approving and authorizing contract between the City of Houston and **CYPRESS CREEK VOLUNTEER FIRE DEPARTMENT** for supplemental firefighting services within an area of the City of Houston known as the Willowbrook Mall Area; providing a maximum contract amount - 3 Years with two one-year options - \$305,000.00 - General Fund - **DISTRICT A - STARDIG**
16. ORDINANCE approving and authorizing contract between the City of Houston and the **GREENSPPOINT DISTRICT OF HARRIS COUNTY** for the FY2012 Operation Greensweep to provide overtime on a reimbursement basis to the North Division of the Houston Police Department for Operations in the Greenspoint District that fall within the incorporated limits of the City of Houston - **DISTRICT B - JOHNSON**
17. ORDINANCE approving and authorizing the submission of an application for and acceptance of a **U.S. DEPARTMENT OF TRANSPORTATION FY12 MOTOR CARRIER SAFETY ASSISTANCE PROGRAM HIGH PRIORITY GRANT**; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
18. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BARNES & TURNER**, Attorneys at Law, for the provision of legal services in connection with the Single Family Home Repair and Down Payment Assistance Programs
19. ORDINANCE amending Ordinance No. 2009-98, as amended, to increase the maximum contract amount for contract between the City of Houston and **DENTON, NAVARRO, ROCHA & BERNAL, P.C.** for Legal Services relating to Cause No. 4:08-CV-2404; Dwight Bazile et al. v. City of Houston; in the United States District Court, Southern District of Texas - \$230,511.56 - Property and Casualty Fund
20. ORDINANCE appropriating \$251,824.70 out of Equipment Acquisition Consolidated Fund; approving and authorizing the execution of Lease Agreements with the Best Respondent, **BAKER NISSAN SOUTH, LP**, to lease low or zero emission vehicles for the Fleet Management Department; providing a maximum contract amount - \$99,957.08 - American Recovery and Reinvestment Reimbursement Fund
21. ORDINANCE approving and authorizing contract between the City of Houston and **NORTHROP GRUMMAN SYSTEMS CORPORATION** for the Implementation of the Gulf Coast Law Enforcement Information Exchange System for the Houston Police Department; providing a maximum contract amount - 3 Years - \$190,183.37 - Grant Fund
22. ORDINANCE awarding contract to **BFI WASTE SERVICES OF TEXAS, LP d/b/a REPUBLIC SERVICES INC** for Non-Hazardous Waste Collection, Transportation and Disposal Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$3,982,978.56 - General, Enterprise, Fleet Maintenance and Other Funds
23. ORDINANCE approving and authorizing contract between the City of Houston and **KIMLEY-HORN & ASSOCIATES, INC** for City-wide Parking Management Strategic Master Plan and Best Practices Assessment for the Administration & Regulatory Affairs Department; providing a maximum contract amount - \$438,140.00 - Parking Management Special Revenue Fund

ORDINANCES - continued

24. ORDINANCE approving and authorizing Amendment No. 2 to agreement for Heating, Ventilating, and Air Conditioning Systems and Associated Plumbing, Electrical and Control Systems Operations and Maintenance for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC** - 60 days
25. ORDINANCE appropriating \$3,900,000.00 out of Airport System Bonds 1998B AMT Construction Fund; \$2,062,992.00 out of Airport Improvement Fund (Project No. 500N; Contract No. 46000010038); and approving and authorizing Amendment No. 1 to Construction Management At Risk Agreement between the City of Houston and **MANHATTAN CONSTRUCTION COMPANY** for Phase I Construction Services for Terminal D Improvements at George Bush Intercontinental Airport/Houston; providing funding for engineering testing services, and for contingencies, and the Civic Art Program relating to construction of the facilities financed by such funds - **DISTRICT B - JOHNSON**
26. ORDINANCE approving and authorizing Lease Agreement between **UCM/GP - 1301 FANNIN, L.P. as Landlord**, and the City of Houston, Texas, as Tenant, at 1301 Fannin Street, Houston, Texas, for ten years, for use by the Houston Police Department - **DISTRICT I - RODRIGUEZ**
27. ORDINANCE appropriating \$269,239.00 out of Parks Special Fund, awarding Construction Contract to **SPECIALTY CONSTRUCTION** for Keith Wiess Park; 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 services, construction management, and contingencies relating to construction of facilities financed by Parks Special Fund - **DISTRICT B - JOHNSON**
28. ORDINANCE appropriating \$334,000.00 out of General Improvement Consolidated Construction Fund, \$168,000.00 out of Public Health Consolidated Construction Fund, \$271,000.00 out of Police Consolidated Construction Fund, \$195,000.00 out of Fire Consolidated Construction Fund, \$235,000.00 out of Parks Consolidated Construction Fund, \$186,000.00 out of Public Library Consolidated Construction Fund, and \$33,000.00 out of Solid Waste Consolidated Construction Fund; approving and authorizing Professional Services Contract between the City of Houston and **PARSONS COMMERCIAL TECHNOLOGIES GROUP, INC** for Comprehensive Facility Condition Assessments for various City facilities
29. ORDINANCE approving and authorizing first amendment to the agreement between the City of Houston and **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for reimbursement for design and construction of a pilot project to develop local data for Storm Water Quality Best Management Practices (Approved by Ordinance No. 2010-0353) - **DISTRICT H - GONZALEZ**
30. ORDINANCE appropriating \$1,744,543.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Grade Crossing Signal Installation Agreements between the City of Houston and **BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY** for the Greater Inwood Quiet Zones located on Watonga Boulevard, Acorn Street, Pinemont Drive, Creekmont Drive, West Tidwell Drive, West Little York Drive; approving and authorizing a Highway-Rail Signal Interface Agreement between the City and **Burlington Northern Santa Fe Railway Company** at W. 43rd Street; providing funding for CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A - STARDIG**
31. ORDINANCE appropriating \$1,680,000.00 out of Street & Bridge Consolidated Construction Fund for services associated with the establishment of the East End I and East End III Quiet Zones by the **UNION PACIFIC RAILROAD COMPANY**; providing funding for CIP Cost Recovery and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

ORDINANCES - continued

32. ORDINANCE approving and authorizing agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** for connection capabilities to the City's High Water Detection System at Holcombe and Fannin Underpass - **DISTRICTS C - CLUTTERBUCK and D - ADAMS**
33. ORDINANCE approving and authorizing consent to removal of pipeline between the City of Houston and the **WEST HARRIS REGIONAL WATER AUTHORITY** related to the Ley Road Paving and Drainage Project - **DISTRICT B - JOHNSON**
34. ORDINANCE appropriating \$12,000.00 out of Water & Sewer System Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Agreement between the City of Houston and **PATE ENGINEERS, INC** for Rehabilitation of existing water wells at various facilities
35. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **PARSONS TRANSPORTATION GROUP, INC** for Pilot Wetlands Project at Lake Houston - \$128,060.00 - Enterprise Fund - **DISTRICT E - SULLIVAN**
36. ORDINANCE appropriating \$1,539,312.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **T CONSTRUCTION, LLC** for Wastewater Collection System Rehabilitation and Renewal; 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 - (4235-55)
37. ORDINANCE appropriating \$3,558,926.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PM CONSTRUCTION & REHAB, LLC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods; 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 - (4257-121)
38. ORDINANCE appropriating \$644,831.00 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 - (4277-63)
39. ORDINANCE appropriating \$2,887,910.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Park Place Area; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
40. ORDINANCE granting to **EXPRESS DUMPSTER INC, A Texas Cooperation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**

ORDINANCES - continued

41. ORDINANCE granting to **GARNER ENVIRONMENTAL SERVICES, INC, A Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING**
42. ORDINANCE granting to **COVENANT WASTE SERVICES, LLC, A Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING**
43. ORDINANCE No. 2011-1164, passed first reading December 14, 2011
ORDINANCE granting to **GERARDO BERMUDEZ d/b/a GREASE RECYCLERS CO-OP & GREASE TRAP, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 44 through 47

44. 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
POSTPONED BY MOTION #2011-895, 12/7/11
This was Item 93 on Agenda of December 7, 2011
45. MOTION by Council Member Lovell/Seconded by Council Member Gonzalez to amend Item 45A below as follows:
"by striking Sec. 42-274(a)(6) and substituting the following:
(6) The area is comprised of contiguous tracts and contains no out tracts as determined by the director in his sole professional judgment; except that the non-contiguous tract of approximately 25.78 acres conveyed to the Texas Medical Center, Inc, by Special Warranty Deed dated June 30, 1976 and recorded under File No. E809678 in the Official Public Records of Real Property of Harris County, Texas, may be included in the Texas Medical Center Major Activity Center designation
TAGGED BY COUNCIL MEMBERS SULLIVAN, RODRIGUEZ, JONES
- a. ORDINANCE **AMENDING THE CONSTRUCTION CODE AND CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to subdivision and development and residential buffering; containing findings and other provisions relating to the foregoing subject; providing for severability; containing a savings clause
TAGGED BY COUNCIL MEMBERS SULLIVAN, RODRIGUEZ, JONES
This was Item 15 on Agenda of December 14, 2011

MATTERS HELD – continued

46. ORDINANCE approving and authorizing HVAC Operation and Maintenance Services Agreement for the Houston Airport System between the City of Houston and **TDINDUSTRIES, INC**; providing a maximum contract amount - 3 Years with two one-year options - \$32,599,317.74 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

TAGGED BY COUNCIL MEMBERS ADAMS, GONZALEZ, RODRIGUEZ, JONES, JOHNSON and BRADFORD

This was Item 31 on Agenda of December 14, 2011

47. ORDINANCE approving Interlocal Agreement between the City of Houston, Texas and **MIDTOWN MANAGEMENT DISTRICT** for the maintenance of Elizabeth Baldwin Park **DISTRICT I - RODRIGUEZ** - **TAGGED BY COUNCIL MEMBER RODRIGUEZ**

This was Item 42 on Agenda of December 14, 2011

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
DECEMBER 20, 2011 2:00PM**

AGENDA

3MIN 3MIN 3MIN

MR. JYOTI PATEL – 10708 W. Bellfort – 77099 – 281-575-6013 – Chapter 8 – Item 44

MR. JOHN FERRATO – 3030 Ella Blvd. – 77019 – 713-862-5544 - Chapter 8 – Item 44

MR. RONELL PETERS – 3200 Mechom Rd. - 77032 – 832-309-4439 – HVAC Operation Service Contract
Item 24

NON-AGENDA

2MIN 2MIN 2MIN

MR. TOMMY PHIPPS – 5719 Knightwood St. – 77016 – 713-202-2979 – Carport citation

3MIN 3MIN 3MIN

MR. WILLIAM BEAL – 5814 Overdale – 77033 – 713-738-3410 – King of Israel

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

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

MR. MARK ANTHONY RODRIGUEZ – 23 Delmar – 77011 – 832-816-9673 – Concerns for the Community

MR. LUIS M. LIMONES – 5811 Dwyer – Humble – TX – 77396 – 713-367-4630 - Water bill

MR. ANTHONY MOTEN – 5208 Noble – 77020 – 832-418-5675 – Future of my Church

MR. ANDREW PATTERSON – 6207 Fondren – 77036 – 832-276-1712 – Proposed recommendations to City of
Houston

MR. ED JONES – 7731 Hillmont - 77040 – 281-734-1206 – Auto Ordinance

MS. T. C. SMYTHE – 12922 Avenida Vaquero – 77077 – 832-715-5226 – Two Ordinances

PREVIOUS

1MIN 1MIN 1MIN

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – 713-928-2871 – Mayor B/White –
G/Sold – C/Government Offices/To – W. Adams – J.J. Jones – J. G. Rodriguez – E. Gonzalez

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Disadvantaged Business Enterprise ("DBE") U.S. Department of Transportation/Federal Aviation Administration ("DOT"/"FAA") recommendation for overall Airport Concession Goals through September 30, 2014.		Page 1 of 1	Agenda Item # /
FROM (Department or other point of origin): Mayor's Office of Business Opportunity		Origination Date	Agenda Date DEC 21 2011
DIRECTOR'S SIGNATURE: <i>Carlecia D. Wright</i>		Council District Affected: B, I	
For additional information contact: Carlecia D. Wright Phone: 832.393.0615		Date and identification of prior authorizing Council action: Ordinance 89-226; Motion 92-0498; Ordinance 99-893; Motion 2000-0136; Motion 2001-0096; Motion 2002-0077; Motion 2003-0072; Motion 2006-0072; Motion 2009-0687	
RECOMMENDATION: (Summary) Approve motion setting Airport Concessions Disadvantaged Business Enterprise (ACDBE) goals for airport leasing (concession) contracts for the period October 1, 2011 through September 30, 2014, in compliance with DBE ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49 CFR Parts 23 and 26.			
Amount and Source of Funding: NA			
SPECIFIC EXPLANATION:			
<p>In February 1989 and August 1999, City Council approved ordinances setting federally mandated DBE goals and guidelines for airport contracts. The initial overall goal for leasing (concessions) contracts was 6%, which was reaffirmed at the same 6% level by Council Motion No. 92-0498. This goal was increased to 14% by Council Motion No. 2000-0136 passed and adopted February 2, 2000, subsequently approved at 13% by Council Motion No. 2001-0096 passed and adopted January 31, 2001, 12% by Council Motion No. 2002-0077 passed and adopted January 16, 2002, and 14% by Council Motion No. 2003-0072 passed and adopted January 15, 2003.</p> <p>Revised federal concession contract regulations were issued on March 22, 2005. Pursuant to revised 49 CFR Part 23, the formula changed and the rental car goals were separated from the overall concession goal. Additionally, the City must now submit revised overall concession goals every 3 years. By Council Motion 2006-0072 passed and adopted January 24, 2006 the City set an overall airport concession contract goal at 33% for Bush Intercontinental Airport and 40% for Hobby Airport. The DBE Concession goal for rental cars for Bush Intercontinental Airport was 4.1% and 4.7 for Hobby Airport. Council Motion 2009-0687 passed and adopted September 23, 2009, approved a DBE Concession goal of 23.2% for Bush Intercontinental Airport and 20.3% for Hobby Airport. The DBE Concession goal for rental cars for Bush Intercontinental Airport was approved for 3.75% and 3.35% at Hobby Airport.</p> <p>The Mayor's Office of Business Opportunity, in cooperation with the Houston Airport System, has analyzed relevant criteria required by the federal authorities and set an overall airport concession contract goal for federal fiscal years 2012 to 2014 at 33.55% for Bush Intercontinental Airport and 33.05% for Hobby Airport. The DBE Concession goal for rental cars for Bush Intercontinental Airport is 3.75%. The DBE Concession goal for rental cars for Hobby Airport is 3.35%. The DBE Concession goals are comparable to past DBE Concession participation.</p> <p>The Mayor's Office of Business Opportunity, in conjunction with the Houston Airport System, recommend that the above referenced DBE goals for airport concession contracts be adopted in accordance with the attached document by motion in order to comply with federal requirements. The recommended goals were approved by the MWBE Council Committee on December 8, 2011.</p>			
REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:	Other Authorization:	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT:

Approval of the 2012 Operations and Maintenance Budget for the Lake Houston Facility project operated by the Coastal Water Authority.

Category #

Page 1 of 2

Agenda Item #

2

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

12/15/11

DEC 21 2011

DIRECTOR'S SIGNATURE

Council District affected:

Daniel W. Krueger, P.E., Director

All

For additional information contact: Yvonne Forrest
Sr. Assistant Director
Phone: 832-395-2847

Date and identification of prior authorizing Council action: C.M. #2011-0061 – Passed January 26, 2011

RECOMMENDATION: (Summary)

Approve by Council Motion the 2012 Lake Houston Facilities Operations and Maintenance Budget.

Amount of Funding: \$2,754,284.00

\$1,377,142.00 Allocation - FY12 (Jan. 2012 - Jun. 2012)

\$1,377,142.00 Allocation - FY13 (Jul. 2012 - Dec. 2012)

CWA-Lake Houston Fiscal Year 2012: January 1, 2012 – December 30, 2012

Finance Department

12/9/11

SOURCE OF FUNDING:

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

Water & Sewer System Operating Fund #8300

SPECIFIC EXPLANATION:

The Coastal Water Authority (CWA) operates the raw water transportation system for the City and provides conveyance for certain governmental and industrial users. CWA plays an essential role in the City's program of increased surface water use.

City Council approved Ordinance #95-1141 on October 25, 1995 contracting with CWA to operate and maintain the Lake Houston canal and pump station and to perform grounds maintenance along and below the dam. A first amendment to this contract was approved by City Ordinance #2003-1137 on November 25, 2003 which allowed the Director to add Lake Houston, Lake Houston Dam and the assignment of certain activities associated with these facilities which include increased security of the dam and area below the dam, aquatic weed control on Lake Houston, and operation and maintenance of the Lake Houston Dam and appurtenances. This five year contract is automatically renewed for an additional five years unless terminated by either party.

The City of Houston shall continue to own these facilities and will have control over all facility decisions except those of a routine operation and maintenance nature.

The proposed 2012 budget is \$2,754,284.00. This budget reflects a funding Increase of \$336,309.00 (14%) compared to the 2011 Budget. The increase reflects funding for an engineering service contract to conduct a study of the Lake Houston Dam safety as required by regulations.

REQUIRED AUTHORIZATION

20PUD19

Finance Department:

Other Authorization:

Other Authorization:

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

Date:	Subject:: Approval of the 2012 Operations and Maintenance Budget for the Lake Houston Facilities operated by Coastal Water Authority	Originator's Initials	Page 2 of 2
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Payments made to the Coastal Water Authority for the Lake Houston facility are based on actual monthly O&M expenditures.

It is recommended that City Council approve the 2012 Operations & Maintenance Budget for the Lake Houston Facility operated by the Coastal Water Authority in the amount of \$2,754,284.00.

cc: Yvonne Forrest
Susan Bandy
Alice Guidry

20PUD19



COASTAL WATER AUTHORITY

One Allen Center, Suite 2800 Phone: 713-658-9020
500 Dallas Street Fax: 713-658-9429
Houston, Texas 77002-4708

November 9, 2011

The Honorable Annise D. Parker, Mayor
Members of the City Council
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

**RE: 2012 ANNUAL BUDGET
LAKE HOUSTON FACILITIES PROJECT**

Mayor Parker and Members of the City Council:

In compliance with provisions of the current contract relating to the Coastal Water Authority (CWA), the Board of Directors respectfully submits the 2012 Calendar Year Budget for the Lake Houston Facilities Project for your consideration and approval.

The CWA 2012 Proposed Budget is \$2,754,284. This budget incorporates the activities and assignments requested by the City's Public Works & Engineering Department and authorized in the Authority's contract with the City as amended by the Mayor and City Council on November 25, 2003. At the direction of the City, CWA will provide maintenance and operational activities to include Lake Houston, the Lake Houston Dam and certain structures and property downstream of the Dam. CWA will also continue to provide the maintenance and operation of the Lake Houston Pump Station and the West Canal Facilities as it has since the original contract was executed in 1995. CWA expects to deliver 14.8 billion gallons of surface water as requested by the City in an operationally cost-effective environment. This is a decrease in the water demand compared to the budgeted amount in 2011. This decrease was directed by officials in the Public Works Department to help them manage the impact of the current weather related conditions on the volume of water available in Lake Houston.

The Authority's Board of Directors instructed its management team to identify activities where costs could be reduced and still allow CWA to meet its obligations to the City. That review resulted in the Board of Directors, over the past few months, approving several new contracts that will provide savings for Fiscal Year 2012 and beyond. These recent Board actions resulted in:

- The Authority's new electricity procurement contract for a three year contract period that achieved an energy rate reduction of about 25%.
- A new office space lease was approved to begin March, 2012, that will result in a 20% reduction in annual costs.
- A new employee medical insurance contract that achieved a lower annual cost with a change in the terms of the coverage.
- An agreement with the City of Houston's Legal Department that will utilize the Department's staff expertise on issues unique to the Authority's Lake Houston Facilities Project and will reduce the amount of services required by the Authority's contracted Legal Counsel.

The Honorable Annise D. Parker, Mayor
Members of the City Council
2012 Annual Budget, Lake Houston
November 9, 2011
Page 2

These cost saving activities help mitigate the new budget item planned for 2012 at the request of the City's Public Works officials. The 2012 Budget reflects funding for an engineering services contract to conduct a study of the Lake Houston Dam.

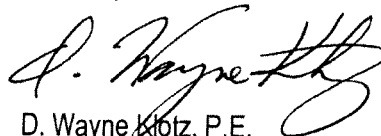
CWA's staffing for electrical and equipment maintenance will be on a job order basis and will be charged to the Lake Houston Facilities Project as they are incurred. Personnel for the mowing season will be provided by CWA from our existing work force and with available mowing equipment. Costs for the mowing operations and other canal maintenance activities will also be charged to the Lake Houston Facilities Project as they are incurred.

The proposed budget is reflective of the City of Houston's desire to maintain acceptable normal service levels while remaining in a position to respond favorably to requests for changes in water volume demands during peak periods. CWA will strive to continue to provide optimum service to our customers and keep maintenance and operating costs within the budget amounts.

It must be pointed out that there are minimal contingencies provided within the budget. In the event of unanticipated occurrences such as water deliveries in excess of 14.8 billion gallons, the failure of high-cost equipment or severe weather conditions that damage the system, a supplemental funding request may be necessary during the 2012 budget year. In the event of an additional funding request, it will be documented as to need and coordinated with the Department of Public Works and Engineering.

The members of the Board of Directors wish to express their appreciation to everyone involved in this Project, especially those City employees of the Department of Public Works & Engineering and the Legal Department for their cooperation and assistance in furthering the Lake Houston Facilities Project as a major contributory resource for the Houston Combined Utility System. We look forward to continued efforts in planning and providing for the further growth of the City of Houston's water requirements.

Sincerely,



D. Wayne Klotz, P.E.
President, Board of Directors

Attachment

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
BUDGET SUMMARY
2012 ANNUAL BUDGET

APPLICATION OF FUNDS	2011 BUDGET	2011 PROJECTED	2012 BUDGET
Expenditures (1)	\$2,417,975	\$2,126,000	\$2,754,284
Capital Outlay	651,915	643,861	0
Total Expenditures	<u>3,069,890</u>	<u>2,769,861</u>	<u>2,754,284</u>
Ending Fund Balances (2)	<u>604,494</u>	<u>604,494</u>	<u>688,571</u>
Total Applications	<u><u>3,674,384</u></u>	<u><u>3,374,355</u></u>	<u><u>3,442,855</u></u>

SOURCE OF FUNDS

Beginning Fund Balances (2)	640,294	640,294	604,494
Investment Income	5,675	4,800	2,270
Subtotal Sources	<u>645,969</u>	<u>645,094</u>	<u>606,764</u>
Capital Funding - Construction	651,372	643,318	0
Subtotal	<u>1,297,341</u>	<u>1,288,412</u>	<u>606,764</u>
System Revenue - Project	<u>\$2,377,043</u>	<u>\$2,085,943</u>	<u>\$2,836,091</u>
Total Sources	<u><u>3,674,384</u></u>	<u><u>3,374,355</u></u>	<u><u>3,442,855</u></u>

- (1) Includes assets purchased
(2) Operating Fund only.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES
FACTS AND ASSUMPTIONS
2012 ANNUAL BUDGET

FACTS

1. The 2012 budget is prepared on a cash basis.
2. Lake Houston Facilities books and records consist of three funds, which are the Operating Fund, the Construction Fund and the Contingency Fund.
3. The required fund balances have been reflected at the minimum balances per the operating contract.
4. Lake Houston Facilities is charged with direct salary and costs as well as an allocation of certain general items based upon an overall payroll allocation of 13%.

ASSUMPTIONS

1. Salaries anticipates funding the employee benefits of one field retiree.
2. The 2012 budget staffing level supports ongoing activity levels as requested in the operating and maintenance contract.

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 RECONCILIATION OF 2011
 BUDGET TO 2012 BUDGET

	2011 Budget to 2012 Budget
2011 Budget	<u>\$2,417,975</u>
Field Salaries Allocation	(32,489)
Materials and Supplies - (Valve replacement & increased fuel cost)	19,500
Contract Labor and Equipment	(700)
Electricity (Decrease in water volume and a lower cost electricity contract)	(71,617)
Administrative Expense (Decrease in office lease cost)	(14,539)
General Operating Expenses (Insurance)	(7,976)
Engineering, Legal and Professional (Phase 1C Investigation -Dam Safety)	<u>444,130</u>
Subtotal	<u>336,309</u>
2012 Budget	<u><u>\$2,754,284</u></u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
STATEMENT OF REVENUES AND EXPENDITURES
2012 ANNUAL BUDGET

	<u>2011 BUDGET</u>	<u>2011 PROJECTED</u>	<u>2012 BUDGET</u>
REVENUES			
Funds provided by City of Houston	\$2,377,043	\$2,085,943	\$2,836,091
Interest on Investments	5,675	4,800	2,270
Total Revenue	<u>2,382,718</u>	<u>2,090,743</u>	<u>2,838,361</u>
 Construction Project Funding From COH	 651,372	 643,318	 0
EXPENDITURES			
Field Salaries	888,968	845,000	856,479
Materials & Supplies	172,300	125,000	191,800
Contract Labor & Equipment (1)	424,400	295,000	423,700
Utilities	207,717	156,000	136,100
Administrative Expenses	346,232	340,000	331,693
General Operating Expenses	275,528	265,000	267,552
Engineering, Legal & Professional	102,830	100,000	546,960
Subtotal	<u>2,417,975</u>	<u>2,126,000</u>	<u>2,754,284</u>
 Construction Program	 651,915	 643,861	 0
Capital Outlay	<u>651,915</u>	<u>643,861</u>	<u>0</u>
Total Expenditures	<u>3,069,890</u>	<u>2,769,861</u>	<u>2,754,284</u>
	(2)		(3)
Net Increase (Decrease) in	<u>(\$35,800)</u>	<u>(\$35,800)</u>	<u>\$84,077</u>
Operating/Construction Fund Balances			

- (1) Includes assets purchased.
(2) Net of \$35,800 decrease in required operating reserve.
(3) Net of \$84,077 increase in required operating reserve.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
RECONCILIATION OF FUND ACTIVITY
2012 ANNUAL BUDGET

	OPERATING FUND	CONTINGENCY FUND	TOTAL LAKE HOUSTON FACILITIES PROJECT FUND
Beginning Balance	\$604,494	\$2,000,000	\$2,604,494
Service Revenue	2,836,091	0	2,836,091
Interest Earnings	270	2,000	2,270
Transfer - Interest	2,000	(2,000)	0
Expenses	(2,754,284)	0	(2,754,284)
Net Activity	<u>84,077</u>	<u>0</u>	<u>84,077</u>
Ending Balance	<u>\$688,571</u>	<u>\$2,000,000</u>	<u>\$2,688,571</u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
WATER DEMAND FORECAST
2012 ANNUAL BUDGET

	<u>2011</u> <u>BUDGET</u>	<u>2011</u> <u>PROJECTED</u>	<u>2012</u> <u>BUDGET</u>
Gallons (in thousands)	<u>20,545,900</u>	<u>15,356,100</u>	<u>14,755,700</u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
INVESTMENT AND OTHER INCOME
2012 ANNUAL BUDGET

INVESTMENT INCOME

Average Cash and Investments	\$2,270,000
Average Effective Interest Rate	0.10%
Total	<u>\$ 2,270</u>

OTHER INCOME

Lake Houston Facilities does not anticipate any miscellaneous income.

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 SUMMARY OF GENERAL AND ADMINISTRATIVE EXPENDITURES
 2012 ANNUAL BUDGET

<u>GENERAL AND ADMINISTRATIVE EXPENDITURES</u>	<u>2011 BUDGET</u>	<u>2011 PROJECTED</u>	<u>2012 BUDGET</u>
ADMINISTRATIVE	\$346,232	\$340,000	\$331,693
GENERAL OPERATING (Insurance)	275,528	265,000	267,552
ENGINEERING, LEGAL & PROFESSIONAL	<u>102,830</u>	<u>100,000</u>	<u>546,960</u>
Total	<u>\$724,590</u>	<u>\$705,000</u>	<u>\$1,146,205</u>

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ADMINISTRATIVE EXPENSES
2012 ANNUAL BUDGET

Administrative Salaries	\$107,315 (1)
Pension Plan Contribution (11.8% of total compensation)	113,728
Payroll Taxes (7.65% of total compensation)	73,730
Furniture and Equipment: Maintenance	260 (2)
Office Lease and Utilities	24,960 (2)
Office Supplies	1,820 (2)
Travel, Meetings and Parking	1,040 (2)
Directors Compensation	1,950 (2)
Printing and Reproduction	390 (2)
Telephone	2,860 (2)
Vehicle: Gas & Maintenance	780 (2)
Miscellaneous	2,860 (2) (3)
	<u>\$331,693</u>

- (1) Allocated based upon payroll estimate of 13%.
- (2) Allocation based upon total payroll estimate of 13%.
- (3) Includes payroll and courier services.

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 OFFICE SALARY ALLOCATION
 2012 ANNUAL BUDGET

Executive Director

Chief Financial Officer

Accountant

Accountant

Accountant

Accountant

Accountant

Secretary

	Base Office Salaries	825,500
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	Total Office Salaries	825,500
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Office Allocation Factor (1)		13%
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		Lake Houston Office Salaries	\$107,315
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(1) Based upon 2011 cost records.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
GENERAL OPERATING EXPENSES
2012 ANNUAL BUDGET

INSURANCE PREMIUM DESCRIPTION

Property Insurance	\$0	(1)	(5)
Property - Primary Flood	-	(2)	(5)
Texas Commercial Policy (General Liability)	22,079	(3)	(5) (7)
Public Official & Employees Liability	7,871	(3)	(4) (7)
Pension - Fidelity Bond	22	(3)	(4)
Pension - Fiduciary Responsibility	561	(3)	(4)
Medical Insurance	187,549	(3)	(6) (7)
Contract Equipment/Difference in Conditions	3,292	(3)	(5)
Boiler and Machinery	3,417	(3)	(5)
Public Official Position (Director Fidelity)	150	(3)	(4)
Automobile Insurance	9,060	(3)	(5)
Workers Compensation	17,179	(3)	(5) (7)
Dental Insurance	8,732	(3)	(5) (7)
Combined Group Life/Short & Long Term Disability	7,640	(3)	(5) (7)
	<u>\$267,552</u>		

- (1) Allocated based upon total insurable value of 0%.
- (2) Coverage 100% specific for Trinity River.
- (3) Allocated based upon total payroll estimate of 13%.
- (4) Assumes no rate increase.
- (5) Assumes 2% annualized rate increase.
- (6) Assumes 5% annualized rate increase.
- (7) Assumes full employment.

COASTAL WATER AUTHORITY
LAKE HOUSTON FACILITIES PROJECT
ENGINEERING, LEGAL AND PROFESSIONAL EXPENSES
2012 ANNUAL BUDGET

Engineering Services	\$490,000 (1)(4)
Legal Services	30,000 (3)
Accounting & Auditing	8,580 (2)
Computer Maintenance	11,180 (2)
Miscellaneous Bank Fees	7,200 (3)
	<u>\$546,960</u>

(1) Based upon specific services.

(2) Allocated based upon total payroll estimate of 13%.

(3) Based upon specific and allocated services.

(4) Includes \$450,000 for Phase 1C Investigation - Lake Houston Dam Safety.

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 SUMMARY OF FIELD EXPENDITURES
 2012 ANNUAL BUDGET

<u>FIELD EXPENDITURES</u>	<u>2011 BUDGET</u>	<u>2011 PROJECTED</u>	<u>2012 BUDGET</u>
SALARIES	\$888,968	\$845,000	\$856,479
MATERIALS & SUPPLIES	172,300	125,000	191,800
CONTRACT LABOR AND EQUIPMENT	\$424,400	295,000	423,700
UTILITIES	207,717	156,000	136,100
Total	<u>\$1,693,385</u>	<u>\$1,421,000</u>	<u>\$1,608,079</u>

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 FIELD EXPENDITURES BY LOCATION
 2012 ANNUAL BUDGET

LOCATIONS	FIELD SALARIES	MATERIALS AND SUPPLIES	CONTRACT LABOR AND EQUIPMENT	UTILITIES	LOCATION TOTAL
Lake Houston & Pump Station	\$408,830	\$41,900	\$144,400	\$136,100	\$731,230
West Canal	127,392	71,600	55,000	0	253,992
Dam & Downstream	320,257	78,300	224,300	0	622,857
	<u>\$856,479</u>	<u>\$191,800</u>	<u>\$423,700</u>	<u>\$136,100</u>	<u>\$1,608,079</u>

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 SUMMARY OF FIELD SALARIES BY LOCATION
 2012 ANNUAL BUDGET

LOCATION	BASE COMPENSATION	RETIREE PAY (1)	3% OVERTIME (2)	TOTAL
Lake Houston & Pump Station	\$367,796	\$30,000	\$11,034	\$408,830
West Canal	123,682	0	3,710	127,392
Dam & Downstream	310,929	0	9,328	320,257
	<u>\$802,407</u>	<u>\$30,000</u>	<u>\$24,072</u>	<u>\$856,479</u>

(1) Allows for termination payment to retirees.

(2) Provides for minimum overtime.

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 ANALYSIS OF BASE FIELD SALARIES BY FUNCTION AND LOCATION
 2012 ANNUAL BUDGET

<u>LOCATION AND FUNCTION</u>	<u># OF EMPLOYEES</u>	<u>MAN HOURS (4)</u>	<u>AVG. RATE PER HOUR</u>	<u>BASE SALARIES</u>
<u>MANAGEMENT (1)</u>				
Lake Houston Pump Station	0.10	208	\$65.65	\$13,655
West Canal	0.05	104	65.65	6,828
Dam & Downstream	0.10	208	65.65	13,655
Subtotal	<u>0.25</u>	<u>520</u>	<u>65.65</u>	<u>34,138</u>
<u>SUPERVISORY PERSONNEL (2)</u>				
Lake Houston Pump Station	0.35	728	50.00	36,400
West Canal	0.40	832	50.00	41,600
Dam & Downstream	0.50	1,040	50.00	52,000
Subtotal	<u>1.25</u>	<u>2,600</u>	<u>50.00</u>	<u>130,000</u>
<u>ALL OTHER PERSONNEL (3)</u>				
Lake Houston Pump Station	5.70	11,856	26.80	317,741
West Canal	1.35	2,808	26.80	75,254
Dam & Downstream	4.40	9,152	26.80	245,274
Subtotal	<u>11.45</u>	<u>23,816</u>	<u>26.80</u>	<u>638,269</u>
Total Base Salaries	<u>12.95</u>	<u>26,936</u>	<u>\$29.79</u>	<u>\$802,407</u>

- (1) Includes Manager of Operations and Production, as well as Manager of Security.
- (2) Includes Superintendents, Master Electrician, Administrator OPM, and Purchasing Agent.
- (3) Includes Foremen, Electricians and Operators for construction, electrical, maintenance, and all routine operating functions.
- (4) Estimated number of employees at 2,080 hours per year.

COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 ANALYSIS OF MATERIALS AND SUPPLIES BY LOCATION
 2012 ANNUAL BUDGET

LOCATION AND DESCRIPTION

LAKE HOUSTON AND PUMP STATION

Air Conditioning Repair Parts	\$2,000
Building / Grounds Maintenance	4,000
Electrical / Instrument	5,000
Herbicides / Insecticides	2,000
Replace Anti-Siphon Valves	17,000
Miscellaneous Supplies	6,000
Office / Administrative	1,300
Oils and Lubricants	3,600
Power Tools, Hand Tools & Equip.	1,000
	<u>41,900</u>

WEST CANAL

Air Conditioning Repair Parts	800
Automotive / Equipment Repair Parts	9,000
Diesel Fuel	28,500
Electrical / Instrument	3,000
Gasoline	11,800
Herbicides / Insecticides	8,000
Mechanical, Plumbing, Valves, etc	1,000
Power Tools, Hand Tools & Equip.	2,000
Road Base, Sand, Rock, Rip Rap, etc.	2,000
Security, Fencing, Signs, etc.	3,000
Tires & Batteries	2,500
	<u>71,600</u>

DAM & DOWNSTREAM

Air Conditioning Repair Parts	400
Building / Grounds Maintenance	2,000
Electrical / Instrument	5,000
Herbicides / Insecticides	10,000
Miscellaneous Supplies	1,000
Office / Administrative	1,900
Oils and Lubricants	1,000
Power Tools, Hand Tools & Equip.	3,000
Road Base, Sand, Rock, Rip Rap, etc.	50,000
Security, Fencing, Signs, etc.	3,000
Welding Equipment & Supplies	1,000
	<u>78,300</u>

Total	<u><u>\$191,800</u></u>
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COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 ANALYSIS OF CONTRACT LABOR AND EQUIPMENT BY LOCATION
 2012 ANNUAL BUDGET

LOCATION AND DESCRIPTION

LAKE HOUSTON AND PUMP STATION

Contract Labor (Welders, Divers, Tech Spt, etc)	\$300
Security: Contract Guards	135,000
Annual Service Contracts:	
-- Crane Test/Certification	500
-- Pest Control Service	600
-- Substation, Relay Testing	3,500
-- Uniform Service	3,300
-- Generator Load Testing	1,200
	<u>144,400</u>

WEST CANAL

Equipment Rental Services	5,000
Security: Fencing - Repair Existing Chain Link	50,000
	<u>55,000</u>

DAM & DOWNSTREAM

Aquatic Vegetation Control (Per ATKINS Contract)	90,000
Buoy Maintenance/Replacement	10,000
Contract Labor (Welders, Divers, Tech Spt, etc)	5,000
Dam: Debris Removal	100,000
Equipment Rental Services	10,000
Training: Dam Safety USACE	9,000
Crane Test Certification	300
	<u>224,300</u>

Total	<u>\$423,700</u>
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COASTAL WATER AUTHORITY
 LAKE HOUSTON FACILITIES PROJECT
 ANALYSIS OF UTILITIES BY LOCATION
 2012 ANNUAL BUDGET

ELECTRICITY					
LOCATION	KW HOURS	AVG. RATE PER HOUR (1)	AMOUNT	ALL OTHER (2)	TOTAL
Lake Houston & Pump Station	1,520,000	\$0.0875	\$133,000	\$3,100	\$136,100
	1,520,000	\$0.0875	\$133,000	\$3,100	\$136,100

- (1) Reflects rate reduction accomplished through contract for electricity beginning July, 2012.
 (2) Includes telephone, water and waste disposal services.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT:

Approval of the 2012 Operations, Maintenance and Consolidated Construction Budgets for the Trinity River Water Conveyance Project operated by the Coastal Water Authority.

Category #

Page 1 of 2

Agenda Item #

3

FROM (Department or other point of origin):

Origination Date

Agenda Date

Department of Public Works and Engineering

12/14/11

DEC 21 2011

DIRECTOR'S SIGNATURE

Council District affected:

Daniel W. Krueger, P.E., Director

All

For additional information contact: Yvonne Forrest
Sr. Assistant Director
Phone: 832-395-2847

Date and identification of prior authorizing Council action: C.M. #2011-0062 - Passed January 26, 2011

RECOMMENDATION: (Summary)

Approve by Council Motion the 2012 Trinity River Water Conveyance Project Operations, Maintenance and Consolidated Construction Budgets operated by the Coastal Water Authority.


Amount of Funding: \$21,606,672.00

\$10,803,336.00 Allocation FY12 (Jan. 2012 - Jun. 2012)

\$10,803,336.00 Allocation FY13 (Jul. 2012 - Dec. 2012)

CWA-Trinity River Fiscal Year 2012: January 1, 2012 - December 30, 2012

Finance Department:

12/9/11 

SOURCE OF FUNDING:

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

Water & Sewer System Operating Fund #8300

SPECIFIC EXPLANATION:

The Coastal Water Authority (CWA) operates the raw water transportation system for the City and provides conveyance for certain governmental and industrial users. CWA plays an essential role in the City's program of increased surface water use. CWA owns, operates and maintains 36 miles of canals as part of the CWA raw water conveyance system. CWA also owns, operates and maintains the Trinity River intake pumping facility, the Lynchburg pumping facility and the Bayport booster pumping facility. Under terms of a contract dated May 2, 1968 (amended, restated, and superseded in its entirety by City Ordinance #95-676) the City agreed to fund the operation, maintenance and capital improvement budgets of the Trinity River Conveyance Project. The provisions of the contract shall remain in effect until the earlier of June 26, 2042 or the termination of both the initial contract and the project contract.

REQUIRED AUTHORIZATION

20PUD18

Finance Department:

Other Authorization:

Other Authorization:



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

Date:	Subject: Approval of the 2011 Operations and Maintenance Budget for the Trinity River Conveyance Project operated by Coastal Water Authority	Originator's Initials	Page 2 of 2
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The proposed 2012 budget is \$21,606,672.00. It reflects a funding increase of \$484,868 (2%), as compared to the 2011 budget. The increase in water demand and resulting increase in electricity and pre-treatment chemical costs is the primary reason for the budget increase.

Payments made to the Coastal Water Authority for the Trinity River Conveyance Project are based on actual monthly O&M expenditures.

It is recommended that City Council approve the 2012 Operations & Maintenance Budget for the Coastal Water Authority Trinity River Conveyance Project in the amount of \$21,606,672.00.

cc: Yvonne Forrest
Susan Bandy
Alice Guidry

20PUD18



COASTAL WATER AUTHORITY

One Allen Center, Suite 2800 Phone: 713-658-9020
500 Dallas Street Fax: 713-658-9429
Houston, Texas 77002-4708

November 9, 2011

The Honorable Annise D. Parker, Mayor
Members of the City Council
City of Houston
P. O. Box 1562
Houston, Texas 77251-1562

**RE: 2012 ANNUAL BUDGET
TRINITY RIVER WATER CONVEYANCE PROJECT**

Mayor Parker and Members of the City Council:

In compliance with provisions of the Operating Contract between the City of Houston (the City) and the Coastal Water Authority (CWA), the Board of Directors respectfully submits the 2012 Calendar Year Budget for the Trinity River Water Conveyance Project for your consideration and approval.

The CWA 2012 Proposed Budget is \$21,606,672, an increase of about \$1,065,000 from the 2011 Budget. The 2012 Budget supports CWA's expected delivery of 207.5 billion gallons of water for the City's water system and its customers. This increase of about 7% in water demand is reflective of the forecasted continuation of the impact of drought conditions in the Houston region extending into 2012. A significant portion of the budget increase is to fund, for twelve months, the requirements of contracting with NRG for Utility-Grade Backup Electric Power for emergency situations to comply with Senate Bill 361. An additional \$1,232,400 is incorporated in the 2012 Budget to fund this service contract that began June 1, 2011 for all of next year.

The Authority's Board of Directors instructed its management team to identify activities where costs could be reduced and still allow CWA to meet its obligations to the City. That review resulted in the Board of Directors, over the past few months, approving several new contracts that will provide savings for Fiscal Year 2012 and beyond. These recent Board actions resulted in:

- The Authority's new electricity procurement contract for a three year contract period that achieved an energy rate reduction of about 25%.
- A new office space lease was approved to begin March, 2012, that will result in a 20% reduction in annual costs.
- A new employee medical insurance contract that achieved a lower annual cost with a change in the terms of the coverage.
- An agreement with the City of Houston's Legal Department that will utilize the Department's staff expertise on issues unique to the Authority's Trinity River System Facilities and will reduce the amount of services required by the Authority's contracted Legal Counsel.

The Honorable Annise D. Parker, Mayor
Members of the City Council
2012 Annual Budget, Trinity River
November 9, 2011
Page 2

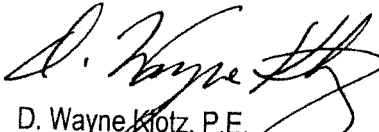
These cost saving activities provide an opportunity to offset some of the increases in the Authority's electricity and pre-treatment chemical budget that resulted from the increase in water delivery demands at the City's Water Purification Treatment Plants.

The proposed 2012 Budget is the product of several meetings and discussions between representatives of the City's Department of Public Works and Engineering and the Authority's operational and management staff members.

The proposed budget provides minimal contingencies in the event of unanticipated occurrences. The failure of high-cost equipment or severe weather conditions that damage the system may result in a supplemental funding request. In such an event, the request would be documented as to need and coordinated with the Department of Public Works and Engineering.

The members of the Board of Directors wish to express their appreciation to everyone involved in this Project, especially those City employees of the Department of Public Works & Engineering and the Legal Department for their cooperation and assistance in furthering the CWA Project as a major contributory resource for the Houston Combined Utility System. We look forward to continued efforts in planning and providing for the further growth of the City of Houston's water requirements.

Sincerely,



D. Wayne Klotz, P.E.
President, Board of Directors

Attachment

Public Works & Engineering
 Public Utilities Division
 Drinking Water Operations
 Coastal Water Authority 2012 Budget Comparison
 Trinity River Water Conveyance System - Pump Station

	2012 Budget	2011 Budget	Variance
Operations & Maintenance	\$ 21,606,672	\$ 20,541,804	\$ 1,064,868
NRG Capital Expenditures		\$ 580,000	\$ (580,000)
	\$ 21,606,672	\$ 21,121,804	\$ 484,868

Note:

The \$484,868 variance includes the NRG capital costs for the installation buildout.

The \$1,064,868 variance compares only the O&M costs, excluding NRG capital costs.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 BUDGET SUMMARY
 2012 ANNUAL BUDGET

<u>APPLICATION OF FUNDS</u>	2011 BUDGET	2011 PROJECTED	2012 BUDGET
Field Expenditures (1)	\$20,541,804	\$20,117,000	\$21,606,672
Capital Outlay	400,000	0	400,000
Debt Service	5,168,714	5,168,714	5,148,885
Total Expenditures	<u>26,110,518</u>	<u>25,285,714</u>	<u>27,155,557</u>
Ending Fund Balances (2)	5,135,451	5,135,451	5,401,668
Total Applications	<u>31,245,969</u>	<u>30,421,165</u>	<u>32,557,225</u>
 <u>SOURCE OF FUNDS</u>			
Beginning Fund Balances (2)	4,647,415	4,647,415	5,135,451
Investment Income - Operations	5,900	5,000	2,400
Other Income	130,000	160,000	120,000
Subtotal Sources	<u>4,783,315</u>	<u>4,812,415</u>	<u>5,257,851</u>
Capital Funding - Construction	400,000	0	400,000
Debt Service Revenue - City	5,168,714	5,168,714	5,148,885
Subtotal	<u>10,352,029</u>	<u>9,981,129</u>	<u>10,806,736</u>
System Revenue - Project	<u>\$20,893,940</u>	<u>\$20,440,036</u>	<u>\$21,750,489</u>

(1) Includes assets purchased

(2) Project Fund only.

COASTAL WATER AUTHORITY
TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
FACTS AND ASSUMPTIONS
2012 ANNUAL BUDGET

FACTS

1. The 2012 budget is prepared on a cash basis.
2. Trinity River books and records consist of four funds, which are the Conveyance System Development Fund, the Special Contingency Fund, the Debt Service Fund, and the Project Fund.
3. The required fund balances have been reflected at the minimum balances per the various bond resolutions and applicable contract terms.
4. Trinity River is charged with direct salary and costs as well as an allocation of certain general items based upon an overall budgeted payroll allocation of 62%.
5. The 2012 budget reflects the full year impact of complying with SB361 as it relates to emergency electrical reliability at the two pump stations.

ASSUMPTIONS

1. Salaries anticipates funding the employee benefits of two field retirees.
2. The 2012 budget anticipates staffing to support continuation of previous activities along with the additional requirements requested in the contract amendments.
3. Utility expense anticipates a net increase in electrical costs after a decrease in the contract rate for electricity effective July 2012, is offset with a higher water demand forecast.
4. Capital Outlay for 2012 includes contingency for emergency pump and/or motor repair.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 RECONCILIATION OF 2011 BUDGET TO 2012 BUDGET

	2011 Budget to 2012 Budget
2011 Budget	<u>\$20,541,804</u>
Field Salaries	(6,720)
Electricity Contract (Increased Water Volume)	91,671
Materials & Supplies (Reliability Service Contract - Fuel)	246,325
Contract Labor & Equipment (Reliability Service Contract)	896,400
Administrative Expense	(27,177)
General Operating Expenses (Property & Employee Insurance)	(37,761)
Engineering, Legal & Professional	<u>(97,870)</u>
Subtotal	<u>1,064,868</u>
2012 Budget	<u>\$21,606,672</u>

COASTAL WATER AUTHORITY
TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
STATEMENT OF REVENUES AND EXPENDITURES
2012 ANNUAL BUDGET

	2011 BUDGET	2011 PROJECTED	2012 BUDGET
REVENUES			
Funds provided by City of Houston	\$26,062,654	\$25,608,750	\$26,899,374
Interest on Investments	5,900	5,000	2,400
Service Revenues(SJRA)	110,000	100,000	100,000
Other	20,000	60,000	20,000
Total Revenue	26,198,554	25,773,750	27,021,774
EXPENDITURES			
Field Salaries	2,943,506	2,940,000	2,936,786
Materials & Supplies	2,128,295	2,100,000	2,374,620
Contract Labor & Equipment (1)	2,862,700	1,675,000	3,759,100
Utilities	8,864,126	9,792,000	8,955,797
Administrative Expenses	1,385,819	1,380,000	1,358,642
General Operating Expenses	1,746,098	1,650,000	1,708,337
Engineering, Legal & Professional	611,260	580,000	513,390
Subtotal	20,541,804	20,117,000	21,606,672
Bond Interest Expense	3,638,714	3,638,714	3,568,885
Bond Principal Retirement	1,530,000	1,530,000	1,580,000
Debt Service	5,168,714	5,168,714	5,148,885
Construction Program	400,000	0	400,000
Capital Outlay	400,000	0	400,000
Total Expenditures	26,110,518	25,285,714	27,155,557
Net Increase (Decrease) in Operating Fund Balances	(2) \$88,036	\$488,036	(3) (\$133,783)

(1) Includes assets purchased.

(2) Net of \$400,000 equity in fixed assets and \$488,036 increased equity in fund balances.

(3) Net of \$400,000 equity in fixed assets and \$266,217 increased equity in fund balances.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 RECONCILIATION OF FUND ACTIVITY
 2012 ANNUAL BUDGET

	CONVEYANCE SYSTEM DEVELOPMENT FUND	* SPECIAL CONTINGENCY FUND
Beginning Balance	\$400,000	\$3,000,000
Service Revenue	0	0
Interest Earnings	400	0
Transfer - Interest	(400)	0
Other Revenue	0	0
Expenses	0	0
Debt Service	0	0
Capital Outlay	(400,000)	0
Net Activity	(400,000)	0
Ending Balance	\$0	\$3,000,000

* Interest Earnings are transferred to Special Projects Equity Fund per Contract requirements.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 RECONCILIATION OF FUND ACTIVITY
 2012 ANNUAL BUDGET

	<u>DEBT SERVICE</u>	<u>PROJECT FUND</u>	<u>TOTAL TRINITY RIVER CONVEYANCE PROJECT FUND</u>
Beginning Balance	\$0	\$5,135,451	\$8,535,451
Service Revenue	5,148,885	21,750,489	26,899,374
Interest Earnings	0	2,000	2,400
Transfer - Interest	0	400	0
Other Revenue	0	120,000	120,000
Expenses	0	(21,606,672)	(21,606,672)
Debt Service	(5,148,885)	0	(5,148,885)
Capital Outlay	0	0	(400,000)
Net Activity	<u>0</u>	<u>266,217</u>	<u>(133,783)</u>
Ending Balance	<u>\$0</u>	<u>\$5,401,668</u>	<u>\$8,401,668</u>

COASTAL WATER AUTHORITY
TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
WATER DEMAND FORECAST
2012 ANNUAL BUDGET

	<u>2011</u> <u>BUDGET</u>	<u>2011</u> <u>PROJECTED</u>	<u>2012</u> <u>BUDGET</u>
Gallons (in thousands)	<u>194,020,800</u>	<u>224,301,400</u>	<u>207,514,000</u>

COASTAL WATER AUTHORITY
TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
INVESTMENT AND OTHER INCOME
2012 ANNUAL BUDGET

INVESTMENT INCOME

Average Cash and Investments	\$2,350,000
Average Effective Interest Rate	0.10%
Total	<u>\$2,400</u>

OTHER INCOME

Project Fund - Other	20,000
Total	<u>\$20,000</u>

Service Revenue (SJRA)

Other-San Jacinto River Authority	100,000
Total	<u>\$100,000</u>

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 SUMMARY OF GENERAL AND ADMINISTRATIVE EXPENDITURES
 2012 ANNUAL BUDGET

<u>GENERAL AND ADMINISTRATIVE EXPENDITURES</u>	<u>2011 BUDGET</u>	<u>2011 PROJECTED</u>	<u>2012 BUDGET</u>
ADMINISTRATIVE	\$1,385,819	\$1,380,000	\$1,358,642
GENERAL OPERATING (Insurance)	1,746,098	1,650,000	1,708,337
ENGINEERING, LEGAL & PROFESSIONAL	<u>611,260</u>	<u>580,000</u>	<u>513,390</u>
Total	<u>\$3,743,177</u>	<u>\$3,610,000</u>	<u>\$3,580,369</u>

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ADMINISTRATIVE EXPENSES
 2012 ANNUAL BUDGET

Administrative Salaries	\$511,810 (1)
Pension Plan Contribution (11.8% of total compensation)	406,934
Payroll Taxes (7.65% of total compensation)	263,818
Furniture and Equipment: Maintenance	1,240 (2)
Office Lease and Utilities	119,040 (2)
Office Supplies	8,680 (2)
Travel, Meetings and Parking	4,960 (2)
Directors Compensation	9,300 (2)
Printing and Reproduction	1,860 (2)
Telephone	13,640 (2)
Vehicle: Gas & Maintenance	3,720 (2)
Miscellaneous	13,640 (2) (3)
	<u>\$1,358,642</u>

- (1) Allocated based upon office payroll estimate of 62%.
- (2) Allocation based upon total payroll estimate of 62%.
- (3) Includes payroll and courier services.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 OFFICE SALARY ALLOCATION
 2012 ANNUAL BUDGET

Executive Director

Chief Financial Officer

Accountant

Accountant

Accountant

Accountant

Accountant

Secretary

	Base Office Salaries	\$825,500
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	Total Office Salaries	825,500
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Office Allocation Factor (1)		62%
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	Trinity River Office Salaries	\$511,810
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(1) Based upon 2011 cost records.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 GENERAL OPERATING EXPENSES
 2012 ANNUAL BUDGET

INSURANCE PREMIUM DESCRIPTION

Property Insurance	\$407,514	(1)	(5)
Property - Primary Flood	6,867	(2)	(5)
Texas Commercial Policy (General Liability)	105,300	(3)	(5) (7)
Watercraft Policy	17,590	(2)	(4)
Public Official & Employees Liability	37,541	(3)	(4) (7)
Notary Public Omissions	33	(2)	(4)
Public Employee Fidelity Bond	319	(2)	(4)
Pension - Fidelity Bond	103	(3)	(4)
Pension - Fiduciary Responsibility	2,677	(3)	(4)
Medical Insurance	894,462	(3)	(6) (7)
Contract Equipment/Difference in Conditions	15,702	(3)	(5)
Boiler and Machinery	16,298	(3)	(5)
Public Official Position (Director Fidelity)	714	(3)	(4)
Automobile Insurance	43,207	(3)	(5)
Workers Compensation	81,929	(3)	(5) (7)
Dental Insurance	41,646	(3)	(5) (7)
Combined Group Life/Short & Long Term Disability	36,435	(3)	(5) (7)
	<u>\$1,708,337</u>		

- (1) Allocated based upon total insurable value of 89%.
- (2) Coverage 100% specific for Trinity River.
- (3) Allocated based upon total payroll estimate of 62%.
- (4) Assumes no rate increase.
- (5) Assumes 2% annualized rate increase.
- (6) Assumes 5% annualized rate increase.
- (7) Assumes full employment.

COASTAL WATER AUTHORITY
TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
ENGINEERING, LEGAL AND PROFESSIONAL EXPENSES
2012 ANNUAL BUDGET

Engineering Services	\$250,000 (1)
Legal Services	150,000 (3)
Accounting & Auditing	40,920 (2)
U.S. Geological Fee	15,550 (1)
Computer Maintenance	53,320 (2)
Miscellaneous Bank Fees	3,600 (3)
	<u>\$513,390</u>

(1) Based upon specific services.

(2) Allocated based upon total payroll estimate of 62%.

(3) Based upon specific and allocated services.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 SUMMARY OF FIELD EXPENDITURES
 2012 ANNUAL BUDGET

<u>FIELD EXPENDITURES</u>	<u>2011 BUDGET</u>	<u>2011 PROJECTED</u>	<u>2012 BUDGET</u>
SALARIES	\$2,943,506	\$2,940,000	\$2,936,786
MATERIALS & SUPPLIES	2,128,295	2,100,000	2,374,620
CONTRACT LABOR AND EQUIPMENT	2,862,700	1,675,000	3,759,100
UTILITIES	8,864,126	9,792,000	8,955,797
Total	<u>\$16,798,627</u>	<u>\$16,507,000</u>	<u>\$18,026,303</u>

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 FIELD EXPENDITURES BY LOCATION
 2012 ANNUAL BUDGET

LOCATIONS	FIELD SALARIES	MATERIALS AND SUPPLIES	CONTRACT LABOR AND EQUIPMENT	UTILITIES	LOCATION TOTAL
Trinity River Pump Station	\$580,201	\$209,400	\$1,249,600	\$2,958,300	\$4,997,501
Maintenance Station	200,309	309,200	25,600	28,700	563,809
Main Canal	378,154	24,000	0	0	402,154
Cedar Point Lateral	291,125	21,500	0	1,750	314,375
Lynchburg Reservoir	79,322	10,000	0	0	89,322
Lynchburg Pump Station	1,048,052	1,772,720	2,383,700	5,959,847	11,164,319
Distribution System	329,137	27,800	100,200	7,200	464,337
Bayport Reservoir	30,486	0	0	0	30,486
	<u>\$2,936,786</u>	<u>\$2,374,620</u>	<u>\$3,759,100</u>	<u>\$8,955,797</u>	<u>\$18,026,303</u>

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 SUMMARY OF FIELD SALARIES BY LOCATION
 2012 ANNUAL BUDGET

<u>LOCATION</u>	<u>BASE COMPENSATION</u>	<u>RETIREE PAY (1)</u>	<u>3% OVERTIME (2)</u>	<u>TOTAL</u>
Trinity River Pump Station	\$514,758	\$50,000	\$15,443	\$580,201
Maintenance Station	194,475	0	5,834	200,309
Main Canal	367,140	0	11,014	378,154
Cedar Point Lateral	282,646	0	8,479	291,125
Lynchburg Reservoir	77,012	0	2,310	79,322
Lynchburg Pump Station	1,017,526	0	30,526	1,048,052
Distribution System	319,550	0	9,587	329,137
Bayport Reservoir	29,598	0	888	30,486
	<u>\$2,802,705</u>	<u>\$50,000</u>	<u>\$84,081</u>	<u>\$2,936,786</u>

(1) Allows for employee benefit payments to retirees.

(2) Provides for minimum overtime.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ANALYSIS OF BASE FIELD SALARIES BY FUNCTION AND LOCATION
 2012 ANNUAL BUDGET

LOCATION AND FUNCTION	# OF EMPLOYEES	MAN HOURS (4)	AVG. RATE PER HOUR	BASE SALARIES
<u>MANAGEMENT (1)</u>				
Trinity River Pump Station	0.200	416	\$65.65	\$27,310
Maintenance Station	0.150	312	65.65	20,483
Main Canal	0.200	416	65.65	27,310
Cedar Point Lateral	0.150	312	65.65	20,483
Lynchburg Reservoir	0.100	208	65.65	13,655
Lynchburg Pump Station	0.300	624	65.65	40,966
Distribution System	0.200	416	65.65	27,310
Bayport Reservoir	0.000	0	65.65	0
Subtotal	<u>1.300</u>	<u>2,704</u>	<u>65.65</u>	<u>177,517</u>
<u>SUPERVISORY PERSONNEL (2)</u>				
Trinity River Pump Station	0.600	1,248	50.00	62,400
Maintenance Station	0.400	832	50.00	41,600
Main Canal	0.400	832	50.00	41,600
Cedar Point Lateral	0.350	728	50.00	36,400
Lynchburg Reservoir	0.100	208	50.00	10,400
Lynchburg Pump Station	1.350	2,808	50.00	140,400
Distribution System	0.800	1,664	50.00	83,200
Bayport Reservoir	0.070	146	50.00	7,300
Subtotal	<u>4.070</u>	<u>8,466</u>	<u>50.00</u>	<u>423,300</u>
<u>ALL OTHER PERSONNEL (3)</u>				
Trinity River Pump Station	7.625	15,860	26.80	425,048
Maintenance Station	2.375	4,940	26.80	132,392
Main Canal	5.350	11,128	26.80	298,230
Cedar Point Lateral	4.050	8,424	26.80	225,763
Lynchburg Reservoir	0.950	1,976	26.80	52,957
Lynchburg Pump Station	15.000	31,200	26.80	836,160
Distribution System	3.750	7,800	26.80	209,040
Bayport Reservoir	0.400	832	26.80	22,298
Subtotal	<u>39.500</u>	<u>82,160</u>	<u>26.80</u>	<u>2,201,888</u>
Total Base Salaries	<u>44.870</u>	<u>93,330</u>	<u>\$30.03</u>	<u>\$2,802,705</u>

- (1) Includes Manager of Operations and Production, as well as Manager of Security.
 (2) Includes Superintendents, Master Electrician, Administrator OPM, and Purchasing Agent.
 (3) Includes Foremen, Electricians and Operators for construction, electrical, maintenance, and all routine operating functions.
 (4) Estimated number of employees at 2,080 hours per year.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ANALYSIS OF MATERIALS AND SUPPLIES BY LOCATION
 2012 ANNUAL BUDGET

LOCATION AND DESCRIPTION

TRINITY RIVER PUMP STATION

Reliability Contract (NRG) Fuel	\$149,100
Air Conditioning Repair Parts	1,000
Building / Grounds Maintenance	2,000
Electrical / Instrument	8,000
Herbicides / Insecticides	2,000
Mechanical, Plumbing, Valves, etc.	7,000
Miscellaneous Supplies	2,000
Office / Administrative	1,300
Oils and Lubricants	4,000
Power Tools, Hand Tools & Equip.	1,000
Security, Fencing, Signs, etc.	1,000
Replace Flap Gates	31,000
	<u>209,400</u>

MAINTENANCE STATION

Air Conditioning Repair Parts	1,000
Automotive / Equipment Repair Parts	90,000
Building / Grounds Maintenance	2,000
Diesel Fuel	114,100
Electrical / Instrument	6,000
Gasoline	49,000
Herbicides / Insecticides	2,000
Mechanical, Plumbing, Valves, etc.	1,000
Miscellaneous Supplies	4,700
Office / Administrative	2,400
Oils and Lubricants	5,000
Power Tools, Hand Tools & Equip.	5,000
Tires & Batteries	15,000
Welding Equipment & Supplies	12,000
	<u>309,200</u>

MAIN CANAL

Canal Check & Gate Maint.	2,000
Electrical / Instrument	1,000
Herbicides / Insecticides	10,000
Power Tools, Hand Tools & Equip.	3,000
Road Base, Sand, Rock, Rip Rap, etc.	5,000
Security, Fencing, Signs, etc.	3,000
	<u>24,000</u>

CEDAR POINT LATERAL

Electrical / Instrument	500
Herbicides / Insecticides	10,000
Miscellaneous Supplies	2,000
Power Tools, Hand Tools & Equip.	2,000
Road Base, Sand, Rock, Rip Rap, etc.	5,000
Security, Fencing, Signs, etc.	2,000
	<u>21,500</u>

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ANALYSIS OF MATERIALS AND SUPPLIES BY LOCATION
 2012 ANNUAL BUDGET

LOCATION AND DESCRIPTION

LYNCHBURG RESERVOIR	
Building / Grounds Maintenance	2,000
Herbicides / Insecticides	3,000
Road Base, Sand, Rock, Rip Rap, etc.	5,000
	<u>10,000</u>
LYNCHBURG PUMP STATION	
Reliability Contract (NRG) Fuel	279,500
Air Conditioning Repair Parts	10,000
Building / Grounds Maintenance	8,000
CHEMICALS:	
-- Chlorine	741,100
-- Aqua Ammonia	353,600
-- Quantity Variance	109,500
-- Associated Costs - Pigtails, Adapters, etc	17,520
Sub-total - Chemicals:	<u>1,221,720</u>
Diesel Fuel	14,300
Electrical / Instrument	16,000
Gasoline	56,000
Herbicides / Insecticides	3,000
Lab Test Equip & Supplies	2,000
Mechanical, Plumbing, Valves, etc.	10,000
Miscellaneous Supplies	29,200
Office / Administrative	24,000
Oils and Lubricants	8,000
Power Tools, Hand Tools & Equip.	18,000
Variable Frequency Drive Repair Parts	70,000
Welding Equip & Supplies	3,000
	<u>1,772,720</u>
DISTRIBUTION SYSTEM	
Air Conditioning Repair Parts	1,000
Channel Light System	3,000
Electrical / Instrument	2,000
Herbicides / Insecticides	10,000
Mechanical, Plumbing, Valves, etc.	3,000
Miscellaneous Supplies	1,000
Oils and Lubricants	800
Power Tools, Hand Tools & Equip.	4,000
Road Base, Sand, Rock, Rip Rap, etc.	2,000
Security, Fencing, Signs, etc.	1,000
	<u>27,800</u>
Total	<u><u>\$2,374,620</u></u>

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ANALYSIS OF CONTRACT LABOR AND EQUIPMENT BY LOCATION
 2012 ANNUAL BUDGET

LOCATION AND DESCRIPTION

TRINITY RIVER PUMP STATION

Reliability Contract (NRG - Service Fee)	\$ 912,000
Contract Labor (Welders, Divers, Tech Spt, etc)	500
Major Motor Repair, 1 each	80,000
Major Pump Repair, 1 each	250,000
Annual Service Contracts:	
-- Crane Test/Certification	200
-- Pest Control Service	400
-- Substation, Relay Testing	3,500
-- Uniform Service	2,400
-- Generator load testing	600
	1,249,600

MAINTENANCE STATION

Contract Labor (Welders, Divers, Tech Spt, etc)	10,000
Equipment Rental Services	5,000
Annual Service Contracts:	
-- Janitorial Service	3,200
-- Pest Control Service	400
-- Uniform Service	6,000
-- Generator load testing	1,000
	25,600

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ANALYSIS OF CONTRACT LABOR AND EQUIPMENT BY LOCATION
 2012 ANNUAL BUDGET

LOCATION AND DESCRIPTION

LYNCHBURG PUMP STATION

Reliability Contract (NRG - Service Fee)	1,710,000
Contract Labor (Welders, Divers, Tech Spt, etc)	1,000
Major Motor Repair, 1 each	80,000
Major Pump Repair, 1 each	190,000
Security: (Contract Guards)	135,000
Training: Safety, RMP, Hazwop, AirPk, etc	15,000
Training: Dam Safety, USACE	6,000
Refinish - Sub-station Floor	17,000
Replace Intake Screens (P201 & 202)	60,000
Annual Service Contracts:	
-- Crane Test/Certification	1,000
-- SCADA: HSQ Svc/Tech Support	6,200
-- Janitorial Service	8,400
-- MaintStar Service Agreement	2,000
-- Pager Service	2,000
-- Pest Control Service	1,100
-- Security System	1,000
-- Substation, Relay Testing (Centerpoint Requirement)	26,000
-- Uniform Service	11,000
-- VFD Component Repair	60,000
-- VFD Elec maint Contract	50,000
-- Generator load testing	1,000
	<u>2,383,700</u>

DISTRIBUTION SYSTEM

Annual Service Contracts:	
-- Cathodic Protection Survey Contract	100,000
-- Crane Test/Certification	200
	<u>100,200</u>

Total \$3,759,100

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 ANALYSIS OF UTILITIES BY LOCATION
 2012 ANNUAL BUDGET

ELECTRICITY					
LOCATION	KW HOURS	AVG. RATE HOUR (1)	AMOUNT	ALL OTHER (2)	TOTAL
Trinity River Pump Station	39,428,000	\$0.0750	\$2,957,100	\$1,200	\$2,958,300
Maintenance Station	250,000	0.0828	20,700	8,000	28,700
Cedar Point Lateral	5,000	0.1500 (3)	750	1,000	1,750
Lynchburg Pump Station	85,526,000	0.0691	5,909,847	50,000	5,959,847
Distribution System	60,000	0.1200 (3)	7,200	0	7,200
	<u>125,269,000</u>	<u>\$0.0710</u>	<u>\$8,895,597</u>	<u>\$60,200</u>	<u>\$8,955,797</u>

(1) Includes deregulated contract rates in all facilities except Entergy service area at Trinity River Pump Station.

(2) Includes telephone, water and waste disposal services.

(3) Includes the effect of minimum charges.

COASTAL WATER AUTHORITY
 TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
 DEBT SERVICE
 2012 ANNUAL BUDGET

	(1)	(2)	TOTAL
Bond Interest Expense	\$1,738,350	\$1,830,535	\$3,568,885
Bond Principal Retirement	1,300,000	280,000	1,580,000
Total Debt Service	\$3,038,350	\$2,110,535	\$5,148,885

- (1) In 2010, CWA issued \$38,900,000 of Contract Revenue Refunding Bonds, Series 2010.
- (2) In October 2004, CWA issued \$40,385,000 of Contract Revenue Bonds, Series 2004 to finance the expansion of the Trinity River Pump Station and the Lynchburg Pump Station to enable CWA to deliver the additional surface water the City of Houston has requested.

COASTAL WATER AUTHORITY
TRINITY RIVER WATER CONVEYANCE PROJECT FUNDS
CAPITAL OUTLAYS
2012 ANNUAL BUDGET

	CONVEYANCE SYSTEM DEVELOPMENT FUND <u>(1)</u>
Construction Program - Direct	\$ 400,000
Total Capital Outlays	<u>\$400,000</u>

(1) Contingency for Major Pump and Motor Repair

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work O'Donnell/Snider Construction, LP Worham Theater Hot Water Piping Replacement WBS No. B-00141E-0001-4	Page 1 of 1	Agenda Item 4
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FROM (Department or other point of origin): General Services Department	Origination Date 12-14-11	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>12/12/11</i> <i>Scott Minnix</i>	Council District affected: 1
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2010-622, Dated August 4, 2010 Ordinance No. 2011-445, Dated June 8, 2011
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RECOMMENDATION: Pass a motion approving the final contract amount of \$341,590.00, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required	Finance Budget:
Previous Funding: \$344,850.00 C&E Civic Center Facility Revenue Fund (8601)	

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve the final contract amount of \$341,590.00 or 19.86% over the original contract amount, accept the work and authorize final payment to O'Donnell/Snider Construction, LP for construction services in connection with the replacement of the domestic hot water piping system in the Worham Theater for the Convention and Entertainment Facilities Department.

PROJECT LOCATION: 510 Preston (493L)

PROJECT DESCRIPTION: The project removed and replaced the existing domestic hot water piping in the Worham Theater. The galvanized pipe was installed during the original construction of the facility in 1987 and developed pin-hole leaks over the years.

CONTRACT COMPLETION AND COST: The contractor completed the project within 330 days: the original contract time of 30 days plus 300 days approved by Change Orders. The final cost of the project, including Change Orders is \$341,590.00, an increase of \$56,590.00 over the original contract amount.

CHP & Associates, Consulting Engineers, Incorporated was the project design consultant and construction manager for the project.

PREVIOUS CHANGE ORDERS: Change Order 1 added miscellaneous valves, pipes and fittings not shown on the drawings to complete the replacement of the existing defective piping. Change Order 2 addressed an unforeseen condition related to additional deteriorated galvanized piping, discovered behind the walls and through multiple levels of the building, that was not included in the original scope of work. The contractor removed the defective piping and replaced with 485 linear feet of copper piping with insulation, pipe hangers, fittings and joints; cut six access panels and removed and replaced sheetrock.

