

AGENDA - COUNCIL MEETING - TUESDAY - MARCH 6, 2012 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Costello

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 - MARCH 7, 2012 - 9:00 A. M.

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

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 23

ACCEPT WORK - NUMBERS 1 and 2

1. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$24,227,906.44 and acceptance of work on contract with **VANDERLANDE INDUSTRIES, INC** for Terminal D Fully Automated Explosive Detection System In-Line Baggage Handling System at George Bush Intercontinental Airport/Houston, Project No. 612K - 5.34% over the original contract amount - **DISTRICT B - DAVIS**
2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$4,569,099.50 and acceptance of work on contract with **VANDERLANDE INDUSTRIES, INC** for Explosive Detection System Baggage Handling System and security enhancements at William P. Hobby Airport and Ellington Airport, Project No. 612L - 3.49% over the original contract amount **DISTRICTS E - SULLIVAN and I - RODRIGUEZ**

PROPERTY - NUMBERS 3 through 5

3. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Chong C. Park, et al., Cause No. 994,119; for acquisition of Parcel AY9-427; for the **LONG POINT PAVING AND DRAINAGE PROJECT, SUBPROJECT II (Pech - Hollister)** **DISTRICT A - BROWN**
4. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court in connection with eminent domain proceeding styled City of Houston v. Perzetta Hurd, et al., Cause No. 992,498; for acquisition of Parcel AY10-068; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT, (Little York - W. Gulf Bank) - DISTRICT B - DAVIS**
5. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Elisandro Flores, aka E. Alex Flores, aka Alex Flores, et al., Cause No. 996,954; for acquisition of Parcel AY10-211; for the **AIRLINE DRIVE PAVING & DRAINAGE PROJECT (N. Main - North Loop 610) - DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 and 7

6. **TYLER MOTOR COMPANY, INC dba HALL VOLVO GMC** for Purchase of Firefighting Pumper Trucks through the Houston-Galveston Area Council for the Houston Fire Department \$2,999,813.00 - CDBG Fund - **DISTRICTS B - DAVIS; H - GONZALEZ and K - GREEN**
7. **APPROVE** spending authority to Address Emergency Concrete and Asphalt Restoration Services in an amount not to exceed \$650,000.00 for the Department of Public Works & Engineering to **ISI CONTRACTING, INC** - Enterprise Fund

RESOLUTIONS AND ORDINANCES - NUMBERS 8 through 23

8. RESOLUTION petitioning the **TEXAS ALCOHOLIC BEVERAGE COMMISSION** to adopt an order approving the revised boundaries of the City of Houston's Central Business District for the purposes of prohibiting possession of an open container or public consumption of alcoholic beverages in said boundaries - **DISTRICT I - RODRIGUEZ**
9. RESOLUTION designating the **RUFUS CAGE ELEMENTARY SCHOOL** located at 1417 Telephone Road within the City of Houston as a landmark and protected landmark **DISTRICT I - RODRIGUEZ**
10. ORDINANCE **AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to feeding those in need
11. ORDINANCE supplementing Ordinance No. 2009-1118 relating to the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B, determining the maximum principal amount of Series B-5 and approving an additional Credit Agreement in connection therewith; approving an updated Offering Memorandum; resolving other matters related thereto; and declaring an emergency
12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of an alley, from Lorraine Avenue north approximately 544.48 feet, and an alley, from Terry Street to McKee Street; vacating and abandoning the alleys to the Houston Independent School District, owner, in consideration of owner's conveyance to the City of three right-of-way easements, all located in the Cascara Addition and/or the J. R. Little's Addition, Harris County, Texas, payment to the City of \$25,578.00, and other consideration - **DISTRICT H - GONZALEZ**
13. ORDINANCE approving the acceptance of a grant award from the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR MEDICARE & MEDICAID SERVICES** for the Community-Based Care Transitions Program; declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department ("HDHHS") to act as the City's representative in the application process; authorizing the Director of HDHHS to accept the grant and expend the grant funds and to apply for and accept all subsequent awards, if any, pertaining to the grant; approving and authorizing contract between the City, acting on behalf of HDHHS' Harris County Area Agency on Aging and **CENTER FOR MEDICARE & MEDICAID INNOVATION** related to the grant - \$726,291.00 - Grant Fund
14. ORDINANCE amending Ordinance No. 2009-0220 (Passed by City Council on March 11, 2009) to increase the maximum contract amount and approving and authorizing third amendment to agreement between the City of Houston and the **CNA CORPORATION** for Professional Services for Catastrophic Preparedness Planning for the Mayor's Office of Public Safety and Homeland Security; providing a maximum contract amount - \$299,422.00 - Grant Fund
15. ORDINANCE approving and authorizing the Mayor to accept two FY2009 Technology Program Grant Awards from the **UNITED STATES DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES** in an amount not to exceed \$1,600,000.00 for Radio Communications Equipment for Harris County and Brazoria County; authorizing the Mayor to execute the grant award agreement and any subsequent related documents, and to accept all subsequent awards, if any, pertaining to the program; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to apply for all subsequent awards, if any, pertaining to the program

RESOLUTIONS AND ORDINANCES - continued

16. ORDINANCE appropriating \$218,251.00 out of Police Consolidated Construction Fund, authorizing the issuance of purchase order to the **STAR OF HOPE MISSION** for the preparation of Design Documents and Project Management Services for a planned Sobering Center at 1811 Ruiz - **DISTRICT H - GONZALEZ**
17. ORDINANCE appropriating \$143,801.00 out of Police Consolidated Construction Fund (Approved by Ordinance No. 2007-972) for Purchase and Installation of Security Equipment from **BL TECHNOLOGY, INC** for the Houston Police Department's new Tactical Operations Facility **DISTRICT A - BROWN**
18. ORDINANCE approving and authorizing first amendment to Operation and Maintenance Agreement between **WILLOW POOL, INC, a Texas Corporation, as operator**, and the City of Houston, Texas, as owner, for approximately 104,622 square feet of Real Property located at 10500 Cliffwood, Houston, Harris County, Texas - Revenue - **DISTRICT K - GREEN**
19. ORDINANCE amending Ordinance 2007-1144 (Passed October 10, 2007) to increase the maximum contract amount under an Interlocal Agreement with **GEO-TECHNOLOGY RESEARCH INSTITUTE** for administration of the City's 5-Star Energy Efficient Home Program
20. ORDINANCE approving the purchase by the City of Houston, Texas of 0.5469 acre of land, being Lots 1, 2, 3, 4 and part of Lot 5, Block 7, Pierce Court Addition, Houston, Harris County, from Houston Independent School District ("HISD") for purchase price of \$255,000.00 for the expansion of Moses Leroy Park; in lieu of cash payment, establishing a credit for HISD in the amount of the purchase price pursuant to the terms and conditions of an Interlocal Agreement; approving the form of Special Warranty Deed - **DISTRICT D - ADAMS**
21. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential lots in **FREEWAY SUBDIVISION, SECTIONS 1-4 and OAK ACRES SUBDIVISION and EXTENSION** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT I - RODRIGUEZ**
22. ORDINANCE extending the provisions of **SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to all improved single-family residential lots in **GESSPORT PATIO HOMES SUBDIVISION, REPLAT and AMENDED REPLAT** to prohibit the parking of vehicles in the front or side yards of such residences - **DISTRICT K - GREEN**
23. MUNICIPAL Setting Designation Ordinance prohibiting the use of designated groundwater beneath one tract of land containing 9.1677 acres commonly known as 3777 West 12th Street, Houston, Harris County, Texas; supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT C - COHEN**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 24 through 27

24. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; supplementing and amending Ordinance No. 2004-300, Ordinance No. 2008-252 and Ordinance No. 2010-215 as it relates to the City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B-6, authorizing the substitution of a credit facility authorizing a Paying Agent/Registrar Agreement; a Tender Agent Agreement, a Remarketing Agreement, a Co-Bond Counsel Agreement, and other necessary agreements or documents related to the bonds; and declaring an emergency - **TAGGED BY COUNCIL MEMBER BROWN**
This was Item 12 on Agenda of February 29, 2012
25. ORDINANCE consenting to the creation of the **BRIDGELAND MANAGEMENT DISTRICT** in the extraterritorial jurisdiction of the City and the inclusion of certain land within the district
TAGGED BY COUNCIL MEMBER BROWN
This was Item 15 on Agenda of February 29, 2012
26. ORDINANCE appropriating \$517,837.00 out of Water & Sewer System Consolidated Construction Fund; awarding a 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
TAGGED BY COUNCIL MEMBER GONZALEZ
This was Item 32 on Agenda of February 29, 2012
27. MOTION by Council Member Gonzalez/Seconded by Council Member Sullivan after a review of the record on the appeal filed by Richard V. Rothfelder, Attorney at Law, on behalf of Garrett Operators, Inc., regarding the interpretation of the Sign Code for a sign located at 2600 South Loop West, Houston, Texas, by the General Appeals Board, the decision of the Board be upheld and the appeal denied - **DISTRICT K - GREEN** - **TAGGED BY COUNCIL MEMBER BROWN**
This was Item 40 on Agenda of February 29, 2012

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

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

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

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

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

NOTICE is hereby given that a Regular Meeting of the City Council of the City of Houston will be held **TUESDAY, MARCH 6, 2012 at 1:30 p.m. and WEDNESDAY, MARCH 7, 2012 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 2nd day of MARCH, 2012.

City Secretary

CERTIFICATE

I certify that the attached notice of meeting was posted on the Bulletin Board of the City Hall of the City of Houston, Texas, on MARCH 2, 2012 at : p.m.

by _____

for Anna Russell
City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work-Vanderlande Industries, Inc. for the Terminal D Fully Automated Explosive Detection System In-Line Baggage Handling System (EDSBHS) at George Bush Intercontinental Airport/Houston, Project No. 612K (WBS #A-000486-0012-4-01 and #A-000486-0012-4-02); Contract No. 4600009160.

Category #	Page 1 of 1	Agenda Item #
		/

FROM (Department or other point of origin):
Houston Airport System

Origination Date
January 26, 2012

Agenda Date
MAR 07 2012

DIRECTOR'S SIGNATURE: *M. Kae*
[Signature]

Council District affected:
B

For additional information contact:
Lance Lytle *LL* Phone: 281/233-1889
Lisa Kent *LK* 281/233-1971
Robert Bielek *RB* 281/233-1941

Date and identification of prior authorizing Council action:
10/15/08 (O) 2008-915
7/29/09 (O) 2009-708

AMOUNT & SOURCE OF FUNDING:
N/A

Prior appropriations:

10/15/08.....	\$16,440,750.00	TSA OTA
10/15/08.....	\$ 5,813,656.00	Arpt Imp Fd
10/15/08.....	\$ 79,764.00	Arpt Imp Fd
7/29/09.....	\$ 2,000,000.00	Arpt Imp Fd
Total.....	\$24,334,170.00	

RECOMMENDATION: (Summary)

Pass a motion to approve the final contract amount of \$24,227,906.44 or 5.34 percent more than the original contract amount and less than the original 6 percent contingency, accept work, and authorize final payment.

SPECIFIC EXPLANATION:

The contractor, Vanderlande Industries, Inc. has completed all work required under this contract in the amount of \$22,998,685.00 for the construction of a new, Fully Automated In-Line Explosive Detection System (EDS) Baggage Handling System (BHS) to replace the manual baggage handling and screening systems in Terminal D and constructed a new passenger screening checkpoint to reduce ticket lobby congestion, and improve passenger throughput. On July 29, 2009, Amendment No. 1 was approved to provide an immediate solution to additional demand caused by new flight services that exceeded peak period capacity of the TSA's existing manual baggage screening unit for the West Ticket Area of Terminal D.

The final amount of the contract, including Change Orders No. 1 and 2, in the amount of \$1,229,527.00 and line item under-runs in the amount of \$305.56, is \$24,227,906.44, which is 5.34 percent more than the original contract amount and less than the original contingency of six (6) percent. The changes were primarily for unforeseen conditions that were undetermined at the time of design and required construction modifications or additions to meet U. S. Customs and Border Protection (CBP) requests, or replacement or installation of equipment to ensure operational functionality as mandated by the airlines and TSA.

Vanderlande Industries, Inc. achieved 26.74% DBE participation on a 21.0% goal. The HAS Office of Business Opportunity awarded Vanderlande Industries, Inc. an "Outstanding" rating.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

Subject: Accept Work -Vanderlande Industries, Inc. for Explosive Detection System Baggage Handling System and security enhancements at William P. Hobby Airport (HOU) and Ellington Airport (EFD), Project No. 612L, (WBS No. A-000486-0014-4-01) Contract No. 4600010004.	Category #	Page 1 of 2	Agenda Item # 2
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FROM (Department or other point of origin): Houston Airport System	Origination Date January 26, 2012	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: <i>AK Kae</i> <i>Manuel</i>	Council District affected: E, I
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For additional information contact: Lance Lytle <i>LL</i> Phone: 281/233-1889 Lisa Kent <i>LK</i> 281/233-1971 Robert Bielek <i>RNB</i> 281/233-1941	Date and identification of prior authorizing Council action: 10/21/09 (O) 2009-1018
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AMOUNT & SOURCE OF FUNDING: None Required	Prior appropriations: 10/21/09.....\$4,635,865.00 Arpts Imp Fund 10/21/09.....\$ 77,265.00 Arpts Imp Fund Total.....\$4,713,130.00 Total
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RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$4,569,099.50 or 3.49 percent more than the original contract amount and less than the original 5 percent contingency, accept work, and authorize final payment.

SPECIFIC EXPLANATION:

The contractor, Vanderlande Industries, Inc. has completed all work required under this contract in the amount of \$4,415,109.00 for installation of a new Explosive Detection System (EDS) Baggage Handling System (BHS) for airlines other than Southwest Airlines in conjunction with ongoing renovations in the East Terminal area of William P. Hobby Airport (HOU) under Project 417F.

The final amount of the contract, including Change Orders No. 1 and 2 in the amount of \$195,982.00 and line item under-runs in the amount of \$41,991.50, is \$4,569,099.50, which is 3.49 percent more than the original contract amount and less than the original five (5) percent contingency. The changes were primarily for unforeseen conditions that were undetermined at the time of design and required additional work on the conveyor systems and associated infrastructure, as well as additional modifications to airfield security components at EFD.

Vanderlande Industries, Inc. achieved 24.53% DBE participation on a 21.0% goal. The Office of Business Opportunity awarded Vanderlande Industries, Inc. an "Outstanding" rating.

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization: <i>NA</i>
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REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY9-427; City of Houston v. Chong C. Park, et al., Cause No. 994,119; Long Point Paving and Drainage Project, Sub-Project II (Pech - Hollister) WBS/CIP No. N-000674-0003-2, Legal Department File No. 052-1000006-009.		Page 1 of 2	Agenda Item # 3
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 01/31/12	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: <i>David Feldman</i>	Council District affected: "A" Helena Brown, Key Map#450V
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For additional information contact: Ondrea U. Taylor <i>OT</i> Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)	Date and identification of prior authorizing Council action: 2011-1088, psd. 12/07/11; 2010-231, psd. 3/24/10; 2010-381, psd. 5/19/10
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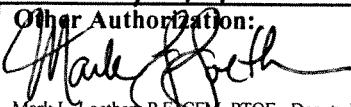
RECOMMENDATION: (Summary)
 Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter, withdraw the City's objections to the Award of Special Commissioners, and settle the case for the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
 \$274,262.00; No additional funding required. (Funds previously appropriated under Ordinance No. 2010-231 out of the Street and Bridge Consolidated Construction Fund 4506 and re-appropriated by Ordinance No. 2011-1088 into Street & Traffic Control and Storm Drainage DDSRF Fund 4042). *M.P. 2/22/2012*

SPECIFIC EXPLANATION:

The Long Point Paving and Drainage Project, Sub-Project II (Pech - Hollister) will provide for the right-of-way acquisition, design and construction of a four-lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project will replace and widen the street/intersections. It will improve traffic circulation, mobility and drainage in the service area. These improvements will upgrade the existing roadway to MTFP standards.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 2,426 square feet (0.0557 acre) of land from a parent tract containing 12,545 square feet (0.2880 acre). The parent tract is improved with a 1,450 square-foot free standing self service Phillip 66 gasoline station, a 783 square-foot automotive garage repair area and a convenience store. The property is located at 8500 Long Point and is owned by the Chong C. Park. The City's taking is located along the southern boundary of the property and extends the entire length of the property. The City's taking will cause the loss of the service station function and change the highest and best use of the property. Improvements situated within the acquisition include: concrete and asphalt paving, one fuel dispenser, one (1) Phillip 66 brand identification sign, one (1) air dispenser, concrete curbing, two (2) bollards and a portion of an overhead canopy. The landowner's legal representative rejected the City's final offer of \$222,200.00 to purchase the needed property and did not submit a counter-offer. Efforts by Public Works & Engineering to negotiate a purchase were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the needed property. The Legal Department cited and served the parties as required by law and the matter was set for a Special Commissioners' Hearing. The Legal Department retained the same appraiser utilized by Public Works & Engineering in making the City's final offer, and instructed him to update his appraisal report and be prepared to testify at the hearing.

h:\mark\cparkrca.wpd		REQUIRED AUTHORIZATION		<i>90AH250</i>
Other Authorization:	Other Authorization:	Other Authorization:	 Mark L. Loethen, P.E., CEM, PTOE, Deputy Director Planning and Development Services Division, PWE	

Date 01/31/12	SUBJECT: Parcel AY9-427; City v. Chong C. Park, et al; Long Point Paving and Drainage Project, Sub-Project II (Pech - Hollister); LD# 52-1000006-009	Originator's Initials OUT/JNQ	Page 2 of 2
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During the course of preparing for the Special Commissioners' Hearing, the parties exchanged appraisal reports and, through negotiations, were able to reconcile their differences and arrive at a resolution of all issues and matters in controversy.

Award of Special Commissioners: \$270,000.00.

The "**Costs of Court**" are: \$187.00 filing fee; \$475.00 Service fee; \$1,200.00 Special Commissioners' fees (i.e. \$400.00 x 3); \$2,400.00 Appraiser's fee; **Total:** \$4,262.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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

REQUEST FOR COUNCIL ACTION

SUBJECT: Parcel AY10-068; City of Houston v. Perzetta Hurd, et al., Cause No. 992,498; Ella Boulevard (Wheatley) Paving Project (Little York - W. Gulf Bank) WBS/CIP No. N-000533-0002-2-01; Legal Department File No. 052-1000010-047.	Page 1 of 2	Agenda Item # 4
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 1/19/12	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: "B" Jerry Davis; Key Map#412T
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For additional information contact: Joseph N. Quintal Phone: 832.393.6286 (alternatively Ondrea U. Taylor 832.393.6280)	Date and identification of prior authorizing Council action: 2011-1088, psd. 12/7/11; 2010-253, psd. 4/7/10; 2009-720, psd 8/5/09;
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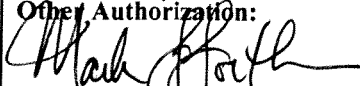
RECOMMENDATION: (Summary)
 Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court and pay the costs of court incurred in this matter. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
 \$105,287.00; No additional funding required. (Funds previously appropriated under Ordinance No. 2009-720 out of the Street and Bridge Consolidated Construction Fund 4506 and re-appropriated by Ordinance No. 2011-1088 into Street & Traffic Control and Storm Drainage DDSRF Fund 4042). *M.P. 2/22/2012*

SPECIFIC EXPLANATION:

The Ella Boulevard (Wheatley) Paving Project (Little York - W. Gulf Bank) provides for the right-of-way acquisition, design and construction of a four lane divided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project includes crossings over Harris County Flood Control ditches. The project will replace and widen a street that has deteriorated beyond economic repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. The improvements will upgrade the existing roadway to Major Thoroughfare Standards.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 1,314 square feet (0.0302 acre) of land out of a parent tract containing 4,378 square feet (0.1005 acre) of land. The property is located at 8010 Wheatley Street and is owned by Perzetta Hurd. The property is improved with a 1,210 square-foot modular home constructed in 2006. The City's taking is a rectangularly shaped tract of land 18.77 feet in width by 70.00 feet in length along Wheatley Street and will bisect a corner of the home. The new right-of-way line will abut the entire side of the residence. The City's final offer of \$55,069.00 to purchase the needed property was rejected and the landowner's legal representative submitted a counter-offer for \$120,000.00 for the entire property claiming the City's taking will leave the property in an unusable condition. The counter-offer was reviewed and rejected by Public Works & Engineering for lacking any documentation to support the value conclusions and the matter was referred to the Legal Department to initiate eminent domain proceedings to acquire the property. The Legal Department retained the same appraiser, employed by Public Works & Engineering, to update the appraisal report for the Special Commissioners' Hearing, and present an opinion of market value for the Special Commissioners' consideration.

h:\mark\hurdrca.wpd			REQUIRED AUTHORIZATION			90AH248
Other Authorization:		Other Authorization:		Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE, Deputy Director Planning and Development Services Division, PWE		

Date 1/19/12	SUBJECT: Parcel AY10-068; City v. Perzetta Hurd, et al; Cause No. 992,498; Ella Blvd. (Wheatley) Paving Project; L.D. File No. 052-1000010-047;	Originator's Initials JNQ/OUT	Page 2 of 2
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City's Testimony Before the Special Commissioners: \$85,551.00 (i.e. \$1.60 psf for the land being acquired; \$80,506.00 for the improvements thereon and \$2,452.00 as damages to the remainder)

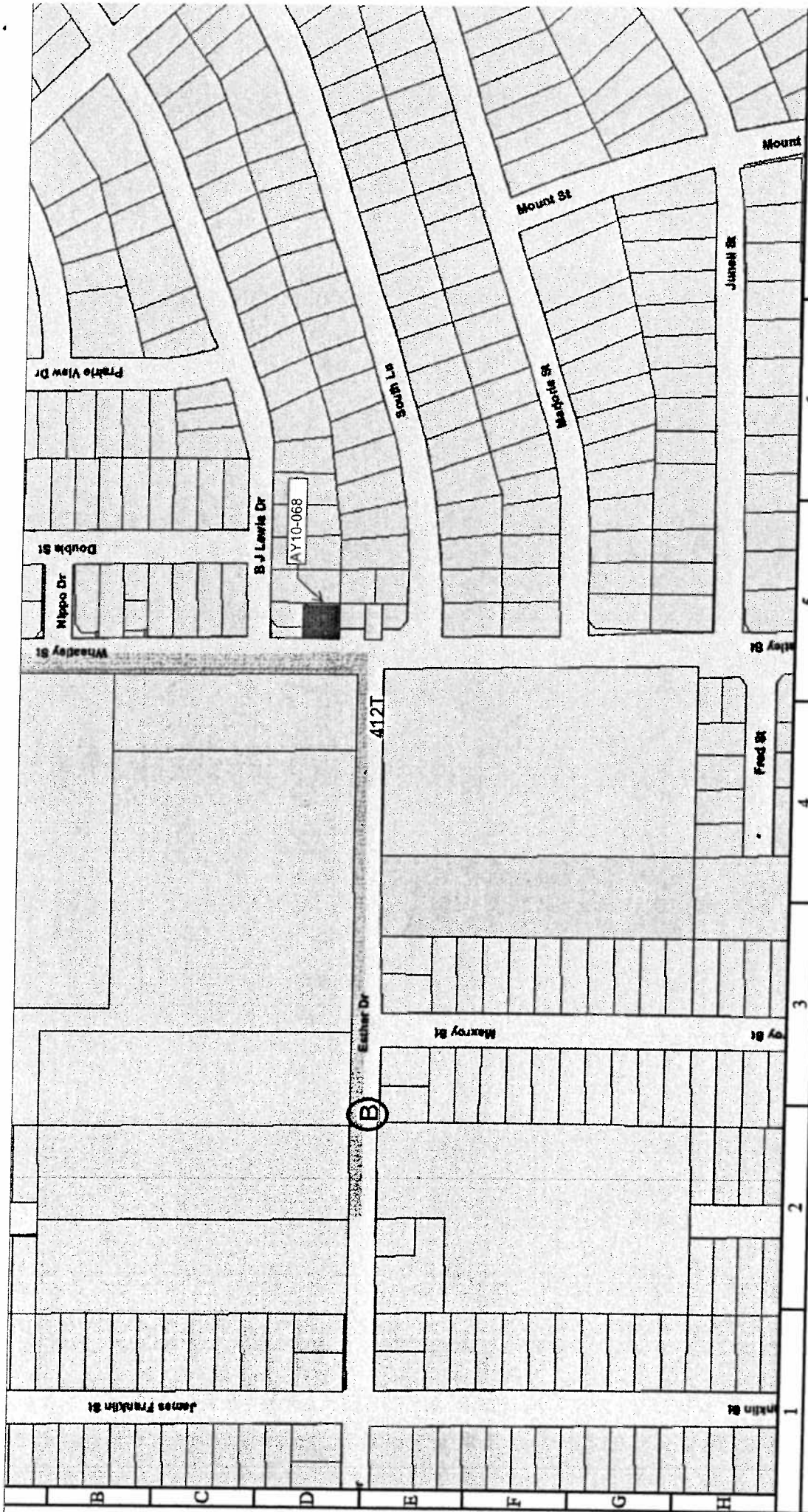
The landowner appeared personally and was represented by legal counsel at the Special Commissioners' Hearing. They failed to present any appraisal evidence related to the value of the property being acquired or damages thereto. Their testimony centered on the amount of the outstanding mortgage balance on the property and the fact that the City's compensation estimate is less than the amount owed.

Award of Special Commissioners: \$98,000.00.

The Legal Department filed Objections to the Award of Special Commissioners in order to preserve the City's legal and procedural options pending City Council's review and consideration of the subject matter. The landowner's legal representative filed objections claiming the compensation awarded by the special commissioners fails to fully compensate the landowner. The matter has been placed on the Court's trial docket.

The "Costs of Court" are: \$187.00 filing fee; \$275.00 Service of process fee; \$2,475.00 Special Commissioners' fees (i.e. \$825.00 x 3); \$4,350.00 Appraiser's fee; **Total: \$7,287.00.** These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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

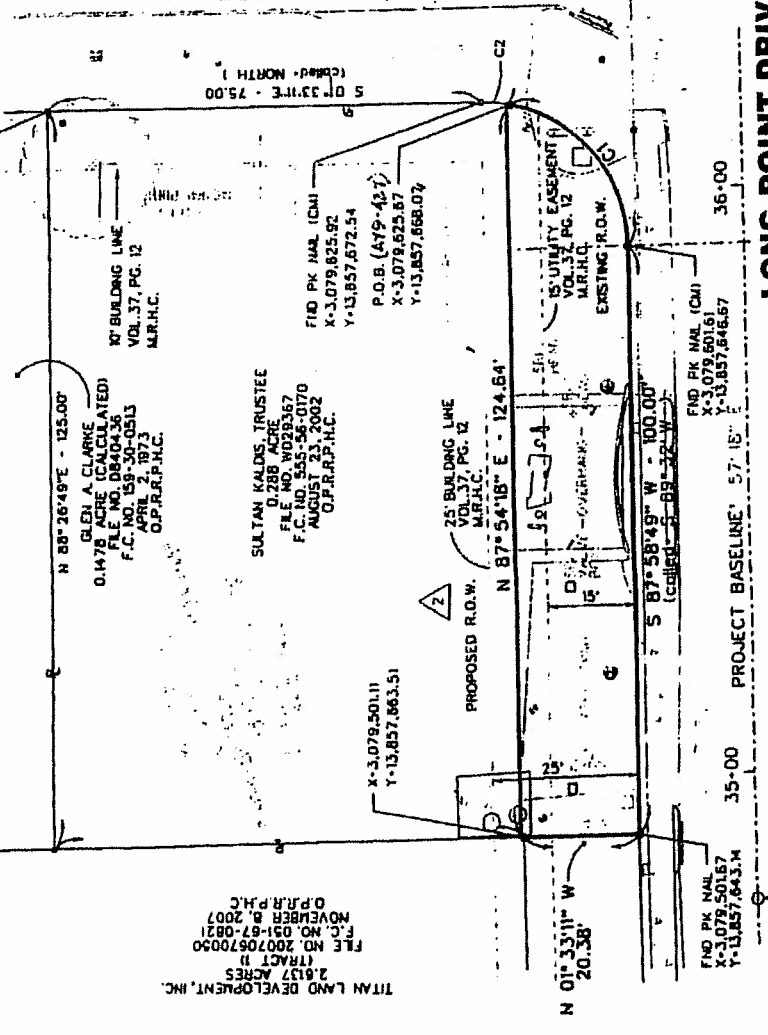


CITY OF HOUSTON

Department of Public Works and Engineering
 Geographic Information & Management System (GIMS)
 DISCLAIMER: THIS MAP REPRESENTS THE BEST INFORMATION AVAILABLE TO THE CITY.
 THE CITY DOES NOT WARRANT ITS ACCURACY OR COMPLETENESS.
 FIELD VERIFICATIONS SHOULD BE DONE AS NECESSARY.



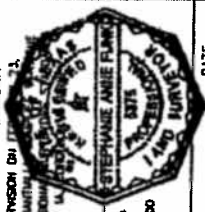
CV	RADIUS	DELTA	LENGTH	CHORD
C1	25.00'	80° 11' 30"	34.98'	S 48° 21' 04" W - 32.20'
C2	25.00'	70° 16' 30"	4.48'	S 03° 07' 04" W - 4.48'



- LEGEND**
- MANHOLE
 - ⊕ POWER POLE
 - WATER VALVE
 - WATER METER
 - INLET
 - ⊕ MONITOR WELL
 - SIGN
 - (CM) CONTROL MONUMENT

SURVEYOR'S CERTIFICATION

IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON FEBRUARY 20, 2007, AND THAT THE SURVEY WAS ACCORDING TO THE CURRENT TEXAS SURVEYING ACT, PROFESSIONAL SURVEYING AND BOUNDARY SURVEYING ACT, ACTIVITY LA. 1713142-3212.



STEPHANIE ANNIE PARK
 LICENSE NO. 3373
 15435 NORTHWEST FREEDWAY, SUITE 700
 HOUSTON, TEXAS 77048
 (713) 482-3212

REV	DESCRIPTION	DATE
3	REVISED SQ. FT. OF PARCEL	01-15-10
2	REVISED GEOMETRY OF PARCEL	12-23-08
1	ADDED RIGHT OF WAY DEED INFORMATION	06-23-09

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

APPROVAL: *[Signature]*
 DATE: 02/23/10
 CHIEF SURVEYOR

KEY MAP NO. 4515
 GINS MAP NO. 5-5-95
 PARCEL NO. AY9-427
 SCALE: 1"=20'
 DATE: 04/30/2009
 CIP NO.
 WFE NO. 1516, 74-000
 FILE NO.
 SHEET 1 OF 1

NORCFEST DRIVE (60' R.O.W.)

LONG POINT DRIVE (R.O.W. VARIES)

(Plot 23-f2A)

EXISTING	TAKING	REMAINING
0.288 ACRE	0.0557 ACRE	0.2323 ACRE
12,545 SQ. FT.	2,428 SQ. FT.	9,119 SQ. FT.

PARCEL AY9-427
 SHOWING PROPERTY OF
 SULTAN KALDIS, TRUSTEE

- NOTES:**
1. 0 INDICATES SET 60-100" FROM R.O.W. WITH YELLOW CAP STAMPS "COMB. FEMOLEY & ASSOCIATES", UNLESS NOTED OTHERWISE.
 2. ALL COORDINATES AND BEARINGS INCITED HEREIN ARE REFERENCED TO CITY OF HOUSTON CORNERS; ALL DISTANCES AND BEARINGS ARE SURFACE VALUES AND MAY BE CORRECTED TO GRID VALUES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99998.
 3. FLOODPLAIN INFORMATION: THE SUBJECT TRACT IS LOCATED IN ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 100-YEAR FLOODPLAIN AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE MAP PANEL NO. 4801400001, DATED JUNE 14, 2007.
 4. THIS SURVEY PLAT IS REFERENCED TO A METES AND BOUNDS DESCRIPTION PREPARED BY COMB. FEMOLEY & ASSOCIATES, INC. OF EVER DATE HEREON.
 5. ALL CALL BEARINGS AND DISTANCES ARE BASED ON THE RICCELMEST ADDITION NO. 2 SUBDIVISION AS SHOWN HEREON.
 6. ABSTRACTING FOR THE SUBJECT TRACT WAS PERFORMED BY POTLE PROPERTY SERVICES, INC., ON FEBRUARY 20, 2007 AND DOWNGRADE OF TRACT INFORMATION FOR POTLE PROPERTY SERVICES, INC., IN APRIL OF 2009. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT SO THEREFORE THERE MAY BE ENCUMBRANCES AND/OR RESTRICTIVE COVENANTS OF RECORD AFFECTING THE PROPERTY WHICH ARE NOT SHOWN HEREON.

TITAN LAND DEVELOPMENT, INC.
 2.812 TRACT 11
 F.C. NO. 20070570050
 NOVEMBER 8, 2007
 O.P.R.P.H.C.

SULTAN KALDIS, TRUSTEE
 FILE NO. W028367
 F.C. NO. 555-58-0170
 AUGUST 23, 2002
 O.P.R.P.H.C.

FILE NO. (AY9-427)
 X-3,079,625.87
 Y-13,857,668.04

FILE NO. (CM)
 X-3,079,501.9
 Y-13,857,596.57

PROJECT BASELINE: 57' IS
 (called 5'-09"-32" W)

36'-00"

35'-00"

(NO RECORDATION FOUND)

(Plot 23-f2A)

63-161

SUBJECT: Parcel AY10-211; City of Houston v. Elisandro Flores, aka, E. Alex Flores, aka, Alex Flores, et al., Cause No. 996,954; Airline Drive Paving & Drainage Project (N. Main - North Loop 610) WBS/CIP No. N-000697-0001-2-01; Legal Department File No. 052-1000038-005.	Page 1 of 2	Agenda Item # 5
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FROM (Department or other point of origin): Legal Department - Real Estate Section David Feldman, City Attorney	Origination Date 01/19/12	Agenda Date MAR 07 2012
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copy JNK

DIRECTOR'S SIGNATURE: 	Council District affected: "H" Edward Gonzalez, Key Map#453T
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For additional information contact: Joseph N. Quintal Phone: 832.393.6286 (alternatively Ondrea U. Taylor 832.393.6280)	Date and identification of prior authorizing Council action: 2011-1088, psd. 12/07/11; 2010-675, psd. 8/18/10; 2011-5, psd. 1/5/11
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RECOMMENDATION: (Summary)
 Authorize the City Attorney, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay the costs of court incurred in this matter, withdraw the City's objections to the Award of Special Commissioners, and settle the case for the amount of the Award of Special Commissioners. Funding will be provided by a previously approved blanket Appropriation Ordinance.

Amount and Source of Funding:
 \$96,282.00; No additional funding required. (Funds previously appropriated under Ordinance No. 2010-675 out of the Street and Bridge Consolidated Construction Fund 4506 and re-appropriated by Ordinance No. 2011-1088 into Street & Traffic Control and Storm Drainage DDSRF Fund 4042). *U.P. 2/22/2012*

SPECIFIC EXPLANATION:
 The Airline Paving & Drainage Project (N. Main - North Loop 610) provides for the right-of-way acquisition, design and construction of a four lane undivided concrete roadway with storm drainage, curbs, sidewalks, driveways, street lighting, traffic control and the necessary underground utilities. The project will replace and widen a street that has deteriorated beyond economical repair and normal maintenance. It will improve traffic circulation, mobility and drainage in the service area. The improvements will upgrade the existing roadway to MTFP standards.

This eminent domain proceeding involves the acquisition of a permanent easement in and to 2,855 square feet (0.0655 acre) of land from a parent tract containing 360,128 square feet (8.27 acres). The parent tract is improved with a 49,712 square-foot distribution warehouse currently occupied by Houston Avocado Company. The property is located at 2224 Airline Drive and is owned by the Elisandro Flores, aka, E. Alex Flores, aka, Alex Flores. The landowner's legal representative rejected the City's final offer of \$85,570.00 to purchase the needed property and did not submit a counter-offer. Repeated efforts by Public Works & Engineering to negotiate a purchase of the needed property were unsuccessful, and the matter was referred to the Legal Department to initiate eminent domain proceedings. The Legal Department cited and served the parties as required by law and the matter was set for a Special Commissioners' Hearing.

During the course of preparing for the Special Commissioners' Hearing, the parties were able to reconcile their differences and arrive at a resolution of all issues and matters in controversy, subject to City Council's approval. The special commissioners' hearing was convened and the parties announced that a proposed settlement had been reached between the parties. The special commissioners were requested to return an agreed Award for \$90,000.00. The proposed settlement, or agreed Award, is \$4,430.00 more than the City's final offer, but is within the range of and supported by the evidence available to this office.

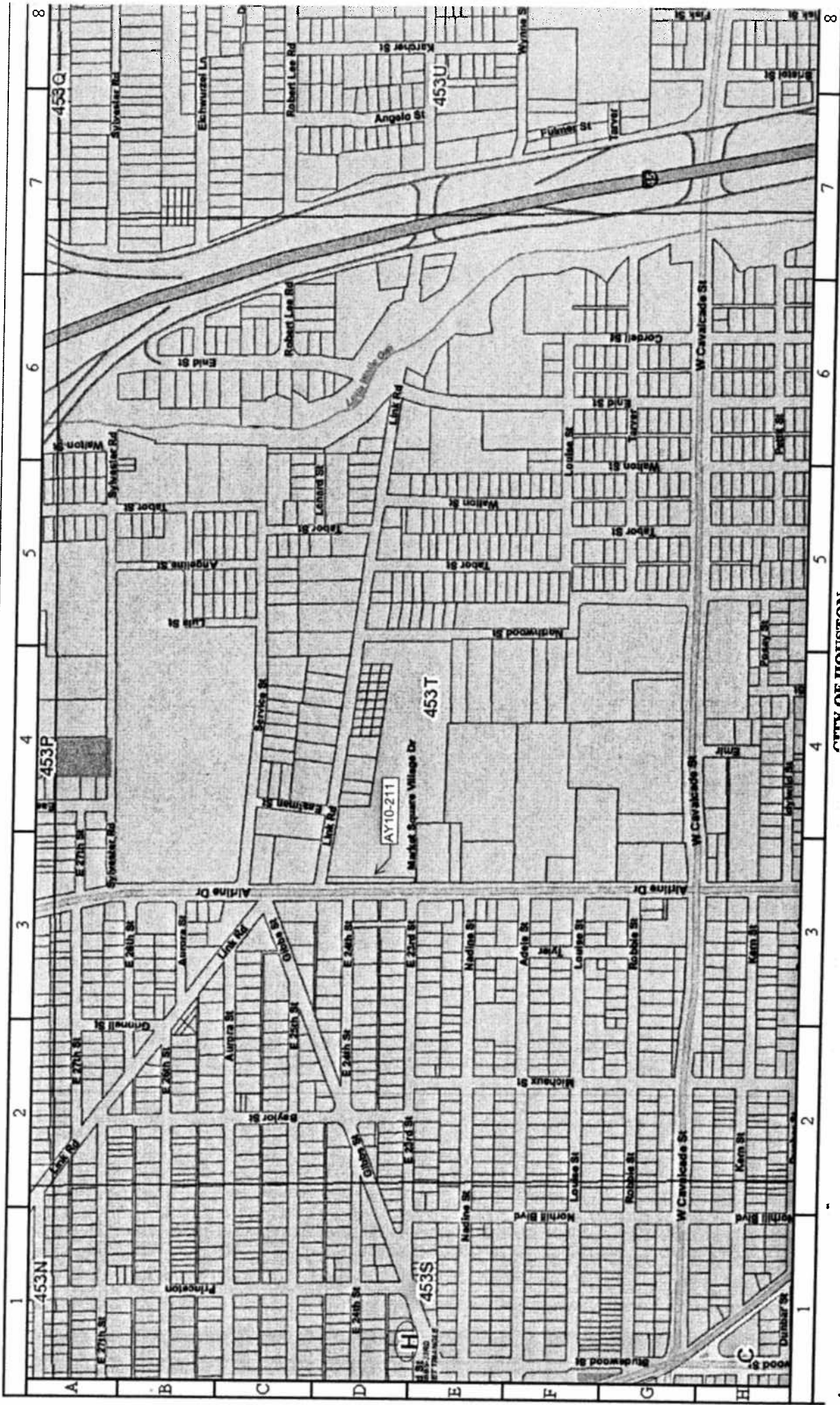
h:\mark\efloresca.wpd REQUIRED AUTHORIZATION <i>90AH249</i>		
Other Authorization:	Other Authorization:	Other Authorization: Mark L. Loethen, RE, CFM, PTOE, Deputy Director Planning and Development Services Division, PWE

Date 01/19/12	SUBJECT: Parcel AY10-211; City v. Elisandro Flores, et al; Airline Drive Paving & Drainage Project; LD# 52-1000038-005	Originator's Initials JNQ/OUT	Page 2 of 2
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Award of Special Commissioners: \$90,000.00.