SM:RAV:JLN:LJ:JR:bo

c: Marta Crinejo, Jacquelyn L. Nisby, Calvin Curtis, Deyanira Rodriguez, Christopher Gonzales, Morris Scott, Martha Levya, File

REQUIRED AUTHORIZATION

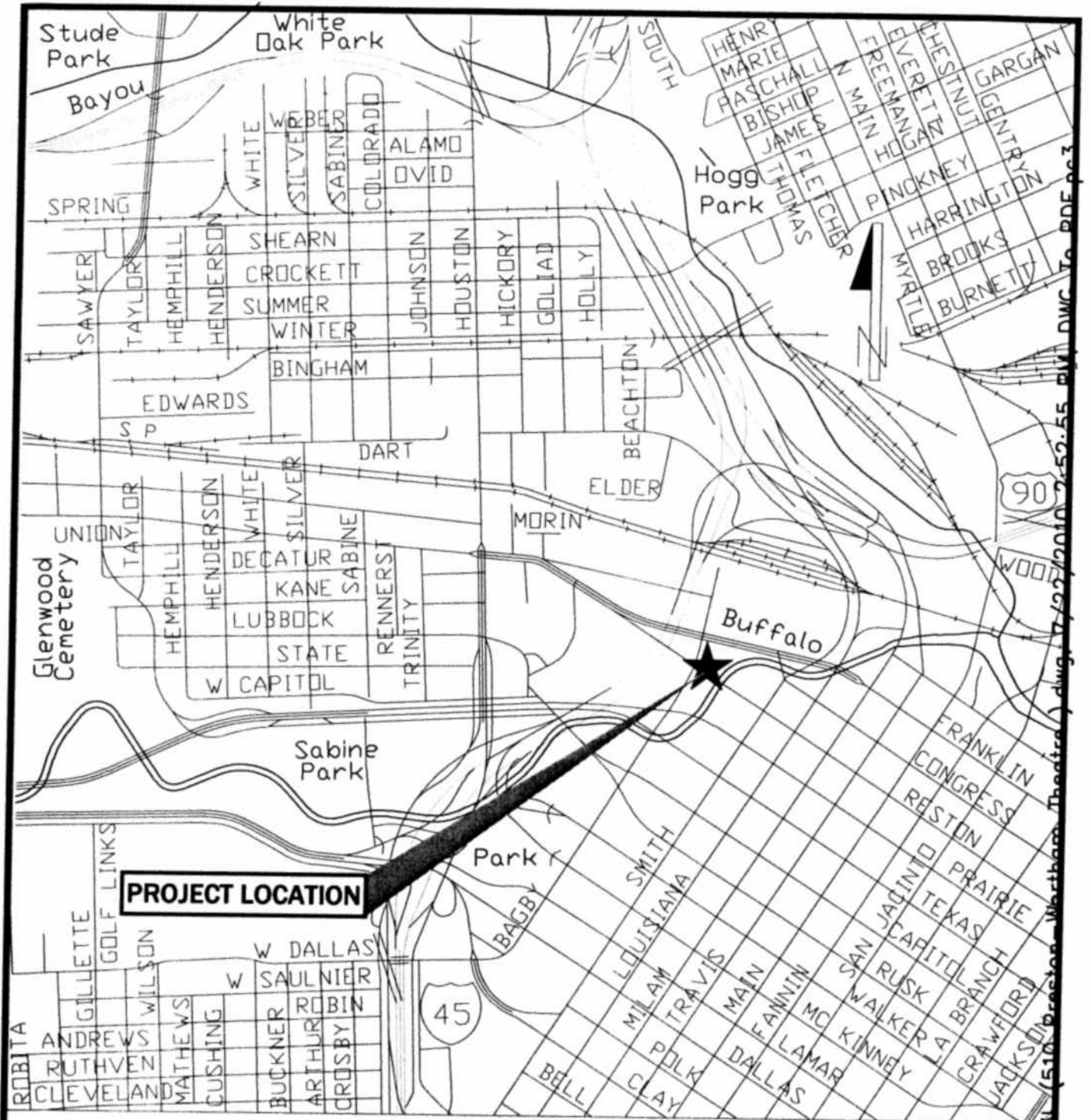
CUIC #25CONS195

General Services Department:

Richard A. Vella
Richard A. Vella
Chief of Design & Construction Division

Convention and Entertainment Facilities Department:

Dawn R. Ullrich
Dawn R. Ullrich
Director



PROJECT LOCATION

**Wortham Theatre - Hot Water
Pipe Replacement
510 Preston St. Houston, TX 77002**

S:\05_Maps\4031\510_Preston_Wortham_Theatre.dwg, 7/22/2010, 2:52:55 PM, DMC To RDE ps3

COUNCIL DISTRICT I

SITE MAP

KEYMAP No. 493L

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9156

Subject: Formal Bids Received for Classified Winter Jackets for the Houston Fire Department S32-S23982

Category #
4

Page 1 of 2

Agenda Item

5

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

Origination Date
October 17, 2011

Agenda Date
DEC 21 2011

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Neil Depascal Phone: (832) 394-6755
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to J&J Clothiers on its low bid in an amount not to exceed \$124,055.50 for classified winter jackets for the Houston Fire Department.

Estimated Spending Authority: \$124,055.50

Finance Budget

\$124,055.50 General Fund (1000)

SPECIFIC EXPLANATION: The City Purchasing Agent recommends that City Council approve an award to J&J Clothiers on its low bid in an amount not to exceed \$124,055.50 for classified winter jackets for the Houston Fire Department. It is further requested that authorization be given to make purchases, as needed for a 24-month period. This award, consisting of classified winter jackets, will be used to protect firefighters from the elements in cold inclement weather.

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

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. J&J Clothiers	\$124,055.50
2. Regali, Inc.	\$144,112.05
3. Outdoor Outfits	\$161,436.10
4. Lone Star Uniforms, Inc. (Bid No. 1)	\$173,838.75
5. Lone Star Uniforms, Inc. (Bid No. 2)	\$297,296.00

MWBE Subcontracting:

This bid was issued with an 11% goal for MWBE participation. J&J Clothiers has designated the below-named company as its certified MWBE subcontractor:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Lone Star Uniforms, Inc.	Heat and seal of logo	\$13,646.11

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization: *ngd*

Other Authorization: *[Signature]*

NOT

Date: 10/17/2011	Subject: Formal Bids Received for Classified Winter Jackets for the Houston Fire Department S32-S23982	Originator's Initials VD	Page 2 of 2
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The Mayor's Office of Business Opportunity will monitor this award.

Buyer: Veronica Douglas, CPPB, PSCMC

Estimated Spending Authority

<u>Department</u>	<u>FY 12</u>	<u>Out Years</u>	<u>Total</u>
Fire	\$14,473.14	\$109,582.36	\$124,055.50

B

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9083

Subject: Formal Bids Received for a bicycle share demonstration system for the Fleet Management Department
S50-N23918

Category #
4

Page 1 of 1

Agenda Item

6

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

Origination Date
November 07, 2011

Agenda Date
DEC 21 2011

DIRECTOR'S SIGNATURE


Council District(s) affected
H

For additional information contact:
Kim Burley Phone: (832) 393-6920
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to B-Cycle, LLC on its sole bid in the total amount of \$104,934.00 for a bicycle share demonstration system for the Fleet Management Department.

Award Amount: \$104,934.00

Finance Budget

\$104,934.00 - Climate Showcase Grant Fund (5000) - Federal Grant

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to B-Cycle, LLC on its sole bid in the total amount of \$104,934.00 for a bicycle share demonstration system for the Fleet Management Department and that authorization be given to issue a purchase order.

This project was advertised in accordance with the requirements of the State of Texas bid laws. Seven prospective bidders downloaded the solicitation document from SPD's e-bidding website and one bid was received. Prior to issuing the solicitation for this bicycle share demonstration system (system), the Strategic Purchasing Division canvassed the City's registered vendor data base as well as the market to identify potential bidders who could provide this type of system. As a result, twelve potential bidders were identified and notified of the Invitation to Bid (ITB). Although only one bid was received in response to this solicitation, the price offered is considered fair and reasonable as it is in line with current market price for this system.

The scope of work requires the contractor to provide all labor, equipment, materials, supervision, transportation and incidentals necessary to furnish and install the three bike kiosks (3) and eighteen bicycles (18). The three locations that were identified to host the bicycle share demonstration project are: the Jesse Jones Central Library, George R. Brown Convention Center and Market Square Park. Two of the bike kiosks are solar powered and can be relocated as necessary. One of the mobile solar powered kiosks will be used at special events to showcase the technology and raise awareness in the community. The warranty period on materials and workmanship is one year and the life expectancy of the equipment is five years. The contractor shall have 120 calendar days to complete all work on this project, after receipt of the notice to proceed from the City.

Group No. 3, Line Item 1, will not be awarded.

Attachment: M/WBE Zero-Percentage Goal Document Approved by the Mayor's Office of Business Opportunity.

Buyer: Art Lopez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

A

REQUEST FOR COUNCIL ACTION

RCA# 9260

TO: Mayor via City Secretary

Subject: Lease of One Digital Mailing System and Postage Meter from the State of Texas Procurement and Support Services Contract for the Department of Neighborhoods.
S45-E24158

Category #
4

Page 1 of 1

Agenda Item

7

FROM (Department or other point of origin):

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

Origination Date

December 13, 2011

Agenda Date

DEC 21 2011

copy

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

D

For additional information contact:

Catherine Flowers Phone: (832) 393-0198
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the lease of one digital mailing system and postage meter in the total amount of \$172,380.00 from the State of Texas Procurement and Support Services Contract for the Department of Neighborhoods.

Award Amount: \$172,380.00

Finance Budget

\$172,380.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The Director of Neighborhoods and the City Purchasing Agent recommend that City Council approve a 60-month lease of one digital mailing system and postage meter in the amount of \$172,380.00 from the State of Texas Procurement and Support Services Contract for the Department of Neighborhoods (DON), and that authorization be given to issue purchase orders to the State contract vendor, Pitney Bowes, Inc. The new mailing system will be used to aid in the automated Certified/Return Receipt mail process for DON in processing notices of violations, hearings to owners, and other documents posted on dangerous properties.

The scope of work requires the contractor to provide all labor, equipment, materials, supervision, training and transportation necessary to furnish and install a Connect+ 2000 digital mailing system (System) consisting of a power stacker, envelope tray, insert tray, inverter kit, Connect+ Series postage meter, laser printer and a 30-pound weighing platform in the Department's Inspection and Public Service Division, located at 7125 Ardmore Street. Additionally, the System will be equipped with the Planet/Press software to assist in the preparation of hearing notices and court/hearing posting documents. The System includes a SendSuite software that will create and transmit certified mail tracking numbers to the United States Postal Service, and a DI900/950 inserter that will fold letters with the correct number of pages and inserts per envelope. This System will replace the existing DM1000 mailing system. The contractor has agreed to terminate the existing 48-month lease early without penalty and the new lease will commence upon City Council's approval.

Sections 271.071 through 271.083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

Department	FY 2012	Out Years	Total
Department of Neighborhoods	\$17,238.00	\$155,142.00	\$172,380.00

Buyer: Sandy Yen
PR# 10140243

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

A

REQUEST FOR COUNCIL ACTION

RCA# 9247

TO: Mayor via City Secretary

Subject: Amend Council Motion 2008-0910, Passed December 17, 2008, for Chemical, Liquid Gaseous Chlorine for the Public Works and Engineering Department
S12-S22974-A1

Category #
4

Page 1 of 1

Agenda Item

8

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

Origination Date
November 21, 2011

Agenda Date
DEC 21 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. 2008-0910, passed 12-17-2008

RECOMMENDATION: (Summary)
Amend Council Motion 2008-0910, passed December 17, 2008, to increase the spending authority from \$5,320,200.00 to \$7,448,280.00 for chemical, liquid gaseous chlorine for the Public Works and Engineering Department.

Spending Authority Increased By: \$2,128,080.00

Finance Budget

\$2,128,080.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:
The City Purchasing Agent recommends that City Council amend Council Motion 2008-0910, passed December 17, 2008, to increase the spending authority for chemical, liquid gaseous chlorine awarded to ALTIVIA Corporation, from \$5,320,200.00 to \$7,448,280.00. 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 previously extreme and prolonged dry weather conditions, coupled with numerous ruptured water mains, increased the volume of ground and surface 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 January 12, 2009 for a 60-month period in an amount not to exceed \$5,320,200.00. Expenditures as of November 28, 2011 totaled \$5,216,240.21. All terms and conditions shall remain as originally approved by City Council.

The award consisted of approximately 25,800,000 pounds of liquid gaseous chlorine utilized on a daily basis by the Department's Drinking Water Operations and Wastewater Treatment Branches to oxidize and disinfect wastewater and potable drinking water citywide. Liquid gaseous chlorine 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 2.80%. 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:

MD

0 19

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8635

Subject: Approve an Ordinance Amending Chapter 46 of the Houston Code of Ordinances relating to Chauffeured Limousine Services.	Category #	Page 1 of 2	Agenda Item 9
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FROM (Department or other point of origin): Alfred J. Moran, Jr., Director Administration & Regulatory Affairs Department	Origination Date December 1, 2011	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE 	Council District(s) affected All
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For additional information contact: Tina Paez Nikki Cooper	Phone: (713) 837-9630 Phone: (832) 394-9433	Date and Identification of prior authorizing Council Action: N/A
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RECOMMENDATION: (Summary)
Approve an Ordinance amending Chapter 46 of the Houston Code of Ordinances relating to chauffeured limousine services.

Amount of Funding: N/A	Finance Budget:
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SOURCE OF FUNDING: NA General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:
The Director of the Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an Ordinance amending Chapter 46 of the Houston Code of Ordinances ("Chapter 46") relating to chauffeured limousine services.

City of Houston regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, and to encourage the operation of professional, for-hire transportation services in the Houston area. Chapter 46 establishes the standards and requirements for the vehicle-for-hire industry, including chauffeured limousines.

Section 46-191 sets out the definition of a chauffeured limousine and the five types of vehicles that may be considered to be licensed as limousines:

- a. sedan-type luxury vehicles – vehicles with a passenger capacity of five or six persons (including the driver) that have a "manufacturer's suggested base retail selling price of not less than that of a Cadillac Sedan de Ville or Lincoln Town Car sedan";
- b. extended-body (or "stretch" that extended by 40 inches or more) vehicles with a passenger capacity of no more than 15 persons;
- c. sports utility vehicles with a passenger capacity of between six and nine persons (including the driver) that have a manufacturer's suggested base retail selling price of not less than that of a two wheel drive Ford Expedition (currently \$37,600);
- d. vans with a manufacturer's rated passenger capacity of exactly 15 persons (including the driver); and,
- e. antique or "special interest" vehicles.

As of year-end 2011, both vehicles that form the standard for the sedan category have either ceased to be, or will no longer be, manufactured. In addition, the limousine industry is changing in other ways. Since the fall of Enron, the business customer base has shied away from the conspicuous consumption exhibited by the traditional stretch limousine. They are now opting for customized vans and sports utility vehicles (SUVs) with varying passenger capacities, as well as hybrid electric vehicles.

In performing our due diligence for selecting a replacement for the Cadillac and Lincoln Town Car specified in the sedan category, ARA surveyed the limousine industry in Houston and around the country. We also reviewed luxury vehicle specifications in other municipalities. Most cities do not regulate the limousine industry at all. In those cities that do, the regulation ranges as follows:

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:
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Date: 12/1/11	Subject: Approve an Ordinance Amending Chapter 46 of the Houston Code of Ordinances relating to Chauffeured Limousine Services	Originator's Initials TP	Page 2 of 2
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- 1) regulate only vehicle age and certain Clean Air standards (e.g. New York City black cars);
- 2) mandate specific vehicle models (e.g. Austin, Texas)
- 3) mandate minimum price points and some demonstrable luxury appointments (e.g. Broward County, Florida)
- 4) mandate some combination of 2 and 3 above (multiple jurisdictions, including Houston).

ARA also reviewed luxury sedan models for 2012. The Lincoln Town Car has been the most commonly used limousine and chauffeured car in the U.S. and Canada since 1981. Although Lincoln is attempting to market its MKT Town Car as a replacement, *Limousine, Charter & Tour* magazine reports the chauffeured transportation industry is not welcoming the new vehicle. The MKT Town Car is a front- and all-wheel-drive V-6 unibody crossover wagon attempting to replace a body-on-frame, rear-wheel-drive four-door sedan.

Local limousine industry stakeholders are petitioning the City of Houston to approve Toyota's new livery market vehicle, the Avalon LM (priced at \$33,195), as a replacement for the Lincoln Town Car. Other alternatives ARA studied were the 2012 Chrysler 300C (priced at \$38,170 - Chrysler does not currently offer a livery edition sedan model) and the Cadillac DTS and STS models (although both models were eliminated as they will be out of production at the end of 2011). There are currently no other American luxury cars in the large vehicle class.

Upon completing our review, ARA determined that the chauffeured vehicle market is in a state of flux and a dominant model may not emerge for several years, if ever. As such, naming specific vehicle models in the Code of Ordinances is no longer prudent. Instead, we will follow the lead of other jurisdictions and set only minimum price points for luxury vehicles, thereby allowing maximum flexibility. ARA recommends Section 46-191 be amended to remove all existing references to models (*see* "a" and "c" on page 1 of this RCA), replacing these with minimum price points of \$37,600 and \$33,195, respectively, adjusted annually by the appropriate consumer pricing index.

In addition, ARA also recommends changes to another obsolete/limiting provision in Section 46-191. Section 46-191(d) specifies that vans used for chauffeured limousine services must have a rated capacity of 15 persons. This is overly restrictive and does not reflect current passenger demand. Many customers request the more popular 12-passenger Mercedes custom van. Therefore, ARA is recommending amending this provision to provide for a more flexible van passenger capacity of 9 - 15 persons.

ARA met with representatives of the Houston chauffeured limousine industry to together arrive at the best solution. The representatives concur with ARA's recommendations presented herein. ARA will continue to monitor emerging vehicle trends in this industry to ensure the City of Houston adopts a "best practices" approach to regulation given the changing needs of the riding public.

Recommendation:

The Administration & Regulatory Affairs Department respectfully requests City Council's approval of the recommended revisions to Chapter 46 of the Code of Ordinances.

ARTICLE IV. SIGHTSEEING, CHARTER AND CHAUFFEURED LIMOUSINE SERVICES

DIVISION 1. GENERALLY

Sec. 46-191. Definitions.

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

Chauffeured limousine shall mean:

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or six persons (including the driver), which vehicle is either less than or equal to six years of age;
- b. An extended-body type motor vehicle with a passenger capacity of no more than 15 persons (including the driver), which vehicle is either less than or equal to ten years of age and modified to extend its original factory wheelbase by 40 inches or more in conformity with Federal Motor Vehicle Safety Standard requirements;
- c. A vehicle that is classified in the United States Environmental Protection Agency's annual Fuel Economy Guide as a sport utility vehicle that: (i) has a passenger capacity of not less than six persons nor more than nine persons, including the driver; (ii) has a manufacturer's suggested base retail selling price of not less than \$37,600, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Trucks, as published by the U.S. Department of Labor~~that of a two wheel drive Ford Expedition~~, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st; and (iii) is either less than or equal to six years of age;
- d. A van with a manufacturer's rated passenger capacity of 9 to 15 persons (including the driver), which vehicle is less than or equal to seven years of age; or

- e. An antique, classic, or special interest vehicle.

For the purposes of this article, "antique" shall mean a vehicle that is 25 years old or older; "classic" shall mean a vehicle recognized by the Classic Car Club of America; and "special interest" shall mean a vehicle that, due to limited production, outstanding design, and/or technical achievement, is of special interest. The age of the vehicle will be measured from the manufacturer model year date. The model year shall always count as the first full year. It shall be the duty of the director to make a determination as to whether or not a given vehicle is less than or equal to six years of age, seven years of age, ten years of age, or is an antique, classic or special interest vehicle within the meaning of this article. In no event will a vehicle other than an antique vehicle be allowed in service for the first time with mileage in excess of 100,000 miles for vehicles, which mileage shall be determined from the odometer and from odometer and title records.

Chauffeured limousine service shall mean the business of renting or leasing a "chauffeured limousine," as defined in this section, including the services of a driver, to a person, solely upon his request or one acting for or on his behalf, for any period of time not less than two hours to be used by the person or persons hiring the vehicle or under their direction and authority for the period of time the vehicle is rented or leased. Specifically excluded from this definition are the following:

- a. Vehicles, and the drivers thereof, provided for use in connection with, or attending, or participating in any phase of a funeral or funeral service.
- b. All taxicabs licensed by the city.
- c. All vehicles operating under a contract with the city.
- d. All sightseeing or charter vehicles licensed by the city.

Director shall mean the director of administration and regulatory affairs or the director'shis designee(s).

Extended body shall mean that a vehicle shall have been modified to extend its original factory wheelbase by 40 inches or more in conformity with any applicable state or federal safety laws, standards, and regulations.

Gross receipts shall mean the aggregate of all sums collected by the licensee in the operation of either a sightseeing or charter service or a

chauffeured limousine service; provided, however, that in the case of a chauffeured limousine service, the term "gross receipts" shall not include or apply to revenues derived from providing chauffeured limousine services involving a vehicle leased or rented from another chauffeured limousine agency that makes a similar charge to the licensee providing the service to the customer.

License shall mean an authority as described herein to operate a sightseeing or charter service or chauffeured limousine service, duly granted by the director under this article.

Licensee shall mean the person, firm, partnership, corporation, association, or society to whom a license has been duly issued under this article for either a sightseeing or charter service or a chauffeured limousine service.

Luxury motor vehicle shall mean a vehicle that has a manufacturer's suggested base retail selling price of not less than \$33,000, adjusted annually based upon Consumer Price Index (CPI-U), All Urban Consumers, U.S. City Average, New Cars, as published by the U.S. Department of Labor, that of a Cadillac Sedan de Ville or Lincoln Town Car sedan, excluding the cost of any manufacturer installed options or of any modifications or conversions that were made by other persons following the original assembly of the vehicle by the manufacturer. The adjustment shall be based upon the not seasonally adjusted data for the month of August and shall be effective November 1st.

Sightseeing or charter service shall mean the transporting of passengers by charter between points within the city and between such points and points without the city upon a route including stops at various points of public interest and providing for eventual discharge at the place at which such passengers are picked up. From such definition is specifically excluded the discharge of passengers from points other than those at which they are picked up.

SUBJECT: Ordinance authorizing the abandonment and sale of a 35-foot-wide storm sewer easement, in exchange for the conveyance to the City of a 25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539. Parcels SY11-107 and LY11-015	Page <u>1</u> of <u>2</u>	Agenda Item # <div style="text-align: right; font-size: 2em; margin-top: 10px;">10</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/7/11	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director	Council District affected: I <div style="text-align: center; margin-top: 10px;"> </div> Key Map 452 P
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For additional information contact: Nancy P. Collins <i>npc</i> Phone: (832) 395-3130 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action: C.M. 2011-0606 (08/03/2011)
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RECOMMENDATION: (Summary) It is recommended City Council approve an ordinance authorizing the abandonment and sale of a 35-foot-wide storm sewer easement, in exchange for a consideration of \$5,099.00 plus conveyance to the City of a 25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539.

Amount and Source of Funding: Not Applicable	
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SPECIFIC EXPLANATION:
 By Motion 2011-0606, City Council authorized the abandonment and sale of a 35-foot-wide storm sewer easement, in exchange for the conveyance to the City of a 25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539. Bob Don Company Ltd., (Guy J. Robertson, Jr., Manager), the property owner, plans to incorporate the subject easement into its property to facilitate the marketing of the parent tract for pad site leasing.

Bob Don Company, Ltd., has complied with the Motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will sell to Bob Don Company, Ltd:

Parcel SY11-107	
13,419 square feet of storm sewer easement	\$ 17,847.00 (R)
Valued at \$1.33 per square foot	
TOTAL ABANDONMENT	<u>\$ 17,847.00</u>
In exchange, Bob Don Company, Ltd. will pay:	
Cash	\$ 5,099.00
Plus convey to the City	
Parcel LY11-015	
9,585 square feet of storm sewer easement	\$12,748.00 (R)
Valued at \$1.33 per square foot	
TOTAL CASH AND CONVEYANCE	<u>\$ 17,847.00</u>

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REQUIRED AUTHORIZATION		
Finance Department:	Other Authorization:	Other Authorization: Mark L. Lothen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division

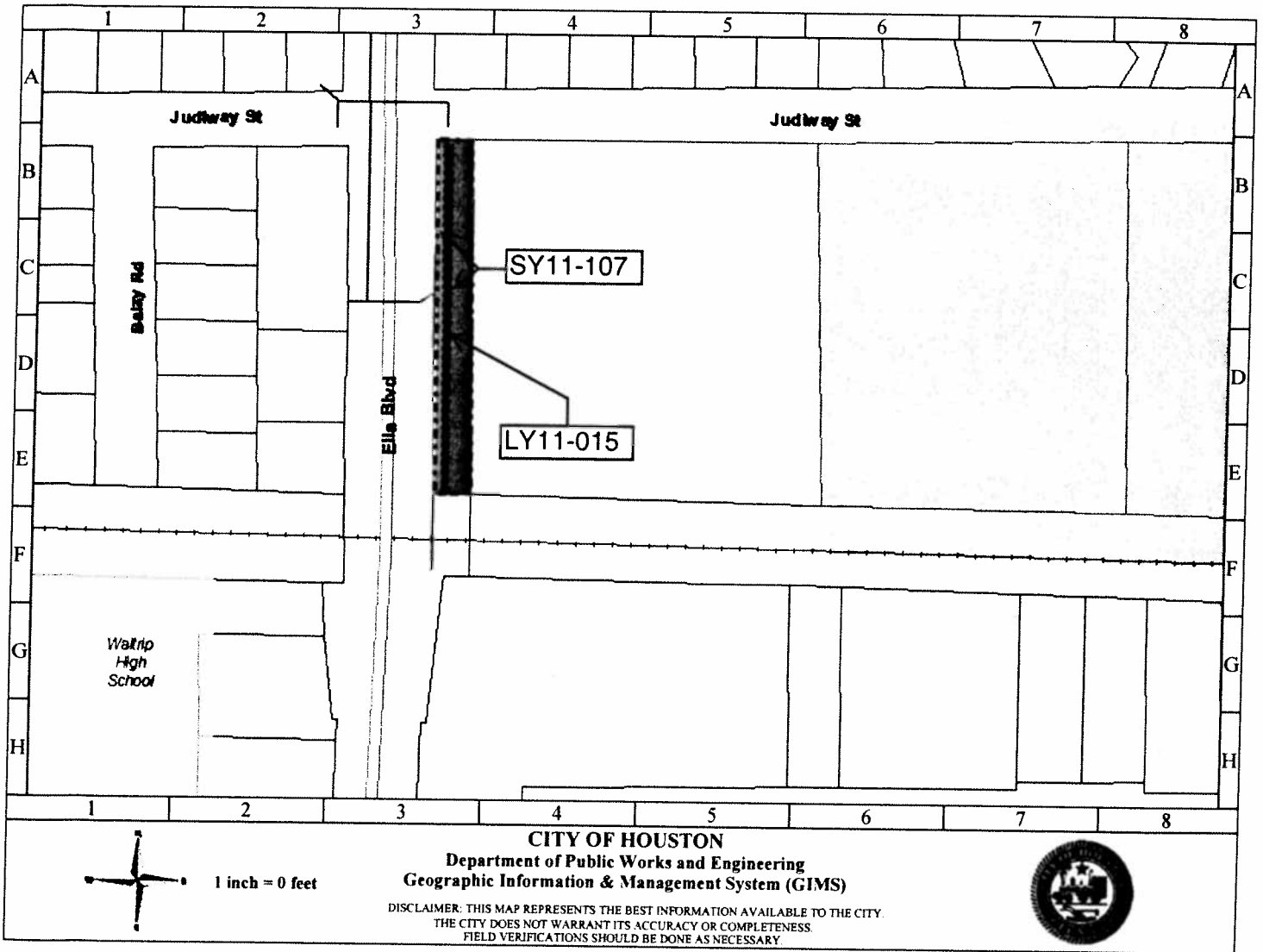
Date:	Subject: Ordinance authorizing abandonment and sale of a 35-foot-wide storm sewer easement, in exchange for the conveyance to the City of a 25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539. Parcels SY11-107 and LY11-015	Originator's Initials	Page <u>2</u> of <u>2</u>
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Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 35-foot-wide storm sewer easement, in exchange for a consideration of \$5,099.00 plus conveyance to the City of a 25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539.

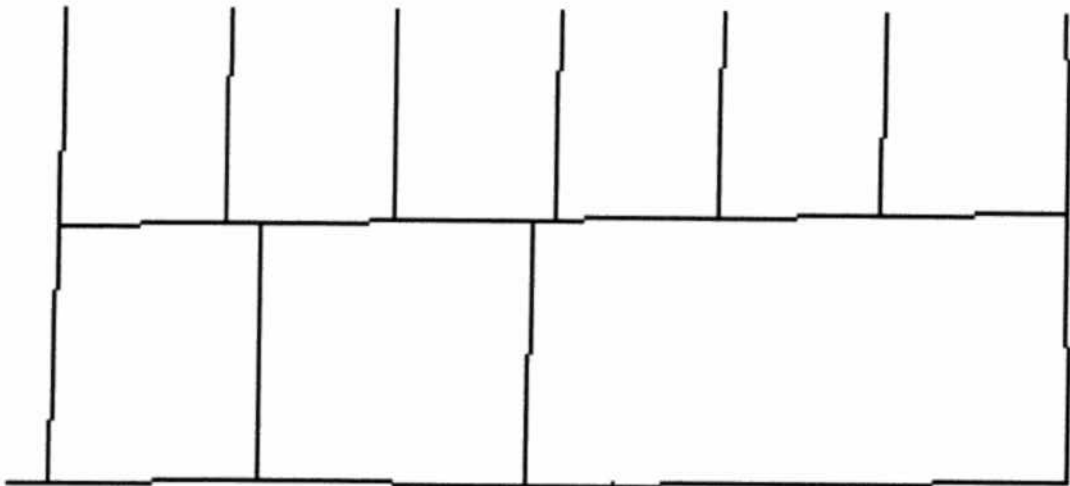
DWK:NPC:agd

c: Jun Chang, P.E., D.WRE
Marta Crinejo
Marlene Gafrick
Daniel Menendez, P.E.

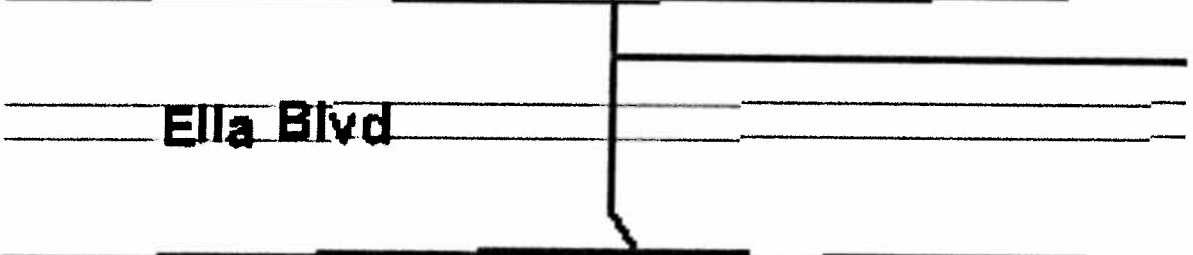
Abandonment and sale of a ±35-foot-wide storm sewer easement, in exchange for the conveyance to the City of a ±25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539. Parcels SY11-107 and LY11-015



Idiway St



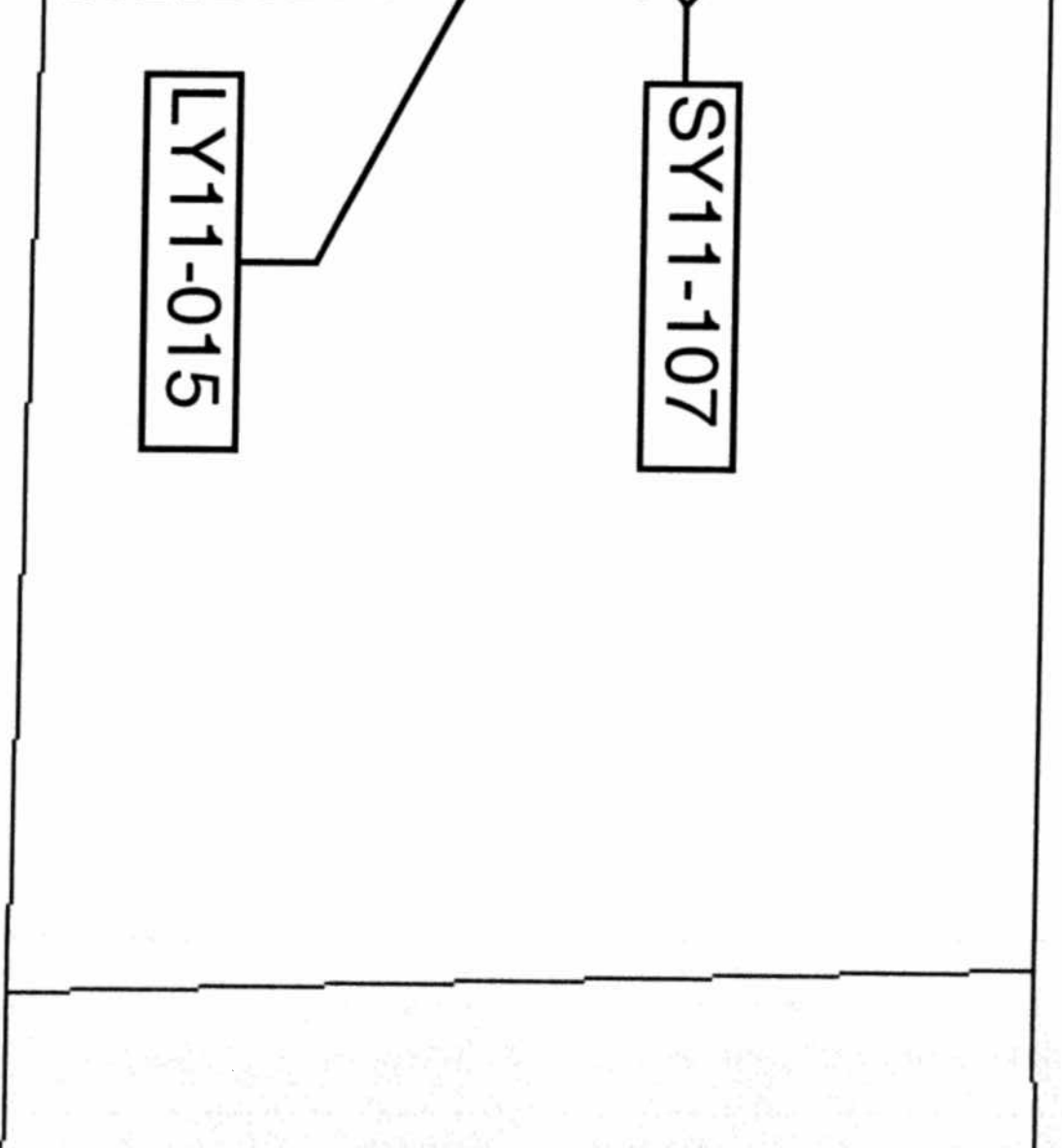
Elia Blvd



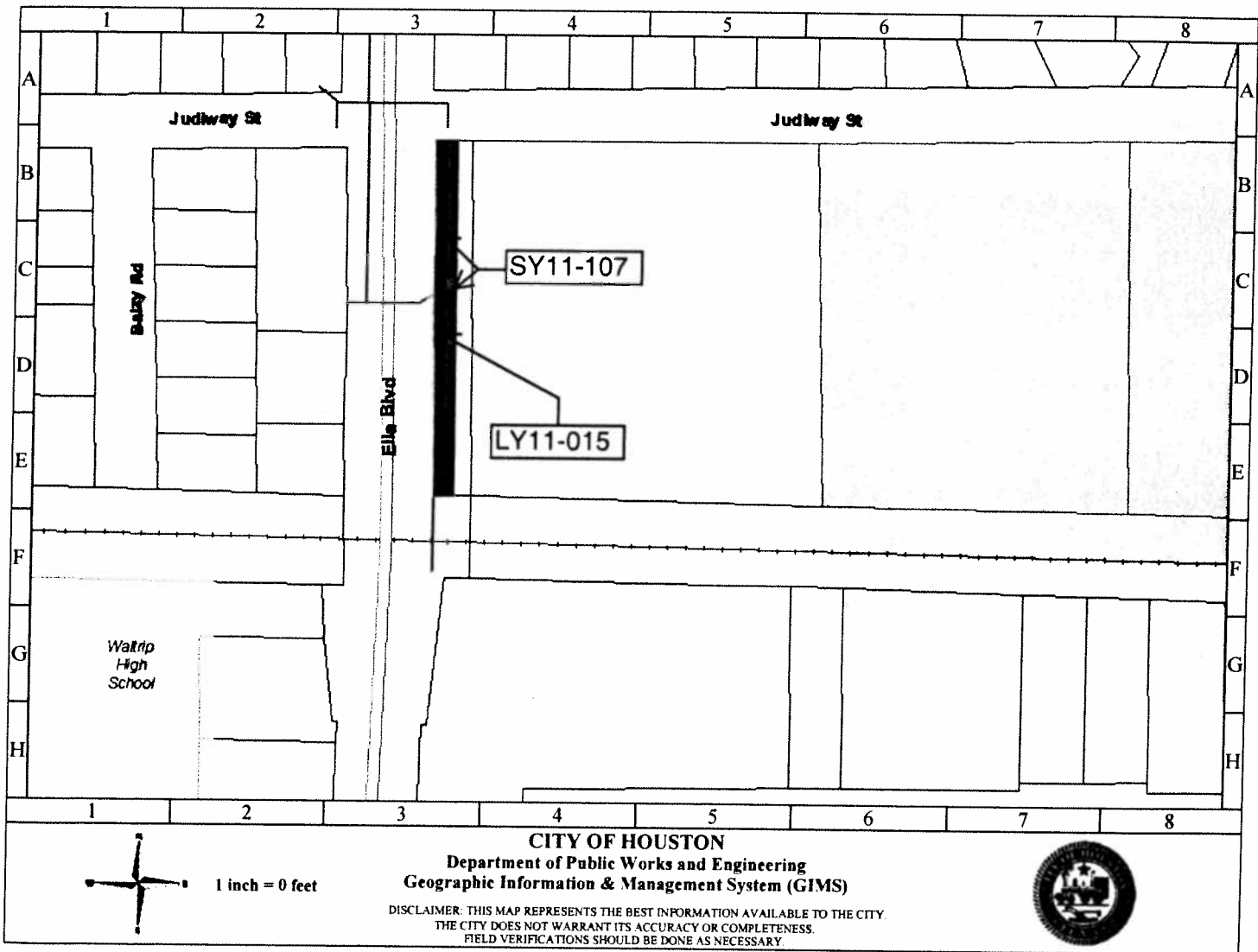
SY111-107

LY111-015

Judiway St



Abandonment and sale of a ±35-foot-wide storm sewer easement, in exchange for the conveyance to the City of a ±25-foot-wide storm sewer easement, both within Tracts 9A, 9B, and 12, out of the W.P. Morton Survey, A-539. **Parcels SY11-107 and LY11-015**



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance Canvassing the Returns of the City of Houston Runoff Election held on December 10, 2011.	Page 1 of 1	Agenda Item # 11
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FROM (Department or other point of origin): Anna Russell, City Secretary	Origination Date	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: <i>Anna Russell</i>	Council District affected: All
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For additional information contact: Evelyn W. Njuguna Phone: 832.393.6308	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Adopt an ordinance canvassing the returns of the runoff election held on December 10, 2011.