The "**Costs of Court**" are: \$187.00 filing fee; \$395.00 Service fee; \$1,950.00 Special Commissioners' fees (i.e. \$650.00 x 3); \$3,750.00 Appraiser's fee; **Total:** \$6,282.00. These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

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



CITY OF MADISON

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9311

Subject: Purchase of Firefighting Pumper Trucks Through the Houston-Galveston Area Council for the Houston Fire Department S27-E24202-H

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

February 29, 2012

Agenda Date

MAR 07 2012

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

B, H, K

For additional information contact:

Neil Depascal Phone: (832) 394-6755
Ray DuRousseau Phone: (832) 393-8726

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of firefighting pumper trucks through the Houston-Galveston Area Council (H-GAC) in the amount of \$2,999,813.00 for the Houston Fire Department.

Award Amount: \$2,999,813.00

Finance Budget

\$2,999,813.00 - Community Development Block Grant Fund (Fund 5000)

SPECIFIC EXPLANATION:

The Chief of the Fire Department and the City Purchasing Agent recommend that City Council approve the purchase of six firefighting pumper trucks through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$2,999,813.00 for the Houston Fire Department, and that authorization be given to issue a purchase order to the H-GAC contractor, Tyler Motor Company, Inc. dba Hall Volvo GMC. These pumper trucks will be assigned by the Department to fire stations in Council Districts B, K and H and will be used as the primary apparatus for fire suppression and responding to EMS incidents twenty-four hours a day, seven days a week.

These new pumper trucks will come with a one-year bumper-to-bumper warranty and additional warranties of five years on the engine, transmission and air-conditioning system; two years on the hydraulic system and the fire pump; four years on paint fading, peeling or blistering; ten years on the cab/body for surface perforation or corrosion and pump plumbing; and a lifetime warranty on the tanks and frame. The life expectancy of these pumper trucks is 8-10 years as frontline units with a potential 3 additional years as reserve units.

These new pumper trucks will meet the EPA's current emission standards for trucks with diesel engines. They will replace existing units in the Department's fleet that have reached their useful life and will be sent to auction for disposition. See the attached Equipment Usage Summary for equipment usage and replacement details.

Buyer: Louis Reznicek

Attachment: Equipment Usage Summary

B

REQUIRED AUTHORIZATION

Finance Department

Other Authorization:

Other Authorization:

[Signatures: Finance Department, Other Authorization, Other Authorization]

15

**EQUIPMENT USAGE SUMMARY
FOR FIREFIGHTING TRUCKS
FOR HOUSTON FIRE DEPARTMENT
S27-E24202H / RCA 9311**

Description	Qty	New Unit Assignment			Existing Unit Reassignment	Unit Sent to Auction	
		Station No. Assignment	Address	Council District	Shop Number	Shop No.	Age
Firefighting Pumper Trucks	6	12	1205 Alber	H	31446-To Reserves	29666	13
		30	6702 Irvington Blvd.	H	34763-Reassigned	29946	13
		32	8614 Tidwell Rd.	B	29754-To Reserves	26663	15
		43	7330 N. Wayside	B	34836-Reassigned	30487	13
		47	2615 Tidewater	K	30580-To Auction	30580	13
		58	10413 Fulton	H	38407-Reassigned	29493	13

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9317

Subject: Spending Authority to Address Citywide Emergency Concrete and Asphalt Restoration Services for the Public Works & Engineering Department
S12-E24212

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

February 28, 2012

Agenda Date

MAR 07 2012

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:

RECOMMENDATION: (Summary)

Approve spending authority to address citywide emergency asphalt and concrete restoration services in an amount not to exceed \$650,000.00 for the Public Works and Engineering Department.

Estimated Spending Authority: \$650,000.00

F & A Budget

\$650,000.00 - Water and Sewer System Operating Fund (Fund 8300)

SPECIFIC EXPLANATION:

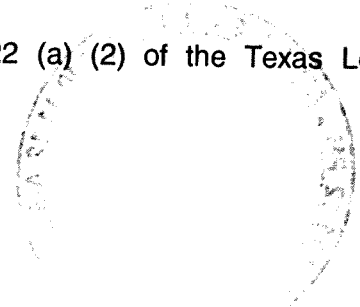
The Director of the Public Works & Engineering Department and the City Purchasing Agent recommend that City Council approve emergency spending authority in an amount not to exceed \$650,000.00 for emergency concrete and asphalt restoration services and that authorization be given to issue an automated (SAP) purchase order to ISI Contracting, Inc. and allow progress payments without further Council action.

Since June 2011, the City of Houston began experiencing an extraordinary amount of water line breaks and pavement shifts citywide due to extreme hot weather and drought conditions. The ruptured water lines flooded intersections, deteriorated roadway sub-base material, created subsurface voids resulting in the formation of sinkholes, potholes and improper street alignment, posing an immediate public safety and health hazard. The Strategic Purchasing Division issued an emergency purchase order to ISI Contracting, Inc. to address these emergencies. The augmentation of the contractor's crews enables the Department to respond more quickly to needed concrete and asphalt restoration and repair services throughout the City.

The scope of work requires the contractor to provide all permits, labor, materials, equipment, supervision and transportation necessary to perform concrete and asphalt restoration and repairs citywide. The contractor's responsibilities include, but are not limited to, mobilizing and providing traffic control; protecting and securing existing trees and plants; removing and replacing esplanades, curbs, roadway pavement and restoring the disturbed property to its original condition. The work also includes removal of all debris and excess project materials upon completion.

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

Buyer: Martin L. King



REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

D

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: A resolution to petition the Texas Alcohol Beverage Commission to revise the boundaries of the Central Business District as represented in Chapter 3 of the Code of Ordinances to more accurately reflect the current, practical boundaries of the district.

Category #

Page 1 of 1

Agenda Item#

8

FROM: (Department or other point of origin):

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

Origination Date

February 20, 2012

Agenda Date

MAR 07 2012

DIRECTOR'S SIGNATURE:

Council Districts affected:

I - Rodriguez

For additional information contact:

Tina Paez **Phone:** 713-837-9630
Kathryn Bruning **Phone:** 713-837-9873

Date and identification of prior authorizing Council Action:

November 17, 1993, Resolution 93-103
June 1, 1994, Ordinance No. 94-597

RECOMMENDATION: (Summary)

Adopt a resolution petitioning the Texas Alcoholic Beverage Commission to adopt an order approving revised geographic boundaries for Houston's Central Business District, as represented in Chapter 3 of the Houston Code of Ordinances, to more accurately reflect the current, practical boundaries of the district.

Amount of Funding: N/A

FIN Budget:

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

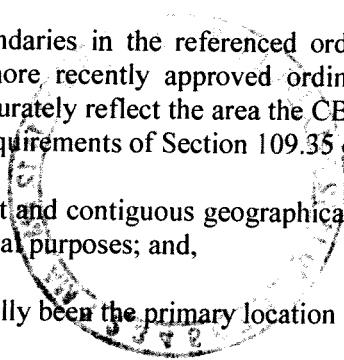
SPECIFIC EXPLANATION:

The Director of Administration & Regulatory Affairs recommends City Council adopt a resolution petitioning the Texas Alcoholic Beverage Commission to adopt an order approving revised geographic boundaries for Houston's Central Business District, as represented in Chapter 3 of the Houston Code of Ordinances, to more accurately reflect the current, practical boundaries of the district.

On November 17, 1993, the City Council approved a resolution to petition the Texas Alcoholic Beverage Commission (TABC) to adopt an order prohibiting possession of an open container or public consumption of alcoholic beverages in the City's Central Business District (CBD). The TABC adopted the requested order on January 25, 1994. Subsequently, the City Council passed Ordinance No. 94-597 based on Section 109.35 of the TABC Code. At that time, a map representing the geographic boundaries of the CBD was adopted in City Council Resolution No. 93-103 and approved by order of the TABC.

A recent review of the CBD boundaries in the referenced ordinance and resolution indicates that those boundaries are inconsistent with boundaries in more recently approved ordinances. Therefore, ARA recommends the revision of the boundaries of the CBD to more accurately reflect the area the CBD encompasses in practice today. The proposed CBD map revisions meet the following two requirements of Section 109.35 of the TABC Code:

- 1) The area must be a compact and contiguous geographical area in the City in which at least 90 percent of the land is used or zoned for commercial purposes; and,
- 2) The area must have historically been the primary location in the municipality where business has been transacted.



This resolution will petition the TABC to adopt an order prohibiting an open container or public consumption of alcoholic beverages in the City's Central Business District with the revised Central Business District map.

REQUIRED AUTHORIZATION

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

SUBJECT:

Approval of a resolution designating Rufus Cage Elementary School at 1417 Telephone Road as a Landmark and Protected Landmark in accordance with Chapter 33, Code of Ordinances

Category #

Page
1 of 1

Agenda Item #

9

FROM (Department or other point of origin):
Planning and Development

Origination Date
February 3, 2012

Agenda Date
MAR 07 2012

DIRECTOR'S SIGNATURE:

Carol
Marlene N. Griffin

Council District affected:
I

For additional information contact: Diana DuCroz
Phone: (713) 837-7924

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Approval of a resolution designating Rufus Cage Elementary School at 1417 Telephone Road as a Landmark and Protected Landmark

Amount and Source of Funding: N/A

Finance Budget:

SPECIFIC EXPLANATION:

A property owner may initiate an application for the designation of a Landmark and Protected Landmark, for which a 90-day waiver certificate may not be issued by the planning official. This application for Landmark and Protected Landmark designation of Rufus Cage Elementary School at 1417 Telephone Road was initiated by the owner, which is the City of Houston.

A public hearing was held by the Houston Archaeological and Historical Commission and there were no objections to the designation. The Houston Archaeological and Historical Commission determined that the application satisfied applicable criteria of the ordinance and unanimously recommended approval of the Landmark and Protected Landmark designations.

Photos of the proposed landmark can be found by going to the following on the Planning Department's website: <http://www.houstontx.gov/planning/HistoricPres/landmarks.html>

MG: kc

Attachments: Application and Staff Report

xc: Minnette Boesel, Mayor's Assistant for Cultural Affairs
David M. Feldman, City Attorney
Deborah McAbee, Land Use Division, Legal Department
C.A. McClelland, Chief, Police Department
Terry A. Garrison, Chief, Fire Department

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

PROTECTED LANDMARK DESIGNATION REPORT

LANDMARK NAME: Rufus Cage Elementary School
OWNER: City of Houston
APPLICANT: Same
LOCATION: 1417 Telephone Road – East End

AGENDA ITEM: II
HPO FILE NO: 11PL108
DATE ACCEPTED: Oct-26-2011
HAHC HEARING: Nov-22-2011

SITE INFORMATION: Tract 4, Block 21, Eastlawn Addition, City of Houston, Harris County, Texas. The site includes a two-story brick school building set on a raised foundation.

TYPE OF APPROVAL REQUESTED: Landmark and Protected Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY

Rufus Cage Elementary School at 1417 Telephone Road is one of the oldest school buildings still standing in Houston. Built in 1910, the raised two-story mission-style brick school with four classrooms served students in Houston's East End until 1983. The school was named for Rufus Cage, a longtime school board trustee and president, who donated the land upon which the school was built. Originally a county school, Cage Elementary became part of the City of Houston's public school system in 1914. After the school moved to a new campus in 1983, Houston Independent School District (HISD) used the old building primarily for storage. In October 2011, HISD transferred the vacant school property to the City of Houston, which is seeking this protected landmark designation.

Despite some deterioration in recent years, the school building is structurally sound, and retains much of its original 1910 features, including high ceilings in the two classroom floors, tall wood windows, beadboard on the walls, and wood floors. The exterior brick is now covered with stucco, and the open ground level was enclosed years ago for school offices and library and features ceilings barely 6 feet high.

Rufus Cage Elementary School meets Criteria 1, 4, 5 and 8 for Landmark and Protected Landmark designation.

HISTORY AND SIGNIFICANCE

The Rufus Cage School is one of the oldest public school buildings still standing in Houston. Built in 1910 as a county school, the two-story mission-style brick schoolhouse served generations of East End families until 1983, when a new building was built for Cage Elementary on nearby Leeland Street. Since that time, the original Cage School has served as a storage facility for HISD. Although the building has suffered some deterioration in recent years, it is structurally sound and retains much of its original 1910 appearance.

The Cage School first opened in 1907 on the south side of Telephone Road (aka Sims Bayou Road) as the Kirby School, named after William A. Kirby, who was a trustee for the county schools. The farm and homestead of W. A. Kirby and his family was located on the south side of Telephone Road close to the school, and Kirby and his sons worked variously as shopkeepers, contractors and mechanics in the area. The subdivision platted in 1906 to the south of Telephone Road was named

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

for W.A. Kirby, and several of the streets - Monroe, Wesley, and Mable streets - bear the names of Kirby children. The original Kirby house on Telephone Road was later relocated to the 1600 block of Mable St, where it still stands. Mrs. W.A. Kirby (Fannie) was the first president of the school's PTA, or 'Mothers' Club.' Two decades later, the Kirbys' daughter, Mable (Mrs. Henry C. Lane), who was a student at the school the first year it opened, served as PTA president at Cage School in 1925-1927.

The one-room school's first teacher was Maggie Dullahan. Two years later, a second room was added to the small wood-frame school building. According to the '50th Anniversary Pictorial History' for Cage School put together by Mrs. H. E Eades in 1957, this original building was later cut in half and became two five-room cottages at the corner of Wesley and Dumble. The school grew quickly and in 1910, a new two-story brick building with four classrooms was built to accommodate this growth on the north side of Telephone Road.

Rufus Cage, a member of the Houston School Board for sixteen years and president of the board for eight, donated the land upon which the brick school was built, and the new school was named in his honor. The cornerstone for 'Cage School' names L.L. Pugh as County Superintendent; school trustees, W. A. Kirby, N.O. Jones, and R.C. Mayes; architects, Jones & Tabor; contractors, Meyer & Vaughan. At the dedication ceremony in 1910, Rufus Cage spoke from the front steps. Born October 23, 1853, Cage was a prominent Houstonian who worked in the insurance business along with other endeavors. Rufus Cage died on May 19, 1918, and was buried at Glenwood Cemetery.

Charles P. Jones and J. Rodney Tabor (1886-1955) were the architects of Cage School. Tabor, a graduate of Massachusetts Institute of Technology, partnered with Henry F. Jonas starting in 1923. Some of Tabor's later works include Lanier Middle School and the Third Church of Christ, Scientist on Almeda Road.

In 1914, Cage School left the suburban county school system and became part of the city school district. According to some accounts, sometime between 1914 and 1925, the school closed its doors and the building served as housing to families within the agricultural community. However, city directories from the time continue to list Cage School, so it is unclear when or if this occurred.

In 1910, the Mothers' Club purchased a few things for the school, such as play-ground equipment, maps, globes, and a piano, by raising money from chili suppers, cake sales and dances. The members also sponsored picnics and Christmas trees with gifts for all the children. This started a long tradition of parental support for Cage School. Parents were very involved throughout the years Cage was open, raising money to add a cafeteria/auditorium in the 1940s, to buy supplies and equipment for the school, and to advocate to keep the school open through the 1970s despite its small size.

In 1983, a new school campus was built for Cage Elementary on Leeland Street and the school moved out of the Telephone Road building. Since this time, the old Cage school building has been used by HISD for storage. The Cage School was included on Greater Houston Preservation Alliance's Endangered Buildings List in early 2004. HISD placed the property up for auction, but the community persuaded the school district to work with them to find a new use for this historic building with the goal of preserving the property. On October 13, 2011, the HISD Board of Trustees voted to transfer the property to the City of Houston, which was accepted by City Council on October 26, 2011.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY

The Rufus Cage School is a raised two-story masonry building in the mission style. The open ground level was later enclosed and, despite ceilings as low as 6-ft, served as the school library and administrative offices while the school was still operating. The upper two floors feature two large classrooms on each level, with high ceilings, tall windows, beadboard on walls, and wood floors.

In 2008, Hurricane Ike damaged the building's roof, which is currently covered by a tarp. Despite some water damage, recent inspections have determined the building to be structurally sound.

An engineering assessment done for the City in 2011 contains the following description of the building:

“Old photographs reveal that originally brick walls were exposed. At the time of construction the lower level was open, much like a raised cottage. It appears the school was basically a four room school house with two large class rooms per floor. The first floor was reached by the large stairs that reached to the entry porch. Students entered a central hall which fed the two first floor classrooms....

The ground level was not originally enclosed.... The Auditorium/Library space were added at a later date. ... it appears the auditorium may date from the late thirties or early forties.

The 1920 school appears to be in fairly good shape although evidence of structural repairs is found in the tension rods and plates evident at the floor lines and at roof level. These steel rods are also observed in the building. It is possible these repairs were when the building was stuccoed.

The 1910 building is an icon in the neighborhood and should be renovated for community use as proposed.”

BIBLIOGRAPHY

‘50th Anniversary Pictorial History,’ Mrs. H. E. Eades, 1957.

Assessment of Rufus Cage Elementary, Bill Neuhaus.

Harris County Plat Maps

Houston Architectural Survey, 1980.

Houston City Directories.

Sanborn Fire Insurance Maps, 1924–Feb 1951. Vol 9, 1925-July 1950, Sheet 935.

U.S. Census.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Diana DuCroz, Planning and Development Department, City of Houston.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

APPROVAL CRITERIA FOR PROTECTED LANDMARK DESIGNATION

The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for a landmark. The HAHC and the Planning Commission, in making recommendations with respect to a protected landmark designation, and the City Council, in making a designation, shall consider whether the building, structure, site, or area meets at least three of the criteria in Section 33-224, or one of the criteria in Section 33-229, as follows:

S **NA**

S - satisfies **NA - not applicable**

Meets at least three of the following (Sec. 33-229(a)(1)):

- (1) Whether the building, structure, object, site or area possesses character, interest or value as a visible reminder of the development, heritage, and cultural and ethnic diversity of the city, state, or nation;
- (2) Whether the building, structure, object, site or area is the location of a significant local, state or national event;
- (3) Whether the building, structure, object, site or area is identified with a person who, or group or event that, contributed significantly to the cultural or historical development of the city, state, or nation;
- (4) Whether the building or structure or the buildings or structures within the area exemplify a particular architectural style or building type important to the city;
- (5) Whether the building or structure or the buildings or structures within the area are the best remaining examples of an architectural style or building type in a neighborhood;
- (6) Whether the building, structure, object or site or the buildings, structures, objects or sites within the area are identified as the work of a person or group whose work has influenced the heritage of the city, state, or nation;
- (7) Whether specific evidence exists that unique archaeological resources are present;
- (8) Whether the building, structure, object or site has value as a significant element of community sentiment or public pride.

AND

- (9) If less than 50 years old, or proposed historic district containing a majority of buildings, structures, or objects that are less than 50 years old, whether the building, structure, object, site, or area is of extraordinary importance to the city, state or nation for reasons not based on age (Sec. 33-224(b)).

OR

- The property was constructed before 1905 (Sec. 33-229(a)(2));

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

OR

The property is listed individually in the National Register of Historic Places or designated as a "contributing structure" in an historic district listed in the National Register of Historic Places (Sec. 33-229(a)(3));

OR

The property is recognized by the State of Texas as a Recorded State Historical Landmark (Sec. 33-229(a)(4)).

STAFF RECOMMENDATION

Staff recommends that the Houston Archaeological and Historical Commission recommend to City Council the Landmark and Protected Landmark Designation of Rufus Cage Elementary School at 1417 Telephone Road.

EXHIBIT A
RUFUS CAGE ELEMENTARY SCHOOL
1417 TELEPHONE ROAD



1910



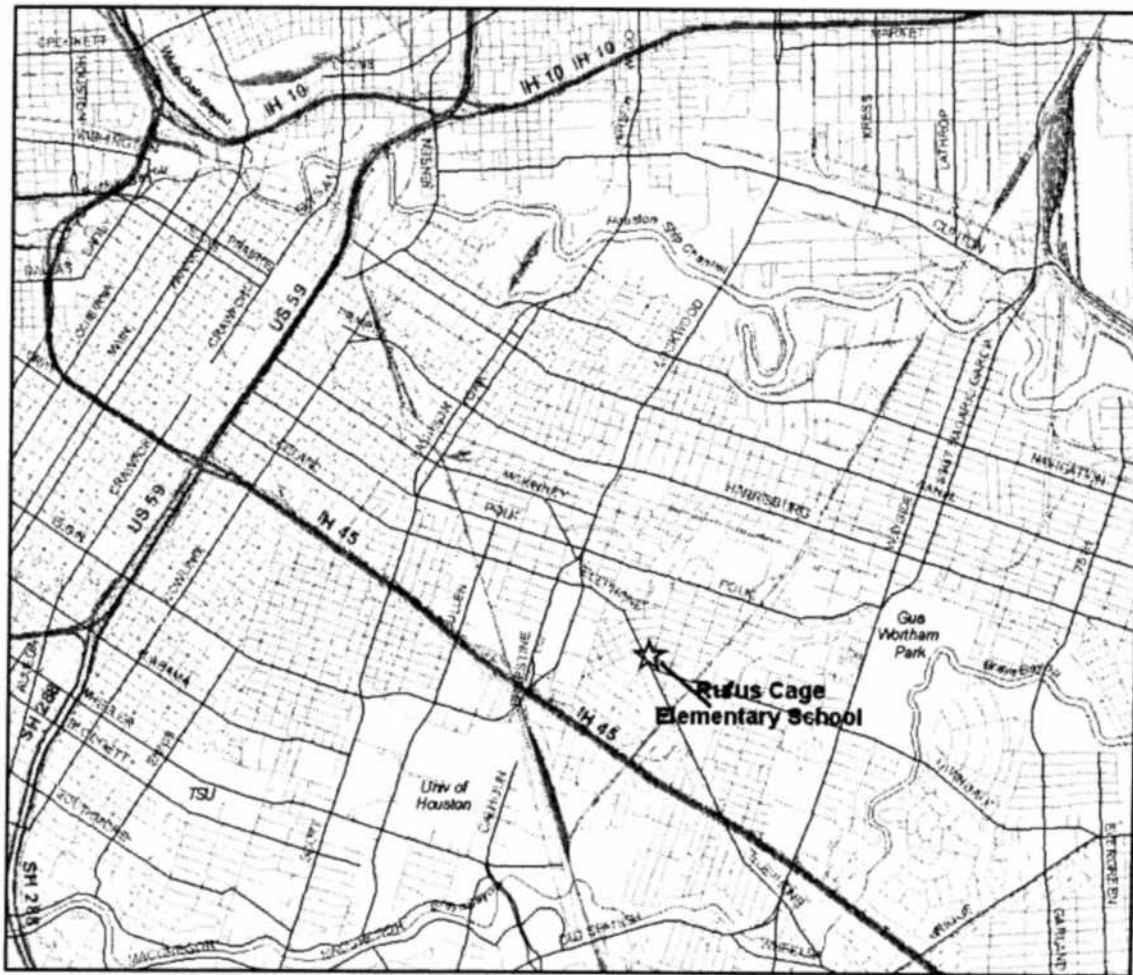
2011

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

EXHIBIT B
SITE LOCATION MAP
RUFUS CAGE ELEMENTARY SCHOOL
1417 TELEPHONE ROAD.
NOT TO SCALE



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance amending Chapter 20 of the code of Ordinances relating to charitable feeding.	Category #	Page 1 of 1	AGENDA ITEM # 10
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FROM (DEPARTMENT OR OTHER POINT OF ORIGIN):
Mayor's Office

ORIGINATION DATE
3/1/12

AGENDA DATE
MAR 07 2012

DIRECTOR'S SIGNATURE:

 Andrew F. Icken, Chief Development Officer

COUNCIL DISTRICT AFFECTED:
All

FOR ADDITIONAL INFORMATION CONTACT:
Andy Icken 832-393-1064

DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION:

RECOMMENDATION:

Approval of an ordinance amendment Chapter 20 of the code of ordinance relating to charitable feeding.

AMOUNT OF FUNDING: N/A

FINANCE BUDGET:

SPECIFIC EXPLANATIONS: Council is asked to amend Chapter 20 of the Code of Ordinances in regards to charitable feeding. The amendment will ensure a manageable process is developed that will allow organizations to provide charitable food donations that have been prepared in sanitary conditions and that these donations take place at approved locations. A training process will be implemented to ensure compliance and those individuals who do provide the food will be required to register with the City. The Administration, City Council and Directors of the Parks and Recreation Department and the Health and Human Services Department will determine what facilities are suitable for this process.

In the other 10 largest cities in the United States, all have an ordinance that effectively requires approval of property owners for charitable feeding to occur on their property. 9 of these 10 cities require registration and inspection of the food providers.

The criteria used to designate a facility for charitable feeding includes:

- Adequate existing facilities to support the feeding activities, i.e., restroom's, etc.,
- Reliable statistical data or similar information indicating a demonstrable need for charitable feeding in the area.
- No legal impediment to the use of related facility

Parks with arboretums, ball fields, tennis courts, parks with special shrubs or vegetation would be unsuitable for these charitable feeding activities. Other locations will be designated by the Health and Human Services Department.

Food providers will be required to be registered and to conduct charitable feeding activity in accordance with all terms and conditions required by the Health and Human Services Department. All kitchen facilities will be inspected for compliance and the food providers will be required to have written consent from the property owner to conduct the charitable feeding activity on the property whether a city facility or private property.

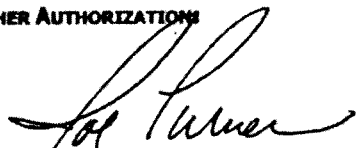
The City of Houston's Health and Human Services Department and Parks and Recreation Department will maintain and provide a current list of registered food providers and facilities available under this ordinance to the Coalition for the Homeless. The Coalition has a list of known charitable feeding organizations and will assist in communicating the ordinance changes with those organizations and to any other organization wishing to provide food to the homeless. The Houston Food Bank will also join to help monitor and provide information to organizations participating in charitable feeding.


In regards to food safety training and registration, there will be no fee charged for this registration. Any registration issued shall remain in effect as long as the registrant continues to conduct charitable feeding activities in accordance with the requirements, unless the charitable feeding registration is suspended or revoked. At least one person who has attended a city-sponsored or approved food safety training class and has received an appropriate charitable feeding certification must be present at all times when food is being prepared and served.

If a registration is suspended it will be immediate. A suspension results when the Health and Human Services Department determines that a substantial hazard to the public health exists. HPD will provide back up support to the Health Inspectors as needed and has the authority to enforce any applicable state law or city ordinance.

This ordinance was reviewed at the Quality of Life Committee on February 9, 2012 and passed unanimously out of Committee to be presented to full council.

OTHER AUTHORIZATION:

OTHER AUTHORIZATION:


OTHER AUTHORIZATION:


City of Houston, Texas, Ordinance No. 2012-_____

AN ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO FEEDING THOSE IN NEED; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston appreciates those who take part in the charitable act of providing food for those in need and finds and determines that such activities are of general benefit to the health, safety, and welfare of all citizens; and

WHEREAS, to ensure the safety of the food providers, the food, and the recipients of the food, it is necessary to amend Chapter 20 of the Code of Ordinances to include a process of training and no-fee registration for those individuals who provide such food; and

WHEREAS, the City Council finds and determines that the use of selected park properties with suitable facilities, as designated by the director of parks and recreation, by properly trained and registered providers of food for the needy is consistent with park purposes for such selected parks; **NOW, THEREFORE**,

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

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

Section 2. That Chapter 20 of the Code of Ordinances, Houston, Texas, is hereby amended by adding new Sections 20-5 and 20-6 that read as follows:

"Sec. 20-5. Charitable feeding activities.

(a) Notwithstanding any provision of this article to the contrary, a religious, community-based, or other charitable organization or individual desiring to conduct feeding activities without charge, payment or other compensation, to benefit those in need at a location off-site from organization property, shall complete and submit to the health officer a feeding registration form and shall otherwise comply with the requirements of this section. The registration shall be on a form prescribed by the health officer, shall include the name, address, contact information (including telephone number, FAX

number, email address, and name or names of contact person(s)) and any other information deemed necessary by the health officer to assure compliance with this section. Any changes to the information on the registration form shall be submitted to the health officer within five calendar days of when any such changes occur. The registration form shall be approved or rejected by the health officer on the basis of the completeness of the information submitted by the applicant. The registration must be completed and approved by the health officer before feeding activities may be conducted. There shall be no fee charged for the registration. A valid registration issued under this section shall be presented to the health officer or other authorized agents of the city upon request. No registration form shall be required if the feeding activity is within the scope of and is performed by the holder of a current, valid food dealer's permit, mobile food service medallion or temporary food dealer's permit issued by the health officer pursuant to section 20-36 or 20-37 of this Code, and is in full compliance with article II of this chapter. This feeding registration (also referred to as a 'charitable feeding registration') shall not replace the requirement for a food dealer's permit for those organizations routinely conducting on-premise feeding activities. A registration issued under this subsection shall remain in effect as long as the registrant continues to conduct feeding activities in accordance with the requirements of this section, unless the feeding registration is suspended or revoked in accordance with subsection (f) or (g) of this section. A valid registration issued according to this subsection remains the property of the department and may be required to be surrendered to the health officer to be voided upon revocation or when it has been used in an unlawful manner.

(b) Following registration and other compliance as provided herein, a religious, civic, or other charitable organization or individual seeking to serve or distribute food, without charge, payment or other compensation, to individuals at locations off-site from organization property ('charitable feeding activity') may do so, provided that the organization:

- (1) Conducts the charitable feeding activity at a location approved by the health officer after considering criteria including, but not limited to:
 - a. The availability of equipment, personnel, and facilities at the feeding location as well as adequate procedures in place for the lawful disposal of waste and wastewater;

- b. The availability of equipment and procedures at the feeding location for hand washing; and
 - c. Evidence establishing that the feeding location is consistent with the need to provide such service in and meets the needs of the adjacent community.
- (2) Has written consent from the property owner to conduct the charitable feeding activity on the property;
 - (3) Is currently registered with the health officer pursuant to this section to conduct such activity on the property;
 - (4) Conducts the charitable feeding activity in accordance with all terms and conditions as required by the health officer, including, but not limited to, the following;
 - a. At least one person who has attended a city-sponsored or approved food safety training class and has received an appropriate charitable feeding certification (also referred to as a 'certification') accordingly, shall be present at all times when food is being prepared and served. A person in possession of a valid food service manager's certification issued under section 20-53 of this Code shall be deemed to have met this requirement. No fee shall be charged to a person attending any city-sponsored food safety training class for the specific purpose of obtaining a charitable feeding certification issued by the health officer under this section. A certification obtained in this manner shall be marked as only for charitable feeding in accordance with this section and shall be valid for a period of five years. A valid food service manager's certification or charitable feeding certification under this section shall be presented to the health officer or other agents of the city upon request. A valid charitable feeding certification issued according to this subsection (b)(4)a remains the property of the department and may be required to be surrendered to the health officer to be voided upon revocation or when it has been used in an unlawful manner.

- b. Food shall not be stored or prepared in a private residence.
- c. All food served must meet the food protection, storage, and sanitation requirements specified in sections 20-21.1 through 20-21.14 of this Code determined by the health officer as applicable to the charitable feeding activity.
- d. Food shall be transported to the feeding location in a clean conveyance and shall be served within four hours after preparation or within four hours after removal from temperature control.
- e. Food not served within four hours after preparation or within four hours of removal from temperature control shall be discarded.
- f. Where non-packaged or non-wrapped food is served, a convenient hand-washing facility shall be provided for persons preparing and serving the food. The hand-washing facility shall include at a minimum:
 - [1] A five-gallon or greater covered insulated container with a spigot that provides free-flowing potable warm water and a catch bucket to collect wastewater from hand-washing; and
 - [2] Soap and individual paper towels.
- g. Except when washing fruits and vegetables as specified under section 20-21.4(b) of this Code, agents or employees of a registered religious, civic, or other charitable organization or individual may not contact exposed, ready-to-eat foods with their bare hands and shall use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment to handle such ready-to-eat foods. Bare hand contact with other than ready-to-eat foods shall be minimized whenever possible.

- h. Wastewater generated at the feeding location, including but not limited to wastewater from hand-washing, utensil washing, sinks, and other equipment, shall be placed in an approved container until properly disposed of into a sanitary sewer system or disposed of in another manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.
- i. The feeding location shall be left in a clean, waste-free, litter-free condition.

(c) Prior to approval of an application for registration under subsection (a) of this section, the health officer shall inspect the proposed locations to determine compliance with the provisions of this section. No additional approval inspections will be required if an organization or individual registered under this section is issued a permit pursuant to section 20-6(a) and the park has been approved by the director of parks for charitable feeding activities and the registration holder is in compliance with this section.

(d) If the health officer denies an application under subsection (a) or subsection (b) (4) (a) of this section or denies approval of a proposed feeding location, the director shall provide the applicant a written notice of the reasons for denial. The applicant may request a hearing regarding the application by submitting to the director a written request for hearing that is received in the director's office within 15 days following the date the notice of denial is mailed to the applicant. If an appeal is timely filed, the director shall refer the matter to a hearing officer appointed by the director for a hearing with respect to whether the application meets the criteria of section 20-5 of this Code. The hearing officer shall promulgate rules for hearings, including provisions for notice to the applicant of the date, time, and place of the hearing. The hearing officer shall conduct a hearing and shall make a determination whether the application for registration, certification, or approval of a proposed location should be granted in accordance with this section.

(e) In making a determination regarding the registration, certification, or approval of a location, the hearing officer shall consider whether the location complies with the requirements of this section. If the application or location is approved by the hearing officer, the director shall issue the registration, certification, or location approval to the applicant. If the application is denied by the hearing officer, the applicant shall be provided a

written notice of the reasons for denial. There shall be no appeal from the denial of an application pursuant to the hearing officer's findings; the hearing officer's determination shall be final.

(f) The health officer may suspend a registration issued under subsection (a) of this section, or the approval of a feeding location, or a certification issued under subsection (b)(4)a of this section, for non-compliance with the requirements of this section or if the charitable feeding activity constitutes a substantial hazard to public health, with notice as is reasonable under the circumstances. Suspension is immediate when a substantial hazard to public health exists; otherwise suspension is effective upon service of notice as provided herein. Where a feeding registration, feeding certification, or approved feeding location is suspended, charitable feeding activity shall immediately cease.

- (1) Whenever a feeding registration, approved location, or feeding certification is suspended, written notice shall be given to the registration holder or feeding certification holder. The notice shall set forth:
 - a. The specific conditions regarding the feeding certification, feeding registration, or approved feeding location that are in violation of this section or that constitute a substantial hazard to public health;
 - b. That a hearing will be held before a hearing officer;
 - c. The date, time and place of the hearing;
 - d. That the feeding registration holder or feeding certification holder may appear in person and/or be represented by counsel, may present testimony and may cross-examine all witnesses;
- (2) The hearing shall be held not later than ten days after the date the charitable feeding registration, approved location, or charitable certification is suspended.
- (3) Whenever a feeding registration or feeding certification is suspended, it shall be surrendered to the health officer upon service of the notice described in subsection (f)(1) of this section.

- (4) All hearings shall be conducted by a person designated by the director of health and human services, who shall be referred to as the hearing officer. The director shall not designate any person to perform the duties of hearing officer under this section who has participated in the inspection of the feeding location, or has prior knowledge of the allegations or circumstances discovered in the inspection or inspections, except the person designated as hearing officer may, prior to the hearing, receive a copy of the notice given to the registration holder or feeding certification holder.
- (5) All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, the following rules shall apply to the hearings:
 - a. All parties shall have the right to representation by a licensed attorney though an attorney is not required.
 - b. Each party may present witnesses in his own behalf.
 - c. Each party has the right to cross-examine all witnesses.
 - d. Only evidence presented before the hearing officer at the hearing may be considered in rendering the order.
- (6) If the feeding registration holder or feeding certification holder fails to appear at the hearing at the time, place, and date specified, the city shall present sufficient evidence to establish a prima facie case showing violation of this section or conditions constituting a hazard to public health that formed the basis of the suspension of the feeding registration, approved location, or feeding certification.
- (7) If the hearing officer finds that the feeding registration, feeding certification, or approved location was, in fact, in violation of this section or that it constituted a hazard to public health, the hearing officer shall make written findings of fact and shall order the feeding registration, feeding certification, or approved feeding location suspended until all violations of this section are corrected and any conditions constituting a hazard to public health are eliminated. A copy of the findings and order of the

hearing officer shall be sent by certified mail, return receipt requested, to the holder of the certification or registration.

- (8) If the hearing officer finds that the public interest will be adequately protected by a warning or other penalties authorized under this article, he may reinstate the feeding registration, approved feeding location or feeding certification.
- (9) Whenever the reasons for a suspension no longer exist, the registration holder or feeding certification holder shall notify the health officer that the conditions under which the registration, approved location, or feeding certification was suspended have been corrected and that an inspection is requested. The inspection shall be conducted as soon as possible after the request is received and in no event no later than three regular working days after the receipt of the request for inspection.

(g) The health officer may revoke a registration issued under subsection (a) of this section, or the approval of a feeding location, or a certification issued under subsection (b)(4)a of this section if:

- (1) The registration holder or agent or employee thereof interferes with an inspection by a health officer of an approved feeding location; or
- (2) There are repeated or serious violations of this section; or
- (3) There are repeated or serious violations of federal or state food laws.

Prior to revocation, written notice shall be given to the registration holder. The notice shall set forth:

- (1) The grounds upon which the health officer will seek revocation of the feeding registration, certification, or approval of a feeding location;
- (2) The specific violations of this section or of federal or state law upon which the health officer will rely in seeking revocation;
- (3) That a hearing will be held before a hearing officer;

- (4) The date, time, and place of the hearing; and
- (5) That the registration holder or certification holder may appear in person and/or be represented by counsel, may present testimony and may cross-examine witnesses.