Amount and Source of Funding:
N/A

SPECIFIC EXPLANATION:

The Texas Election Code requires City Council to canvass the returns of the Runoff Election held on December 10, 2011 no later than 11 days after the Runoff Election. Because the 11th day after the Runoff Election falls on Wednesday, December 21, 2011, the canvass must be performed on Wednesday, December 21, 2011. The proposed ordinance is in the customary form to conduct the canvass and is recommended for approval.

FINAL Results will be provided when completed

REQUIRED AUTHORIZATION

Other Authorization:		
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance approving an economic development agreement between the City of Houston ("City") and Schlumberger Technology Corporation ("STC") pursuant to Chapter 380, Texas Local Government Code.

Category #

Page 1 of 1

Agenda Item#

120

FROM: (Department or other point of origin):

Andy Icken, Chief Development Officer – Mayor’s Office

Origination Date

Agenda Date

DEC 21 2011

DIRECTOR'S SIGNATURE:

[Handwritten Signature]

Council Districts affected:

Council Member Pennington, District G

For additional information contact:

Tim Douglass

Phone: 713-837-9857

Date and identification of prior authorizing Council Action:

Ordinance No. 99-674 dated 6/30/99

RECOMMENDATION: (Summary)

Ordinance approving an economic development agreement between the City of Houston ("City") and Schlumberger Technology Corporation ("STC") pursuant to Chapter 380, Texas Local Government Code.

Amount of Funding:

Finance Budget:

SOURCE OF FUNDING:

General Fund

Grant Fund

Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

In 1989, the State legislature enacted Chapter 380 of the Texas Local Government Code ("Code") to create a mechanism that municipalities could use to grant or loan public funds for economic development purposes. Subsequently, by Ordinance 99-674, the City established the City of Houston Chapter 380 loan/grant program, pursuant to the provisions of Chapter 380 of the Code, and adopted criteria for Chapter 380 assistance to provide the City with an additional tool to encourage development in targeted areas to fulfill a critical need to attract tourism and commerce to an area resulting in positive economic impact.

The Administration proposes to offer performance based financial incentives calculated upon the incremental increases in the City's portion of its real and personal property ad valorem tax revenues ("Incentives") to development projects. The Incentives will be based solely upon post-project proven increases in ad valorem taxes collected after the project is completed and the taxes can be accurately measured. The Incentives will be equal to the incremental increases in ad valorem taxes at STC's 1200 Enclave Parkway, Houston 77077 location ("Site") measured from the base year (year prior to the project commencement) and continuing for ten years thereafter.

STC intends to invest approximately \$10 million at this location to establish its Western Hemisphere Financial Services hub. The City proposes to reimburse to STC 50% of the incremental increase in the City's portion of the real and personal property ad valorem tax revenues for STC's improvements at the Site. The agreement will last for no more than 10 years, with estimated Incentives granted of \$35,000 per year. STC will also create at least 400 full-time jobs and retain 175 full-time jobs.

cc: Marta Crinejo, Agenda Director

Anna Russell, City Secretary

David Feldman, City Attorney

Deborah McAbee, Senior Assistant City Attorney

Finance Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: An ordinance approving a Significant Historic Structure Tax Exemption for the property located at 300 – 304 Main Street, 77002

Category #

Page 1 of 1

Agenda Item#

13

FROM: (Department or other point of origin):

Andy Icken
Chief Development Officer

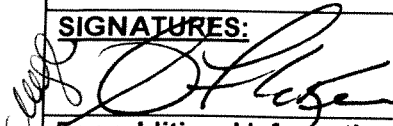
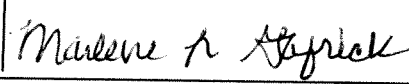
Marlene Gafrick, Director
Planning and Development

Origination Date

Agenda Date

DEC 21 2011

SIGNATURES:

Council Districts affected:

1

For additional information contact:

Tim Douglass
Keith R. Phillips

Phone: (713) 837-9857
Phone: (713) 837-0610

Date and identification of prior authorizing Council Action: Ordinance 2007-658, Resolution 2011-0019 dated July 6, 2011

RECOMMENDATION: (Summary)

That City Council adopt an ordinance approving a Significant Historic Structure Tax Exemption for the property located at 300 – 304 Main Street, 77002, which meets the relevant eligibility requirements of Section 44-29 of the Code of Ordinances.

Amount of Funding: No funding required

Finance Budget:

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

SPECIFIC EXPLANATION:

Section 44-29 of the Code of Ordinances authorizes City Council to grant tax relief in the form of an exemption for significant historic structures. The only statutory prerequisite to granting a significant historic structure tax exemption is prior City Council designation of the property as a significant historic structure.

On March 8, 2011, a sworn application for a Historic Structure Tax Exemption was submitted by the owner of the property located at 300 – 304 Main Street, 77002, which meets the criteria set out in the Code of Ordinances.

Based on HCAD's 2011 property valuation and the City's current property tax rate, the taxes foregone on the property are approximately \$7,515.00 the first year of the exemption. The duration of the exemption and future foregone taxes shall be for the duration of compliance as a significant historic structure.

Since the property has been designated as a significant historic structure, it is recommended that City Council grant the property an exemption from ad valorem taxation.

cc: Marta Crinejo, Agenda Director
Anna Russell, City Secretary
David Feldman, City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:



Other Authorization:

13

300 - 304 Main

HISTORIC SITE TAX EXEMPTION

Initial Exemption Criteria				
		Restoration Expenditures	2011 Values	
			Land	Structure
			\$578,000	\$598,525

#DIV/0!

Maximum Exemption on Structure/Improvement will be equal to the actual Restoration expenditures*

Projected Annual Tax Revenue				
(Based upon actual Restoration expenditures)				
Year	Tax Year	Revenue exempt (Land)	Revenue exempt (Structure)	Total
1	2012	\$3,692	\$3,823	\$7,515.05
2	2013	\$3,840	\$3,823	"
3	2014	\$3,993	\$3,823	"
4	2015	\$4,153	\$3,823	"
5	2016	\$4,319	\$3,823	"
6	2017	\$4,492	\$3,823	"
7	2018	\$4,672	\$3,823	"
8	2019	\$4,858	\$3,823	"
9	2020	\$5,053	\$3,823	"
10	2021	\$5,255	\$3,823	"
11	2022	\$5,465	\$3,823	"
12	2023	\$5,684	\$3,823	"
13	2024	\$5,911	\$3,823	"
14	2025	\$6,147	\$3,823	"
15	2026	\$6,393	\$3,823	"
Total		into perpetuity		

Projection based on latest rate (Tax Year 2011): \$.63875 per \$100 of taxable value

Assumes a 4% increase in land value each year.

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

The tax revenue may change relative to the tax rate.

SUBJECT: Delegation of authority to the Mayor to conduct a competitive bid and select a Retail Electric Provider.		Page 1 of 3	Agenda Item 14
FROM: Finance Department		Origination Date	Agenda Date DEC 21 2011
DIRECTOR'S SIGNATURE: Kelly Dowe <i>Kelly Dowe</i>		Council District affected: All	
For additional information contact: Jim Moncur Phone: 713-837-9615 Ja'nice Sparks Phone: 832-393-8030		Date and identification of prior authorizing Council action:	
RECOMMENDATION: An Ordinance delegating limited authority to the Mayor to conduct a competitive bid, select, approve and authorize an electric supply agreement with a Retail Electric Provider; and setting a maximum contract amount of \$550 million.			
Amount and Source of Funding: Maximum contract - \$550,000,000		Finance Budget:	
<u>BACKGROUND INFORMATION:</u> Texas law requires that all electricity sold in deregulated markets must be acquired through a Retail Electric Provider (REP) registered with the Public Utility Commission of Texas (PUCT). On April 22, 2011, the City issued a Request for Qualifications. Five (5) statements of qualification were received and evaluated by representatives from Public Works & Engineering Department, Houston Airport System, General Services Department, Convention and Entertainment Department, Administration and Regulatory Affairs Department, Finance Department and Houston First. Three (3) REPs, Reliant Energy, TXU Energy and the General Land Office/Cavallo were selected to be finalists, and on July 25, 2011 responded to a Request for Proposals			
<u>SELECTION PROCESS - PARAMETERS:</u> The proposed ordinance requires finalists to meet certain minimum requirements and to submit competitive bids for the pricing of electricity. The minimum requirements are as follows: <ul style="list-style-type: none"> • The REP must be selected from one of the three finalists, being TXU Energy, the Texas General Land Office, or Reliant Energy Retail Services LLC; • The REP must possess a strong, established and proven record and ability to provide service and deliver at least 1.25 billion kilowatt hours ("kWh") of electricity per year to approximately 4,300 meters; 			
REQUIRED AUTHORIZATION			
General Services Department: <i>12/16/11</i> <i>Scott Minner</i>	Other Authorization:	Other Authorization:	

Date:

Subject: Delegation of authority to the Mayor to conduct a competitive bid and select a Retail Electric Provider.

Page
2 of 3

- The REP must have a pre-existing customer base of at least 12,000 electric service identifier identifications (“ESIDs”);
- The REP must guarantee its performance with \$10,000,000 in security from a Standard & Poor’s or Moody’s “A”, or better, rated entity;
- The REP has the proven ability to deliver invoices electronically in a format compatible with the City’s electronic systems, and accept payment electronically;
- The REP has the ability to execute risk management transactions on behalf of the City;
- The REP has the ability to offer and transact Renewable Energy Credits (“RECs”) at market prices for up to 100% of the City’s electricity load;
- The REP has the ability to subcontract at least fifteen percent (15%) of the City’s electricity load to City of Houston certified Minority or Woman Business Enterprises;
- The REP has the demonstrated ability to coordinate with transmission and distribution service providers for new connections, disconnections, storm repairs, etc., and has done so for other municipalities;
- The REP has a significant business presence in Houston and the surrounding counties, or is an agency of the State of Texas;
- The REP has a good record satisfactorily addressing customer complaints filed with the Public Utility Commission of Texas (“PUCT”);
- The REP will grant the City the ability to add or delete connections (i.e., ESIDs) without charge, unless the volume of additions and deletions exceed not less than ten percent (10%) of the City’s annual estimated kilowatt hours of electricity;
- The REP will grant to the City at no additional charge unlimited “swing” being the difference between the actual electricity used and that reasonably scheduled.

BIDDING PROCESS:

After concluding contract negotiations, the three finalists who have met the minimum requirements will be allowed to submit competitive bids on price. The City will request prices for two electricity products.

First, the City will request prices for a Heat Rate Product to supply all facilities except for street and freeway lights. This represents about 90% of the City’s load. A Heat Rate Product calculates the price of electricity in accordance with the following formula:

$$P = (HR \times GAS) + A$$

Where:

P = Electricity Price

HR = Heat Rate – cost efficiency of power generating plants under contract to the REP

GAS = NYMEX Henry Hub strip natural gas price

A = Retail Adder – ancillary charges and supplier’s margin

The Price excludes transmission and distribution (T&D) charges and other pass through charges.

Date:	Subject: Delegation of authority to the Mayor to conduct a competitive bid and select a Retail Electric Provider.	Page 3 of 3
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The finalists will bid on the Heat Rate and the Adder. The GAS price will not be fixed at the time of bidding or when the contract is executed. The City will have the discretion to fix the GAS price from time-to-time during the term of the contract based on the NYMEX Henry Hub strip price of natural gas.

Second, the City will request prices a Locational Marginal Price (LMP) product for all street and freeway lights. This represents about 10% of the City's load. A LMP product calculates the price of electricity based on the wholesale market. Street and freeway lights are most suitable for a LMP product because they are on during off-peak hours, when the wholesale market is typically at its lowest, and they are a highly predictable and steady load. For the LMP product the price of electricity will be calculated by the following formula:

$$P = LMP + A$$

Where:

- P = Electricity Price
- LMP = Wholesale Price
- A = Retail Adder

Again, the Price excludes transmission and distribution (T&D) charges and other pass through charges.

The finalists will bid on the Adder. The LMP will not be fixed but will float up or down with the wholesale market. The City has projected that even when the LMP market experiences spikes, the average resulting price will still be lower than a Heat Rate Product due to its off-peak nature.

ADDITIONAL CONSIDERATIONS:

The REP's price will be the Mayor's primary consideration, whether expressed as a heat rate formula, market formula (e.g. locational marginal pricing or LMP), or flat fixed rate, assuming the winning REP meets all of the above minimum requirements, however, if the final and best bids are less than one percent (1.00%) apart in price, the Mayor will have the discretion to make the final selection of a winning REP taking into consideration: (i) to what degree the REP exceeded the above minimum requirements, (ii) potential transaction costs, (iii) past good or bad experience working with the City, and (iv) which REP offers the more advantageous contract provisions.

It is, therefore, the Finance and General Services Departments recommendation that City Council approve an Ordinance delegating limited authority to the Mayor to conduct a competitive bid, select, approve and authorize an electric supply agreement with a Retail Electric Provider; and setting a maximum contract amount of \$550 million.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9243

Subject: Supplemental firefighting services within an area of the City of Houston ("City") known as the Willowbrook Mall area

Category #
1

Page 1 of 1

Agenda Item

15

FROM (Department or other point of origin):

Terry Garrison
Fire Chief
Fire

Origination Date

November 16, 2011

Agenda Date

DEC 21 2011

DIRECTOR'S SIGNATURE



Council District(s) affected

A

Handwritten initials

For additional information contact:

Beda Kent *B*
Neil Depascal

Phone: (832) 394-6748
Phone: (832) 394-6755

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Cypress Creek Volunteer Fire Department for supplemental firefighting services within an area of the City known as the Willowbrook Mall area

\$305,000.00

General Fund (1000) \$61,000 in FY12 and the balance in out years

Finance Budget

SPECIFIC EXPLANATION:

The Fire Chief recommends that City Council pass an Ordinance authorizing the Cypress Creek Volunteer Fire Department (CCVFD) for supplemental firefighting services within an area of the City of Houston known as the ("City") Willowbrook Mall area. This amount of \$305,000 is for a three (3) year term contract with two (2) one-year optional extension periods ending December 31, 2016.

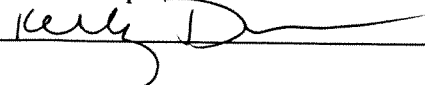
In consideration for the performance of supplemental firefighting services, the City pays CCVFD an amount determined annually based upon a rate of \$0.01 per \$100.00 of assessed valuation of all taxable property within the fire protection area as certified by the Harris County Appraisal District for the immediate proceeding tax year.

Under the terms of this contract, the CCVFD supplies manpower and firefighting equipment when responding to all "Standard Box Alarms" assignments, or greater, as requested by the Houston Fire Department (HFD). The HFD shall respond first on all "Still Alarms" and may request the CCVFD to respond as needed. CCVFD shall respond to major accidents requiring extrication as requested by HFD.

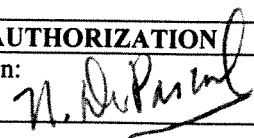
An estimated amount of \$61,000 has been budgeted for FY12 and the balance of \$244,000 in out years.

REQUIRED AUTHORIZATION

Finance Department:



Other Authorization:



Other Authorization:

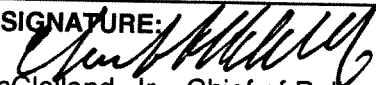
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Interlocal Agreement between the City of Houston and the Greenspoint District of Harris County for the FY 2012 Operation Greensweep	Category	Page	Agenda Item
	#	1 of 1	# 16

FROM: (Department or other point of origin): Houston Police Department	Origination Date	Agenda Date
	12/15/11	DEC 21 2011

DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police	Council Districts affected:
	-All B

For additional information contact: Joseph A. Fenninger, <i>JAF 11/30/11</i> CFO and Deputy Director 713-308-1770	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary)
To adopt an ordinance, approving and authorizing an agreement between the City of Houston and the Greenspoint District for the FY 2012 Operation Greensweep.

Amount of Funding:	GREENSPPOINT DISTRICT \$230,000.00	Finance Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

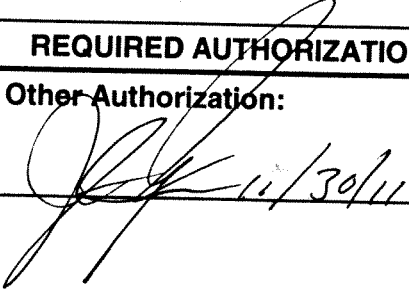
Source of Funding: Greenspoint District

SPECIFIC EXPLANATION:

FY 2012 Operation Greensweep

The Houston Police Department (HPD) North Division is entering into an interlocal agreement with the Greenspoint District to provide \$230,000 for overtime on a re-imbursement basis to the North Division for operations in the Greenspoint District that fall within the incorporated limits of the City of Houston. The program is entering its seventh year and will begin on November 1, 2011, and end on October 31, 2012. The operations will consist of various tactical operations conducted by the North Division Tactical Section and crime prevention initiatives conducted by Community Service officers in the Greenspoint community.

REQUIRED AUTHORIZATION

Finance Budget:	Other Authorization:  11/30/11	Other Authorization:
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of an ordinance allowing the Houston Police Department to apply for and accept funding for the FY12 Motor Carrier Safety Assistance Program (MCSAP) High Priority Grant	Category	Page	Agenda Item
	#	1 of 1	# 17

FROM: (Department or other point of origin): Houston Police Department	Origination Date	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr., Chief of Police	Council Districts affected: All
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For additional information contact: Joseph A. Fenninger, <i>JAF</i> CFO and Deputy Director 713-308-1770	Date and identification of prior authorizing Council Action:
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RECOMMENDATION: (Summary) Adopt an ordinance authorizing application for and acceptance of grant funds from the U.S. Department of Transportation FY12 Motor Carrier Safety Assistance Program High Priority Grant.

Amount of Funding: Grant Revenue FY11 Motor Carrier Safety Assistance Program High Priority Grant from the U.S. Department of Transportation: \$587,510	Finance Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

U.S. Department of Transportation/Amount Requested: \$587,510
Cash Match: \$100,000 General Fund (Fund - 1000) ; In-Kind Match: \$634,527

SPECIFIC EXPLANATION:
U.S. Department of Transportation FY12 Motor Carrier Safety Assistance Program High Priority Grant

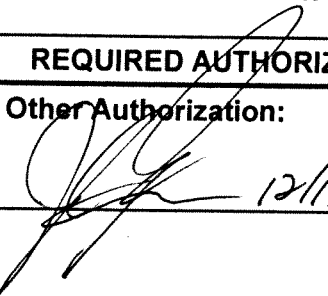
The Houston Police Department (HPD) is applying to the U.S. Department of Transportation for funding through the Motor Carrier Safety Assistance Program High Priority Grant. In fulfillment of one of the grant requirements, HPD requests that City Council adopt an ordinance approving the application for the grant and acceptance of the grant funds, if awarded.

The grant will provide overtime for personnel in order to reduce the number of commercial motor vehicle at-fault crashes through a combined effort of inspection, enforcement and education. To fund the program, the U.S. Department of Transportation is being asked to provide \$587,510. The grant requires a cash match of \$100,000 and an in-kind match of \$634,527 for a total program commitment of \$1,322,037.

As Houston has a growing international seaport and sources approximately 40% of all hazardous materials being transported on the roadways of the State of Texas, commercial truck traffic is expected to increase greatly in the near term. Accordingly, current budget constraints will not allow HPD to deploy the enforcement levels necessary to meet the increased commercial vehicle activity. This grant will allow the Houston Police Department Truck Enforcement Unit to expand the key components of their work:

- Inspection of commercial motor vehicles, hazardous material motor vehicles and passenger-carrying commercial motor vehicles,
- Traffic enforcement to regulate speed, seat belt usage and aggressive driving,
- Education of both commercial motor vehicle drivers and owners of safe driving habits,
- Education of citizens on the dangers of unsafe driving behaviors around commercial motor vehicles, and
- Safety initiatives involving marked and unmarked units around work zones and targeted roadways.

REQUIRED AUTHORIZATION

Finance Budget:	Other Authorization:  12/15/11	Other Authorization:
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HCD 11-112

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance to amend the Barnes & Turner legal services contract passed and adopted by City Council through Ordinance No. 2009-1219 on December 2, 2009 for an additional term of one (1) year through December 21, 2012.	Category #	Page 1 of 1	Agenda Item # 18
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FROM: James D. Noteware, Director Housing and Community Development Department	Origination Date December 6, 2011	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Ray Daniels Phone: 713-868-8321	Date and identification of prior authorizing Council action: Dec. 2, 2009 Ord. No. 2009-1219
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RECOMMENDATION: This is a Request for Council Action (RCA) to amend the Barnes & Turner legal services contract passed and adopted by City Council through Ordinance No. 2009-1219 on December 2, 2009 for an additional term of one (1) year through December 21, 2012.

Amount of Funding: No Additional Funding Requested.	Finance Budget:
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SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The Housing and Community Development Department (HCDD), through the Legal Department, issued a Request for Proposals (RFP) in search of a legal services provider for the Single Family Home Repair Program ("SFHRP") and Downpayment Assistance Program ("DAP"). In addition to generating standardized contract packages for the SFHRP and DAP in an effort to streamline and expedite the current contract process, the legal services provider's key function is to provide title reports/opinions and related services on properties recommended for assistance. Through the RFP process Barnes & Turner, Attorneys at Law, was selected and a contract for a one (1) year term, with a one (1) year renewal option, was passed and adopted by City Council by Ordinance No. 2009-1219 on December 2, 2009. The effective date of the contract was December 21, 2009. The City's option to renew was exercised by letter dated November 18, 2010, extending the contract to December 21, 2011.

The amount of the Barnes & Turner legal services contract is \$280,000.00. The balance remaining on the Contract Purchase Order (PO) as of December 6, 2011 is \$181,979.25. This is a Request for Council Action (RCA) to amend the contract to allow for a one year extension through December 21, 2012 so that legal services for the SFHRP and DAP can continue, without interruption, and to allow adequate time for the preparation of a new RFP for legal services. No additional funding is requested in this RCA.

The Housing and Community Development Department recommends approval of the amendment to the contract.

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

REQUIRED AUTHORIZATION

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

SUBJECT: An ordinance amending Ordinance No. 2009-0098, as amended, to increase the maximum contract amount for a legal services contract with Denton, Navarro, Rocha & Bernal, P.C., involving Title VII disparate impact litigation, <i>Dwight Bazile, et al. v. City of Houston.</i>	Category #	Page 1 of 1	Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">19</div>
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FROM (Department or other point of origin): David M. Feldman, City Attorney Legal 832-393-6412	Origination Date 12/15/11	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: 	Council District affected:
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For additional information contact: Donald Fleming LECR Phone: 832-393-6303	Date and identification of prior authorizing Council action: Feb.11,2009: Ord. 2009-0098; Ord. 2010-290 of April 21, 2010; and Ord. 2011-059 of January 25, 2011
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RECOMMENDATION: (Summary)
 Council approve an ordinance amending Ordinance No. 2009-0098, as amended, to increase the maximum contract amount for a legal services contract between the City of Houston and Denton, Navarro, Rocha and Bernal, P.C. in connection with the lawsuit titled *Dwight Bazile, et al. vs. City of Houston* (Civil Action No. 4:08-cv-02404)

Amount of Funding: \$230,511.56 additional funding	F & A Budget:
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SOURCE OF FUNDING: Property and Casualty Fund (1004)

SPECIFIC EXPLANATION:
 The City of Houston ("the City") has sought and is receiving legal services from the law firm of Denton, Navarro, Rocha & Bernal, P.C. ("Denton, Navarro" or "the Firm") for a suit that involves allegations of disparate impact discrimination related to exams for promotions of African American Fire Fighters in the positions of Captain and Sr. Captain in the Houston Fire Department. The litigation has been pending since 2008. Attorneys' fees paid to date total \$451,465.75. Expert witness fees and related expenses total \$339,907.87.

Since January of this year the litigation's development has required spending additional sums to properly and adequately address the issues raised by the court. Part of the additional costs in this case were driven by the US Supreme Court decision in *Ricci v. City of New Haven*, and the new issues of law that it involved. Expert expenses associated with evidentiary hearings in the federal court addressed the plaintiffs' claims about the Captains and Senior Captains exams. The same experts were needed for the test scoring and statistical analysis necessary to provide the parties in the litigation the results of the exams and to provide to the Civil Service Commission the court-ordered post-testing analysis prepared in response to appeal challenges to the November 2011 Captains exam. There were also unexpected problems that arose in the administration and ranking of candidates that required post-exam statistical analysis to arrive at the list the Commission could certify. Associated with each of these added expenses were the associated attorney fees incurred from Denton Navarro. Although we made earnest efforts to reach agreement with the Firefighters Association on the testing changes, they disagreed and retained some of the lawyers from the Ricci case to represent their position, increasing our costs. The City's efforts in this case have been directed toward ensuring a fair, non-discriminatory promotional process. This new funding will address the costs of litigation through the examinations.

REQUIRED AUTHORIZATION

Other Authorization:	Other Authorization:	Other Authorization:
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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9248

Subject: Approve an Appropriation Ordinance and Authorize the Execution of Lease Agreements with the Best Respondent to Lease Low or Zero Emission Vehicles for the Fleet Management Department S22-T24063

Category #
1 & 4

Page 1 of 2

Agenda Item

20

FROM (Department or other point of origin):

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

Origination Date

December 05, 2011

Agenda Date

DEC 21 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kim Burley Phone: (832) 393-6920
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$251,824.70 out of the Equipment Acquisition Fund (Fund 1800) and approve and authorize the execution of three-year lease agreements with the best respondent, Baker Nissan South, LP, a City business, in an amount not to exceed \$351,781.78 to lease low or zero emission vehicles for the Fleet Management Department.

Award Amount: \$351,781.78

Finance Budget

\$ 99,957.08 - American Recovery and Reinvestment Reimbursement Fund (Fund 5300)
\$251,824.70 - Equipment Acquisition Consolidated Fund (1800) - WBS No. V-2012-1800-67-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$251,824.70 out of the Equipment Acquisition Fund (Fund 1800) and approve and authorize the execution of three-year lease agreements with the best respondent, Baker Nissan South, LP, a City business, to lease 23 low or zero emission vehicles for the Fleet Management Department. It is further recommended that City Council approve a one-time lump sum payment to Baker Nissan South, LP in a total amount not to exceed \$351,781.78 for the lease of these vehicles. The \$7,500.00 per vehicle tax credit that the awardee receives is being passed on to the City, which reduces each three-year lease by \$7,500.00.

This purchase uses funds awarded under the American Recovery and Reinvestment Act of 2009 (ARRA). The City of Houston and the recommended contractor will adhere to and comply with special reporting requirements associated with ARRA grant expenditures, as required by the granting agency and/or Office of Management and Budget.

These 23 totally electric Nissan Leaf SV vehicles will be used to create a downtown electric vehicle motor pool and help the City reach its air quality attainment goals. These electric vehicles will replace gasoline powered vehicles that have reached their life expectancy and will be sent to auction for disposition.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State bids laws and, as a result, proposals were received from Baker Nissan South, LP, McDavid Houston Nissan, LLC, Mossy Nissan (TX), Inc., Small Car LP dba Smart Center Sugarland, Caldwell Country Chevrolet and ACME Auto Leasing. The evaluation committee consisted of four evaluators: one from the Mayor's Office, two from the Fleet Management Department, and one from the General Services Department. The proposals were evaluated based upon the following criteria:

1. Lease price
2. Capacity to deliver vehicles
3. Range in all-electric mode

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

100

Date: 12/5/2011	Subject: Approve an Appropriation Ordinance and Authorize the Execution of Lease Agreements with the Best Respondent to Lease Low or Zero Emission Vehicles for the Fleet Management Department S22-T24063	Originator's Initials RD	Page 2 of 2
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4. Total range without recharging or refueling
5. Ability to meet specific needs of department leasing
6. Lack of exceptions to minimum requirements of RFP
7. Option to purchase price
8. Hire Houston First
9. Onboard 3.3. kW charger
10. Power train warranty
11. Automatic traction control
12. Annual mileage allowance up to 20,000 miles or unlimited

Baker Nissan South, LP received the highest overall score.

- Attachments:
1. M/WBE Zero Percentage Document approved by the Mayor's Office of Business Opportunity
 2. Equipment Usage Summary

PR No. 10133009



CITY OF HOUSTON

Fleet Management

Interoffice

Correspondence

To: Robert Gallegos
Assistant Director

From: Raynareo Cruz Turcios
Fleet Management

Date: September 21, 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: 0%

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

Solicitation Number: S22-T24063 Estimated Dollar Amount: \$437,000.00

Anticipated Advertisement Date: 09/09/2011 Solicitation Due Date: 09/30/2011

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

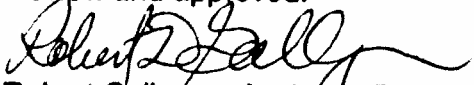
If goal was not met, what did the vendor achieve: _____

Name and Intent of this Solicitation: **Low or Zero Emission Vehicle Lease for Fleet Management Department**

Rationale for requesting a Waiver or Revision:

These vehicles are produced by various manufacturers and will be delivered to their authorized franchised dealers, which are the City's bidders. The only potential for MWBE subcontracting in this procurement would be the purchase and installation of aftermarket equipment such as strobe lights, spotlights, and special window tinting. The aforementioned equipment and accessories will not be purchased/included on the lease vehicles. Therefore, there is no potential for MWBE participation in this procurement.

Review and approved:


Robert Gallegos, Assistant Director
Office of Business Opportunity

**EQUIPMENT USAGE SUMMARY
 LOW OR ZERO EMISSION VEHICLE LEASE
 FOR THE FLEET MANAGEMENT DEPARTMENT – S22-T24063
 RCA #9248**

DESCRIPTION	REQUISITION NO.	QTY	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
SERIES 355E-ZEV, ALL ELECTRIC (EV), COMPACT, 4-DOOR AUTOMOBILE, ZERO EMISSION (ZEV)		23	Fleet Management These vehicles will be assigned as motorpool vehicles and used by personnel from various downtown departments.	29915	13 YRS	149,560
				29730	13 YRS	200,488
				29865	13 YRS	134,177
				28987	14 YRS	115,404
				25990	15 YRS	116,686
				23952	17 YRS	78,152
				21703	19 YRS	123,466
				23948	17 YRS	139,545
				29851	13 YRS	66,714
				24117	17 YRS	93,418
				24198	17 YRS	79,482
				24089	17 YRS	104,159
				25410	16 YRS	86,259
				25405	16 YRS	92,239
				30798	12 YRS	156,634
				25734	16 YRS	62,277
				23281	18 YRS	39,329
				18099	21 YRS	195,058
				22958	18 YRS	48,437
				24796	17 YRS	101,952
				28534	14 YRS	34,179
				28355	14 YRS	165,221
				17493	22 YRS	117,502

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9117

Subject: Approve an Ordinance Awarding a Sole Source Contract for the Implementation of the Gulf Coast Law Enforcement Information Exchange System for the Houston Police Department/S46-E24006

Category #
4

Page 1 of 2

Agenda Item

21

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

Origination Date
December 05, 2011

Agenda Date
DEC 21 2011

DIRECTOR'S SIGNATURE

Calvin D. Wells
12/16/11

Council District(s) affected
All

For additional information contact:
Joseph A. Fenninger Phone: (713) 308-1708
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a three-year sole source contract to Northrop Grumman Systems Corporation in an amount not to exceed \$190,183.37 for the implementation of the Gulf Coast Law Enforcement Information Exchange System for the Houston Police Department.

Maximum Contract Amount: \$190,183.37

Finance Budget

\$190,183.37 - Federal State Local - Pass Through Fund (Fund 5030) (Homeland Security Grant)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year sole source contract to Northrop Grumman Systems Corporation in an amount not to exceed \$190,183.37 for the implementation of the Gulf Coast Law Enforcement Information Exchange (GC-LInX) system, which allows regional sharing/crime analysis capabilities with local law enforcement agencies for the Houston Police Department (HPD). The City Purchasing Agent and/or Director may terminate this contract at anytime upon 30-days written notice to the contractor.

This contract is a joint effort of law enforcement agencies within Texas who collaborated with the U.S. Naval Criminal Investigative Service (NCIS) to implement the GC-LInX system. NCIS owns and holds all proprietary, copyright, trademark, and related rights to the GC-LInX system; therefore, Northrop Grumman Systems Corporation has been designated by NCIS as the sole provider authorized to perform all application development, data integration, operation, and maintenance for the GC-LInX system.

The scope of work requires the contractor to provide all labor, materials, equipment and supervision necessary to ensure the GC-LInX system will interface directly to HPD's Records Management System (RMS). Additionally, this interface will allow sharing/crime analysis capabilities of all pertinent information, which will be accessible to the various regional law enforcement agencies, (i.e., Harris, Fort Bend, and Montgomery Counties) actively utilizing the GC-LInx system. Finally, the contractor will be required to provide all software, services and training in connection with the full integration of the GC-LInx system.

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

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.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 12/16/11

[Signature]

Date: 12/5/2011	Subject: Approve an Ordinance Awarding a Sole Source Contract for the Implementation of the Gulf Coast Law Enforcement Information Exchange System for the Houston Police Department/S46-E24006	Originator's Initials EA	Page 2 of 2
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Attachment: M/WBE Zero Percentage Goal Document approved by the Mayor's Office of Business Opportunity.

Buyer: Eric Alexander

Estimated Spending Authority

Department	FY12	Out Years	Amount
Houston Police Department	\$190,183.37	\$0.00	\$190,183.37



Administration & Regulatory Affairs

Memorandum

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

From: Eric Alexander

Date: November 2, 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% (To be completed by SPD, and prior to advertisement): Yes No N/A RD

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

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

Solicitation Number: E24006 Estimated Dollar Amount: \$190,183.70

Anticipated Advertisement Date: _____ Solicitation Due Date: _____

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

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

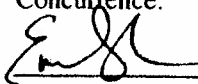
Name and Intent of this Solicitation:

Implementation of the Gulf Coast Law Enforcement Information Exchange System for the Houston Police Department (HPD).

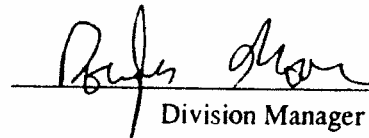
Rationale for requesting a Waiver or Revision (0% goal or revision after advertisement) to be completed by SPD:

This sole source contract with Northrop Grumman Systems Corporation is a joint effort of law enforcement agencies within Texas who collaborated with the U.S. Naval Criminal Investigative Service (NCIS) to implement the GC-LInX system. NCIS owns and holds all proprietary, copyright, trademark, and related rights to the GC-LInX system; therefore, Northrop Grumman Systems Corporation has been designated by NCIS as the sole provider authorized to perform all application development, data integration, operation, and maintenance for the GC-LInX system. This sole source contract is necessary to ensure the GC-LInX system will interface directly to HPD's Records Management System (RMS). Additionally, this interface will allow sharing/crime analysis capabilities of all pertinent information, which will be accessible to the various regional law enforcement agencies, (i.e., Harris, Fort Bend, and Montgomery Counties) actively utilizing the GC-LInx system. Finally, the contractor will be required to provide all software, services and training in connection with the full integration of the GC-LInx system..


Concurrence:



SPD Initiator



Division Manager



Robert Gallegos, Deputy Assistant Director
*Office of Business Opportunity

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



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9149

Subject: Approve an Ordinance Awarding a Contract for Non-Hazardous Waste Collection, Transportation and Disposal Services for Various Departments/S23-L24073

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

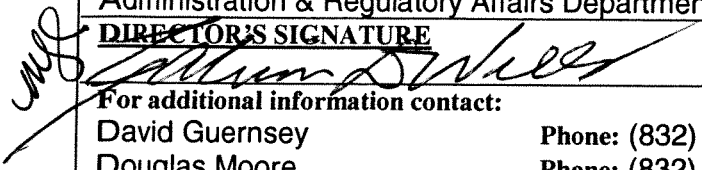
Origination Date

November 30, 2011

Agenda Date

DEC 21 2011

DIRECTOR'S SIGNATURE

MS


Council District(s) affected
All

For additional information contact:

David Guernsey Phone: (832) 395-3640
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to BFI Waste Services of Texas, LP d/b/a Republic Services, Inc. on its low bid in an amount not to exceed \$3,982,978.56 for non-hazardous waste collection, transportation and disposal services for various departments.

Maximum Contract Amount \$3,982,978.56

Finance Budget



- \$ 2,301,277.84 - General Fund (1000)
- \$ 1,171,456.28 - Water & Sewer System Operating Fund (8300)
- \$ 429,252.06 - Dedicated Drainage & Street Fund (2310)
- \$ 38,976.03 - Fleet Maintenance Fund (1005)
- \$ 19,915.52 - Park Special Revenue Fund (2100)
- \$ 22,100.83 - Grtr Houston Trans & Emer Cntr (2402)

\$ 3,982,978.56 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council Approve an ordinance awarding a three-year contract, with two one-year options to BFI Waste Services of Texas, LP d/b/a Republic Services, Inc. on its low bid in an amount not to exceed \$3,982,978.56 for non-hazardous waste collection, transportation and disposal services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

	<u>Company</u>	<u>Total Amount</u>
1.	BFI Waste Services of Texas, LP d/b/a Republic Services, Inc.	\$3,982,978.56
2.	WCA of Texas	\$5,010,702.38
3.	Waste Management of Texas, Inc.	\$5,076,847.06
4.	Waste Connections of Texas, LLC	\$8,443,455.19

The scope of work requires the contractor to provide all supervision, labor, tools, materials, supplies, equipment, and transportation necessary to collect, transport and dispose of non-hazardous materials for various departments at approximately 350 locations citywide. The frequencies of collection range from one to six times per week, depending on location.

REQUIRED AUTHORIZATION

NDT

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/30/2011	Subject: Approve an Ordinance Awarding a Contract for Non-Hazardous Waste Collection, Transportation and Disposal Services for Various Departments/S23-L24073	Originator's Initials RB	Page 2 of 2
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M/WBE Subcontracting:

This invitation to bid was issued as a goal-oriented contract with an 11% M/WBE participation level. BFI Waste Services of Texas, LP d/b/a Republic Services, Inc. has designated the below-named company as its certified M/WBE subcontractor:

Name	Type of Work	Amount	Percentage
Environmental Industrial Services Group Inc.	Landfill Construction Facilities Repair	\$438,127.64	11%

The Office of Business Opportunity will monitor this 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.

Buyer: Roy Breaux

ESTIMATED SPENDING AUTHORITY

Department	FY2012	Out Years	Total
Public Works & Engineering	\$156,420.46	\$1,505,364.74	\$1,661,785.20
General Services	\$138,947.82	\$1,483,556.22	\$1,622,504.04
Parks & Recreation	\$ 69,974.99	\$ 628,714.33	\$ 698,689.32
Total Amount	\$ 365,343.27	\$3,617,635.29	\$3,982,978.56

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA#

Subject: Approve an Ordinance Awarding a Contract for a City-wide Parking Management Strategic Master Plan and Best Practices Assessment for the Administration & Regulatory Affairs Department

Category #

Page 1 of 2

Agenda Item

23

FROM (Department or other point of origin):

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

Origination Date

November 29, 2011

Agenda Date

DEC 21 2011

DIRECTOR'S SIGNATURE

Council District(s) affected

All

For additional information contact:

Don Pagel Phone: (713) 837-7656
Maria Irshad, CAPP Phone: (832) 393-8643

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to the best respondent, Kimley-Horn & Associates, in an amount not to exceed \$438,140 for a City-wide parking management strategic master plan and best practices assessment for the Administration & Regulatory Affairs Department.

Finance Budget

Maximum Contract Award Amount: \$438,140

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify) Parking Management Special Revenue Fund

SPECIFIC EXPLANATION:

The Director of the Administration & Regulatory Affairs Department ("ARA") recommends that City Council approve an ordinance awarding a contract to Kimley-Horn & Associates ("Kimley-Horn") to perform a best practices assessment and to facilitate the creation of a City-wide strategic master parking plan.

During the term of this engagement the contractor will conduct a comprehensive review of on and off-street parking assets and management practices in the City of Houston to develop a strategic master plan for parking. The terms of the contract include the following deliverables:

- Community outreach to prioritize geographic areas for study and to determine the specific parking needs within those areas
- An initial assessment of on-street and off-street parking facilities
- Market supply & demand and facility utilization studies

Other deliverables of the engagement will include recommendations to implement wayfinding programs whereby visitors receive information that directs them to available parking, thus minimizing search and congestion costs the driving public must bear; parking rate assessments; study of organization structure as compared to peer metropolitan areas; and recommendations for parking reinvestments. Additionally, Kimley-Horn will provide the City with a proprietary comprehensive demand model that may be updated by Parking Management at any time in the future to monitor, survey, and plan for changes in the parking environment.

Kimley-Horn will benchmark the City of Houston's parking practices against those of peer metropolitan areas and assess the City's approach to fulfilling its goal of maximizing mobility and access within the market structure. Kimley-Horn will provide recommendations, informed by best practices, at the end of Phase One for the implementation of a strategic plan that will ensure the City's practices align with those in the private sector to facilitate parking management as an important aspect of economic development.

The Strategic Purchasing Division (SPD) publicized a Request for Qualifications (RFQ) on its e-bidding website. Four responses were received. The top three respondents to the RFQ were invited to make a presentation to the City's

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Date: 11/29/11	Subject: Approve an Ordinance Awarding a Contract for a City-wide Parking Management Strategic Master Plan and Best Practices Assessment for the Administration & Regulatory Affairs Department	Originator's Initials CAN	Page 2 of 2
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evaluation committee, which consisted of five individuals from ARA Parking Management, ARA Administrative Services, Public Works & Engineering Traffic and Transportation, and the East Downtown Management District. Based upon the evaluation committee's review of each respondent's expertise, experience, and conformance to the RFQ, Kimley-Horn was selected.

The FY12 funding for this contract was included in ARA Parking Management's FY12 Budget approved by City Council. The contract funding for FY12 and out years is presented below:

	<u>FY12</u>	<u>FY13-FY17</u>	<u>Total Amount</u>
ARA Parking Management Special Revenue Fund #8700	\$138,140	\$300,000	\$438,140

M/WBE Subcontracting:

This professional services contract is a goal-oriented contact that has been assigned a participation goal of 21%. Kimley-Horn & Associates has designated the following certified M/WBE firms:

- Knudsen, LP - GIS mapping and public outreach
- Roberta S. Burroughs & Associates - GIS Mapping and public outreach
- CJ Hensch & Associates - data collection

Pay or Play:

The proposed contact 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.

This item was presented to a joint meeting of the Transportation, Infrastructure, and Aviation Committee and the Development and Regulatory Affairs Committee on November 17, 2011.

cc: Marta Crinejo, Agenda Director
 Anna Russell, City Secretary
 David Feldman, City Attorney
 Jeff Weatherford, Public Works (Traffic Engineering)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No. 1 to the Construction Management at Risk Agreement with Manhattan Construction Company for Phase I Construction Services for Terminal D - Improvements and a New North Concourse at George Bush Intercontinental Airport/Houston (IAH): Project No. 500N, (WBS# A-000483-0008-4-01-01, A-000483-0009-4-01-01 ; Contract No. 4600010038)	Category #7	Page 1 of 2	Agenda Item # 25
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FROM (Department or other point of origin): Houston Airport System	Origination Date December 8, 2011	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: 	Council District affected: B
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For additional information contact: Lance Lyttle Phone: 281/233-1889 Robert Bielek Phone: 281/233-1941	Date and identification of prior authorizing Council action: 12/16/09 (O) 2009-1273
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AMOUNT & SOURCE OF FUNDING: CIP A-0483.28 \$3,900,000.00 HAS-98BAMT Const (8006) CIP A-0483.28 \$2,062,992.00 HAS Arpt Improvement (8011) TOTAL \$5,962,992.00	Prior appropriations: 12/16/09..... \$3,515,246.00 Arpt Consolidated 2004 AMT Fd (8203) 12/16/09.....\$ 61,517.00 Arpt Improvemnt Fd (8011) Total.....\$3,576,763.00
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RECOMMENDATION: (Summary) Enact an Ordinance to approve Amendment No. 1 to the Construction Management at Risk Agreement with Manhattan Construction Company and appropriate the necessary funds to finance the cost of this project.

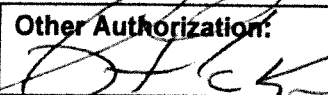
PROJECT LOCATION: East end of Terminal D at George Bush Intercontinental Airport/Houston (IAH)

SPECIFIC EXPLANATION: On December 16, 2009, Council approved a Construction Management at Risk Agreement with Manhattan Construction Company for Terminal D improvements and construction of new North Concourse. The initial appropriation was for pre-construction phase services, including but not limited to construction document review and revisions, value engineering, budget and cost consulting, developing a Critical Path Project schedule for each phase and for the overall project.

It is now requested that Council approve Amendment No. 1 to approve the Guaranteed Maximum Price (GMP) and provide funding for Gate 12A modifications and improvements. Phase I scope of work will consist of the replacement of the Passenger Loading Bridge (PLB) at Gate 12 with a new unit capable of serving the U1 doorway on an Airbus A380-800, a new prefabricated walkway to connect the new PLB to the terminal building, a new structural floor slab and access doorway within the terminal to facilitate access to the new walkway and PLB, 2 new pre-conditioned air units, 2 ground power units to supply 400hz power to the aircraft, a new potable water supply, upgrade of the electrical system associated with Gate 12, purchase and installation of 2 double hydrant jet fuel pits, re-striping of aprons and taxiway approaches, and purchase and installation of 8 new Visual Display Guidance Systems (VDGSs) complete with structural supports and Airport Operations Data Base (AODB) software integrated with the HAS operational computer systems. Upon completion, the combined Gates 11 & 12 will be referred to as Gate 12A.

REQUIRED AUTHORIZATION

NOT

Finance Department:	Other Authorization: 	Other Authorization:
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Date December 8, 2011	Subject: Amendment No. 1 to the Construction Management at Risk Agreement with Manhattan Construction Company for Phase I Construction Services for Terminal D - Improvements and a New North Concourse at George Bush Intercontinental Airport/Houston (IAH): Project No. 500N, (WBS# A-000483-0008-4-01-01, A-000483-0009-4-01-01 ; Contract No. 4600010038)	Originator's Initials PM	Page 2 of 2
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The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance with City policy.

ENGINEERING SERVICES TESTING CONTRACT: Engineering testing services will be provided by Associated Testing Laboratories under Contract No. 73233.

PROJECT COST: The total amount to be appropriated for Amendment No. 1 is as follows:

\$5,483,211.00	Construction Costs
274,161.00	Construction Contingency (5%)
109,664.00	Engineering Testing Services (2%)
<u>95,956.00</u>	Civic Art (1.75%)
\$5,962,992.00	Total Appropriation

MBE / WBE /SBE PARTICIPATION: MBE / WBE / SBE PARTICIPATION : This contract has a thirty-three percent (33%) MBE / WBE / SBE participation goal to be met throughout the term of the contract as follows: fifteen percent (15%) MBE, one percent (1%) WBE and seventeen percent (17%) SBE.

The initial appropriation approved by Council was for pre-construction services, which the contractor has performed in-house. The majority of the funding for Phase I is for the purchase of a Passenger Loading Bridge and related equipment. Due to the limited capacity for subcontracting, the participation on Phase I will be fifteen percent (15%). The participation plan anticipates higher than 33% participation for construction Phases II and III of the project, enabling the contractor to meet or exceed the overall thirty-three percent (33%) goal.

FAA AIP GRANT PROGRAM: This project may be eligible for funding through the Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants. Appropriate fund source adjustments will be made in the future if such additional funding becomes available and reimbursement may occur

SUBJECT: Lease Agreement between UCM/GP-1301 FANNIN, L.P. (Landlord) and the City of Houston (Tenant) at 1301 Fannin Street, Houston, Texas for the Houston Police Department

Page
1 of 1

Agenda Item
26

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

Origination Date

Agenda Date
DEC 21 2011

DIRECTOR'S SIGNATURE:
Scott Minnix *Scott Minnix* 12/14/11

Council District affected: I

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 between UCM/GP-1301 FANNIN, L.P. (Landlord), and the City of Houston (Tenant) at 1301 Fannin Street, Houston, Texas for the Houston Police Department

Amount and Source Of Funding:

General Fund:
 \$1,178,000.00 Rent
 \$ 490,440.00 Estimated Operating Expenses
 \$ 748,000.00 Service Capacity
\$2,416,440.00 Total

Finance Budget:

SPECIFIC EXPLANATION: The General Services Department recommends approval of a Lease Agreement between UCM/GP-1301 FANNIN, L.P., (Landlord) and the City of Houston (Tenant) for approximately 4,000 square feet of lease space at 1301 Fannin Street, Houston, Texas for the Houston Police Department (HPD). HPD will use the leased space for a data center and general office space. The current HPD Data Center at the Central Police Complex at 61Reisner needs to be upgraded or replaced immediately. The approval of this lease will allow HPD to upgrade and house their data equipment at a fraction of the cost of rebuilding the current facility.

The proposed Lease Agreement provides for a ten-year base term with two five-year renewal options or one ten-year option to renew at the then current market rate for data center space. The total monthly rental payment includes the base rent, HPD's pro rata share of operating expenses, and service capacity charges. The service capacity charges include charges for the normal electricity capacity, generator capacity, uninterruptible power supply (UPS) capacity, and chilled water capacity to cool HPD's mainframe heat exchangers, servers, and network equipment. The service capacity will provide for normal operation. The generator and UPS will allow all equipment to run at normal levels in the event of an emergency.

The total monthly rental breakdown is as follows:

Year	Base Rent PSF/YR	Operating Expense PSF/YR	Service Capacity PSF/YR	Total PSF/YR	Total Monthly Payment	Annual Payment
Year 1	\$27.20	\$10.70	\$18.70	\$56.60	\$18,866.67	\$226,400.00
Year 2	\$27.70	\$11.02	\$18.70	\$57.42	\$19,140.00	\$229,680.00
Year 3	\$28.20	\$11.35	\$18.70	\$58.25	\$19,416.57	\$233,000.00
Year 4	\$28.70	\$11.69	\$18.70	\$59.09	\$19,696.67	\$236,360.00
Year 5	\$29.20	\$12.04	\$18.70	\$59.94	\$19,980.00	\$239,760.00
Year 6	\$29.70	\$12.40	\$18.70	\$60.80	\$20,266.67	\$243,200.00
Year 7	\$30.20	\$12.78	\$18.70	\$61.68	\$20,556.67	\$246,680.00
Year 8	\$30.70	\$13.16	\$18.70	\$62.56	\$20,850.00	\$250,200.00
Year 9	\$31.20	\$13.55	\$18.70	\$63.45	\$21,146.67	\$253,760.00
Year 10	\$31.70	\$13.96	\$18.70	\$64.36	\$21,450.00	\$257,400.00

REQUIRED AUTHORIZATION

CUIC ID# 25 FA 29

General Services Department:

Humberto Bautista
 Humberto Bautista, P.E.
 Assistant Director

Houston Police Department:

Charles A. McClelland, Jr.
 Charles A. McClelland, Jr.
 Chief of Police

Date	SUBJECT: Lease Agreement between UCM/GP-1301 FANNIN, L.P. (Landlord) and the City of Houston (Tenant) at 1301 Fannin Street, Houston, Texas for the Houston Police Department	Originator's Initials FA	Page 2 of 2
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The Landlord will build out the lease space to meet the requirements of HPD. Construction costs are estimated at \$200,000 (\$50.00 psf).

The new lease term will commence on the earlier of: the date HPD commences regular business operation in the leased premises; or (ii) the date that a Certificate of Commencement is signed by the City and Landlord, or (iii) the date the tenant improvements are substantially completed.

The Landlord is responsible for maintaining the building.

SM:HB:JLN:FA:fa

xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby, Steve Hanner

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Award Construction Contract Specialty Construction Keith Wiess Park WBS No: F-504A06-0002-4	Page 1 of 2	Agenda Item 27
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FROM (Department or other point of origin): General Services Department	Origination Date 12-13-2011	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 12/15/11</i>	Council District(s) affected: B
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: \$269,239.00 Parks Special Fund (4012)	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends that City Council award a construction contract to Specialty Construction on its low bid amount of \$235,370.00 to provide construction services for Keith Wiess Park for the Houston Parks and Recreation Department (HPARD).


PROJECT LOCATION: 12300 Aldine-Westfield (413M)

PROJECT DESCRIPTION: The scope of work includes sitework and utilities for a new modular building which was purchased under a separate contract. This building will be used for an office and maintenance area by HPARD and possibly the East Aldine Improvement District Bike Patrol. Improvements include a new driveway, parking lot, perimeter fence, security lighting, septic system, water well, site grading, and associated landscape and irrigation. The East Aldine Improvement District is funding this project.

The contract duration for this project is 120 calendar days. Clark Condon Associates, Inc. is the design consultant and construction manager for the project.

REQUIRED AUTHORIZATION CUIC ID # 25PARK165
NDT

General Services Department:

Richard A. Vella
Chief of Design & Construction Division

Houston Parks and Recreation Department:

Joe Turner
Director

Date	SUBJECT: Award Construction Contract Specialty Construction Keith Wiess Park WBS No: F-504A06-0002-4	Originator's Initials MS	Page 2 of 2
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BIDS: The following ten bids were received on September 29, 2011:

<u>Bidder</u>	<u>Bid Amount</u>
1. Specialty Construction	\$ 235,370.00
2. Scohil Construction, LLC.	\$ 243,650.00
3. Jerdon Enterprise, L.P.	\$ 245,555.55
4. DPTPOCO, LLC.	\$ 248,000.00
5. Millis Development & Construction, Inc	\$ 259,061.50
6. Carrera Construction, Inc.	\$ 268,000.00
7. Tri-Point Construction, Inc.	\$ 271,178.00
8. T.F. Harper & Associates, LP.	\$ 286,955.00
9. Times Construction	\$ 292,000.00
10. Sayers Construction, LLC.	\$ 373,000.00

AWARD: It is recommended that City Council award the construction contract to Specialty Construction and appropriate funds for the project, including an additional appropriation of \$15,100.50 for construction management services under the existing contract with Clark Condon Associates, Inc., and \$7,000.00 for engineering and materials testing services under the existing contract with HVJ Associates, Inc.

FUNDING SUMMARY:

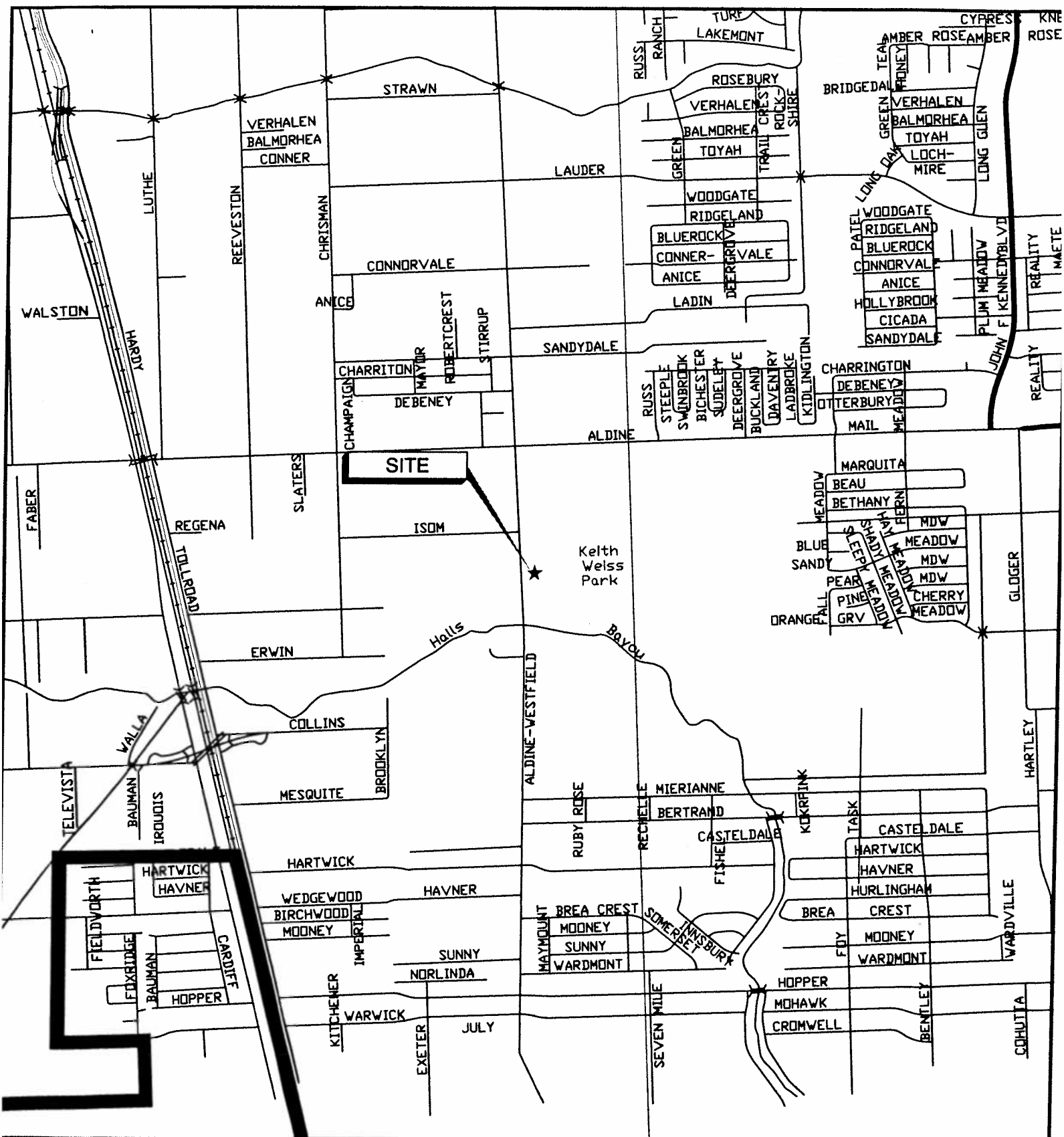
\$ 235,370.00	Construction Contract Services
\$ 11,768.50	5% Contingency
<u>\$ 247,138.50</u>	Total Contract Services
\$ 15,100.50	Construction Management Services
<u>\$ 7,000.00</u>	Engineering Testing
\$ 269,239.00	Total Funding

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

AA

SM:JLN:RAV:LJ:MS:ms

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Christopher Gonzales, Calvin Curtis, Gabriel Mussio, Luci Correa, Morris Scott, Martha Leyva, File 712



Keith Weiss Park
 12300 Aldine-Westfield
 Houston, TX 77093

SUBJECT: Professional Services Contract for Comprehensive Facility Condition Assessment for Various City Facilities Parsons Commercial Technology Group Inc. WBS Nos. D-00157A-0001-1, H-00088A-0001-1, G-00133A-0001-1 C-00186A-0001-1, F-00774A-0001-1, E-00190A-0001-1, L-00081A-0001-1	Page 1 of 2	Agenda Item 28
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE Scott Minnix <i>Scott Minnix 12/13/11</i>	Council District(s) affected: All
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For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Approve Professional Services Contract for Comprehensive Facility Condition Assessment for Various City Facilities and appropriate funds for the project.

Amount and Source Of Funding: Maximum Contract Amount: \$2,000,000.00 Initial Appropriation: \$ 334,000.00 General Improvement Consolidated Construction Fund (4509) \$ 168,000.00 Public Health Consolidated Construction Fund (4508) \$ 271,000.00 Police Consolidated Construction Fund (4504) \$ 195,000.00 Fire Consolidated Construction Fund (4500) \$ 235,000.00 Parks Consolidated Construction Fund (4502) \$ 186,000.00 Public Library Consolidated Construction Fund (4507) \$ 33,000.00 Solid Waste Consolidated Construction Fund (4503) \$1,422,000.00 TOTAL	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department (GSD) desires to facilitate a citywide facilities condition assessment of approximately 320 city-owned buildings including police and fire stations, libraries, health and multi-service centers, solid waste facilities and parks community centers and pavilions. The assessment will identify the current condition of the city's buildings and their components, provide information on the useful remaining life of the building systems, identify and prioritize major maintenance deficiencies and provide cost estimates for repair or replacement of facilities upgrades.

On July 22 and July 29, 2011, GSD advertised a Request for Qualifications (RFQ) for consulting services relating to facility condition assessment services and containing selection criteria that ranked the respondents on experience, references, key personnel and their approach to facility condition assessments. The Statements of Qualifications were due on August 15, 2011 and thirteen firms responded. A selection committee comprised of Parks and Recreation, Police, Fire, Library, Mayor's Office of Business Opportunity and GSD representatives evaluated the respondents. The selection committee short-listed and interviewed four firms. Parsons Commercial Technology Group Inc. (Parsons) received the most points based on the advertised criteria.

REQUIRED AUTHORIZATION		CUIC ID# 25MSCL99
General Services Department: <i>[Signature]</i> Richard A. Vella Chief of Design & Construction Division		✓ ✓

Date	SUBJECT: Professional Services Contract for Comprehensive Facility Condition Assessment for Various City Facilities Parsons Commercial Technology Group Inc. WBS Nos. D-00157A-0001-1, H-00088A-0001-1, G-00133A-0001-1, C-00186A-0001-1, F-00774A-0001-1, E-00190A-0001-1, L-00081A-0001-1	Originator's Initials JBW	Page 2 of 2
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PROJECT DESCRIPTION: The consultant will perform an initial walkthrough of each facility to inventory and identify the current condition of each system, replacement costs for each system, immediate and upcoming repairs needed, potential liabilities or unsafe conditions and code deficiencies. The information gained from the assessment will allow the City to develop a Strategic Facility Management Plan that will provide a basis for forecasting funding requirements and setting priorities for the maintenance, repair, enhancement or replacement of facilities and their component systems, and will be one of the factors used to develop the Capital Improvement Plan. Ultimately, the assessment will provide the knowledge necessary to preserve capital assets and reduce operational costs.

Therefore, GSD recommends that City Council approve a Professional Services Contract for Comprehensive Facility Condition Assessment for Various City Facilities with Parsons to provide facility condition assessment services for a majority of the City's facility portfolio, and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$2,000,000.00.

SCOPE OF CONTRACT AND FEE: Under the terms of the contract, the consultant will perform facility condition assessments for city-owned buildings for a lump sum fee. The buildings will be assigned to the consultant on a work order basis.

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

<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Bovay Engineers, Inc.	MEP Engineering	\$123,439.00	8.6
CBIC Construction	Cost Estimating	\$108,000.00	7.5
Marshall Engineering Corporation	MEP Engineering	<u>\$123,440.00</u>	<u>8.6</u>
Total		\$354,879.00	24.7%

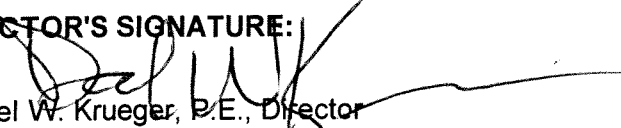
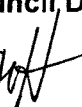
PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides benefits for some employees but will pay into the Contractor Responsibility Fund for others, in compliance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

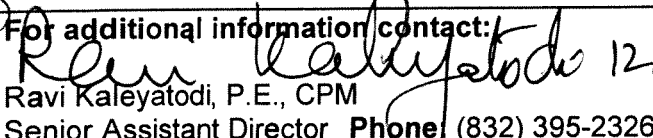
SM:JLN:RAV:JBW

c: Marta Crinejo, Jacquelyn Nisby, Calvin Curtis, Mary Villarreal, Morris Scott, Mark Ross, Kirk Munden, Herbert Griffin, Celina Ridge, Gary Readore, Wendy Heger, File

SUBJECT: First Amendment to the Agreement between the City of Houston and Texas Commission on Environmental Quality for reimbursement for design and construction of a pilot project to develop local data for Storm Water Quality Best Management Practices	Page 1 of <u>2</u>	Agenda Item # 29
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/15/11	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: H 
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Senior Assistant Director Phone: (832) 395-2326	Date and identification of prior authorizing Council action: Ordinance No. 2010-0353 May 5, 2010
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RECOMMENDATION: (Summary)

Approve First Amendment to the Agreement between the City of Houston and Texas Commission on Environmental Quality.

Amount and Source of Funding: N/A

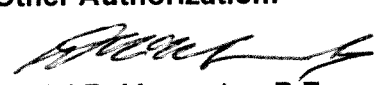
PROJECT NOTICE/JUSTIFICATION: This project is part of the Storm Drainage Capital Improvement Plan (CIP) and is required for the implementation of a pilot project to develop local data for evaluation and determination of Storm Water Quality Best Management Practices. This project will provide the City with beneficial data for the operation of its Municipal Separate Storm Sewer Systems and adherence to assigned limitations of the Total Maximum Daily Load for storm water discharges to impaired channels.


DESCRIPTION/SCOPE: The Environmental Protection Agency's Nonpoint Source Management Program agreed to grant the City of Houston up to \$455,664.00 (reimburse 60% of the authorized budget) for design, construction, and monitoring of the White Oak Bayou Low Impact Development pilot project. Texas Commission on Environmental Quality is the administrator for this grant and has entered into an Agreement with the City.

Typical drainage improvements utilize curb and gutter streets and concrete pipe or roadside ditches for storm water runoff conveyance. Low Impact Development designs incorporate permeable pavement, vegetated swales, and engineered soils to manage storm water runoff and reduce the pollutant load of storm water discharges. Pre-construction and post-construction monitoring over a two year period will determine the effectiveness of the installed features on storm water quality. Maintenance and operation costs, neighborhood impacts, and community acceptance will be evaluated to determine if broad application in capital drainage and paving improvements is feasible.

LOCATION: This project is in the Cottage Grove Subdivision along Darling Street, generally bound by Petty Street on the north, Larkin Street on the south, Reinerman Street on the east and T.C. Jester Boulevard on the west. The project is located in Key Map Grid 492C.

REQUIRED AUTHORIZATION **CUIC ID #20CH24**

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division
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Date	Subject: First Amendment to the Agreement between the City of Houston and Texas Commission on Environmental Quality for reimbursement for design and construction of a pilot project to develop local data for Storm Water Quality Best Management Practices	Originator's Initials 	Page <u>2</u> of <u>2</u>
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PREVIOUS HISTORY AND SCOPE: The City Council approved the original Agreement on May 5, 2010. There are two additional agreements in process associated with meeting the requirements of the grant. The fiscal year 2012 professional services selection process named Jones & Carter, Inc. for design and construction phase engineering. Rice University was part of the original grant application and will conduct the pre-construction and post-construction monitoring to determine the effectiveness of the installed features on storm water quality.

SCOPE OF THIS AMENDMENT AND FEE: The scope of the First Amendment revises the Schedule of Deliverables and extends the expiration date of the Agreement. There is no fee associated with this First Amendment.


 DWK:DRM:RK:DPS:CH:klw

Z:\design\A-sw-div\WPDATA\00 - STM ENGR PROJECTS\Cottage Grove LID (M-0297-1) - D11_C12\1.0 TCEQ AGREEMENT\RCA Amend#1 DPS.doc


c: Files: M-000297-0001-3 (RCA 1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Agreements with Burlington Northern Santa Fe Railway Company for work by the railroad associated with the establishment of the Greater Inwood Quiet Zone. WBS No. N-000817-0005-4	Page 1 of 1	Agenda Item # 30
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FROM (Traffic Operations Division): Public Works and Engineering Department	Origination Date	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: A
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For additional information contact: Jeffrey Weatherford, P.E. PTOE Deputy Director (832) 395-2461	Date and identification of prior authorizing
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RECOMMENDATION: (Summary)
Adopt an ordinance approving Grade Crossing Signal Installation agreements and a Highway Rail Signal Interface agreement with the Burlington Northern Santa Fe Railway Company for improvements to the railroad circuitry in the proposed Greater Inwood Quiet Zone and appropriating funds.

Amount and Source of Funding:
\$1,744,543.00 from Street & Bridge Consolidated Construction Fund 4506. *M.P. 12/2/2011*

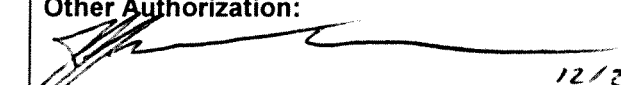
SPECIFIC EXPLANATION: The Public Works & Engineering (PWE) Department has coordinated with the Burlington Northern Santa Fe Railway Company (BNSF) to install new constant warning timing circuitry, new lights, gates, signal advanced preemption and adjacent circuitry upgrades to 7 railroad crossings included in the Greater Inwood quiet zone request. These upgrades are necessary in order to comply with the Federal Railroad Administration quiet zone establishment requirements.

The request for council action will appropriate funds in the amount of \$1,744,543.00 which includes \$1,557,628.00 to Burlington Northern Santa Fe Railway Company to perform the requested work, \$77,881.00 for contingencies and \$109,034.00 for CIP Cost Recovery.