The hearing shall be held in accordance with subsections (f)(4) through (f)(6) of this section. After completion of the hearing the hearing officer shall make written findings as to whether or not grounds exist for revocation of the feeding registration, certification, or approval of location. If the hearing officer finds that grounds do exist for revocation, the hearing officer shall revoke the registration, certification, or approval of location for up to 180 days. A copy of the written findings shall be sent by certified mail, return receipt requested, to the registration or certificate holder. If the address of the registration or certificate holder is unknown, or if the findings are returned undelivered, the findings shall be served on the person in charge of the approved location. Upon service of a written notice that the charitable feeding registration, approved location, or charitable certification has been revoked as provided herein, all charitable feeding activity shall cease immediately. If the registration or certification is revoked, it shall be surrendered by the registration or certification holder to the health officer. Reinstatement of a feeding registration, certification, or approval of a location that has been revoked shall require re-application as if it were an initial application. No new feeding registration, certification, or approval of a location shall be considered until the expiration of the revocation period.

(h) Any person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$2,000.00; provided however, if such person is convicted of an offense under this article which offense is also a violation of the penal laws of the state, such person shall be subject to the penalties set out in the penal laws of Texas for the offense. Each day a violation of this article continues shall constitute a separate offense.

Sec. 20-6. Use of city parks for charitable feeding activities.

(a) An initial list of parks with areas deemed by city council as appropriate for charitable feeding activities in accordance with subsection (b) of this section is attached to Ordinance No. _____¹ as Exhibit A and

1. City Secretary shall insert the number of this Ordinance.

is incorporated herein for all purposes. In addition, the director of parks and recreation may on his own initiative designate areas of other city parks as appropriate for charitable feeding activities. An organization or individual registered under section 20-5 of this Code to conduct charitable feeding activities may do so in such designated park areas; a permit issued pursuant to article III of chapter 32 of this Code to the charitable organization or individual desiring to sponsor a charitable feeding activity shall be required for each feeding event.

(b) In determining the appropriateness of an area of a particular park for charitable feeding activities, the director of parks and recreation shall consider the following:

- (1) The availability of adequate existing park facilities to support the feeding activities, such as rest rooms, trash receptacles and similar accommodations;
- (2) The compatibility of the existing park facilities with feeding activities; arboretums, baseball fields, tennis courts, parks with special shrubs or vegetation, or other similar specialized facilities would be unsuitable for feeding activities;
- (3) The adequacy of the size of the available park space for feeding activities;
- (4) Legal restrictions on the use of the park property;
- (5) Reliable statistical data and similar information indicating a demonstrable need for such feeding in the immediate vicinity of the park property.
- (6) Whether or not a park area has been used for charitable feeding purposes an excessive number of times in the previous month to the detriment of the particular park and its other uses, the intent being to distribute such feeding activities among multiple parks to mitigate the wear and tear and other impacts of such activities on each individual park.

(c) Providing specialized equipment or facilities as required under section 20-5 of this Code for a charitable feeding activity shall remain the responsibility of the permittee.

(d) The director of parks and recreation shall maintain a list of park properties with areas approved for charitable feeding activities pursuant to this section. Upon his own initiative, and based on the criteria contained in section 20-6(b) of this Code, the director of parks and recreation may determine that a park area, including areas of those parks listed in Exhibit A to Ordinance No. _____² herein, should no longer be approved for charitable feeding purposes, and should be removed from said list.”

Section 3. That, in accordance with newly adopted Section 20-6(a) of the Code of Ordinances, Houston, Texas, the City Council hereby approves and adopts the initial list of parks and areas attached as Exhibit A as appropriate for charitable feeding purposes.

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

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

2. City Secretary shall insert the number of this Ordinance.

this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2012.

APPROVED this ___ day of _____, 2012.

Mayor of the City of Houston

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

City Secretary

DL

Prepared by Legal Dept.
LWS:asw 02/20/2012


[Handwritten Signature]

Senior Assistant City Attorney

Requested by Stephen L Williams, Director, Health and Human Services Department
L.D. File No. 0380800068001

EXHIBIT A




CITY OF HOUSTON
PARCS & RECREATION DEPARTMENT
MAP DATE: FEBRUARY 2012

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DISCLAIMER: CONCEPTS PREPARED AND MADE AVAILABLE FOR GENERAL REFERENCE PURPOSES ONLY AND SHOULD NOT BE USED OR RELIED UPON FOR SPECIFIC APPLICATIONS, WITHOUT INDEPENDENT VERIFICATION BY THE USER. THE CITY OF HOUSTON NEITHER REPRESENTS NOR WARRANTS CONCEPTS OR ANY KIND IN CONNECTION WITH THIS USE.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An Ordinance authorizing the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B-5, in an aggregate principal amount not to exceed \$100 million.	Category #	Page 1 of 1	Agenda Item # 11
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FROM (Department or other point of origin): Finance Department and Office of City Controller	Origination Date: 2/22/2012	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: 	Council District Affected: All
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For additional information contact: Jennifer Olenick Phone: 713-837-9899 Shawnell Holman Phone: 832-393-3513	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approve an Ordinance authorizing the issuance of City of Houston, Texas, Combined Utility System Commercial Paper Notes, Series B-5, in an aggregate principal amount not to exceed \$100 million, for the purpose of providing financing for certain authorized purposes.

Amount of Funding: Not Applicable	Finance Dept Budget:
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Source of Funding: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:

Starting in 1993, City Council began authorizing Commercial Paper (CP) programs to provide appropriation capacity and "on time" funding for various capital expenditures of the City. The issuance of CP has provided an expedient, cost-effective method of accessing cash and providing interim financing. CP notes are later refinanced into long term debt more closely matching the useful life of the project or equipment being financed.

The Series B-5 Commercial Paper Program will support the City's Combined Utility System (CUS) Capital Improvement Plan. City Council has previously approved a \$700 million CP program for CUS; currently, \$600 million of that CP program (Series B-1,-2,-3, -4, and -6) has existing bank facilities in place. This recommendation is to enter into a new credit agreement with Banco Bilbao Vizcaya Argentaria, S.A. (BBVA) to provide liquidity for the remaining amount of \$100 million which is represented by Series B-5. The bank facility will have a 3 year term. Recommended as co-note counsel are Andrews Kurth LLP and West & Associates, LLP.

Recommendation:

The Finance Working Group recommends approval of this Item.

REQUIRED AUTHORIZATION		
Finance Department Director:	Other Authorization:	Other Authorization:

SUBJECT: Ordinance authorizing the abandonment and sale of a 14-foot-wide alley, from Lorraine Avenue north ±544.48 feet, and a 14-foot-wide alley, from Terry Street to McKee Street, in exchange for the conveyance to the City of two 5-foot-wide rights-of-way for the widening of Lorraine Avenue and a 5-foot-wide right-of-way for the widening of Noble Street, all located within the Cascara Addition and/or the J.R. Little's Addition. Parcels SY10-054A and B and AY10-225A through C	Page <u>1</u> of <u>2</u>	Agenda Item # <div style="text-align: right; font-size: 2em;">120</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: H Key Map: 493D 
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For additional information contact: Nancy P. Collins  Phone: (832) 395-3130 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action: C.M. 2010-0267 (5/5/10)
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RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the abandonment and sale of a 14-foot-wide alley, from Lorraine Avenue north ±544.48 feet, and a 14-foot-wide alley, from Terry Street to McKee Street, in exchange for a consideration of \$25,578.00 plus the conveyance to the City of two 5-foot-wide rights-of-way for the widening of Lorraine Avenue and a 5-foot-wide right-of-way for the widening of Noble Street, all located within the Cascara Addition and/or the J.R. Little's Addition. **Parcels SY10-054A and B and AY10-225A through C**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
 By Motion 2010-0267, City Council authorized the abandonment and sale of a 14-foot-wide alley, from Lorraine Avenue north ±544.48 feet, and a 14-foot-wide alley, from Terry Street to McKee Street, in exchange for the conveyance to the City of a 5-foot-wide right-of-way for the widening of Lorraine Avenue and a 5-foot-wide right-of-way for the widening of Noble Street, all located within the Cascara Addition and/or the J.R. Little's Addition. The required survey later determined the 5-foot-wide right-of-way for the widening of Lorraine Avenue should be divided into two parcels; therefore, the transaction was processed with the additional parcel designation. Houston Independent School District (HISD), the abutting property owner, plans to construct improvements to the Sherman Elementary School Campus in the location of the alleys to be abandoned and sold.

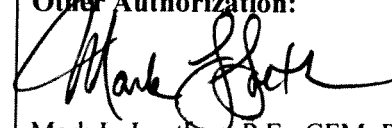
HISD has completed the transaction requirements, has accepted the City's offer, and has rendered payment in full.


The City will abandon and sell to HISD:

Parcel SY10-054A	
7,656 square feet of alley right-of-way	\$22,968.00
Valued at \$3.00 per square foot	
Parcel SY10-054B	
2,800 square feet of alley right-of-way	\$8,400.00
Valued at \$3.00 per square foot	
TOTAL ABANDONMENTS	<u>\$31,368.00</u>

s:\dob\sy10-054.rc2.doc	CUIC #20DOB057
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REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning and Development Services Division
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Date:	Subject: Ordinance authorizing the abandonment and sale of a 14-foot-wide alley, from Lorraine Avenue north ±544.48 feet, and a 14-foot-wide alley, from Terry Street to McKee Street, in exchange for the conveyance to the City of two 5-foot-wide rights-of-way for the widening of Lorraine Avenue and a 5-foot-wide right-of-way for the widening of Noble Street, all located within the Cascara Addition and/or the J.R. Little's Addition. Parcels SY10-054A and B and AY10-225A through C	Originator's Initials 	Page <u>2</u> of <u>2</u>
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In exchange, HISD will pay:

Cash	\$25,578.00
Plus convey to the City	

<u>Parcel AY10-225A</u>	
465 square feet of street right-of-way	\$1,395.00
Valued at \$3.00 per square foot	

<u>Parcel AY10-225B</u>	
465 square feet of street right-of-way	\$1,395.00
Valued at \$3.00 per square foot	

<u>Parcel AY10-225C</u>	
1,000 square feet of street right-of-way	\$3,000.00
Valued at \$3.00 per square foot	

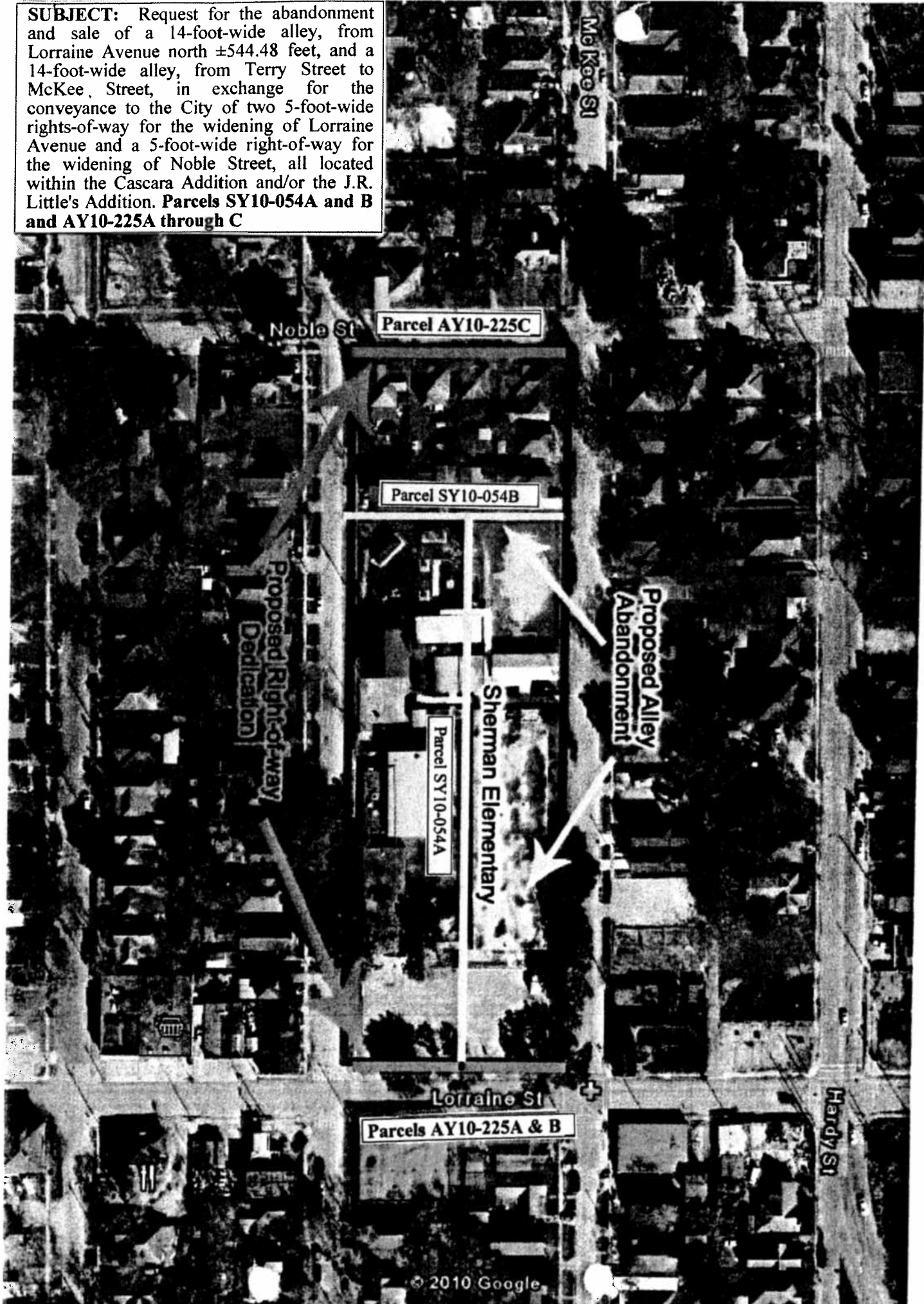
TOTAL CASH AND CONVEYANCE	<u>\$31,368.00</u>
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Therefore, it is recommended City Council approve an ordinance authorizing the abandonment and sale of a 14-foot-wide alley, from Lorraine Avenue north ±544.48 feet, and a 14-foot-wide alley, from Terry Street to McKee Street, in exchange for a consideration of \$25,578.00 plus the conveyance to the City of two 5-foot-wide rights-of-way for the widening of Lorraine Avenue and a 5-foot-wide right-of-way for the widening of Noble Street, all located within the Cascara Addition and/or the J.R. Little's Addition.

DWK:NPC:dob

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

SUBJECT: Request for the abandonment and sale of a 14-foot-wide alley, from Lorraine Avenue north ±544.48 feet, and a 14-foot-wide alley, from Terry Street to McKee Street, in exchange for the conveyance to the City of two 5-foot-wide rights-of-way for the widening of Lorraine Avenue and a 5-foot-wide right-of-way for the widening of Noble Street, all located within the Cascara Addition and/or the J.R. Little's Addition. **Parcels SY10-054A and B and AY10-225A through C**



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving and accepting the Centers for Medicare and Medicaid Services (CMS) FY 2012-2014 grant contract with the Houston Department of Health and Human Services	Category #	Page 1 of 1	Agenda Item # 13
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FROM (Department or other point of origin): Department of Health and Human Services	Origination Date 2/21/12	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: 	Council District affected: All
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For additional information contact: Kathy Barton Telephone: 832-393-5045; Cell: 713-826-5801	Date and identification of prior authorizing Council action:
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RECOMMENDATION: An ordinance approving and accepting the Centers for Medicare and Medicaid Services (CMS) FY 2012-2014 grant contract with the Houston Department of Health and Human Services

Amount of Funding: Total Project Cost: \$726,291.00 a. \$726,291.00- Federal State Local – Pass Through Fund (5030)	Finance Department:
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SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund []
Other (Specify):

The Houston Department of Health and Human Services (HDHHS) requests City Council approval and acceptance of the FY 2012-2014 grant contract with the Centers for Medicare and Medicaid Services (CMS) and HDHHS. The grant term is from the date of Countersignature through two years, with three one-year renewals for a total of \$726,291.00.

HDHHS also requests City Council to authorize the Director or his designee to act as the City's representative in the application process with the authority to 1) approve, accept, reject, expend, alter or terminate such grant funds, if awarded, 2) to apply for, accept and expend all subsequent supplemental awards, if any, pertaining to the program for the life of the program, unless City Council fails to approve, by budget or otherwise, any matching funds required, and 3) to sign contracts relating to this grant with the approval of the City Attorney, when needed.

Services under this agreement will be provided by the Aging and Disability Resource Center, which is a program under the HDHHS' Harris County Area Agency on Aging. Under the grant contract the ADRC will provide transitional services to clients with conditions that render repeat entrance to and exit out of the hospital. ADRC will provide transition coaches that will assist clients in developing skills and habits to stay healthy and out of the hospital. The City will be paid on a reimbursement basis based on the number of clients not returning to the hospital after coaching.

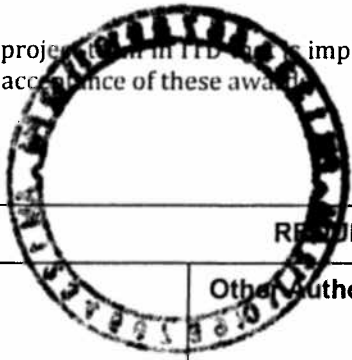
HDHHS is requesting City Council to authorize the Director to approve program services and activities as determined by CMS grant contract during the project period.

cc: Finance Department
 Legal Department
 Agenda Director

REQUIRED AUTHORIZATION		
Finance Department	Other Authorization:	Other Authorization:

SUBJECT: Third Amendment to CNA Contract (catastrophic preparedness planning)		Category	Page 1 of 1	Agenda Item # 14
FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		Origination Date: 2/21/2012		Agenda Date MAR 07 2012
DIRECTOR'S SIGNATURE: <i>C Murray for DJ Storemski</i>		Council District affected: All		
For additional information contact: Cheryl Murray Phone: 832-393-0929		Date and Identification of prior authorizing Council action: 3/11/2009: Ord # 2009-0220		
RECOMMENDATION: (Summary)		Amend the referenced ordinance to extend, expand the scope of work and increase the maximum contract amount with CNA for catastrophic preparedness planning services.		
Amount of Funding: \$299,422		FIN Budget:		
Source of Funds: <input checked="" type="checkbox"/> Grant Funds: \$299,422 Fund 5030, State Administrative Agency, TXDPS (pass-through from DHS)				
SPECIFIC EXPLANATION:				
<p>In 2008, the U.S. Department of Homeland Security awarded grants to ten high risk urban areas to engage in regional catastrophic preparedness planning. Funds are exclusively to be used to (1) fix shortcomings in existing plans; (2) build regional planning processes and planning communities; and (3) link operational and capabilities-based planning for resource allocation.</p> <p>While a great deal of emergency planning had already occurred across the region, this specific grant program is intended to ensure that plans are in place for truly catastrophic incidents. The region has selected three specific National Planning Scenarios to use as the basis for this planning effort. These three scenarios are a coordinated explosives attack using IEDs at multiple targets, a Category 5 hurricane, and a pandemic influenza outbreak.</p> <p>The City of Houston is the fiscal agent for this \$12 million grant program. A Regional Catastrophic Planning Team (RCPT) of public and private sector representatives was convened to lead the effort. It is comprised of representatives from:</p> <ul style="list-style-type: none"> ▪ Cities: Houston (multiple departments), Galveston, Pasadena, Deer Park, La Porte, Baytown ▪ Counties: each of the 13 counties in the H-GAC region ▪ H-GAC ▪ METRO ▪ Other stakeholders: CenterPoint Energy, the East Harris County Manufacturers Association, the Downtown Management District ▪ Other "advisory" members: US Coast Guard, FEMA, the Department of State Health Services, the Texas Division of Emergency Management, the Harris County Department of Education ▪ Other Subject Matter Experts: law enforcement, fire service, health and medical, and other related fields <p>The RCPT has undertaken major capability assessments and planning to identify and prioritize gaps. In 2009, following a review of responses to an RFQ, the RCPT unanimously recommended that the City of Houston award a contract to CNA, a non-profit organization based in Alexandria, Virginia. The CNA Safety & Security division assembled a team that has provided direct planning supports and technical assistance for Houston's regional catastrophic preparedness planning initiative.</p>				
JUSTIFICATION FOR THIS AMENDMENT				
<p>In February 2012, the RCPT's Executive Committee unanimously recommended that the City of Houston extend and amend its contract with CNA to add an additional scope of work. Specifically, CNA will facilitate three additional workshops and a tabletop exercise that are needed to support planning for the pandemic influenza scenario. The proposed amendment is for costs plus a fixed fee (4.98%), for a total of \$299,422. It will be paid completely with grant funds.</p> <p>Though the grant carries a 25% match requirement, in-kind contributions are being carefully documented to ensure that this program has no direct budget impact.</p>				
DJS/CFM				
REQUIRED AUTHORIZATION				
FIN Director:		Other Authorization:		Other Authorization:

SUBJECT: COPS Technology Program, FY2009 Grant Awards		Category	Page 1 of 1	Agenda Item # 15
FROM (Department or other point of origin): Dennis J. Storemski, Mayor's Office of Public Safety and Homeland Security		Origination Date: 2/14/2012	Agenda Date MAR 07 2012	
DIRECTOR'S SIGNATURE: <i>Dennis J. Storemski</i>		Council District affected: All		
For additional information contact: Cheryl Murray Phone: 832/393-0929		Date and Identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approval of an ordinance authorizing acceptance of two FY2009 Technology Program grants from the US Department of Justice's Community Oriented Policing.				
Amount of Funding: \$1,600,000		F & A Budget:		
SOURCE OF FUNDING: [X] Grant Funds: \$1,600,000 US Department of Justice, Office of Community Oriented Policing Services				
SPECIFIC EXPLANATION:				
<p>The City of Houston has been awarded two grants of \$600,000 and \$1,000,000 through the FY2009 US Department of Justice's COPS Technology Program. Funds will be used for radio communications equipment being installed at two sites outside the city limits: 17030 Janacek in Crosby (Harris County) and 5670 Old Airline Street in Manvel (Brazoria County).</p> <p>BACKGROUND ON HOUSTON'S NEW RADIO SYSTEM This grant award will support our implementation of a new, standards-based, P-25 radio system. Historically, interoperable communications in the Houston metro area have been hampered by incompatible and aging communications equipment, disparate radio systems and limited funding. The cost of the implementing this new system is approximately \$120 million. While a major investment of local funds is supporting this initiative (including \$34 million in bond funds approved by Houston voters), the Mayor's Office of Public Safety & Homeland Security has aggressively pursued grant funding opportunities to fill the significant funding gap. To date, more than \$78 million in grant funding has been secured or is anticipated.</p> <p>PROJECT DETAILS Though outside the city limits, the two tower sites in Crosby and Manvel will provide critical radio coverage for Houston's first responders. In each instance, we are collocating equipment on an existing tower. The Department of Justice held these two awards until the City successfully completed the lengthy National Environmental Policy Act (NEPA) requirements, which included preparation of an environment assessment, publication of the availability of the assessment, and solicitation of public comments. Signs were posted on the properties, notices mailed to property owners near the towers, and advertisements placed in the <i>Houston Chronicle</i>. No comments were received.</p> <p>The Department of Justice subsequently issued a Finding of No Significant Impact (FONSI) for each project and has issued Houston the two grant awards and notices to proceed. All work will be completed and the award closed out by the end of the calendar year.</p> <p>MATCH There is no match requirement for this grant program.</p> <p>REQUESTED ACTION On behalf of the radio project in implementing this major effort, we respectfully seek Council approval of an ordinance authorizing acceptance of these awards.</p> <p>DJS:CFM</p>				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds and Authorize Issuance of a Purchase Order to Star of Hope Mission to provide renovation plans and an accurate cost estimate for Council review when considering the future definitive agreements for a Sobering Center in conjunction with a Public/Private Partnership with Star of Hope Mission.	Page 1 of 1	Agenda Item 160
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FROM (Department or other point of origin): General Services Department	Origination Date	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE Scott Minnix <i>Scott Minnix</i> 3/1/12	Council District(s) affected: H
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For additional information contact: Andy Icken <i>AI</i> Phone: 832.393.1064 Jacquelyn L. Nisby <i>JLN</i> Phone: 832.393.8023	Date and identification of prior authorizing Council action:
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RECOMMENDATION: Appropriate funds and authorize issuance of a purchase order not to exceed \$218,251.00 to Star of Hope Mission to provide renovation plans and an accurate cost estimate for Council review when considering the future definitive agreements for a Sobering Center in conjunction with a Public/Private Partnership with Star of Hope Mission.

Amount and Source Of Funding: \$218,251.00 Police Consolidated Construction Fund (4504)	Finance Budget:
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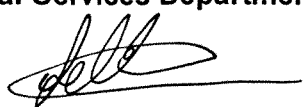
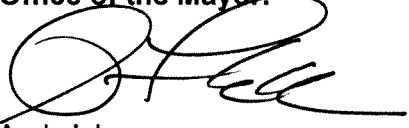
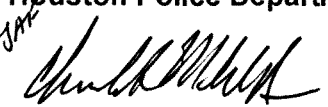
SPECIFIC EXPLANATION: The General Services Department recommends that City Council appropriate \$218,251.00 and authorize issuance of a purchase order to the Star of Hope Mission for design phase services to provide renovation plans and an accurate cost estimate for Council review when considering the future definitive agreements related to the creation of a new Sobering Center for the City of Houston. The Sobering Center will be located at an existing 9,100 SF Star of Hope Mission facility which will be adapted for the use described below.

PROJECT LOCATION: 1811 Ruiz (493M) (Future Lease Facility)

PROJECT DESCRIPTION: The City spends \$30M a year in total costs for operating the city jails and an estimated portion of these costs for public intoxication are \$4-6M. Incarcerating individuals whose only criminal behavior is public intoxication diverts law enforcement, health and safety resources from more serious or life threatening crimes. Intoxicated individuals often pose a hazard to themselves as well as to the general public. Therefore based on the recommendation of the Houston Police Department, the City of Houston seeks to provide a Sobering Center as an alternative to jail for inebriates to be dropped off by law enforcement and be kept a minimum of eight hours for sobering purposes. The facility will provide triage, observation and necessary outpatient services which will enable staff to manage intoxication and ensure safe withdrawal for individuals admitted. The ability to use the Sobering Center will divert individuals who are intoxicated and/or mentally ill from the criminal justice system; freeing up jail space and increases law enforcement's ability to deal with more severe offenses and persons posing a greater risk to public safety. Additionally, the facility will house the HPD Mental Health Unit, as well as other community agencies to facilitate efforts in reducing substance abuse through intervention; diverting minor criminals away from jail.

SM:JLN:RAV:JB:jb
c: Marta Crinejo, Jacquelyn L. Nisby, Andy Icken, Timothy Oettmeier, Kirk Munden, File 813

REQUIRED AUTHORIZATION		CUIC#25DSGN80
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General Services Department:  Richard A. Vella Chief of Design & Construction Division	Office of the Mayor:  Andy Icken Chief Development Officer	Houston Police Department:  C.A. McClelland Chief of Police
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance appropriating funds for the purchase and installation of security equipment from BL Technology, Inc. for the Houston Police Department's new Tactical Operations facility; WBS No. G-000132-0001-5	Page 1 of 1	Agenda Item # 17
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FROM: (Department or other point of origin): Houston Police Department	Origination Date:	Agenda Date: MAR 07 2012
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DIRECTOR'S SIGNATURE:  Charles A. McClelland, Jr. Chief of Police	Council District affected: A
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For additional information contact: JAF 2/22/12 Joseph A. Fenninger Phone: 713-308-1708 Stephen Hanner Phone: 713-308 -1895	Date and identification of prior authorizing Council action: Ordinance #2007-972, August 29, 2007
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RECOMMENDATION: Approve an ordinance appropriating \$143,801 from the Police Consolidated Construction Fund for the purchase and installation of security equipment for the Houston Police Department.

Amount and Source of Funding: Total - \$143,801.00 Police Consolidated Construction Fund (4504) WBS-G-000132-001-5

SPECIFIC EXPLANATION:

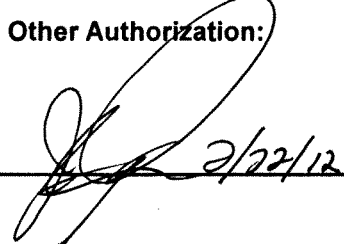
As part of a Base Realignment and Closure (BRAC) agreement with the United States Department of Justice, the City of Houston has been granted approval to occupy a recently vacated U.S. Army Reserve Center for police purposes. The Tactical Operations Division will relocate their current operations from 1500 W. Dallas to the new location at 7077 Perimeter Park Drive. The new facility is much larger than the current site and will allow elements of Tactical Operations (SWAT, Dive Team, Bomb Squad) to be housed in one location.

The facility is being provided at no cost to the city; however, the purchase and installation of security equipment is required in order to make the facility operational. The control access and CCTV systems will be purchased under the existing citywide contract (#4600008051, Ord. #2007-972) with BL Technology Inc., in the amount of \$143,801.00.

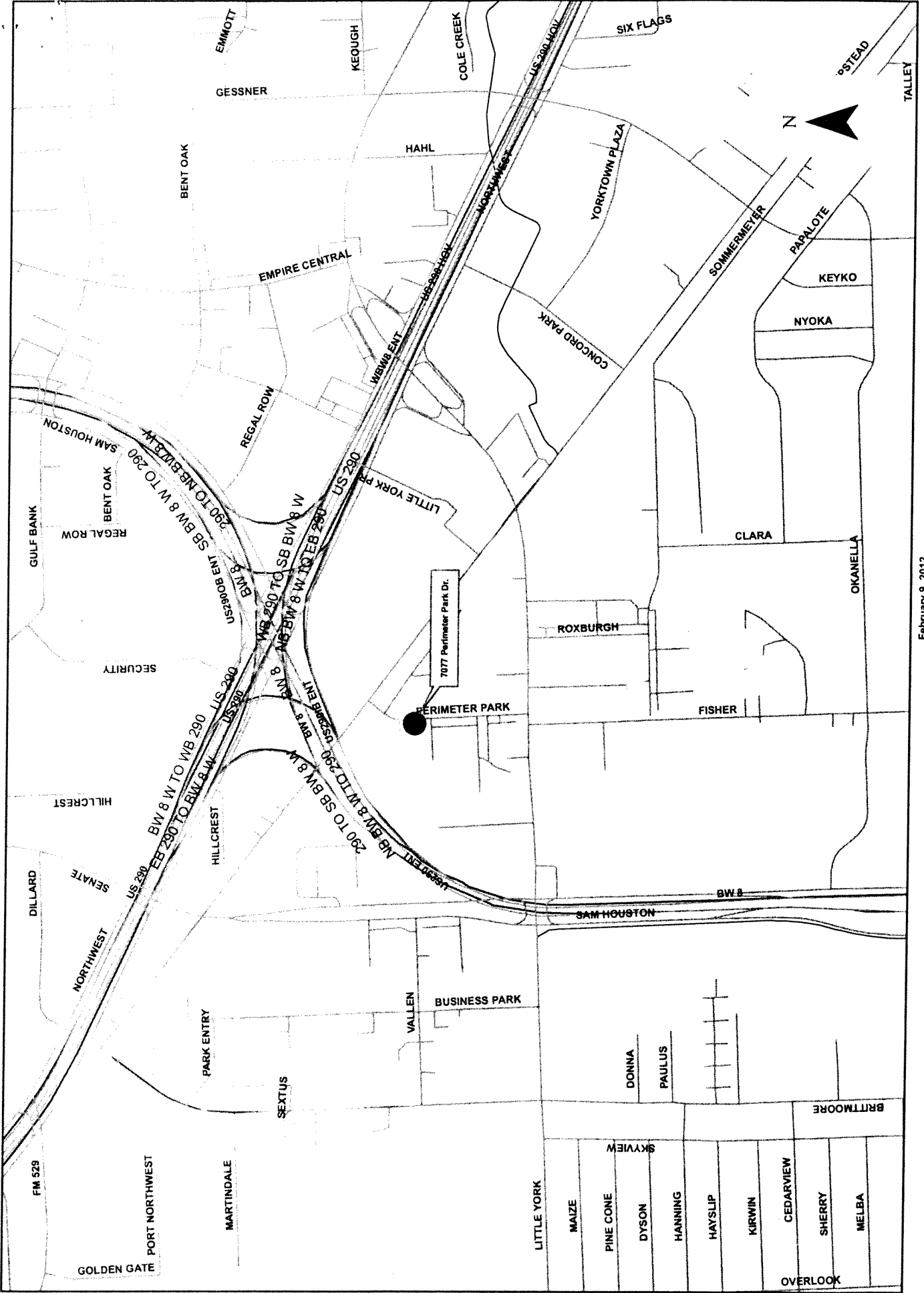
The scope of work requires the contractor to provide all necessary supervision, labor, transportation, tools, equipment and supplies required to perform security system installations and furnish all miscellaneous supplies necessary to complete each installation.

The contract contains an MWBE goal of 11%. BL Technology, Inc. is currently achieving more than 20 % MWBE participation.

REQUIRED AUTHORIZATION

Finance:	Other Authorization:  2/22/12	Other Authorization:
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Proposed HPD Tactical Operations Facility 7077 Perimeter Park Dr.



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: First Amendment to Operation and Maintenance Agreement with Willow Pool, Inc. at 10500 Cliffwood Drive.	Page 1 of 1	Agenda Item 18
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FROM (Department or other point of origin): General Services Department	Origination Date 3/1/12	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: Scott Minnix <i>2/21/12</i> <i>Scott Minnix</i>	Council District affected: K
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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.2007-0751; June 27,2007
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RECOMMENDATION: Approve and authorize a First Amendment to Operation and Maintenance Agreement between the City of Houston and Willow Pool, Inc. to operate and maintain City property for public and community use.

Amount and Source Of Funding: Revenue	Finance Budget:
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SPECIFIC EXPLANATION: The General Services Department recommends approval of a First Amendment to Operation and Maintenance Agreement with Willow Pool, Inc. (WPI), a Texas corporation, for 104,662 square feet of land located at 10500 Cliffwood Drive. WPI has operated the property as a community swimming pool and recreational facility for the benefit of the City and its citizens since 1966. WPI is responsible for the operation, maintenance and repair of the property at its sole cost and is also responsible for utilities, janitorial, landscaping and trash collection services.

The original Agreement has a five-year base term with three five-year renewal options. The initial term expires July 4, 2012, at a monthly rental of \$856.00 (\$0.10 psf per year). The proposed First Amendment provides that the first renewal term will commence on July 5, 2012, at an increased monthly payment of \$984.40 (\$0.11 psf per year). Additionally, the First Amendment provides that only the City may terminate the Agreement without cause and this termination provision is not transferable to subsequent owners.

All other terms and conditions of the original Operation and Maintenance Agreement remain the same.

The revenue will be directed to the PWE-W&S System Operating Fund.

SM:HB:JLN:RG:rdg
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby

REQUIRED AUTHORIZATION CUIC ID# 25 RG 9

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		
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Google earth



SUBJECT: Amending Ordinance No. 2007-1144 to increase the maximum contract amount under an Interlocal Agreement with Geo-Technology Research Institute (GTRI)		Page 1 of 2	Agenda Item 19
FROM (Department or other point of origin): General Services Department		Origination Date 3/1/12	
DIRECTOR'S SIGNATURE: Scott Minnix <i>2/29/12</i> <i>Scott Minnix</i>		Agenda Date MAR 07 2012	
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 832-393-8023		Council District(s) affected: All	
		Date and identification of prior authorizing Council action: Ordinance No. 2007-1144 dated October 10, 2007 Ordinance No. 2009-070 dated February 4, 2009 Ordinance No. 2009-646 dated July 8, 2009 Ordinance No. 2010- 003 dated January 6, 2010 Ordinance No. 2011-004 dated January 5, 2011 Ordinance No. 2011- 915 dated October 26, 2011	
RECOMMENDATION: Approve an Ordinance amending Ordinance No. 2007-1144 (passed October 10, 2007) to increase the maximum contract amount from \$6,700,000.00 to \$9,000,000.00 under an Interlocal Agreement between the City of Houston and GTRI.			
Amount and Source of Funding: Maximum Contract Amount: \$9,000,000.00		Finance Budget:	
Previous Funding: \$550,000.00 Central Service Revolving Fund (1002) \$3,668,000.00 American Recovery and Reinvestment Act (ARRA) (5300)			
SPECIFIC EXPLANATION: On October 10, 2007, Ordinance No. 2007-1144, City Council approved an Interlocal Agreement with GTRI, a State agency operating under the Houston Advanced Research Center (HARC), to assist the City in implementing a Sustainable Development Program that would improve the energy efficiency of City buildings and residential homes. The maximum contract amount was set at \$2,000,000.00. GTRI assists the City of Houston in administering ARRA funds received under the Energy Efficiency and Conservation Block Grant (EECBG), State Energy Conservation Office (SECO) grants, and Solar America grants. The EECBG grant (\$22.7M) expires September 27, 2012. The EECBG grant has funded several initiatives including the City's Building Retrofit Program, the Solid Waste Management Department's curbside recycling program, the Electric Car Charging Station Rebate Program, the Green Office Challenge, and the residential 5-Star Energy Efficient Homes Program (5-Star Program). All grant funds have been spent or encumbered except the remaining EECBG funds, earmarked for the 5-Star Program, which must be encumbered by March 19, 2012. The City's 5-Star Program, uses ARRA funds to incentivize builders, up to \$50,000.00 per home, to include "super" energy efficient upgrades in low-income residential homes. Builders contract with the City to install these upgrades on newly completed homes that qualify with a maximum Home Energy Rating System (HERS) rating of 60. Builders will not receive the incentive until after the HERS rating is verified and the home is sold. The City cannot encumber the EECBG grant funds until a home is constructed, which may occur after the encumbrance deadline. Therefore, the City proposes to transfer the administration of the 5-Star Program and encumber the remaining funds to GTRI, as a sub-recipient, to meet the deadline. It is anticipated that this action will ensure the City's compliance with the federal encumbrance deadlines.			
		REQUIRED AUTHORIZATION	
General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director		CUIC # 25MSLC102	

DATE:	SUBJECT: Amending Ordinance No. 2007-1144 to increase the maximum contract amount under an Interlocal Agreement with Geo-Technology Research Institute (GTRI)	Originator's Initials HB	Page 2 of 2
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Therefore, the General Services Department recommends that City Council approve amending Ordinance No. 2007-1144 to increase the maximum contract amount for GTRI to \$9,000,000.00 to facilitate administration of the City's 5-Star Program.

PREVIOUS HISTORY AND PROJECT SCOPE: On February 4, 2009, Ordinance No. 2009-070, Council approved an additional allocation of \$150,000.00 for GTRI to perform third-party engineering analysis of the energy savings measures recommended by TAC Americas, Inc. (now known as Schneider Electric Buildings Americas, Inc.) and Siemens Building Technologies, Inc. as a result of the energy audits of City facilities. These third-party engineering reviews are required by Local Government Code, section 302.005.

On July 8, 2009, Ordinance No. 2009-646, Council approved an additional allocation of \$200,000.00 for GTRI to continue its third-party reviews and to assist the City in securing federal stimulus dollars (ARRA) funds.

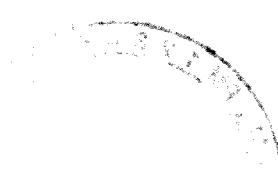
On January 6, 2010, Ordinance No. 2010-003, Council approved a first amendment to the Interlocal Agreement to incorporate ARRA provisions so that GTRI may assist the City in administering EECBG funds, and allocated an additional \$500,000.00 out of the ARRA fund for GTRI to continue its third-party review analysis.

On January 5, 2011, Ordinance No. 2011-004, Council increased the maximum contract amount from \$2,000,000.00 to \$5,700,000.00 and approved a second amendment to the Interlocal Agreement which incorporated additional ARRA requirements associated with administering the Green Office Challenge Program, and to allow GTRI to continue to administer other ARRA grant funded programs on behalf of the City.

On October, 26, 2011, Ordinance No. 2011- 915, Council approved a third amendment to the Interlocal Agreement which extended the contract term for an additional two years to November 21, 2013, and increased the maximum contract amount from \$5,700,000.00 to \$6,700,000.00 for GTRI to administer the grant funds for the Houston Permitting Center project and to continue to administer ARRA grant funded programs on behalf of the City.

SM:HB:JLN:hb

c: Marta Crinejo, Jacquelyn L. Nisby, Laura Spanjian, Calvin Curtis



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Acquisition by the City of Houston of 0.5469 acre of land located at 3101 Hadley Avenue from Houston Independent School District for the Houston Parks and Recreation Department (Parcel BY12-009)	Page 1 of 1	Agenda Item 20
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FROM (Department or other point of origin): General Services Department	Origination Date 3/1/12	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: Scott Minnix <i>Scott Minnix 2/9/12</i>	Council District affected: D
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For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No: 2000-0362; May 10, 2000
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RECOMMENDATION: Approve an Ordinance authorizing the acquisition by the City of Houston of 0.5469 acre of land, being Lots 1, 2, 3, 4 and part of Lot 5, Block 7, Pierce Court Addition, Houston, Harris County, located at 3101 Hadley Avenue, from Houston Independent School District (HISD). (**Parcel BY12-009**)

Amount and Source Of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION: The City of Houston (the City) has leased 0.5469 acre of land from HISD for use as part of Moses Leroy Park since May 1, 2006. Recently, HISD approached the City with a proposal to sell that land to the City, for a purchase price of \$255,000.00.

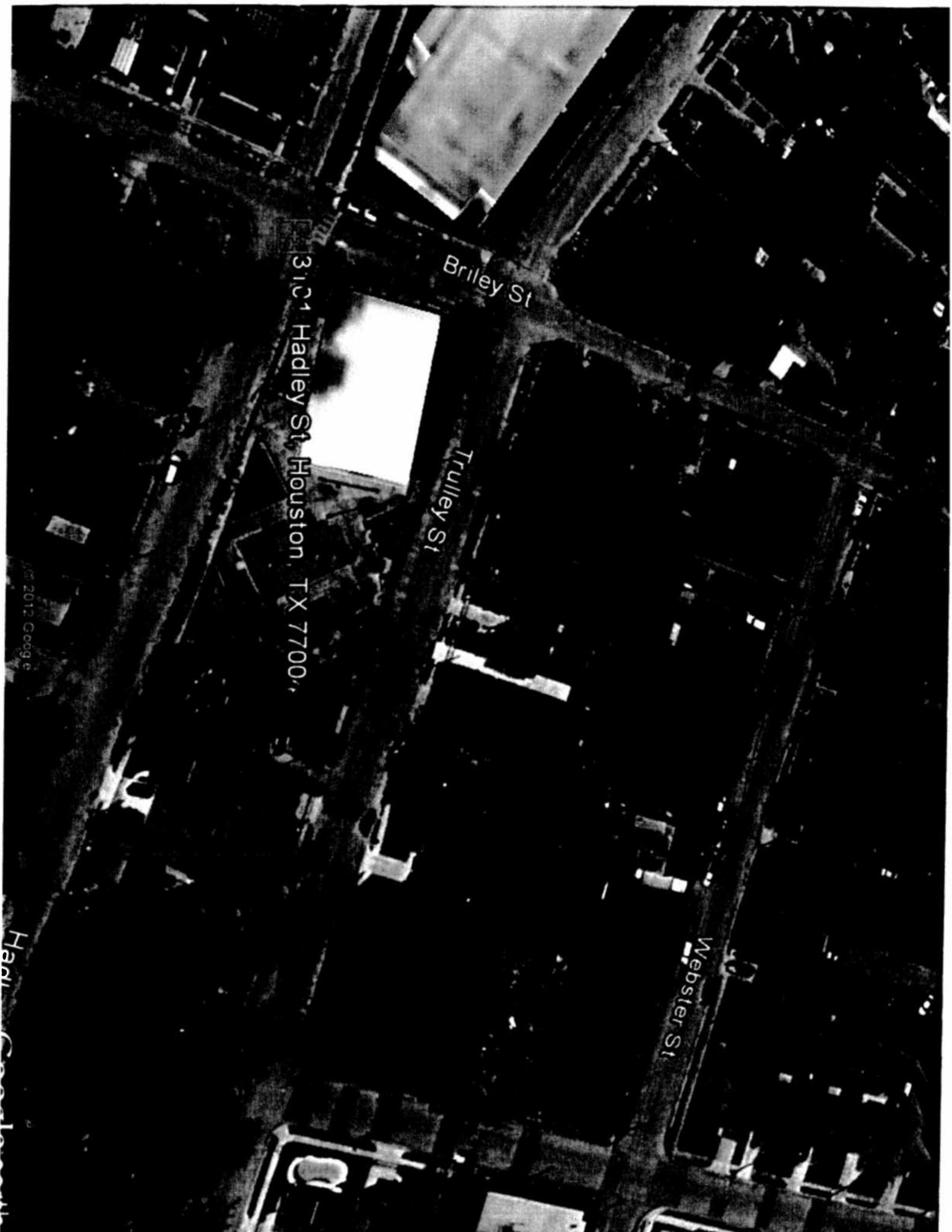
In lieu of a cash payment to HISD, a credit in the amount of the purchase price would be established for HISD to be placed in the credit account already established pursuant to an Interlocal Agreement between the City and HISD approved by Ordinance No. 2000-0362, and administered by the Department of Public Works and Engineering. The Credit Account was established to facilitate the transfer of real property interests between the City and HISD without an actual exchange of cash. Therefore, the City would have no obligation to use General Funds to pay HISD for the land.

The General Services Department recommends approval of the acquisition of 0.5469 acre of land being Lots 1, 2, 3, 4 and part of Lot 5, Block 7, Pierce Court Addition, Houston, Harris County, Texas, located at 3101 Hadley Avenue (Parcel BY12-009), from HISD, for a purchase price of \$255,000.00, for the expansion of Moses Leroy Park for the Houston Parks and Recreation Department.

SM:BB:JLN:RB:npb
xc: Marta Crinejo, Anna Russell, Jacquelyn L. Nisby, Renissa Garza Montalvo, and Lisa Johnson

REQUIRED AUTHORIZATION CUIC ID# 25 RB 127

General Services Department: <i>Humberto Bautista</i> Humberto Bautista, P.E. Assistant Director	Houston Parks and Recreation Department: <i>Joe Turner</i> Joe Turner Director
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3101 Hadley St, Houston, TX 77004

Briley St

Trullley St

Webster St

Hadley St

© 2012 Google

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Freeway Subdivision, Sections 1 - 4 and Oak Acres Subdivision and Extension as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of _____	Agenda Item # <i>21</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date February 1, 2012	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: I
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Freeway Subdivision, Sections 1 - 4 and Oak Acres Subdivision and Extension as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Freeway - Pine Valley Civic Association initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Freeway - Pine Valley Civic Association. Notification was mailed to 468 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. Nine (9) protests were timely filed with the Planning and Development Department. The Hearing Official held a public hearing on November 16, 2011 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:**
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Area Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc:** Anna Russell, City Secretary
 David M. Feldman, City Attorney
 Don Cheatham, Senior Assistant City Attorney
 Chief C. A. McClelland, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Prohibited Yard Parking Requirement Area No. P110601

Hearing Official's Approval

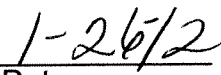
Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<p><i>PYPRA includes five contiguous block faces;</i></p> <p>The application area contains at least five contiguous block faces.</p>
X		<p><i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i></p> <p>94.9% of the proposed application area is developed as single-family residential.</p>
X		<p><i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i></p> <p>The president of the Freeway - Pine Valley Civic Association has signed a letter of support.</p>
X		<p><i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i></p> <p>The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.</p>

The Prohibited Yard Parking Requirement Area meets the criteria.



 Nicole Smothers,
 Hearing Official, Presiding



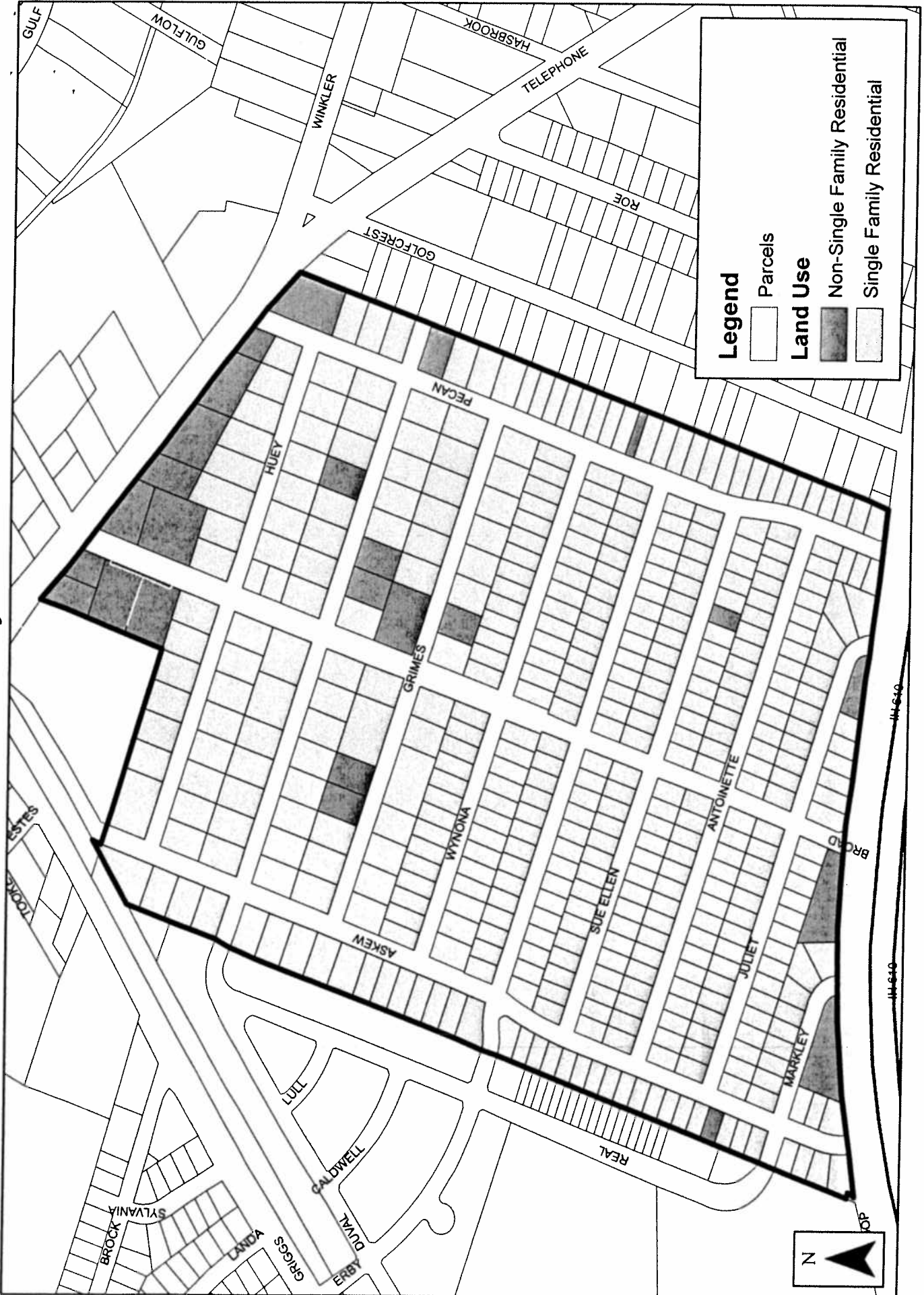
 Date

 Randall Stuewer,
 Hearing Official, Presiding

 Date

P110601

Freeway - Pine Valley Civic Association



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance designating all improved single-family residential lots in the Gessport Patio Homes Subdivision, Replat and Amended Replat as a Prohibited Yard Parking Requirement Area	Category #	Page 1 of ____	Agenda Item # <i>22</i>
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FROM (Department or other point of origin): Marlene L. Gafrick, Director Planning and Development Department	Origination Date February 1, 2012	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE: <i>Marlene L. Gafrick</i>	Council District affected: K
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For additional information contact: Kevin Calfee Phone: 713.837.7768	Date and identification of prior authorizing Council action: 2009-0059, 1-28-09
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RECOMMENDATION: (Summary) Approval of an ordinance designating all improved single-family residential lots in the Gessport Patio Homes Subdivision, Replat and Amended Replat as a Prohibited Yard Parking Requirement Area, pursuant to Chapter 28 of the Code of Ordinances, restricting parking on the front and side yard of single-family residential property.

Amount and Source of Funding: NA	Finance Budget:
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SPECIFIC EXPLANATION: In accordance with Section 28-303 of the Code of Ordinances, the Gessport Patio Homes of Fondren Southwest HOA initiated an application for the designation of a Prohibited Yard Parking Requirement Area. The application includes a letter of support from the president of the Gessport Patio Homes of Fondren Southwest HOA. Notification was mailed to 230 property owners indicating that the prohibited yard parking requirement area application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within twenty days of mailing. One (1) protest was timely filed with the Planning and Development Department. The Hearing Official held a public hearing on November 16, 2011 and recommended establishing the Prohibited Yard Parking Requirement Area.

- Attachments:**
 Decision of the Hearing Official
 Prohibited Yard Parking Requirement Area Application
 Letter of Support
 Map of the proposed requirement area / land use

- xc:** Anna Russell, City Secretary
 David M. Feldman, City Attorney
 Don Cheatham, Senior Assistant City Attorney
 Chief C. A. McClelland, HPD
 Alfred Moran, ARA

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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Prohibited Yard Parking Requirement Area No. P110701

Hearing Official's Approval

Hearing Official Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>PYPRA includes five contiguous block faces;</i> The application area contains at least five contiguous block faces.
X		<i>More than 60% of the proposed PYPRA is developed as single-family residential lots;</i> 98.7%% of the proposed application area is developed as single-family residential.
X		<i>The application is authorized by the board of an active homeowners association or civic club that encompasses the residential area described in the application;</i> The president of the Gessport Patio Homes of Fondren Southwest HOA has signed a letter of support.
X		<i>Available parking is sufficient to accommodate the typical parking needs for the residential area;</i> The curbside parking spaces or areas within the residential subdivision available to owners for the parking of vehicles or equipment are sufficient to accommodate the number of vehicles or equipment typically parked within the area.

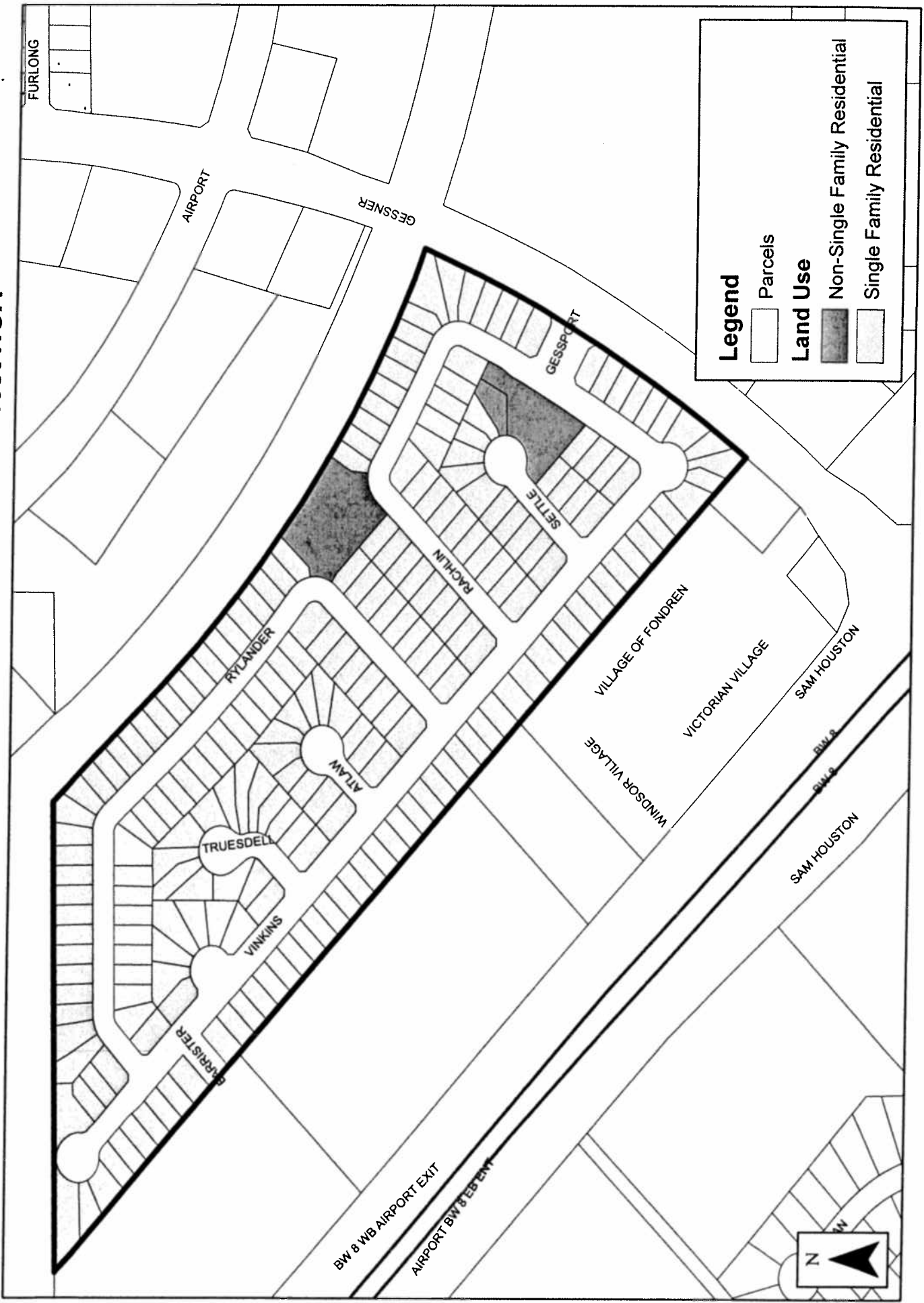
The Prohibited Yard Parking Requirement Area meets the criteria.

 1-26-12
Nicole Smothers, Date
Hearing Official, Presiding

Randall Stuewer, Date
Hearing Official, Presiding

P110701

Gessport Patio Homes of Fondren Southwest HOA




TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance to adopt a Municipal Setting Designation prohibiting the use of designated groundwater for Wackman Properties, LLC for the site located at 3777 West 12th Street, Houston, Texas 77055. (MSD # 2011-038-WPL)	Page 1 of 1	Agenda Item # 23
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 3/1/12	Agenda Date MAR 07 2012
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: C
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For additional information contact: Jedediah Greenfield ³⁶ Staff Analyst (832) 394-9005	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Wackman Properties, LLC site located at 3777 West 12th Street, Houston, Texas 77055, and support issuance of an MSD by the Texas Commission on Environmental Quality. (MSD # 2011-038-WPL)

Amount and Source of Funding: N/A

BACKGROUND: In 2003, the Texas Legislature authorized the creation of Municipal Setting Designations (MSD), which designates an area in which the use of contaminated groundwater is prohibited for use as potable water. The law is administered by the Texas Commission on Environmental Quality (TCEQ) and requires local City support to designate an MSD. The intent of the legislation is to encourage redevelopment of vacant or abandoned properties while protecting public health. On August 22, 2007, City Council approved an ordinance amending Chapter 47 of the Code of Ordinances by adding Article XIII, which provides a process to support or not support an MSD application to the State (ordinance amended 7/14/2010).

WACKMAN PROPERTIES, LLC APPLICATION: Wackman Properties, LLC is seeking a Municipal Setting Designation (MSD) for just over 9-acres of land located at 3777 West 12th Street, Houston, Texas 77055. The contamination consists of 1,1-dichloroethene (1,1-DCE), Methyl ethyl ketone (MEK), benzene, cis 1,2-dichloroethene (cis-DCE), ethylbenzene, tetrachloroethene (PCE), toluene, trichloroethene (TCE), vinyl chloride (VC), xylenes, and arsenic.

The property formerly operated as a 55-gallon drum manufacturing plant. However, it is currently vacant and no longer in use. Plans for the property will include sale and redevelopment with the potential for commercial, industrial and/or residential use. The site entered the Texas Commission of Environmental Quality's (TCEQ) Voluntary Cleanup Program in 2009. Based on the groundwater monitoring data, a licensed Professional Geologist has certified that the area of contamination is stable and declining.

Wackman Properties, LLC is seeking an MSD for this property to restrict access to groundwater to protect the public against exposure to the contaminants. There is a public drinking water supply system that meets state requirements that supplies or is capable of supplying drinking water to the MSD property and all properties within one-half mile of the MSD property.

A public meeting was held on January 18, 2012 at the Love Community Center, and a public hearing was held on February 15, 2012 during the Council Committee on Transportation, Technology and Infrastructure. Both meetings are necessary steps prior to City Council's consideration of support.

RECOMMENDATIONS: It is recommended that City Council adopt a Municipal Setting Designation (MSD) ordinance prohibiting the use of designated groundwater at the Wackman Properties, LLC site located at 3777 West 12th Street, Houston, TX 77055, and support issuance of an MSD by the Texas Commission on Environmental Quality.

MLL:TJH:RM:jbg
C: Marta Crinejo, Ceil Price

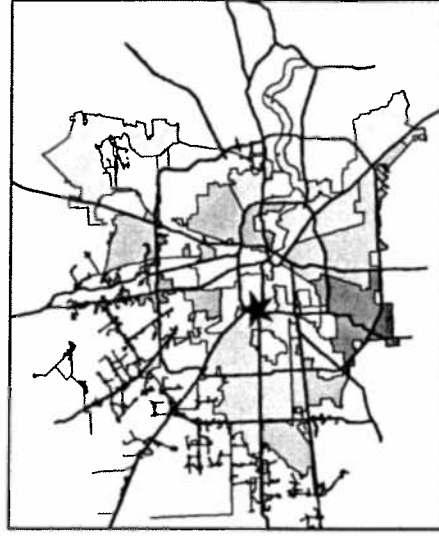
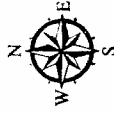
REQUIRED AUTHORIZATION CUIC ID# 20UPA138

Other Authorization:	Authorization:  Mark L. Loethen, P.E., CFM, PTOE Deputy Director Planning & Development Services Division	Other Authorization:
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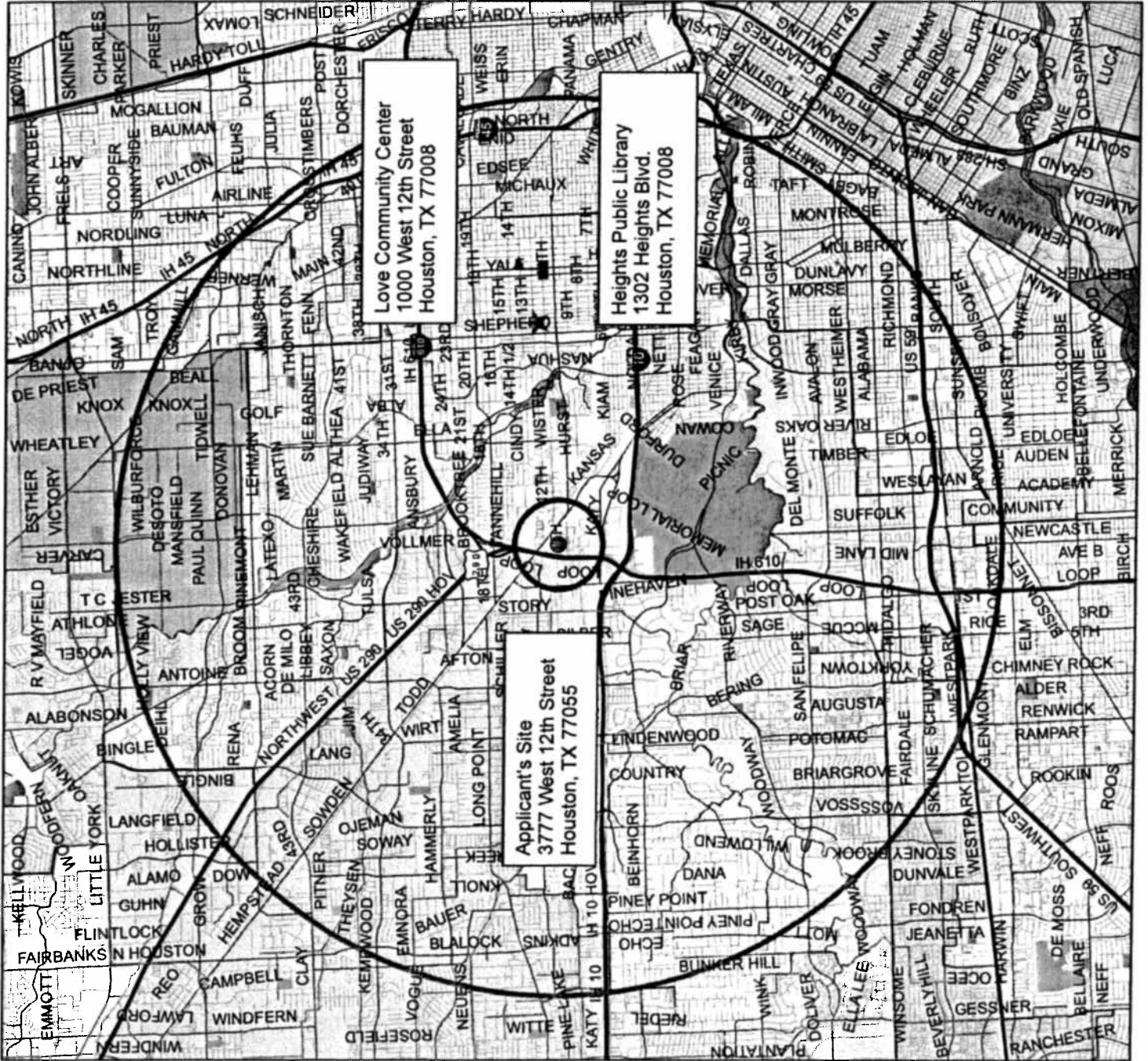
Municipal Setting Designation 2011-038-WPL Vicinity Map

Legend

- MSD Site
- ★ Community Center
- ▲ Library
- 1/2 Mile Mailing Area
- 5 Mile Mailing Area



This map represents the best information available to the City. The City does not warrant its accuracy or completeness. Field verification should be performed as necessary.



SUBJECT: An Ordinance supplementing the City of Houston, Texas, Master Ordinance; supplementing and amending prior Ordinances as it relates to City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B-6; authorizing the substitution of a credit facility and related documents.	Category #	Page	Agenda
		1 of 1	Item #

24 ~~72~~

FROM (Department or other point of origin): Finance Department and Office of the City Controller	Origination Date: 2/22/2012	Agenda Date FEB 29 2012
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DIRECTOR'S SIGNATURE: 	Council District Affected: All	MAR 07 2012
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For additional information contact: Jennifer Olenick Shawnell Holman	Phone: 713-837-9899 Phone: 832-393-3513	Date and identification of prior authorizing Council action:
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RECOMMENDATION: (Summary)
Approved an Ordinance supplementing the City of Houston, Texas, Master Ordinance; supplementing and amending prior Ordinances as it relates to City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B-6; authorizing the substitution of a credit facility and related documents.

Amount of Funding: Not Applicable	Finance Budget:
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Source of Funding: General Fund Grant Fund Other (Specify) Enterprise Fund

SPECIFIC EXPLANATION:

On April 8, 2008 the Combined Utility System ("CUS") converted the Series 2004B Bonds, which were originally issued as auction rate securities, into variable rate demand bonds ("VRDBs"). VRDBs are long term bonds that are remarketed weekly at short term interest rates. The VRDBs have provided a cost-effective method of financing a portion of the CUS Capital Improvement Program ("CIP"). In order to be marketable, the VRDBs require a liquidity facility provided by a highly rated bank.

In 2008, the CUS entered into a letter of credit with several banks each assigned a percentage of the liability. This letter of credit expired on April 6, 2010. The City then subsequently entered into letters of credit for each subseries of the Series 2004B Bonds. Currently, the letter of credit for the CUS Series 2004B-6 Bonds is scheduled to expire on April 6th 2012. The Finance Working Group recommends entering into a new liquidity agreement with Sumitomo Mitsui Banking Corporation to provide the letter of credit for the entire amount of \$78.325 million. The letter of credit will be for a proposed term of 3 years. Recommended as co-bond counsel are Fulbright & Jaworski L.L.P and Burney & Foreman.

Recommendation:

The Finance Working Group recommends approval of this item.

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:
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SUBJECT: Ordinance consenting to the creation of the Bridgeland Management District	Category #	Page 1 of 2	Agenda Item 25
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FROM (Department or other point of origin): Planning and Development	Origination Date February 10, 2012	Agenda Date FEB 20 2012
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DIRECTOR'S SIGNATURE: <i>Maureen H. Hafreck</i>	Council District affected: ETJ	Agenda Date MAR 07 2012
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For additional information contact: Nicole B. Smothers Phone: 713-837-7856	Date and identification of prior authorizing Council action: N/A
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RECOMMENDATION: (Summary)
Approval of an ordinance consenting to the creation of the Bridgeland Management District

Amount and Source of Funding:	Finance Budget:
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SPECIFIC EXPLANATION:
Management/Improvement districts are special districts created by the Texas legislature. Generally, these districts are empowered to promote, develop, encourage and maintain employment, commerce, transportation, housing, tourism, recreation, arts, entertainment, economic development, safety and public welfare. Typically, management districts are given the power to finance their operations by issuing bonds or other obligations, payable in whole or in part from ad valorem taxes, assessments, impact fees or other funds of the District to provide improvements and services. Further, districts may levy a tax only after holding an election within the district.

A management district is intended to supplement, not supplant, existing public services. Creation of these districts does not release Harris County or the City of Houston from its obligations to provide services to the areas; nor does it require additional services from the City. The City assumes no liability for the debts, obligations or liabilities of the district.

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

The Bridgeland Management District: Authorized by the 82nd Legislature in 2011, the Bridgeland Management District is located entirely in the ETJ of the City of Houston and entirely in Harris County. The District's Attorney has submitted a request for consent to the creation of the District, as authorized by the Texas Legislature last year. Following city consent to the creation of the district, the District will pursue an improvement plan that will include projects such as the construction of access roads to and from the Grand Parkway, security and public safety, aesthetic bridge improvements (crossing regional detention ponds within the district), and decorative street lighting. As the district develops, projects will include the creation of walking trails and sidewalks so that area residents can walk from their neighborhoods to the detention corridor and then to town center in an effort to promote a pedestrian friendly community.

For this district, the Planning Department recommends the City provide its consent under the following conditions:

Caus

4/10

1. Bonds will be issued by the District only for the purposes provided in the legislation creating the District. The District must obtain the approval of the City Council of the City of Houston of the issuance of bonds for any improvement project. In lieu of approval of an individual bond issue by the City Council of the City of Houston, the District may obtain approval from the governing body of the City of Houston of a capital improvements budget for a period of not to exceed ten years setting forth the projects for which the District proposes to issue its bonds. In the event the District obtains approval of a capital improvements budget, it may issue bonds to finance any capital improvements specified in the budget without further approval from the City of Houston. No land will be added or annexed to the District until the City of Houston has given its written consent by Ordinance of the City Council to such addition or annexation.

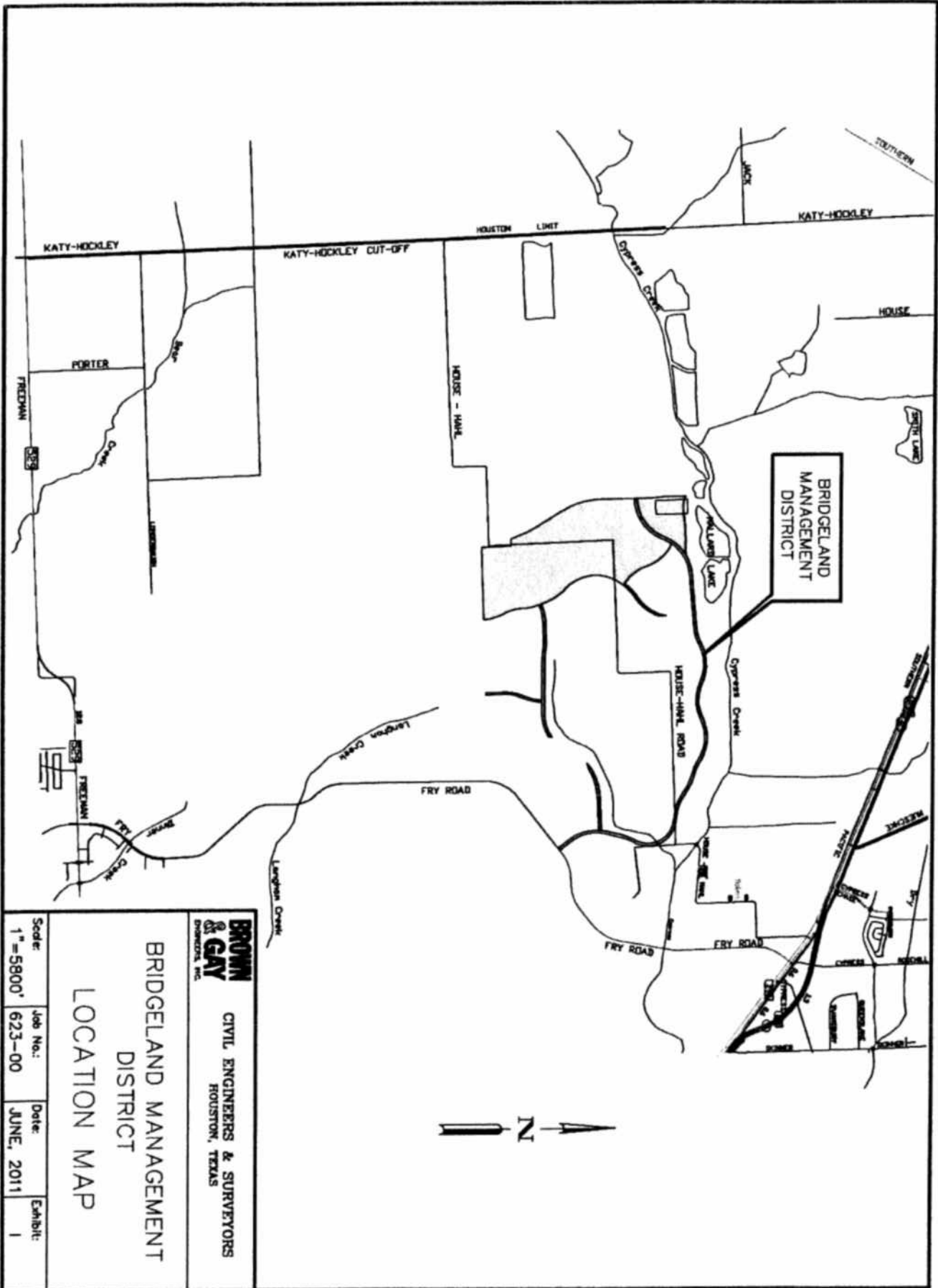
2. The district must obtain approval from the Department of Planning and Development and the Department of Public Works of the City of Houston of the plans and specifications of any improvement project that involves the use of the rights-of-way of streets, roads, highways or the use of land owned by the City of Houston.

3. The City Council of Houston may, by a vote of not less than two-thirds (2/3rds) of the entire membership, adopt an ordinance dissolving the District. Upon the adoption of such an ordinance, the District shall be dissolved, and, in accordance with Sections 375.263 and 43.075, Local Government Code, the City of Houston shall (1) succeed to the property and assets of the District, and (2) assume all debts, obligations and liabilities of the District.

CC: Marta Crinejo, Agenda Director
 David Feldman, City Attorney
 Deborah McAbee, Sr. Assistant City Attorney
 Omar Izfar, Sr. Assistant City Attorney
 Anna Russell, City Secretary

REQUIRED AUTHORIZATION

Finance Director:	Other Authorization:	Other Authorization:




<p>BROWN & GAY <small>ENGINEERS, P.C.</small></p> <p>CIVIL ENGINEERS & SURVEYORS HOUSTON, TEXAS</p>			
<p>BRIDGELAND MANAGEMENT DISTRICT</p>			
<p>LOCATION MAP</p>			
<p>Scale: 1" = 5800'</p>	<p>Job No.: 623-00</p>	<p>Date: JUNE, 2011</p>	<p>Exhibit: 1</p>

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0179-4	Page 1 of 2	Agenda Item # 26 32
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date	Agenda Date FEB 29 2012
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DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected: All
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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
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RECOMMENDATION: (Summary)
Accept low bid, award construction contract, and appropriate funds.

Amount and Source of Funding: \$517,837.00 from Water and Sewer System Consolidated Construction Fund No. 8500. This project is eligible for low interest funding through the State Revolving Fund (SRF), Tier II. *M.F. 2/1/2012*

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.

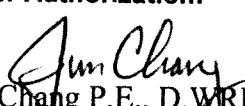
DESCRIPTION/SCOPE: This project consists of sanitary sewer cleaning and television inspection in support of rehabilitation. The contract duration for this project is 365 calendar days.

LOCATION: The project area is generally bounded by the City Limits.

BIDS: Four (4) bids were received on December 1, 2011 for this project as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Envirowaste Services Group, Inc.	\$488,415.74
2. CleanServe, Inc.	\$499,736.30
3. Pipeline Video Inspection, LLC	\$545,630.45
4. Specialized Maintenance Services, Inc.	\$836,293.40

File/Project No. WW 4277-69	REQUIRED AUTHORIZATION	CUIC# 20JAI420 <i>M</i>
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Finance Department	Other Authorization:	Other Authorization:  Jun Chang P.E., D.WRE, Deputy Director Public Utilities Division
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Date	Subject: Contract Award for Sanitary Sewer Cleaning and Television Inspection In Support of Rehabilitation WBS# R-000266-0179-4	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 \$488,415.74.

PROJECT COST: The total cost of this project is \$517,837.00 to be appropriated as follows:

- Bid Amount \$488,415.74
- Contingencies \$24,421.26
- Engineering Testing Services \$5,000.00

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

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

IDK

DWK:JC:JI:DR:mb

File No. WW 4277-69

27

MAR 07 2012

MOTION NO. 2012

MOTION by Council Member Gonzalez that after a review of the record on the appeal filed by Richard V. Rothfelder, Attorney at Law, on behalf of Garrett Operators, Inc., regarding the interpretation of the Sign Code for a sign located at 2600 South Loop West, Houston, Texas, by the General Appeals Board, the decision of the Board be upheld and the appeal denied.

Seconded by Council Member Sullivan

Council Member Hoang absent on City business

Council Member Costello absent on personal business

FOR backup
ON NET FOR
of 2/29/12

see Item 40
backup Agenda

On 02/29/2012 the above motion was tagged by Council Member Brown.

mla