The candidate locations are:

<u>Locations</u>	<u>Cost Estimate</u>	<u>Key Map</u>
1. Watonga Boulevard	\$188,393	451M
2. W. 43 rd Street	\$381,975	451G
3. Acorn Street	\$195,307	451G
4. Pinemont Drive	\$215,390	451G
5. Creekmont Drive	\$169,808	451G
6. W. Tidwell Drive	\$299,306	451C
7. W. Little York Drive	\$107,449	411X
Total	\$1,557,628	

REQUIRED AUTHORIZATION **CUIC ID #20JSW71**

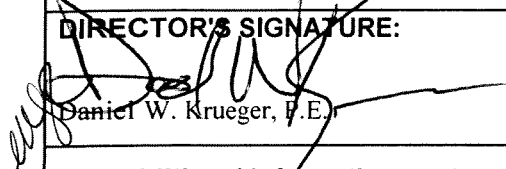
Finance Department:	Other Authorization:	Other Authorization:  Jeffrey Weatherford, P.E., PTOE, Deputy Director Traffic Operations Division <i>12/2/11</i>
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance appropriating funds to Union Pacific Railroad Company for services associated with the establishment of the East End I and East End III Quiet Zones. WBS No. N-000817-0004-4	Page 1 of 1	Agenda Item # 31
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FROM (Traffic Operations Division): Public Works and Engineering Department	Origination Date	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E.	Council District affected: I
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For additional information contact: Jeffrey Weatherford, P.E. PTOE Deputy Director (832) 395-2461	Date and identification of prior authorizing
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RECOMMENDATION: (Summary)
Adopt an ordinance to appropriate funds to the Union Pacific Railroad Company for improvements to the railroad circuitry in the proposed East End I and East End III Quiet Zones.

Amount and Source of Funding:
\$1,680,000 from Street & Bridge Consolidated Construction Fund 4506. *U.P. 12/7/2011*

SPECIFIC EXPLANATION: The Public Works & Engineering (PWE) Department has coordinated with the Union Pacific Railroad Company (UPRR) to install new constant warning timing circuitry and adjacent circuitry upgrades to 2 railroad crossings included in the East End I and 4 railroad crossings included in the East End III quiet zone requests. These upgrades are necessary in order to comply with the Federal Railroad Administration quiet zone establishment requirements.

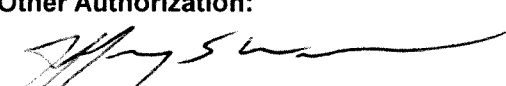
The request for council action will appropriate funds in the amount of \$1,680,000.00 which includes \$1,500,000.00 to Union Pacific Railroad Company to perform the requested work, \$75,000.00 for contingencies and \$105,000.00 for CIP Cost Recovery.

The candidate locations are:

Locations	Cost Estimate	Key Map
1. Navigation	\$250,000	494V
2. Canal	\$250,000	494U
3. Milby	\$250,000	494S
4. Lockwood	\$250,000	494T
5. Dumble	\$250,000	494T
6. Altic	\$250,000	494U

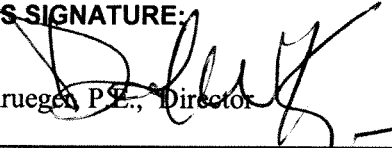
Total \$1,500,000

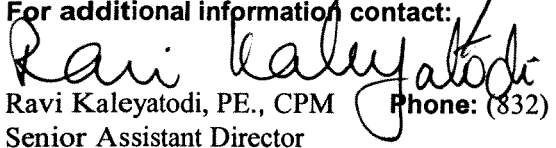
REQUIRED AUTHORIZATION **CUIC ID #20JSW70**

Finance Department:	Other Authorization:	Other Authorization:  Jeffrey Weatherford, P.E., PTOE, Deputy Director Traffic Operations Division
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SUBJECT: Interlocal Agreement between the City of Houston, and the Metropolitan Transit Authority of Harris County (METRO) for Connection Capabilities to the City's High Water Detection System at Holcombe and Fannin Underpass. WBS. No. I-M01000-0001-3; File No. SB9405	Page 1 of 2	Agenda Item # 32
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/15/11	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: 702 C & D
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For additional information contact:  Ravi Kaleyatodi, PE., CPM Phone: (832) 395-2826 Senior Assistant Director	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
Adopt an ordinance approving an Interlocal Agreement between the City of Houston and the Metropolitan Transit Authority of Harris County (METRO).

Amount and Source of Funding:
N/A

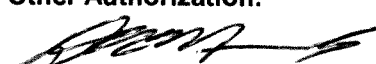
PROJECT NOTICE/JUSTIFICATION: METRO desires to connect a Supervisory Control and Data Acquisition System (SCADA) owned and operated by METRO to the HIGH Water Detection System ("City System") located at the underpass of Holcombe and Fannin. This connection will provide the capability of advance monitoring as well as provide a stop indication for trains approaching the area when high water is detected.

DESCRIPTION/SCOPE: METRO will install the wires located on the pole or components required to connect, operate and interface the City System with the METRO SCADA System.

LOCATION: This project is located at Holcombe and Fannin Underpass. This is located in Key Map grid 532H.

SCOPE OF THIS AGREEMENT:
METRO has requested the connection capabilities to the City's High Water Detection System made by and between the Metropolitan Transit Authority of Harris County, Texas and the City of Houston, a home-rule municipality of the State of Texas.
METRO will install a "Fail Safe Contact Closure" inside of the City's pole mounted control panel. The new installation will not manipulate, affect, or alter the information, transmission, or operation of the City System.
METRO is responsible for all costs and expenses related to or associated with its connection to the City System. METRO shall also maintain the connection according to its standards for METRO Signal & Communications WI-023-High Water Detection Monitoring Inspection.

REQUIRED AUTHORIZATION CUIC ID #20TAA81

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E. Deputy Director Engineering and Construction Division
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Date	SUBJECT: Interlocal Agreement between the City of Houston, and the Metropolitan Transit Authority of Harris County (METRO) for Connection Capabilities to the City's High Water Detection System at Holcombe and Fannin Underpass. WBS No. I-M01000-0001-3; File No. SB9405.	Originator's Initials TAA	Page 2 of <u>2</u>
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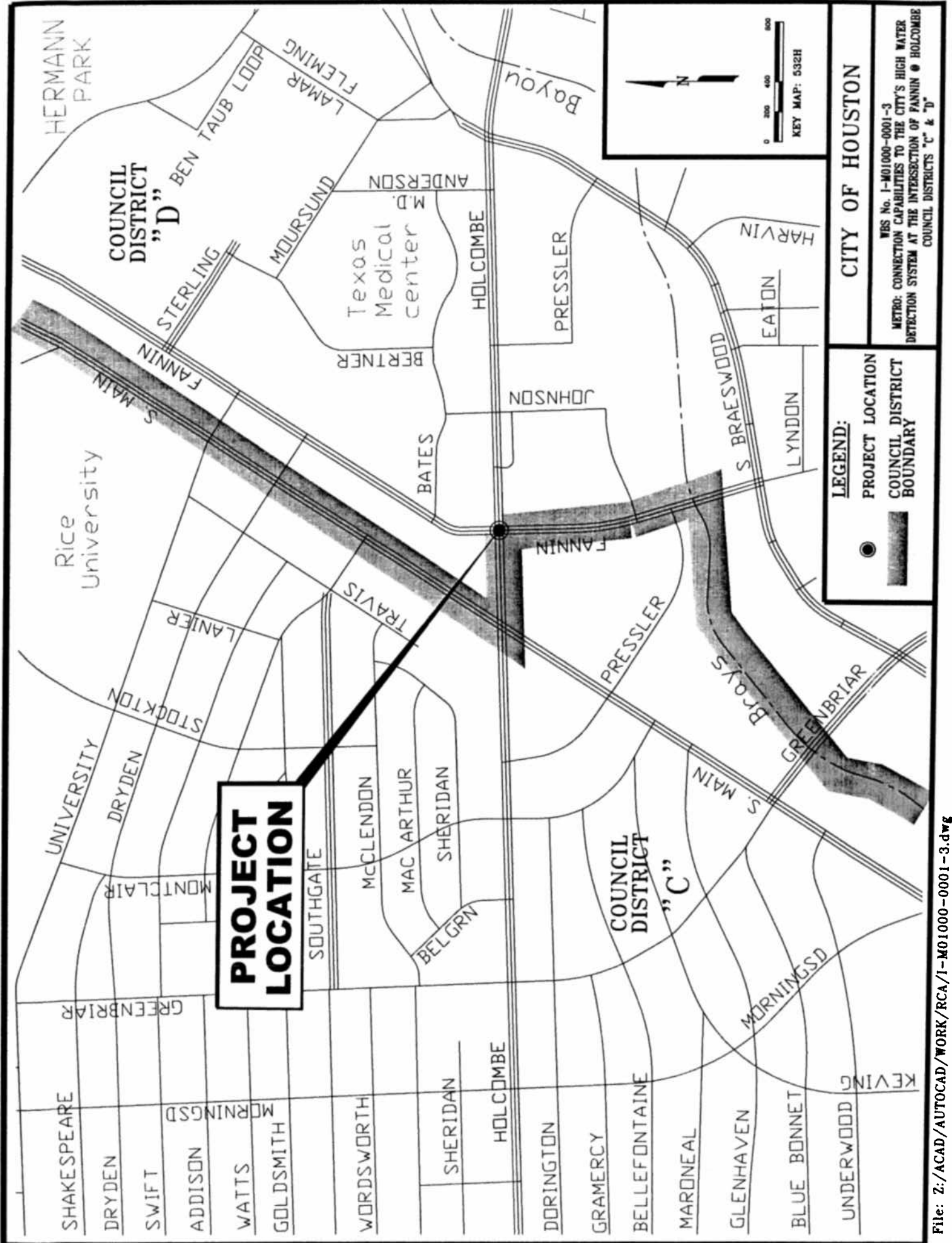
The City shall maintain the City System in accordance with applicable City of Houston Building Codes and the National Electrical Code. The City shall provide advance notice to METRO of any repairs, upgrades or removal of the City System from Holcombe and Fannin underpass. In the event of an emergency situation, the City may conduct the necessary modification to the City System; provided however, it immediately notifies METRO of the modification by contacting the METRO Control Center at (713) 843-5499.

ACTION RECOMMENDED: It is recommended that City Council adopt an ordinance approving and authorizing an Interlocal Agreement between the City of Houston and the Metropolitan Transit Authority of Harris County (METRO).

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DWK:DRM:RK:TAA:PKC:DWW:ERJ
 Z:\constr\A-SB-DIV\Interagency\METRO Projects\Holcombe @ Fannin High Water Alarm\Agreement-RCA\20TAA81-RCA.doc

c: File: METRO: I-M01000-0001-3 – Holcombe and Fannin Underpass Project



PROJECT LOCATION

LEGEND:
 PROJECT LOCATION
 COUNCIL DISTRICT BOUNDARY

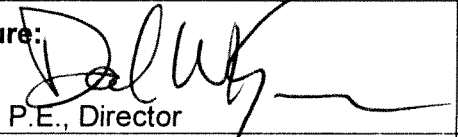
CITY OF HOUSTON

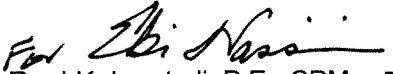
WBS No. 1-M01000-0001-3
 METRO: CONNECTION CAPABILITIES TO THE CITY'S HIGH WATER DETECTION SYSTEM AT THE INTERSECTION OF FANNIN & HOLCOMBE
 COUNCIL DISTRICTS "C" & "D"



SUBJECT: Agreement of Consent to Removal of Pipeline between City of Houston and West Harris County Regional Water Authority for Ley Road Paving and Drainage: Mesa Drive to Grade Separation at HB & TRR. WBS No. N-000689-0001-4	Page 1 of 1	Agenda Item # 33
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From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/15/11	Agenda Date DEC 21 2011
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Director's Signature:  Daniel W. Krueger, P.E., Director	Council District affected: B JK MR
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action:
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Recommendation: (Summary)
 Approve an Ordinance authorizing the Agreement of Consent to Removal of Pipeline between the City of Houston and West Harris County Regional Water Authority

Amount and Source of Funding: No funding required.

PROJECT NOTICE/JUSTIFICATION: This project is required to improve mobility and enhance traffic safety in the North East part of the City of Houston.

DESCRIPTION/SCOPE: This project consists of the construction of 7,200 linear feet of reinforced concrete pavement with two 24 foot wide concrete roadway sections with esplanade divide, curbs and gutters, storm sewers, waterlines, sidewalks, wheelchair ramps, driveways and necessary underground utilities.

LOCATION: The project area is generally bound by Tidwell on the north, Highway 90 on the south, Mesa Drive on the east and North Wayside on the west. The project is located in Key Map Grids 455K & L.

SCOPE OF THIS AGREEMENT: The construction of the roadway requires 8 inch steel pipeline incased be removed. Under the terms of this Agreement the abandoned pipeline crossing the street right-of-way easement needed for the Ley Road Paving and Drainage Project will be removed by the contractor during construction.

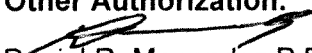
The City of Houston is obligated to pay 100% of the costs of the removal of the pipeline.

ACTION RECOMMENDED: It is recommended that City Council approve an Ordinance authorizing the Agreement of Consent to Removal of Pipeline between the City of Houston and West Harris County Regional Water Authority.

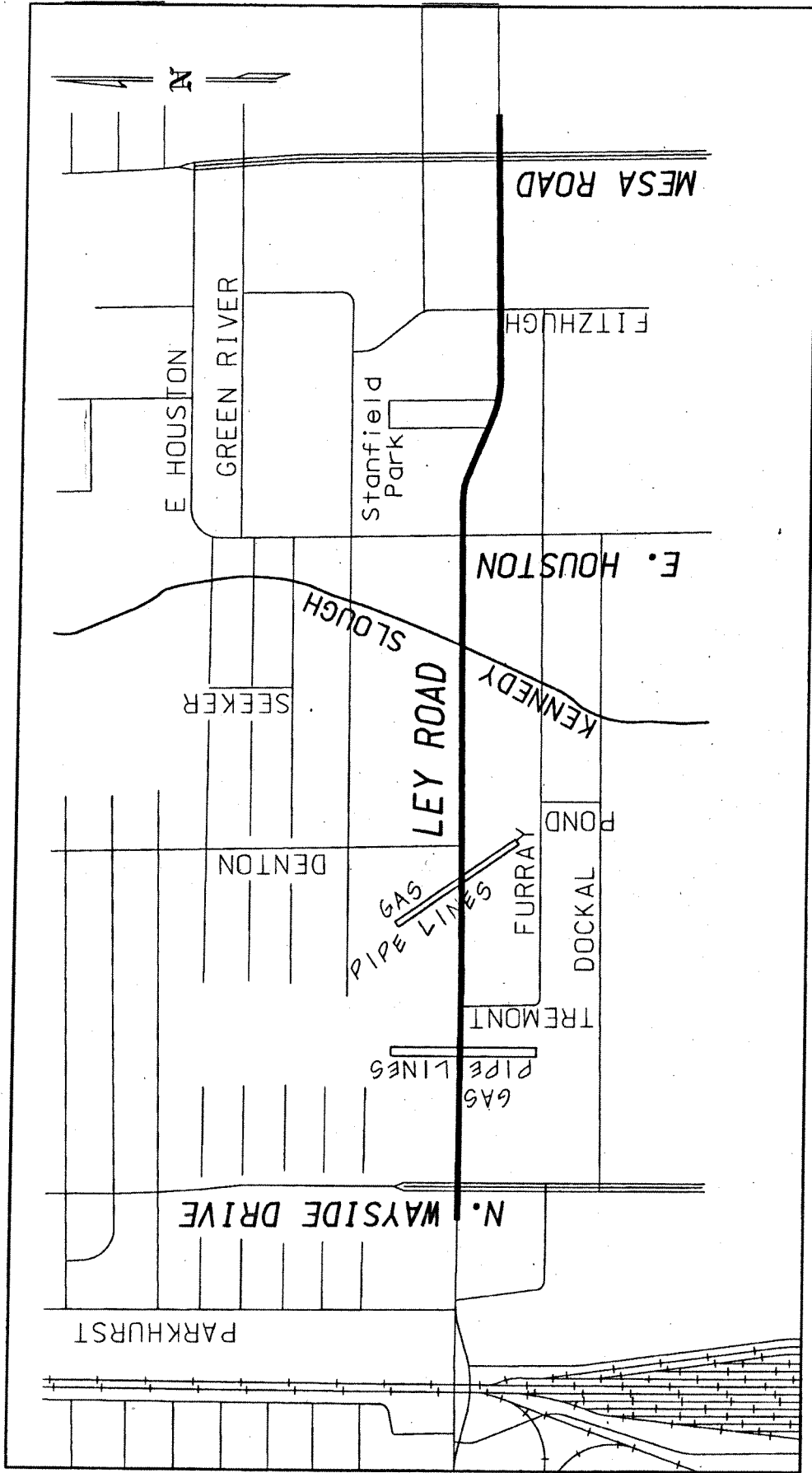
DWK:DRM:RK:JHK:MH
 Z:\design\A-sw-div\WPDATA\MRILEY RD MESA - HB&T RR\Real Estate\Water Authority\Ley Rd.W. Ho. Wtr Auth. Pipeline_files\Ley Road - W. Houston Reg. Wtr. Authy.docx

ec: File Name N-000689-0001-3 (1.2 RCA West Harris County Regional Water Authority)

REQUIRED AUTHORIZATION **CUIC ID #20MR79**

Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez P.E. Deputy Director Engineering and Construction
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VICINITY MAP



LEY ROAD PAVING IMPROVEMENTS

MESA ROAD TO GRADE SEPARATION AT HB & TRR

WBS NO. N-000689-0001-4

(KEY MAP 455- K & L)

(GIMS MAP 5660A)

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: FY12 - Professional Construction Management and Inspection Services Contract between the City of Houston and Pate Engineers, Inc. for Water and Sewer Facilities Construction Projects. WBS No. R-000020-0007-4.

Page 1 of 1
Agenda Item # 34

From: Department of Public Works and Engineering


Origination Date

Agenda Date
DEC 21 2011

Director's Signature:

Daniel W. Krueger, P.E., Director

Council District affected:
All

For additional information contact:

J. Timothy Lincoln, P.E.
Senior Assistant Director **Phone:** (832) 395-2355

Date and identification of prior authorizing Council action:

Recommendation: Approve a Professional Construction Management and Inspection Services Contract with Pate Engineers, Inc. and appropriate funds.

Amount and Source of Funding: \$12,000.00 from the Water and Sewer System Consolidated Construction Fund No. 8500. *W.P. 11/15/2011*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Wastewater Facilities Construction Program. This program is required to meet the Texas Commission on Environmental Quality's (TCEQ) regulations.

DESCRIPTION/SCOPE: This contract provides for construction management and inspection services for construction of various water and sewer facilities projects.

LOCATION: This project is located throughout the City of Houston.

SCOPE OF APPROPRIATION AND FEE: This contract will provide construction management and inspection services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering.

The requested appropriation of \$12,000.00 will provide for the limited pre-construction review and preparation as required.

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

M/WBE PARTICIPATION: Pate Engineers, Inc. has proposed the following firms to achieve the 24% M/WBE goal for this project:

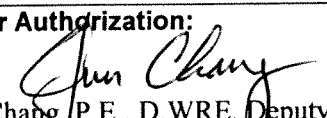
<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>PERCENTAGE</u>
1. Isani Consultants, LLP.	Inspection/Administrative Services	14%
2. Kalluri Group, Inc.	Inspection/Administrative Services	10%
	Total	24%

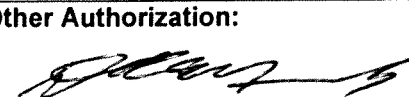
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Z:\E&C Construction\Facilities\CMs\Pate Engineers Inc\R-000020-0007-4\RCA-S-000020-0007-4.doc

c: File No. Admin - Pate Engineers, Inc.

REQUIRED AUTHORIZATION **CUIC ID #20MZQ232**

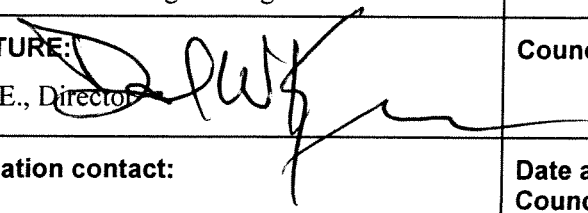
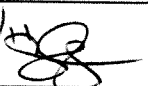

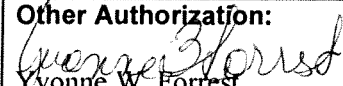
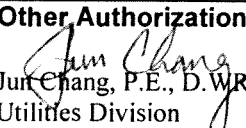
Finance Department:


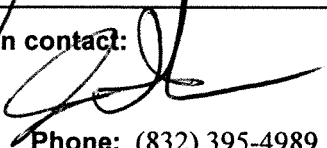
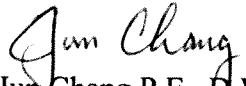
Other Authorization:

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

Other Authorization:

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

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Engineering Services Contract between the City and Parsons Transportation Group Inc. for Pilot wetlands project at Lake Houston		Page 1 of 1	Agenda Item # 35
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date DEC 21 2011
DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director 		Council District affected: E	
For additional information contact: Yvonne W. Forrest Senior Assistant Director Phone: 832-395-2847		Date and identification of prior authorizing Council action: Ord. No. 2009-1068, dated 11/4/09	
RECOMMENDATION: (Summary) Approve Engineering Services Contract with Parsons Transportation Group Inc.			
Amount and Source of Funding: \$128,060.00 from the Water and Sewer System Operating Fund No. 8300.			11/29/11 
SPECIFIC EXPLANATION: This project is funded by a 319-type grant from TCEQ authorized by Ordinance Number 2009-1068. The grant provides funding to design and build pilot wetlands at Lake Houston, with the City providing long term water quality monitoring services at the wetland's location. This project will help quantify how a wetland can improve the quality of Lake Houston, by reducing bacteria and nutrients entering Lake Houston. Up to 60% of the cost of this project will be reimbursed by a Texas Commission on Environmental Quality (TCEQ) 319 Grant.			
DESCRIPTION/SCOPE: Work shall include the design and permitting of a pilot wetlands, and technical support in the construction of the wetlands.			
LOCATION: The project area for the pilot constructed wetlands is adjacent to the Lake Houston Parkway Bridge, located in Key Map sections 337,K,L,P,Q.			
PROJECT COST: The total cost of this contract is \$ 128,060.00.			
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/WDBE PARTICIPATION: The low bidder has submitted the following proposed MWBE/MBE participation plan to satisfy the eight (8%) M/WBE goal as required in the prior authorized grant agreement between the City and TCEQ and as required by EPA rules for 319 grants:			
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Amani Engineering	Surveying	\$20,000.00	15.62%
XS Environmental	Environmental Support Services	\$10,000.00	7.81%
	TOTAL	\$30,000.00	23.43%
REQUIRED AUTHORIZATION			CUIC ID # 20YWF20 
Finance Department	Other Authorization:  Yvonne W. Forrest #1-29-11 Senior Assistant Director	Other Authorization:  Jun Chang, P.E., D.WRE, Deputy Director, Public Utilities Division	

SUBJECT: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0165-4		Page 1 of 2	Agenda Item # 36								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date DEC 21 2011								
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All									
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: \$1,539,312.00 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.		U.P. 11/28/2011									
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 rehabilitation by point repair method. 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 August 18, 2011 for this project as follows:											
<table border="0"> <thead> <tr> <th>Bidder</th> <th>Bid Amount</th> </tr> </thead> <tbody> <tr> <td>1. T. Construction, LLC</td> <td>\$1,446,963.85</td> </tr> <tr> <td>2. PM Construction & Rehab, LLC</td> <td>\$1,735,679.69</td> </tr> <tr> <td>3. Texas ReExcavation, L.C.</td> <td>\$1,798,817.95</td> </tr> </tbody> </table>		Bidder	Bid Amount	1. T. Construction, LLC	\$1,446,963.85	2. PM Construction & Rehab, LLC	\$1,735,679.69	3. Texas ReExcavation, L.C.	\$1,798,817.95		
Bidder	Bid Amount										
1. T. Construction, LLC	\$1,446,963.85										
2. PM Construction & Rehab, LLC	\$1,735,679.69										
3. Texas ReExcavation, L.C.	\$1,798,817.95										
File/Project No. WW 4235-55		REQUIRED AUTHORIZATION									
Finance Department		CUIC# 20JAI398 NR									
Other Authorization:		Other Authorization:  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division									

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-0165-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to T. Construction, LLC, with a low bid of \$1,446,963.85.

PROJECT COST: The total cost of this project is \$1,539,312.00 to be appropriated as follows:

- Bid Amount \$1,446,963.85
- Contingencies \$72,348.15
- Engineering Testing Services \$20,000.00

Engineering Testing Services will be provided by Alliance Laboratories, 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/W/SBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 12.00% and SBE participation of 9.00%.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
MMG Contractors	Sewer Point Repairs	\$150,000.00	10.37%
J.A. Gamez, Trucking Services	Trucking Services	\$23,635.66	1.63%
	TOTAL	\$173,635.66	12.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, LLC	Concrete/Asphalt Repair	\$35,226.75	2.43%
T. Gray Utility & Rehab Co., LLC	Manhole/Sewer Rehabilitation	\$95,000.00	6.57%
	TOTAL	\$130,226.75	9.00%

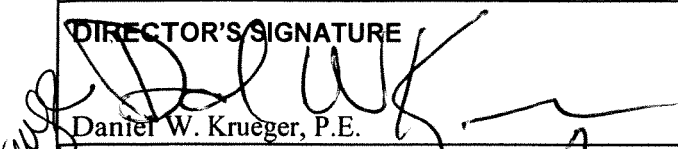

All known rights-of-way and easements required for this project have been acquired.


DWK:JC:JI:DR:mb

File No. WW 4235-55

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0168-4		Page 1 of 2	Agenda Item # 37
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date DEC 21 2011
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All	
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) Reject low bid, return bid bond and award construction contract to second low bidder and appropriate funds.			
Amount and Source of Funding: \$3,558,926.00 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. <i>W.P. 12/1/2011</i>			
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 rehabilitation by sliplining and pipe bursting methods. The contract duration for this project is 540 calendar days.			
LOCATION: The project area is generally bounded by the City Limits.			
BIDS: Three (3) bids were received on July 28, 2011 for this project as follows:			
		<u>Bidder</u>	<u>Bid Amount</u>
		1. Portland Utilities Construction Co., LLC – (Reject)	\$3,313,903.00
		2. PM Construction & Rehab, LLC	\$3,332,310.11
		3. North Houston Pole Line, L.P.	\$3,410,782.50
File/Project No. WW 4257-121		REQUIRED AUTHORIZATION	
Finance Department		Other Authorization:	Other Authorization:  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division

Date	Subject: Contract Award for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods WBS# R-000266-0168-4	Originator's Initials	Page 2 of 2
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AWARD: The apparent low bidder, Portland Utilities Construction Co., LLC, with a bid of \$3,313,903.00, failed to submit a Bidder's Bond in the amount of 10%. In accordance with Paragraph 14.0.A of Section 00200, titled Instruction to Bidders, the City may disqualify a bid if the Bidder fails to provide required Security Deposit in the proper amount. Therefore, it is recommended that Portland Utilities Construction Co., LLC bid be rejected and this construction contract be awarded to PM Construction & Rehab, LLC, with a low bid of \$3,332,310.11.

PROJECT COST: The total cost of this project is \$3,558,926.00 to be appropriated as follows:

- Bid Amount \$3,332,310.11
- Contingencies \$166,615.89
- Engineering Testing Services \$60,000.00

Engineering Testing Services will be provided by Earth Engineering, 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/W/SBE PARTICIPATION: The low bidder has demonstrated a good faith effort to comply with the M/WBE goals of the Texas Water Development Board and the SBE goals of the City of Houston. The bidder has proposed an MBE participation of 12.00% and SBE participation of 9.00%.

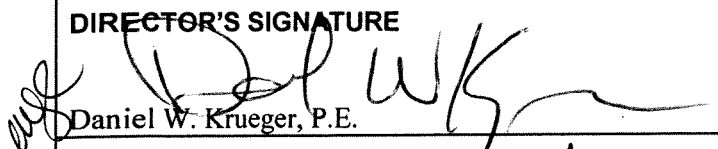
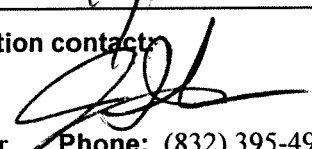
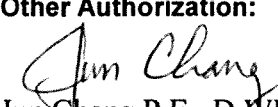
<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
CBL Industries, LLC	Asphalt/Paving	\$133,292.40	4.00%
Chief Solutions, Inc.	Clean & Televiser Sewer Lines	\$116,630.85	3.50%
5M Rope & Supply, LLC	Supplies	<u>\$149,953.95</u>	<u>4.50%</u>
	TOTAL	\$399,877.20	12.00%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Deanie Hayes, Inc.	Supplies	\$133,292.40	4.00%
Advantage Manhole & Concrete Services, Inc.	Manhole Rehabilitation	\$116,630.85	3.50%
J. A. Gamez, Trucking Services	Dump Truck Services	<u>\$49,984.65</u>	<u>1.50%</u>
	TOTAL	\$299,907.90	9.00%

All known rights-of-way and easements required for this project have been acquired.

DWK:JC:JI:DR:mb

File No. WW 4257-121

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0173-4		Page 1 of 2	Agenda Item # 38								
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date	Agenda Date DEC 21 2011								
DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.		Council District affected: All									
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: \$644,831.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier III. <i>W.P. 11/28/2011</i>											
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 September 8, 2011 for this project as follows:											
<table border="0"> <thead> <tr> <th><u>Bidder</u></th> <th><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Envirowaste Services Group, Inc.</td> <td>\$609,362.49</td> </tr> <tr> <td>2. Specialized Maintenance Services, Inc.</td> <td>\$609,456.25</td> </tr> <tr> <td>3. CleanServe, Inc.</td> <td>\$609,456.25</td> </tr> </tbody> </table>		<u>Bidder</u>	<u>Bid Amount</u>	1. Envirowaste Services Group, Inc.	\$609,362.49	2. Specialized Maintenance Services, Inc.	\$609,456.25	3. CleanServe, Inc.	\$609,456.25		
<u>Bidder</u>	<u>Bid Amount</u>										
1. Envirowaste Services Group, Inc.	\$609,362.49										
2. Specialized Maintenance Services, Inc.	\$609,456.25										
3. CleanServe, Inc.	\$609,456.25										
File/Project No. WW 4277-63		REQUIRED AUTHORIZATION									
Finance Department		CUIC# 20JAI400 <i>NOT</i>									
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-000266-0173-4	Originator's Initials	Page 2 of 2
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AWARD: It is recommended that this construction contract be awarded to Envirowaste Services Group, Inc., with a low bid of \$609,362.49.

PROJECT COST: The total cost of this project is \$644,831.00 to be appropriated as follows:

- Bid Amount \$609,362.49
- Contingencies \$30,468.51
- Engineering Testing Services \$5,000.00

Engineering Testing Services will be provided by The Murillo Company 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.

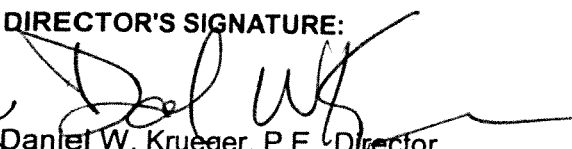
JDH

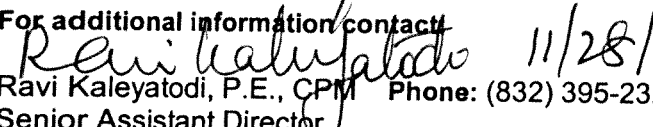
DWK:JC:JI:DR:mb

File No. WW 4277-63

SUBJECT: Contract Award for Water Line Replacement in Park Place Area. WBS No. S-000035-0115-4.		Page 1 of 2	Agenda Item # 39
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 12/15/11	Agenda Date DEC 21 2011
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: 1	Agenda Date MR
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For additional information contact:  Ravi Kaleyatodi, P.E., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: 11/28/11
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RECOMMENDATION: (Summary)
Accept low bid, award construction contract and appropriate funds.

Amount and Source of Funding:
\$2,887,910.00 from Water and Sewer System Consolidated Construction Fund No. 8500. *U.P. 12/2/2011*


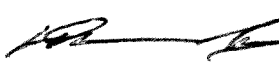
PROJECT NOTICE/JUSTIFICATION: This project is part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.

DESCRIPTION/SCOPE: This project consists of the construction of approximately 31,720 linear feet of water lines with related appurtenances in the Park Place Area. The contract duration for this project is 236 calendar days. This project was designed by LJA Engineering, Inc.

LOCATION: This project is located in five areas:

<u>Area</u>	<u>Bounded by</u>	<u>Key Map Grid</u>	<u>Council District</u>
1	Blackburn on the north, Millet on the south, SH 225 and 610 on the east and Galveston Road-SH 3 on the west.	535F&G	1
2	Park Place on the north, Findlay and West Court on the south, SH 3 on the east and Findlay on the west.	535L&Q	1
3	Park Place on the north, River on the south, River on the east and I-45 on the west.	535P,Q,T and U	1
4	Camwood from Poplar to Deleon	535N	1
5	610 on the north, Bayless on the south, Broadway on the east and Berkley on the west.	535K	1

REQUIRED AUTHORIZATION CUIC ID #20MB110

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 Water Line Replacement in Park Place Area. WBS No. S-000035-0115-4.	Originator's Initials MB	Page <u>2</u> of <u>2</u>
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BIDS: Bids were received on October 13, 2011. The three (3) bids are as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. D.L. Elliott Enterprises, Inc.	\$2,515,991.30
2. Metro City Construction, L.P.	\$2,596,958.00
3. Resicom, Inc.	\$3,792,660.00

AWARD: It is recommended that this construction contract be awarded to D.L. Elliott, Inc. with a low bid of \$2,515,991.30 and that no Addendum be made a part of this contract.

PROJECT COST: The total cost of this project is \$2,887,910.00 to be appropriated as follows:

• Bid Amount	\$2,515,991.30
• Contingencies	\$125,799.57
• Engineering and Testing Services	\$70,000.00
• CIP Cost Recovery	\$176,119.13

Engineering and Testing Services will be provided by Aviles Engineering Corporation 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.

MBE/SBE PARTICIPATION: The low bidder has submitted the following proposed MBE participation of 11%, SBE participation of 9% to satisfy the 20% M/SBE goal for this project.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. R. P. Construction, DBA Reyes Pineda Construction, Inc.	Water Main and Service Installation	\$184,000.00	7.31%
2. Ramon's Trucking	Hauling by Dump Truck	\$93,000.00	3.70%
TOTAL		\$277,000.00	11.01%
<u>SBE - Name of Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Advantage Manhole & Concrete Services, Inc.	Concrete Repairs	\$152,000.00	6.04%
2. Mickie Service Company, Inc.	Tapping Sleeves and Valves	\$75,300.00	2.99%
TOTAL		\$227,300.00	9.03%

DWK:DRM:RK:HH:MB:ofa:mb

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File: S-000035-0115-4 (3.7)



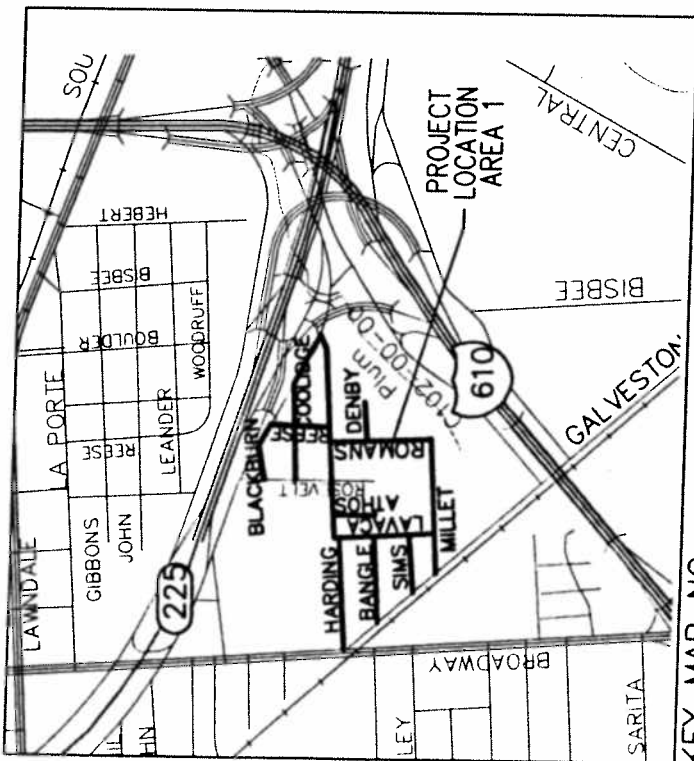
CITY OF HOUSTON

DEPARTMENT OF PUBLIC WORKS AND ENGINEERING

ENGINEERING AND CONSTRUCTION DIVISION

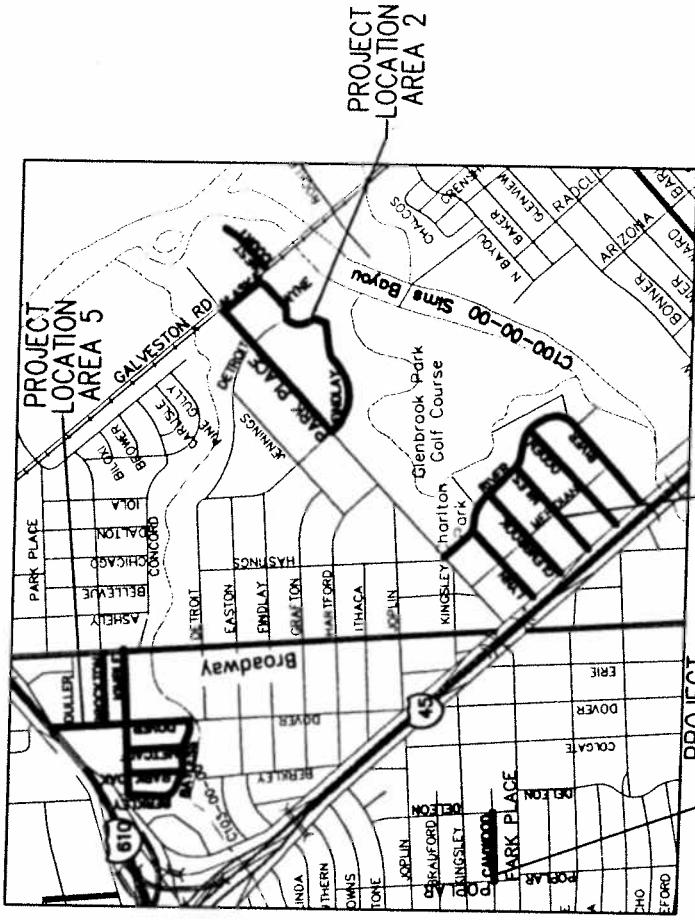
WATER LINE REPLACEMENT IN PARK PLACE AREA

WBS NO. S-000035-0115-4



KEY MAP NO:
535 F,G

- Legend**
- Road with Proposed Water Line
 - Vicinity Roads
 - Freeway
 - Stream



KEY MAP NO:
535 L,Q
535 Q,T,U
535 K,N,P

VICINITY MAP
COUNCIL DISTRICT I
COUNCIL MEMBER:
JAMES G. RODRIGUEZ

LJA Engineering & Surveying, Inc.
2828 Briarpark Drive
Suite 800
Houston, Texas 77042
Phone 713.963.5200
Fax 713.963.6026
FPA - F-1388

REQUEST FOR COUNCIL ACTION

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

SUBJECT: Ordinances granting Commercial Solid Waste Operator Franchises	Category #	Page 1 of 1	Agenda Item# <i>40, 41 & 42</i>
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FROM: (Department or other point of origin): Alfred J. Moran, Director Administration & Regulatory Affairs	Origination Date 12/9/2011	Agenda Date DEC 21 2011
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copy

DIRECTOR'S SIGNATURE: 	Council Districts affected: ALL
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For additional information contact: Juan Olguin <i>JFO</i> Phone: (713) 837- 9623 Kelly Schwarz Phone: (713) 837- 9636	Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.
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RECOMMENDATION: (Summary)
Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding: REVENUE	FIN Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. Express Dumpster Inc.
2. Garner Environmental Services, Inc.
3. Covenant Waste Services, LLC

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

The Pay or Play Program does not apply to the solid waste franchises.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

~~TO: Mayor~~ via City Secretary

RCA #

SUBJECT:
Ordinance granting a Commercial Solid Waste Operator Franchise

Category #

Page 1 of 1

Agenda Item#

4395

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

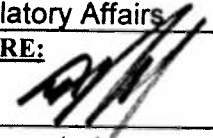
Origination Date

12/6/2011

Agenda Date

~~12-14-2011~~

DIRECTOR'S SIGNATURE:



Council Districts affected:

ALL

DEC 21 2011

For additional information contact:

Juan Olguin *JFO* *9/8* Phone: (713) 837- 9623
Kelly Schwarz Phone: (713) 837- 9636

Date and identification of prior authorizing Council Action: Ord. # 2002-526 – June 19, 2002; Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve an ordinance granting a Commercial Solid Waste Operator Franchise

Amount of Funding:
REVENUE

FIN Budget:

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

SPECIFIC EXPLANATION:

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

1. Gerardo Bermudez D/B/A Grease Recyclers Co-op & Grease Trap

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

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

REQUIRED AUTHORIZATION

Finance Director:

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44

DEC 21 2011

MOTION NO. 2011 0895

MOTION by Council Member Adams that the following item be postponed for two weeks:

Item 93 - 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

Seconded by Council Member Bradford


ROLL CALL VOTE:

Mayor Parker voting no
Council Member Stardig voting aye
Council Member Johnson voting aye
Council Member Clutterbuck voting aye
Council Member Adams voting aye
Council Member Sullivan absent
Council Member Hoang voting no
Council Member Pennington voting aye
Council Member Gonzalez voting aye
Council Member Rodriguez voting aye
Council Member Costello voting no
Council Member Lovell voting no
Council Member Noriega voting aye
Council Member Bradford voting aye
Council Member Jones voting aye

MOTION CARRIED

PASSED AND ADOPTED this 7th day of December 2011.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is December 13, 2011.


City Secretary

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

AN 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; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City Council previously adopted Chapter 8 of the Code of Ordinances, "Automotive Dealers and Auto Wreckers" ("Chapter 8"); and

WHEREAS, the City Council finds that it is necessary to amend certain provisions of the Code of Ordinances (the "Code") in order to more effectively regulate automotive businesses; and

WHEREAS, the City Council finds it is necessary to amend certain provisions of the Code in order to correct internal references to the applicable governing statutes; and

WHEREAS, the City Council finds that it is necessary to amend the definition of "automotive repair facility" in Chapter 8 in order to clarify the types of businesses included within this category as well as the types of activities that are excluded from the regulations relating to this industry; and

WHEREAS, the City Council finds that, unlike vehicle storage facilities, automotive repair facilities are subject to very few requirements regarding maintenance of their administrative records; and

WHEREAS, the City Council finds that it is necessary to improve the regulation of automotive repair facilities within the City by requiring those businesses to maintain records, include certain information on invoices, provide written estimates and obtain written authorization from customers for automotive repairs, and display signage that informs the public of the rates and charges associated with repairs; and

WHEREAS, the City Council finds that both collision repair facilities and mechanical repair facilities are included within the category of "automotive repair facility" for licensing purposes; and

WHEREAS, the City Council establishes reporting requirements for both collision repair facilities and mechanical repair facilities, while basing certain regulations within Chapter 8 on the nature of the repairs; and

WHEREAS, the City Council finds that it is necessary to add two new positions to the automotive board in order to represent the businesses and citizens subject to or otherwise affected by the regulations promulgated by the City pursuant to Chapter 8 of the Code; and

WHEREAS, the City Council finds that it is necessary to clarify that failure to obtain a license pursuant to Chapter 8 is not a defense to failure to comply with Chapter 8's requirements; and

WHEREAS, the City Council finds that it is necessary to establish certain regulations related to the assessment of administrative or teardown fees by automotive repair facilities, for the purpose of preventing unsavory business practices that undermine the City's regulation of automotive businesses and negatively affect the citizens of the City; and

WHEREAS, the City Council finds that it is necessary to require an automotive repair facility to display its license number on its advertisements, work order authorizations, repair estimates and final invoice forms, and for the City to maintain a list all licensed automotive repair facilities on its website, so that the citizens of the City will have access to information that will assist them in making decisions relating to automotive repair; **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, in Section 8-16 of the Code of Ordinances, Houston, Texas, the definitions of the terms *automotive rebuilder*, *automotive repair facility*, and *dealer in motor vehicles* are hereby amended to read as follows:

"Automotive rebuilder. Any person who, primarily or incidentally, wholly or part time, engages in the public business of buying, selling, offering for sale, consigning to be sold, trading or otherwise operating as a public dealer in used secondhand or salvage titled motor vehicles or trailers for the purpose of rebuilding or dismantling wrecked or salvage titled motor vehicles or trailers."

"Automotive repair facility. Any person who engages in 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 person who engages in automotive repair solely for the purpose of recreation or education and not for any commercial purpose, or iii) an educational repair facility that does not provide repairs or services to the general public."

"*Dealer in motor vehicles.* Any person who engages in 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."

Section 3. That, in Section 8-16 of the Code of Ordinances, Houston, Texas, the definition of *automotive storage lot operator* is hereby deleted and replaced by the definition of *consent storage lot facility* which shall be inserted in the appropriate alphabetical order position and shall read as follows:

"*Consent storage lot facility.* Any person who engages in, conducts or carries on the public business of storing motor vehicles, including wrecked, damaged, or repossessed motor vehicles; provided however that this term does 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 not include any facility that is required to be licensed pursuant to the Vehicle Storage Facility Act (Chapter 2303 of the Texas Occupations Code), 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."

Section 4. That Section 8-16 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order position, the following definitions:

"*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."

“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, conducts, or carries on 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 such motor vehicles to extract therefrom parts, components or accessories for sale, for export or for use in an automotive repair or rebuilding business.”

Section 5. That Section 8-17 of the Code of Ordinances, Houston, Texas, is hereby amended by amending Subsections (a) and (d) and adding a new Subsection (e) to read as follows:

“(a) There is hereby created an automotive board consisting of thirteen members appointed by the mayor and confirmed by the city council. The mayor shall designate the member to be chairman. Each of the thirteen 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.
- (9) Position number nine shall be filled by a person who owns and operates a used automotive parts recycler or an automotive rebuilder.
- (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 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.
- (12) Position number twelve 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.
- (13) Position number thirteen shall be the chief of police or a duly authorized representative from the automobile dealers detail, who shall serve as secretary of the automotive board and shall be an ex officio member only."

"(d) Six 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 automotive board at any given time. No person who is a member of the automotive board shall be related within the first or second degree by consanguinity or affinity to any other person who is a member of the automotive board. For

purposes of this subsection, "representative" includes an owner, officer, employee or other representative."

Section 6. That Section 8-22 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-22. Automotive repair facility display and recordkeeping requirements.

(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 total amount of 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) The following information shall be included in the record associated with repair work performed on a motor vehicle:

- (1) The name, address, telephone number and automotive repair facility 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, a notation on the final invoice indicating the specific repair work that has been subcontracted, provided, further, that the automotive repair facility shall maintain a record of the name, address and telephone number of the person who performed the work;
- (4) The date of a work order authorization, repair estimate or final invoice associated with the repair work;
- (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) A description of the vehicle owner's or authorized agent's request for repairs to or concerns about the motor vehicle;
- (7) The estimated labor charges based on a flat rate, an hourly rate, or a combination of the two;
- (8) An itemized estimate of the total repair costs, including administrative fees or teardown fees, if any;
- (9) The estimated charges for shop supplies or for hazardous or other waste removal;
- (10) The charges for daily storage of the motor vehicle, as applicable; and

- (11) 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, for any repair made to a motor vehicle that is incapable of being operated or is otherwise unsafe to operate due to an accident, as that term is defined in section 8-101 of this chapter, 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 seven days from the date that repair of the motor vehicle has begun. For any other repair made to a motor vehicle, if the vehicle owner has requested the return of replaced parts, the automotive repair facility shall return replaced parts to the vehicle owner upon completion of the repair work.

For purposes of this subsection, a "record" consists of the set of documents associated with a repair, including a work order authorization, repair estimate, final invoice and other related documents.

(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 subsections (c) and (e) of this section, provided, however, that this subsection is not applicable to any repair made to a motor vehicle that is incapable of being operated 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 statement in at least 14 point font size bold type, with a signature line next to the statement: "I understand that my signature is required so that this automotive repair facility may obtain verbal approvals associated with the repair of this motor vehicle, pursuant to Section 8-22(f) of the Code of Ordinances of the City of Houston."

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) If the total amount of 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, 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) 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
- (4) 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.

Section 7. That Section 8-26 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-26. Other required records.

(a) Every person who, as dealer, 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 record of any and all transfers and assignments, if any, made by the person, or chattel mortgages, liens or notes covered by or secured by lien upon those motor vehicles or motor vehicle trailers. The record shall include the following information:

- (1) 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.

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

- (1) The name of the mortgagor or lienholder;
- (2) The amount of indebtedness, principal, interest and other items, if any, separately;

- (3) The date and manner of foreclosure, whether by suit or private sale; and
- (4) 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 under this article who deals in secondhand or used motor vehicle parts or accessories shall keep a 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 shall include any item that constitutes a "major component part" as defined in section 501.091 of the Texas Transportation Code, or a "component part," "interior component part," "minor component part," or "special accessory part" as those terms are defined in section 2302.251 of the Texas Occupations Code. 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 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 theft of the same type of part.

The record shall include the following information:

- (1) The vehicle identification number and license number of all motor vehicles or trailers transferred unto the licensee;
- (2) An accurate description in the English language of the secondhand or used motor vehicle parts or accessories 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 name, age, sex, signature, if any, residence, race, and approximate height and weight of the person from whom the licensee acquired the property;
- (4) A photograph depicting the transferor or seller with the secondhand or used motor vehicle parts or accessories purchased and a thumbprint of the transferor or seller, provided that if a licensee acquires an entire motor vehicle or trailer from the owner of the motor vehicle or trailer, then in lieu of the photograph and thumbprint, the buyer shall obtain and maintain a copy of the seller's vehicle title and the vehicle identification number of the motor vehicle or the trailer; and
- (5) A unique identification 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.

(d) It is an affirmative defense to prosecution under this section that both the transferor and the transferee are city or state licensed dealers in used parts and used accessories and that the transfer was documented in full compliance with 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 are in addition to any applicable state law, including but not limited to 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."

Section 8. That Section 8-30 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 8-30. Used automotive parts recyclers, automotive rebuilders and automotive repair facilities.

(a) *Definitions:*

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

Solid in reference to a fence means a fence constructed and maintained so that the outer surface is continuous and without gaps. 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 placed or left on property.

(b) *Compliance.* All lots and tracts of land used for the purpose of carrying on the business or trade of a used automotive parts recycler, an

automotive rebuilder, 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 used automotive parts recycler, automotive rebuilder or automotive repair facility in the city. All flammable liquids drained from any vehicle in the 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 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 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 yard that extends generally parallel to, and within one hundred (100) feet of any public street right-of-way shall be enclosed by a solid fence or wall at least eight feet in height.
- (2) All sides of the yard not included in (d)(1) above shall be enclosed 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 or automotive repair facility shall be enclosed 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) may consist in whole or in part of a solid wall and door, or walls and doors of any completely enclosed building on the premises, if the wall or door meets all construction requirements hereinabove set forth.

(g) *Gates at openings in enclosure.* Openings in the prescribed enclosure that are necessary to permit reasonable access to used automotive parts recyclers, automotive rebuilders, 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 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 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, 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 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 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 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 may file with the automotive board a plat or legal survey of its yard accurately setting forth under oath the dimensions and size of the yard, exclusive of all covered improvements and out buildings utilized as part thereof and in connection therewith. The plat or legal survey shall also accurately depict all adjoining public thoroughfares. Each yard filing a plat or legal survey may designate upon the 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 plat or legal survey and designated "disassembly area" by the automotive board, the duly licensed yard operator may use the area for the active disassembly of wrecked vehicles in the usual course of yard business. A true copy of the 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, 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 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 repair facilities and 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 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, brick pavers, gravel or shell of the 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 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.”

Section 9. That Section 8-31 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“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 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.”

Section 10. That Division 1 of Article II of Chapter 8 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 8-32 that reads as follows:

“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 manufacturer standards established in the most recent version of an estimating guide for motor vehicle components and labor hours, including a guide published or otherwise maintained by CCC Pathways, Mitchell, Audatex, or AllData. 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."

Section 11. That Subsection (a) of Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing existing Items (1), (2), (3), (4), (5) and (7) with the following new Items (1), (2), (3), (4), (5) and (7) to read as follows:

"(1) Dealer in motor vehicles	\$330.00	\$310.00"
"(2) Wholesale automotive jobber and supply dealer	\$220.00	\$200.00"
"(3) Retail supply dealer	\$170.00	\$150.00"
"(4) Automotive rebuilder	\$610.00	\$590.00"
"(5) Used automotive parts recycler	\$610.00	\$590.00"
"(7) Consent storage lot facility	\$330.00	\$310.00"

Section 12. That Subsections (c) and (d) of Section 8-58 of the Code of Ordinances, Houston, Texas, are hereby amended by deleting the word "such" where it appears and replacing it in each instance with the word "the."

Section 13. That Subsection (f) of Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the word "such."

Section 14. That Section 8-58 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) that reads as follows:

"(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."

Section 15. That Section 8-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“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) The license number of an automotive repair facility license issued under this division shall be 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.”

Section 16. That Subsection (a) of Section 8-91 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(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 storage lot facility 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 storage lot facility's license for operations at the covered premises in compliance with this division.”

Section 17. That Item (4) of Section 8-92 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(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.”

Section 18. That the caption of Section 28-34 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

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

Section 19. That Subsections (a), (b), (c), and (d) of Section 28-34 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

“(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 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);
- (2) A used automotive parts recycler 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 lot used for open storage by a metal recycler/secondhand metal dealer as defined in chapter 7 of this Code; or
- (5) A lot used for open storage by a used parts and used accessories dealer as defined in chapter 8 of this Code.

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 180 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:*

Boundary of operations. 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 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, 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.

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.

Measurement of 300 feet. The 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, or lot used by a metal recycler/secondhand metal dealer to the property line of the church, school or residence.

Open storage. Materials stored upon a lot not within an enclosed structure.

Residence. Any structure which, at the time that 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, 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.

School. A public or private elementary, junior high or high school.

(c) *Existing structure.*

- (1) The terms of this section apply to all existing licensed automobile storage lots, used automotive parts recyclers, lots used for open storage by automotive rebuilders, 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, 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, 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, and the permit shall be executed by both the transferor and the transferee. If 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 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 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, 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 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, 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.”

Section 20. That Item (1) of Subsection (f) of Section 28-34 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(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 each application and provide a staff report regarding the application 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 notice as provided in items (2) and (3) of this subsection.”

Section 21. That the provisions of Division 2 of Article II of Chapter 8 as amended by this Ordinance with respect to the issuance and term of the licenses listed

in Section 8-58 shall apply prospectively from and after the effective date of this Ordinance. Licenses listed in Section 8-58 as it read before its amendment by this Ordinance issued before the effective date of this Ordinance shall remain effective for their previously designated one-year term, and no provision of this Ordinance shall be construed to extend their terms.

Section 22. That the Police Chief may promulgate regulations and forms for the orderly implementation of this Ordinance. A copy of any such regulations shall be maintained for public inspection in her offices, and copies shall be made available at the fees prescribed by law.

Section 23. 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 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 24. 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 at 12:01 a.m. on February 1, 2012.

PASSED AND APPROVED this ____ day of _____, 2011.


Mayor of the City of Houston

Prepared by Legal Dept.

MFC:mfc 11/29/11

Requested by Charles A. McClelland, Jr., Chief of Police

L.D. File No. 0621000248001


Assistant City Attorney



Annise
parm

CITY OF HOUSTON

City Council

45
DEC 21 2011
Memorandum

Council Member
Sue Lovell
At Large, Position 2

To: Hon. Annise Parker and all
Council Members

From: Sue Lovell *SL*

Date: December 14, 2011

CC

Subject: Amendment to Item 15

I move to amend Item 15 "Ordinance amending the Construction Code and chapter 42 of the Code of Ordinances, Houston, Texas, relating to the subdivision and development and residential buffering; containing findings and other provisions relating to the foregoing subject providing for severability; containing a savings clause" by striking Sec. 42-274(a)(6) and substituting the following:

(6) The area is comprised of contiguous tracts and contains no out tracts as determined by the director in his sole professional judgment; except that the non-contiguous tract of approximately 25.78 acres conveyed to the Texas Medical Center, Inc. by Special Warranty Deed dated June 30, 1976 and recorded under File No. E809678 in the Official Public Records of Real Property of Harris County, Texas, may be included in the Texas Medical Center Major Activity Center designation.

1415

D

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving amendments to the Building Code and to Chapter 42, Code of Ordinances to create a Division 8 related to residential buffering	Category #	Page 1 of 1	Agenda Item #
			48A

FROM (Department or other point of origin): Department of Planning and Development	Origination Date 12-8-11	Agenda Date DEC 14 2011
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DIRECTOR'S SIGNATURE: <i>Maureen K. Sapruk</i>	Council District affected: All	DEC 21 2011
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For additional information contact: Michael Schaffer Phone: 713-837-7780	Date and identification of prior authorizing Council action: 3/24/99, Ord. No. 99-262
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RECOMMENDATION: (Summary)
Approval of an ordinance to amend the Building Code and Chapter 42, to create a Division 8 and add definitions to 42-1 and amend 42-87.

Amount and Source of Funding: NA	Finance Budget: NA
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SPECIFIC EXPLANATION:

Chapter 42 is being amended to provide narrow regulations that "buffer" certain single family residential homes from neighboring high-rise development. The standards ensure certain distance requirements and encourage development in more appropriate locations. The provisions do not apply where neighborhoods generally understand that more intense development occurs such as along transit corridors, major thoroughfares and more densely developed areas within the city, such as Uptown. This ordinance includes the designation of eight major activity centers where more dense development is expected to occur. The provisions do apply to areas where neighborhoods do not expect more intense development to occur such as on local and collector streets.

Requirements to provide buffers, fencing and landscaping are to be included in Chapter 42. Requirements to shield lighting and provide garage screening are included in amendments to the Building Code. Additional ordinances will be crafted if necessary to supplement the city's noise ordinance with discussion involving all stakeholders prior to bringing it forward. The ordinance utilizes the standard Building Code measurement for high-rises as taller than 75'. High-rises taller than this standard require certain fire safety standards, elevator regulation and other items.

Planning Commission held a public hearing on July 21, 2011 on the residential height buffering (new Division 8) and took action on the proposal August 4, 2011.

The Residential Buffering ordinance was presented to the Development and Regulatory Affairs Committee on November 10, 2011.

cc: Marta Crinejo
David Feldman, City Attorney
Deborah McAbee, City Legal
Dan Krueger, P.E. PWE
Omar Izfar, City Legal

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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MS

H

15
DEC 14 2011

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

AN ORDINANCE AMENDING THE CONSTRUCTION CODE AND CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SUBDIVISION AND DEVELOPMENT AND RESIDENTIAL BUFFERING; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, in the exercise of its lawful authority, the City of Houston may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City may, under the provisions of Chapter 212 of the Texas Local Government Code ("Chapter 212"), establish by ordinance general rules and regulations governing subdivision plats and development of land within its corporate limits and area of extraterritorial jurisdiction in order to promote the health, safety, morals or general welfare of the City, and to promote the safe, orderly and healthful development of the City; and

WHEREAS, pursuant to this authority, the City Council of the City of Houston has adopted rules and regulations governing subdivision plats and the development of land that are codified in Chapter 42 of the Code of Ordinances, Houston, Texas, ("Chapter 42"); and

WHEREAS, Chapter 214 of the Texas Local Government Code generally provides that the International Building Code is the standard building code applicable to buildings in the State of Texas; and

WHEREAS, the Texas Local Government Code allows municipalities to adopt certain local amendments and local administrative and enforcement provisions for the International Building Code; and

WHEREAS, pursuant to this authority, the City Council of the City of Houston has

adopted the International Building Code along with certain local amendments by Ordinance No. 2006-5, and has subsequently adopted further local amendments thereto; and

WHEREAS, the City Council finds and determines that certain developments within the City may, by virtue of their proximity to residential development, have a significant adverse impact on established and nearby residential development; and

WHEREAS, the City Council finds and determines that in order to promote the public health, safety, and general welfare of the City, it necessary and appropriate for these certain developments within the City to provide reasonable measures to mitigate the adverse impact on neighboring residential developments, such as providing for a buffer area between the development and the neighboring residential development, providing for landscaping within the buffer area, and the screening of parking garages and light fixtures near neighboring residential development; and

WHEREAS, the City Council finds and determines that these certain developments do not cause adverse impacts on neighboring residential developments when the developments are located on a major thoroughfare or a transit corridor street; and

WHEREAS, the City council finds and determines that these certain developments do not cause adverse impacts on neighboring residential developments when the developments are located within certain areas within the City that have developed in such a manner that these areas can be identified as major activity centers by virtue of their size, mix of land uses, street patterns, and non-residential nature; and

WHEREAS, the City Council finds that it is appropriate and desirable to adopt certain amendments to Chapter 42 and the Building Code that provide for these measures

and to promote the public health, safety, morals and general welfare of the City; and

WHEREAS, on December 14, 2011, the City Council held a public hearing on the proposed amendments to Chapter 42 and the Building Code; and

WHEREAS, the City Council finds that all procedural requirements necessary for the adoption of amendments to Chapter 42 have been complied with and satisfied; **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 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following definitions in the appropriate alphabetical location, which shall read as follows:

“Abutting development shall mean a structure located on property not in use for or restricted to single-family residential use that is either directly abutting or within 30 feet of property that is in use for or restricted to single-family residential use. A structure that is not a parking garage located on property across either a public street that is not an alley or a permanent access easement from single family residential lots is not an abutting development regardless of the width of the right-of-way.

Buffer area shall mean the area required by division 8 of article III of this chapter measured from the property line of lots in use for or restricted to single-family residential use.

Major Activity Center or MAC shall mean an area so designated by city council pursuant to section 42-274 of this Code.”

Section 3. That Article III of Chapter 42 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 8 which shall read as follows:

“DIVISION 8.

RESIDENTIAL BUFFERING STANDARDS.

Sec. 42-271. Applicability.

(a) The requirements of this division shall apply to all abutting developments within the city except as provided below. An addition to an existing abutting development shall be treated as though only the addition is a new development. For purposes of this division, the height of a structure shall be measured from grade to the finished floor of the highest habitable floor or the highest floor of a parking garage. The provisions of section 42-164 relating to reconstruction after casualty shall apply to this division.

(b) The requirements of this division shall not apply to any of the following:

- (1) An abutting development that is contiguous to or takes access from a major thoroughfare or transit corridor street;
- (2) An abutting development that is contiguous to or takes access from both a local or collector street and a major thoroughfare or transit corridor street; or
- (3) An abutting development located within a major activity center.

Sec. 42-272. Abutting development standards.

(a) The following standards shall apply to an abutting development greater than 75 feet in height on property that is contiguous to or takes access from a public street except as provided in section 42-271(b). For purposes of this section, a private roadway shall be treated as: (i) a major thoroughfare if it intersects a major thoroughfare; (ii) a collector street if it intersects a collector street and not a major thoroughfare, or (iii) a local street if it does not intersect a major thoroughfare or a collector street.

- (1) An abutting development shall provide a buffer area from any side of a property line that abuts lots in use for or restricted to single-family residential use if the majority of the lots abutting the side of the property line are greater than 3500 square feet and 60% of the length of the property line is comprised of lots greater than 3500 square feet. No structure or covered parking may be located within the buffer area.

The buffer area may be used for vehicular access and surface parking.

- a. For an abutting development that is required to provide a buffer area and is contiguous to or takes access from a collector street, the buffer area shall be 30 feet from the property line of the abutting single-family residential lots.
- b. For an abutting development that is required to provide a buffer area and is contiguous to or takes access from only local streets, the buffer area shall be 40 feet from the property line of the abutting single-family residential lots.

(2) The buffer area shall include a 10 foot landscape buffer from the property line of the abutting development. The landscape buffer shall include:

- a. An 8 foot tall solid masonry wall along the property line or an 8 foot tall wooden fence if a utility easement runs along the property line;
- b. Grass, shrubs, other vegetation, or non-vegetative permeable cover with no paving or other impervious cover within the landscape buffer;
- c. No mechanical equipment; and
- d. At least one tree, planted or preserved, for every 20 feet of the length of the side of the property line. The trees shall be arranged throughout the landscape buffer to provide additional screening to adjacent single-family lots and avoid damage to existing plant material. Possible arrangements include planting in parallel, serpentine, or broken rows. Each tree shall have a minimum caliper of 1.5 inches, and be a species listed on the street tree list or parking lot tree list issued and revised by the director of parks and recreation pursuant to Article V of Chapter 33 of this Code.

Compliance with this item shall be considered to satisfy the requirements of section 33-128 of this Code.

(b) The commission is authorized to grant a variance or special exception to the requirements of this section in accordance with the provisions of sections 42-81, 42-82, and 42-83 of the Code.

Sec. 42-274. Major Activity Center designation.

(a) The city council may designate any area within the city as a major activity center that meets each of the following criteria:

- (1) The area contains two or more major thoroughfares or abuts a freeway, tollway, or transit corridor street;
- (2) The area is comprised of at least 400 acres of land;
- (3) The area is comprised of at least 10,000,000 square feet of gross floor area developed for uses other than single-family residential use;
- (4) Not more than three percent of the area is in use for or restricted to single-family residential use;
- (5) The area contains properties used for two or more of the following uses: office, commercial, institutional, or multi-family.
- (6) The area is comprised of contiguous tracts and contains no out tracts as determined by the director in his sole professional judgment.

(b) The city council may expand the boundaries of a MAC to include any area abutting the MAC if the boundaries of the MAC as expanded continue to satisfy the criteria of subsection (a) of this section.

(c) An application for the designation or expansion of a MAC shall be filed with the department by one or more owners of property within an area that meets the criteria of subsection (a) of this section, and shall be made on an application form provided by the department. The director shall forward applications that meet the criteria of subsection (a) of this section to the commission which shall hold a public hearing on the application.

(d) The director shall cause notice to be given of a public hearing before the commission to each owner of property within the proposed MAC or area proposed to be added to a MAC and each owner of property in use for or restricted to single-family residential use within 250 feet of the proposed area as shown on the most current appraisal district records. Notice shall be given by United States mail no later than 30 days before the date of the public hearing. The applicant shall give notice of the public hearing before the commission by posting at least two signs within the boundaries of the proposed MAC no later than 30 days before the date of the public hearing. The signs shall be placed at locations selected by the director as reasonably calculated to be seen by occupants of property within the proposed MAC and facing at least one public right-of-way. Each sign shall be a minimum of

four by eight feet in size, and shall contain at a minimum the following items of information:

- (1) That the area is being considered for designation as a MAC;
- (2) A general description of the area being considered for designation;
- (3) The date of the public hearing on the designation; and
- (4) The name and telephone number of a person within the department who can be contacted for additional information.

If the director, in his sole discretion, determines that the size, configuration, traffic patterns or other characteristics of the proposed area warrant the placement of additional signs, the director shall cause an appropriate number of additional signs to be posted. All costs associated with the notice provisions of this section are to be paid by the applicant.

(e) After the close of the public hearing, the commission shall vote on whether to recommend to the city council the designation of the proposed area that meets the criteria of subsection (a). If the commission votes to recommend the designation of the proposed area, by majority vote of those members present and voting, the director shall forward the recommendation to city council for consideration. If the commission does not vote to recommend the designation of the proposed area, the action of the commission with respect to the application is final. If the commission does not recommend designation of an area as a MAC or as an addition to a MAC, the department shall not accept an application for designation of the same or substantially the same area for one year following the date of the commission action.

(f) Upon receipt of the recommendation of the commission, the city council shall hold a public hearing on the recommendation. After the close of the public hearing the city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (a), approve or deny the proposed designation. The decision of the city council with respect to a designation shall be final. If the city council does not designate an area proposed as a MAC, the department shall not accept an application for designation of the same or substantially the same area for one year following the date of the city council action."

Section 4. That the areas described in "Exhibit A" attached hereto and made a part of this Ordinance are hereby designated as major activity centers. The city secretary shall

maintain a list of major activity centers designated by city council and their maps for public review and inspection.

Section 5. That Section 202 of Chapter 2 of the volume of the City of Houston Construction Code known as the Building Code is amended by adding the following definition in its appropriate alphabetical location:

“Full cutoff fixture shall mean a light fixture that prevents more than ten percent (10%) of the light it emits from emitting at all angles beginning at 80 degrees up from the nadir to less than 90 degrees, and no light (0%) from emitting at 90 degrees (horizontal plane) and above. This applies to all horizontal angles around the light fixture.”

Section 6. That Chapter 4 of the volume of the City of Houston Construction Code known as the Building Code is amended by adding a Section 406.2.11 which shall read as follows:

“406.2.11 Garage screening. Any part of an abutting development, as defined by section 42-1 of the City of Houston Code of Ordinances, used as a parking garage structure shall provide an exterior cover for each floor of the structure where parking occurs that directly faces property in use for or restricted to single family residential use. The exterior cover shall be made of an opaque surface or screen mesh material of sufficient rating to block headlights as defined in this Code. The exterior cover shall be at least 42 inches in height measured from the finished floor where parking occurs and shall not be required on any floor of the parking garage structure which has a finished floor over 50 feet in height from grade. For ramps and other sloped surfaces, the exterior cover shall be positioned to block headlights from emitting any light into adjacent properties in use for or restricted to single-family residential use.”

Section 7. That Chapter 5 of the volume of the City of Houston Construction Code known as the City of Houston Electrical Code is amended by adding a Section 513 which shall read as follows:

“SECTION 513 – FULL CUTOFF FIXTURES

513.1 For purposes of this section, abutting development shall have the

definition ascribed to it by 42-1 of the City Code. Full cutoff fixtures as defined in the Building Code shall be required for any wall mounted outdoor fixtures installed on an abutting development installed within 30 feet of an abutting single-family residential property. All pole mounted fixtures installed on an abutting development within 30 feet of an abutting single-family residential property shall be full cutoff fixtures with house side shields."

Section 8. That each of the following shall be processed and considered by the Director of the Planning and Development Department or the Planning Commission, as appropriate, pursuant to the provisions of Chapter 42, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this Ordinance, and the former provisions of Chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat or development plat that is filed with the Department of Planning and Development and pending approval by the Planning Commission prior to the effective date of this Ordinance;
2. Any final plat and subsequent recorded plat that are based on a preliminary plat approved by the Planning Commission prior to the effective date of this Ordinance; or
3. Any plat to be recorded based on a final plat approved by the Planning Commission prior to the effective date of this Ordinance.

Section 9. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be

affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 10. 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 this date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this _____ day of _____, 2011.

Mayor of the City of Houston

Prepared by the Legal Dep't
(SOI December 9, 2011




Assistant City Attorney

Requested by Marlene L. Gafrick, Director, Planning & Development Department
L.D. File No. 0611000120001

“Exhibit A”

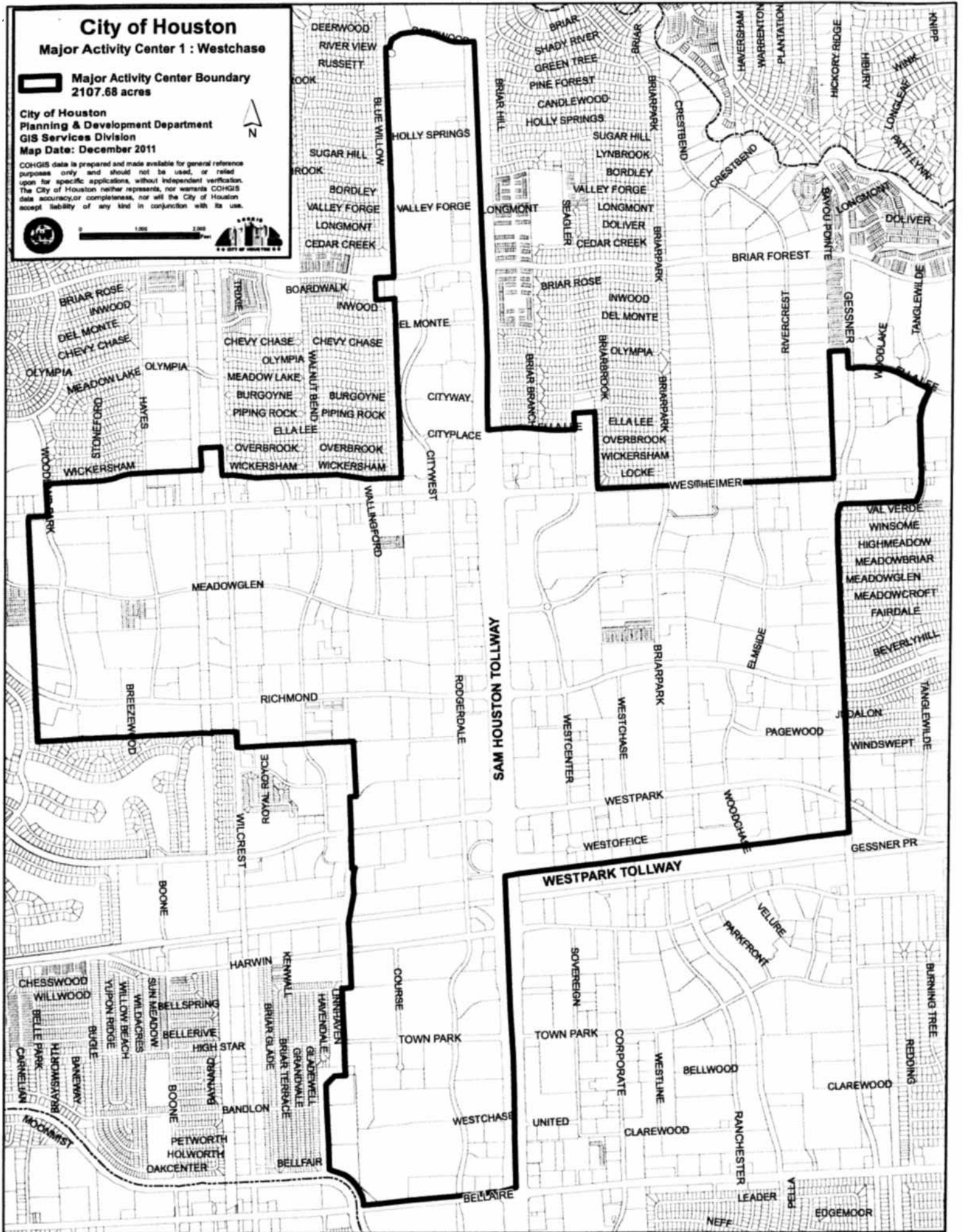
City of Houston

Major Activity Center 1 : Westchase

 Major Activity Center Boundary
2107.68 acres

City of Houston
Planning & Development Department
GIS Services Division
Map Date: December 2011

COHGIS data is prepared and made available for general reference purposes only and should not be used, or relied upon for specific applications, without independent verification. The City of Houston neither represents, nor warrants COHGIS data accuracy, or completeness, nor will the City of Houston accept liability of any kind in conjunction with its use.



City of Houston

Major Activity Center 2 : The Energy Corridor



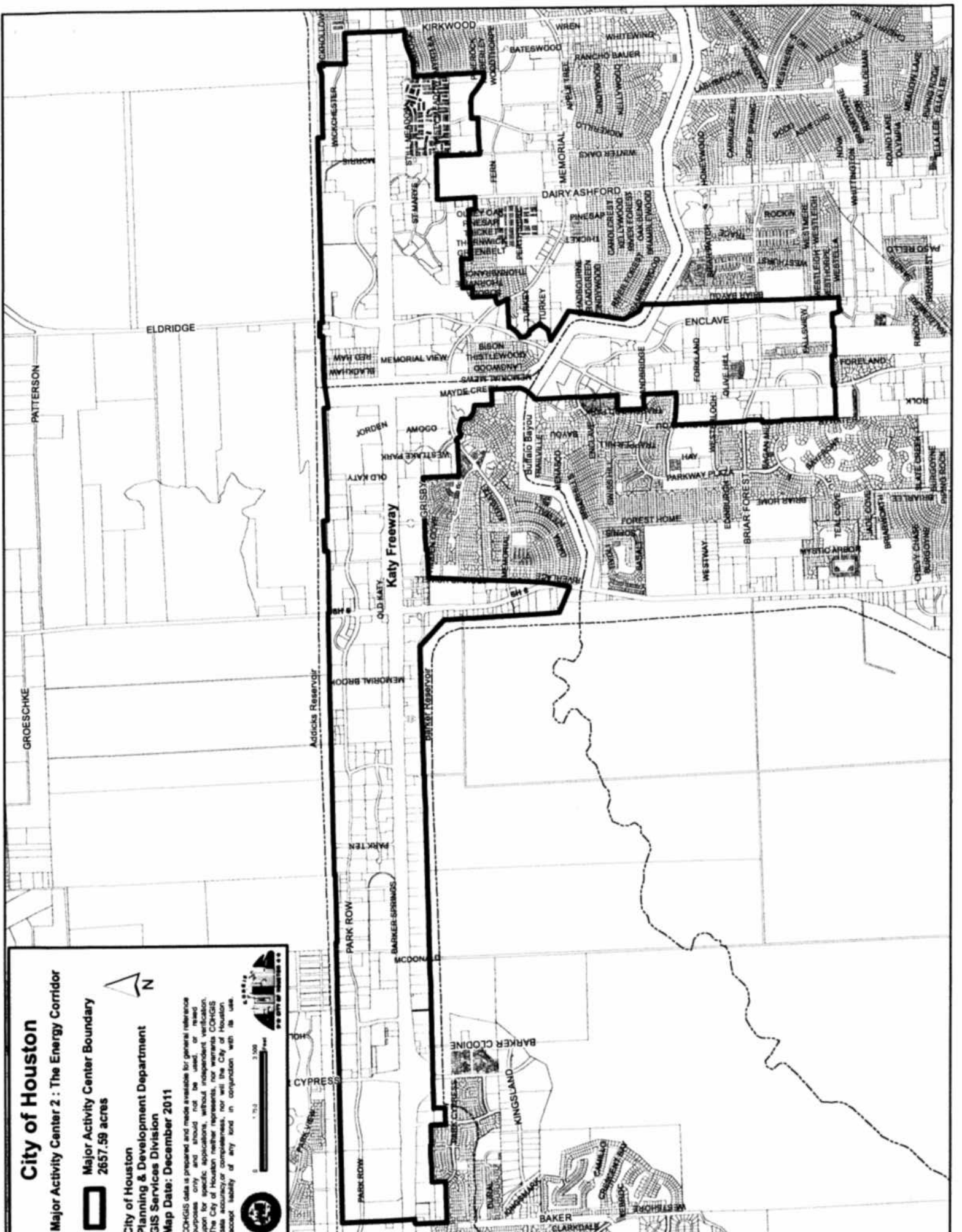
Major Activity Center Boundary
2657.59 acres

City of Houston

Planning & Development Department
GIS Services Division

Map Date: December 2011

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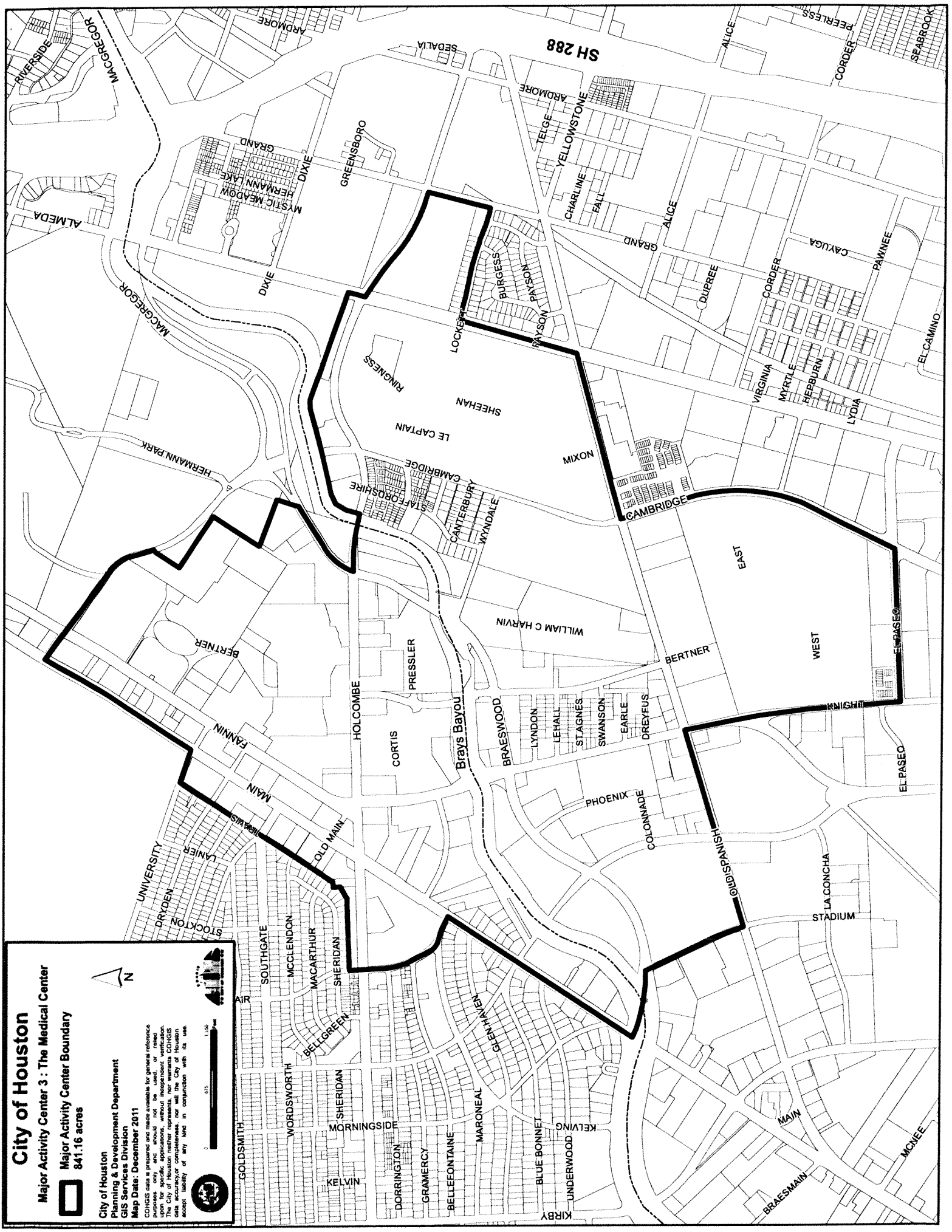
City of Houston

Major Activity Center 3 : The Medical Center

 Major Activity Center Boundary
841.16 acres

City of Houston
Planning & Development Department
GIS Services Division
Map Date: December 2011

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City of Houston

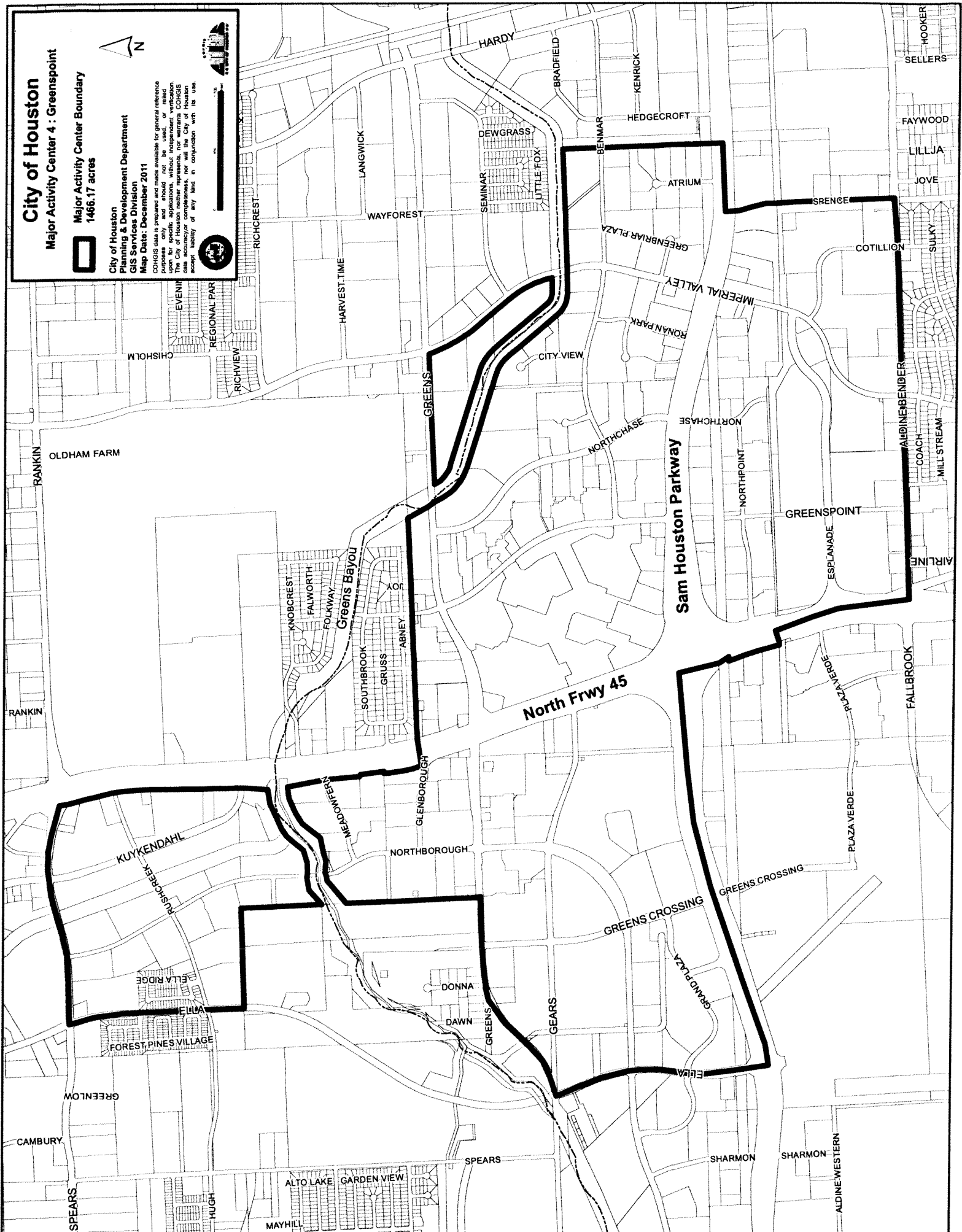
Major Activity Center 4 : Greenspoint

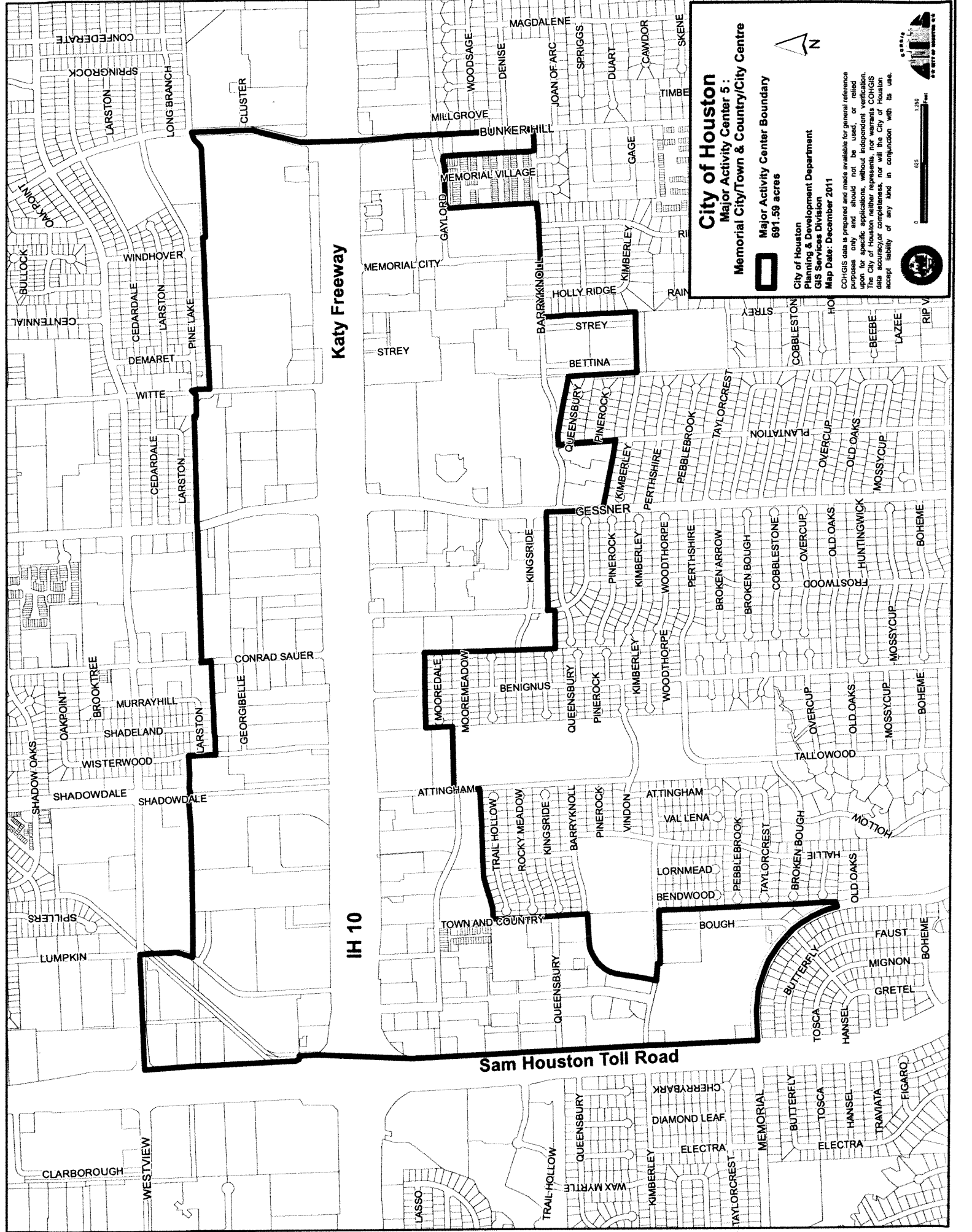
Major Activity Center Boundary
1466.17 acres



City of Houston
Planning & Development Department
GIS Services Division
Map Date: December 2011

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City of Houston
Major Activity Center 5 :
Memorial City/Town & Country/City Centre

Major Activity Center Boundary
691.59 acres

City of Houston
 Planning & Development Department
 GIS Services Division
 Map Date: December 2011

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0 0.625 1.250 Feet


Katy Freeway

IH 10

Sam Houston Toll Road

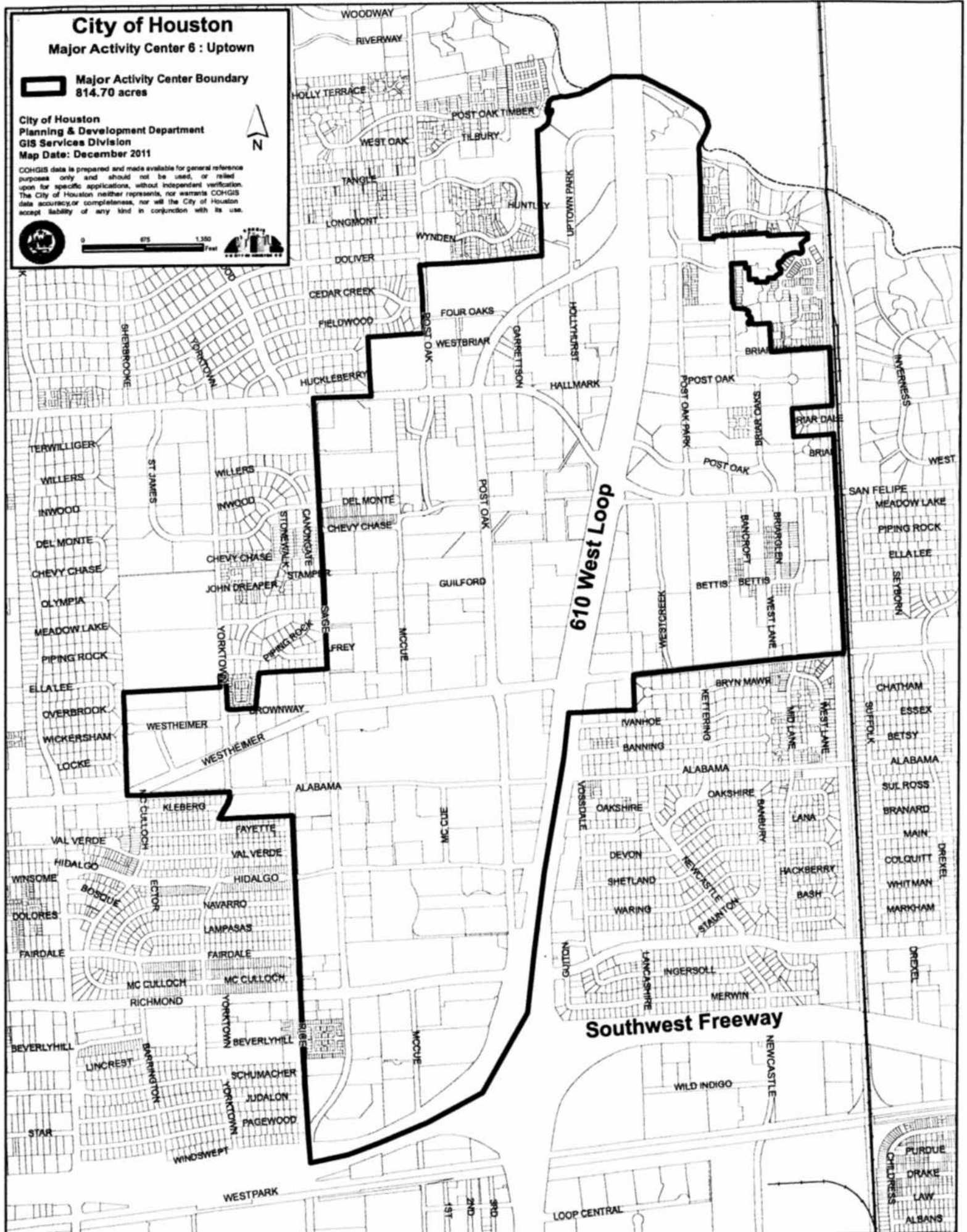
City of Houston

Major Activity Center 6 : Uptown

 Major Activity Center Boundary
814.70 acres

City of Houston
Planning & Development Department
GIS Services Division
Map Date: December 2011

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City of Houston

Major Activity Center 7 : Greenway

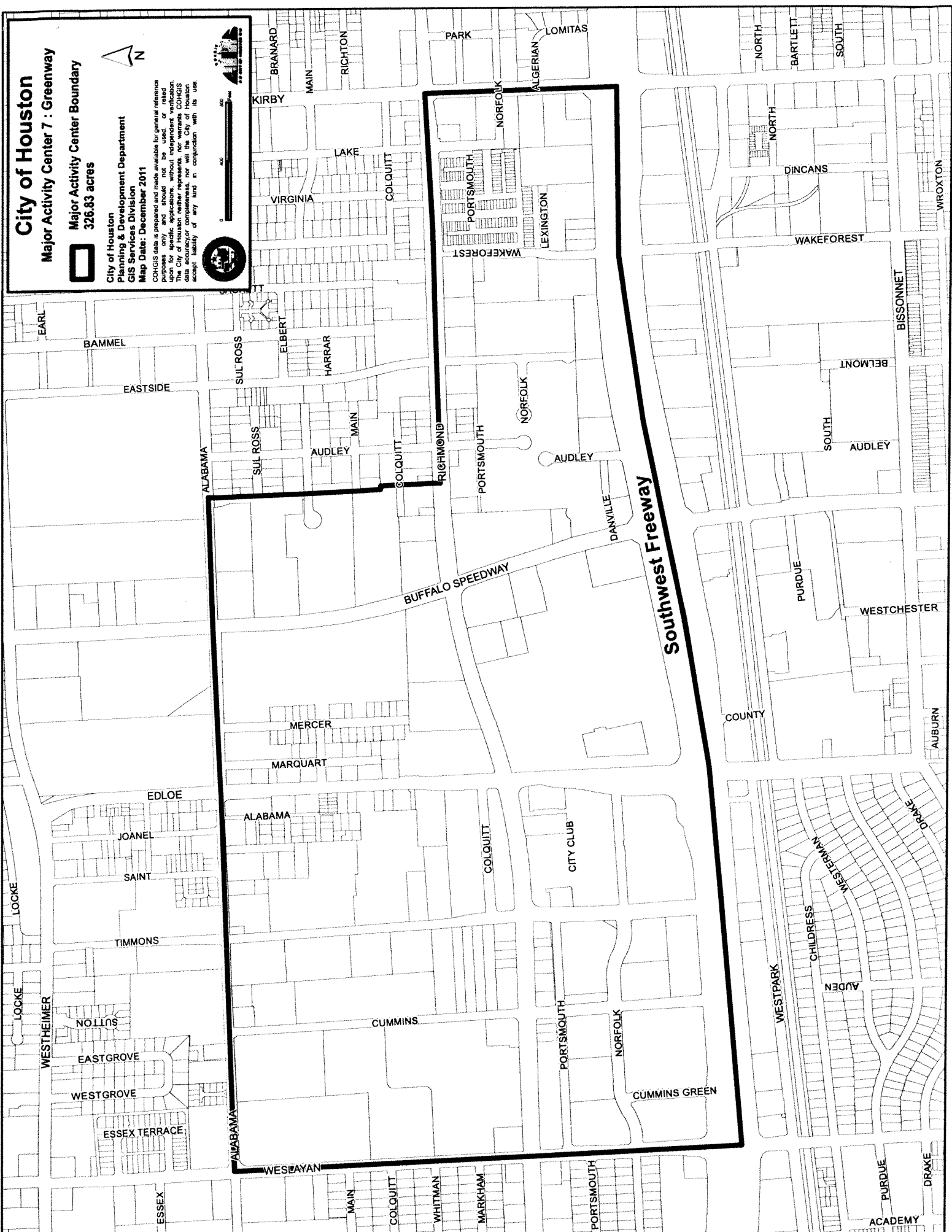


Major Activity Center Boundary
326.83 acres




City of Houston
Planning & Development Department
GIS Services Division
Map Date: December 2011

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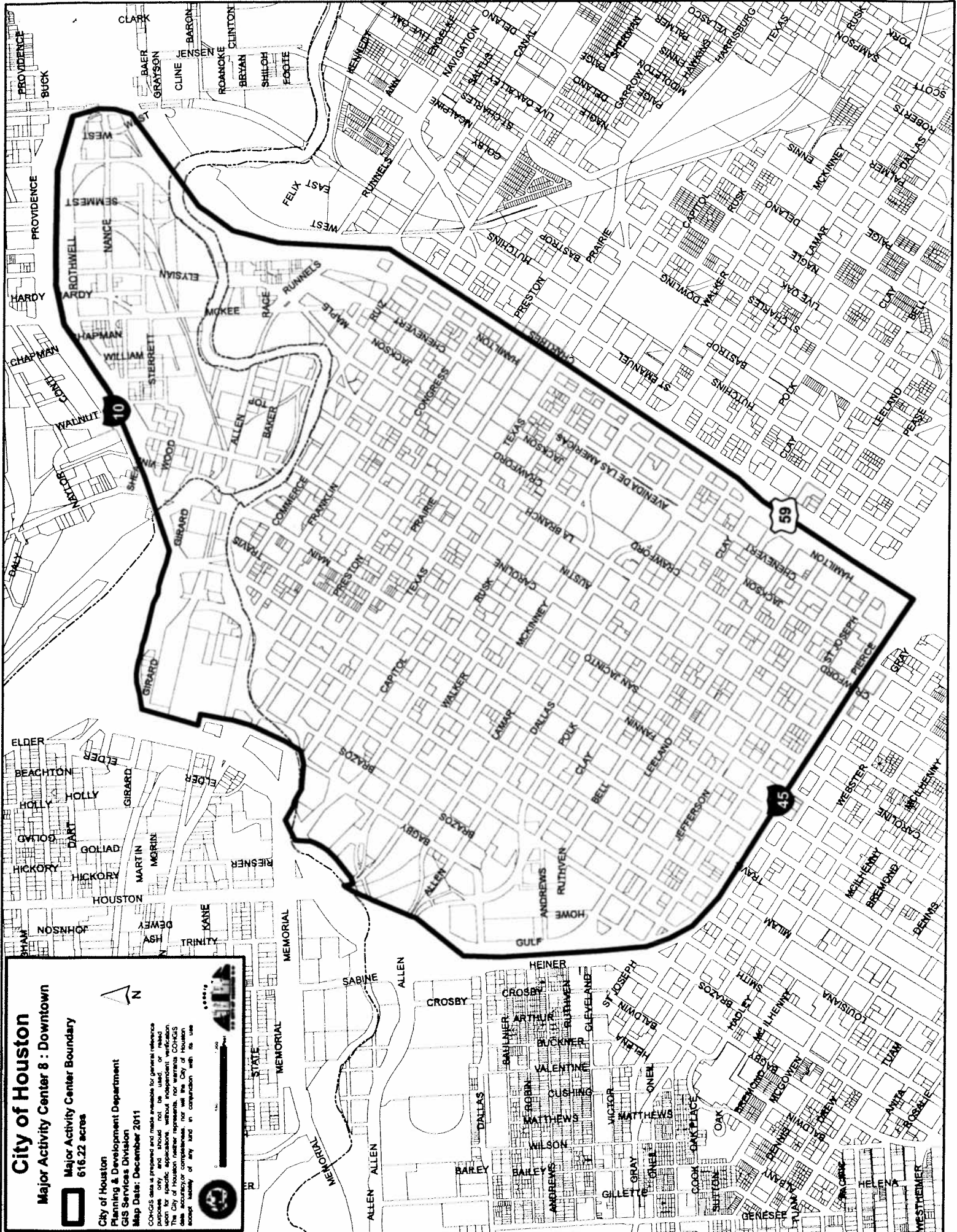
City of Houston

Major Activity Center 8 : Downtown

 Major Activity Center Boundary
616.22 acres

City of Houston
Planning & Development Department
GIS Services Division
Map Date: December 2011

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REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 0165

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Heating, Ventilating, and Air Conditioning (HVAC) Operation and Maintenance Services for the Houston Airport System/S33-T23961

Category #
4

Page of 2
Agenda Item

46 ~~37~~

FROM (Department or other point of origin):

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

Origination Date

December 06, 2011

Agenda Date

DEC 21 2011
~~DEC 14 2011~~

Cwp
DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected

B, E, I

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to TDIndustries, Inc. in an amount not to exceed \$32,599,317.74 for HVAC operation and maintenance services for the Houston Airport System.

Maximum Contract Amount: \$32,599,317.74

Finance Budget

\$32,599,317.74 - HAS Revenue Fund (8001)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to TDIndustries, Inc., in an amount not to exceed \$32,599,317.74 for HVAC operation and maintenance services for the Houston Airport System (HAS). The City Purchasing Agent or the Department Director 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, materials, equipment, parts, transportation and incidentals necessary to operate and maintain the HVAC systems located at Bush Intercontinental, Houston Hobby, and Ellington Airports. Moreover, the contractor shall provide basic maintenance services to include preventive maintenance, predictive maintenance and reliability centered maintenance for all HVAC systems located at the airports. Additionally, the contractor is responsible for the preventive and repair maintenance of the Building Automation System (BAS), executive controllers, hardware and software to include system software upgrades within current generation software revision levels. Finally, the contractor shall perform preventive and repair maintenance of all ancillary components such as input-output devices, unitary controllers, and sensors.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws. One-hundred twelve prospective proposers downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from: The Hallmark Group, TDIndustries, Inc., and Star Services, Inc. The evaluation committee consisted of five evaluators from the Houston Airport System. The proposals were evaluated based upon the following criteria:

- Technical Approach & Management Plan
- Price
- Experience & Reputation
- General Conformity With RFP Requirements
- Ability To Supply And Fully Implement Maintenance Management System

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MO

Date: 12/6/2011	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Heating, Ventilating, and Air Conditioning (HVAC) Operation and Maintenance Services for the Houston Airport System/S33-T23961	Originator's Initials CJ	Page 2 of 2
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- Financial Strength & Stability
- M/WDBE Participation

TDIndustries, Inc. received the highest overall score. Moreover, HAS is confident that TDIndustries, Inc. can perform the required services as outlined in the RFP.

M/WBE Subcontracting:

This RFP was issued as a goal-oriented contract with an 18% M/WBE participation level. TDIndustries, Inc. has designated the below-named companies as its certified M/WBE subcontractors.

Subcontractor	Type of Work	Percentage	Amount
Aus-Tex	Electrical Service/ Materials	.4	\$125,000.00
B&B Valves and Fitting	HVAC Parts	.2	\$75,000.00
Tex-Star Bearings	HVAC Parts	.6	\$225,000.00
Bradlink, LLC	Labor	11.7	\$3,836,656.76
Houston Chem Safe, Inc.	Water Treatment	2.5	\$813,750.00
ACS Mechanical Services, Inc.	HVAC Services	1.1	\$375,000.00
Office Effects, Inc.	Office Supplies	.05	\$25,000.00
Tejas Office Products, Inc.	Office Supplies	.05	\$25,000.00
Abilities Unlimited, Inc.	Labor	2.7	\$900,000.00
Independent A/C Refrigeration	HVAC Services	.7	\$250,000.00
	TOTAL AMOUNT	20%	\$6,650,406.76

The Mayor's Office of Business Opportunity will monitor this 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.

Buyer: Conley Jackson

Estimated Spending Authority

Department	FY12	Out Years	Total Amount
Houston Airport System	\$3,151,131.68	\$29,448,186.06	\$32,599,317.74

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Interlocal agreement between the City of Houston and the Midtown Management District for the maintenance of Elizabeth Baldwin Park.

Category #

Page

Agenda Item:

47
#2

FROM (Department or other point of origin):

Houston Parks and Recreation Department

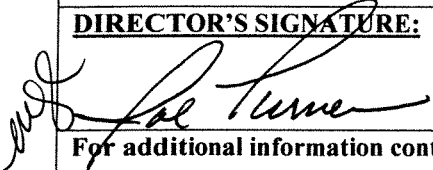
Origination Date:

November 7, 2011

Agenda Date:

~~DEC 14 2011~~

DIRECTOR'S SIGNATURE:



Joe Turner, Director

Council Districts Affected:

I

For additional information contact:

Luci Correa (832) 395-7057
Robert Johnson (832) 393-6284

Date and identification of prior authorizing Council Action:

June 28, 1995 Resolution 95-96

RECOMMENDATION (summary):

The Houston Parks and Recreation Department recommends City Council pass an ordinance authorizing the execution of an interlocal agreement between the City of Houston and the Midtown Management District for the maintenance of Elizabeth Baldwin Park.

Amount of Funding: No City Funding Required

Finance Budget:

SPECIFIC EXPLANATION:

Elizabeth Baldwin Park is a 4.88-acre City of Houston park located at 1701 Elgin Avenue at Crawford Street within the boundaries of the Midtown Management District. The Houston Parks and Recreation Department and Midtown Management District wish to enter into this interlocal agreement regarding the maintenance of the Park.

Maintenance includes mowing, edging, and trimming of lawn/grass areas, maintenance of decomposed granite areas, pruning and trimming of shrubs and trees, weeding of mulched areas, application of fertilizers, insecticides, and herbicides, general site clean-up, removal of litter, maintenance and monitoring of irrigation system and watering, plant replacement, as needed, maintenance of site furniture (benches, picnic tables, game tables), park sign, picnic shelter, and park lights, maintenance of playground equipment and playground fall surfacing, and such other work as the City and the District may agree to perform, including the maintenance of any additional improvements which may be constructed in the Park.

The term of the agreement is a period of twenty (20) years. During the term of this agreement, Midtown is responsible for and shall pay any and all costs and expenses associated with the Park maintenance. It is expressly understood that City is not granting Midtown a lease, franchise, easement, or other interest in the land comprising the Park and that any improvements must be approved in advance by the Parks and Recreation Department Director.

Approval of the interlocal agreement is recommended.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization: