

AGENDA - COUNCIL MEETING - TUESDAY - MAY 8, 2007 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Berry

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 - MAY 9, 2007 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING**, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding (a) the proposed roadway and bridge construction at Brays Bayou and South MacGregor Drive, (b) the relocation of portions of North MacGregor Drive currently located in Hermann Park, and (c) associated temporary construction easements, all through Hermann Park, by the Public Works Department (the "project"); on the questions of (1) whether there is any feasible or prudent alternative to the proposed use of Hermann Park for the project; and (2) whether the project includes all reasonable planning to minimize harm to Hermann Park as a park, recreation area, scientific area, wildlife refuge, or historic site resulting from the project
DISTRICT D - EDWARDS

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 52

AGENDA - MAY 9, 2007 - PAGE 2

MISCELLANEOUS - NUMBERS 2 through 5

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION**:
 - Position One - **MR. LEE D. SCHLANGER**, for a term to expire March 31, 2009
 - Position Four - **MS. CAROL A. LEWIS**, and to serve as Chair, for a term to expire September 30, 2008
 - Position Five - **MR. MARK A. KILKENNY**, for a term to expire March 31, 2009
 - Position Six - **MS. KAY CROOKER**, for a term to expire March 31, 2009
 - Position Nine - **MS. ROBIN REED**, for a term to expire September 30, 2008
 - Position Ten - **MR. TALMADGE SHARP, SR.**, for a term to expire March 31, 2009
 - Position Eleven - **MR. SHAUKAT ZAKARIA**, for a term to expire September 30, 2008
 - Position Twelve - **MS. ALGENITA SCOTT DAVIS**, for a term to expire March 31, 2009
 - Position Eighteen - **MR. DAVID FRED MARTINEZ**, for a term to expire September 30, 2008
 - Position Twenty - **MR. JEFF E. ROSS**, for a term to expire September 30, 2008
3. RECOMMENDATION from Director Department of Convention & Entertainment Facilities Department for the designation of one residential parking permit area and related parking regulations in the Super Neighborhood of University Place - **DISTRICT C - CLUTTERBUCK**
4. RECOMMENDATION from Director Department of Public Works & Engineering to approve a refund for Water & Sewer Account for **CRESCENT CITY APARTMENTS**, 8501 Broadway \$29,138.45 - Enterprise Fund
5. RECOMMENDATION from Director Department of Public Works & Engineering to approve a refund for Water & Sewer Account for **RUBICON APARTMENTS**, 7302 Corporate Drive \$34,775.00 - Enterprise Fund

ACCEPT WORK - NUMBERS 6 through 15

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$17,203,648.24 and acceptance of work on contract with **SOVEREIGN BUILDERS GROUP, LTD. (dba CONSTRUCTION LTD.)** for Terminal C/E Utility Distribution Upgrade at George Bush Intercontinental Airport/Houston, Project 424E, WBS A-00091-0005-4-01 - 4.92% over the original contract amount - **DISTRICT B - JOHNSON**
7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,369,168.90 and acceptance of work on contract with **DILLARD SMITH CONSTRUCTION COMPANY d/b/a P. D. G. ELECTRIC** for Runway 8L-26R New Electrical Vault and Fencing at George Bush Intercontinental Airport/Houston, Project 522F, WBS A-000304-0002-4-01 - 2.79% over the original contract amount - **DISTRICT B - JOHNSON**
8. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$307,541.00 and acceptance of work on contract with **STRUCTURE MANAGEMENT, LLC** for Julia Ideson Building Renovation, WBS E-000049-0001-4 - 6.05% over the original contract amount - **DISTRICT I - ALVARADO**
9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$363,464.12 and acceptance of work on contract with **RESICOM, INC** for Grady Park, WBS F-504B11-0011-4 - 4.06% over the original contract amount - **DISTRICT G - HOLM**
10. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$649,133.84 and acceptance of work on contract with **CENTURY ROOFING LLC** for Roof and Roof-Top Unit Replacement at Southwest Quadrant Office Facility, WBS R-000268-0042-4 - 0.18% over the original contract amount - **DISTRICT C - CLUTTERBUCK**

ACCEPT WORK - continued

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$740,950.74 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C3-4 - 2.52% under the original contract amount
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$769,225.35 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C6-4 - 2.29% over the original contract amount
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$460,317.41 and acceptance of work on contract with **WESCO INFRASTRUCTURE TECHNOLOGIES, INC** for Rehabilitation of 54" to 60" Pickfair Trunk Sewer from 610 North Loop to Hunting Bayou, WBS R-0002011-0036-4 - 28.51% under the original contract amount - **DISTRICT B - JOHNSON**
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$205,390.21 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Woodhead Street Sewer Replacement, WBS R-002011-0044-4 4.26% under the original contract amount - **DISTRICT D - EDWARDS**
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$880,088.14 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in the Almeda Manor Subdivision, WBS S-000035-00B3-4 - 10.88% under the original contract amount - **DISTRICT D - EDWARDS**

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 25

16. **VISIONTRON CORP.** for Stanchions and Hardware for Houston Airport System - \$274,772.85 Enterprise Fund
17. **AMEND MOTION #2005-237, 3/16/05, TO INCREASE** spending authority from \$154,000.00 to \$192,500.00 for Audio Control System Replacement Parts for Houston Airport System, awarded to **FORD AUDIO VIDEO SYSTEMS, INC** - \$38,500.00 - Enterprise Fund
18. **UR INTERNATIONAL, INC** for Purchase of a Radio Frequency Identification (RFID) System for the Health and Human Services Department - \$226,212.00 - Equipment Acquisition Consolidated Fund
19. **DELL MARKETING L.P.** for Computers, Monitors, and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Airport System \$337,229.29 - Enterprise Fund
20. **PHILPOTT MOTORS, LTD.** for Aerial Manlift Truck through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Police Department - \$59,453.00 - Grant Fund
21. **DALLAS DODGE CHRYSLER JEEP** for Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$73,137.00 - Police Special Services Fund
22. **RUSH EQUIPMENT CENTERS OF TEXAS, INC** for Equipment Trailers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - \$339,708.40 - Enterprise and Equipment Acquisition Consolidated Funds

PURCHASING AND TABULATION OF BIDS - continued

23. **WELDERS EQUIPMENT I LTD. dba SPECIALTY GAS PRODUCTS** - \$1,394,200.15 and **AIRGAS-SOUTHWEST, INC** - \$1,814,212.34 for Industrial, Medical and Specialty Gases for Various Departments - General, Fleet Management, Storm Water and Enterprise Funds
24. **TOMMIE VAUGHN MOTORS, INC** - \$1,100,760.00 and **LONE STAR CHEVROLET** - \$494,386.00 for Light-and Medium-Duty Trucks for Various Departments - Enterprise, Police Special Service, Mobile Response Team and Equipment Acquisition Funds
25. **VWR INTERNATIONAL, INC** for Scientific Products for Various Departments - \$2,625,161.26 General, Enterprise, Grant and Storm Water Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 26 through 52

26. RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for its Higher Education Revenue Bonds (Rice University Project) Series 2007A and Series 2007B
27. RESOLUTION approving and authorizing the submission of an application for grant assistance to the U.S. Department of Justice Juvenile Justice and Delinquency Prevention Act Fund administered by the State of Texas through the Criminal Justice Division, Office of the Governor ("CJD"), to support the After-School Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's Representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
28. RESOLUTION designating certain properties within the City of Houston as Historic Landmarks:
Miller-Tunks House - 2117 Chilton Road - **DISTRICT G - HOLM**
George V. Rotan House - 2300 Pine Valley Drive - **DISTRICT G - HOLM**
29. ORDINANCE relating to terms and conditions for water and wastewater service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing other provisions relating to the subject; containing a repealer; providing for severability; declaring certain conduct unlawful and providing a penalty therefor; providing an effective date
30. ORDINANCE authorizing the issuance of one or more series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2007 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2007, and ending June 30, 2008; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the Notes; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Co-Bond Counsel Agreement; making other findings and provisions relating to such Notes and matters incident thereto; and declaring an emergency
31. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2007A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2007, and ending June 30, 2008; providing for the payment of the principal of and interest on such notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; appointing Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency

RESOLUTIONS AND ORDINANCES - continued

32. ORDINANCE consenting to the addition of 72.312 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district
33. ORDINANCE approving and authorizing a program to repair certain homes in Houston Hope areas of the City of Houston
34. ORDINANCE approving and authorizing contract between the City and **AVIA PARTNERS, INC** for Prescription Drugs for older adults in the Houston/Harris County Area; providing a maximum contract amount - \$400,000.00 - Grant Fund
35. ORDINANCE approving and authorizing Sublease Agreement between **ALL-STAR PARKING, INC, a Texas Limited Partnership**, as Landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for two Commercial Parking Lots located at 2233 Polk Street and 2233 Lamar Street, Houston, Harris County, Texas, at a monthly rental of \$4,500.00 during the first twelve (12) months and a monthly rental of \$5,000.00 during the thirteenth (13) through the twenty-fourth (24) month, for a marshalling area for exhibitors for use by the Convention and Entertainment Facilities Department - Enterprise Fund - **DISTRICT I - ALVARADO**
36. ORDINANCE approving and authorizing Supplemental Lease Agreement No. 2 to Lease GS-07B-15237 between the City of Houston and the **GENERAL SERVICES ADMINISTRATION (GSA)** for Office and Breakroom Space for the Transportation Security Administration (TSA) at William P. Hobby Airport - **DISTRICT I - ALVARADO**
37. ORDINANCE approving and authorizing contract by and between the City of Houston and **AVIATION DATA GROUP, LLC** for Airline Route and Network Analysis Software for the Houston Airport System; providing a maximum contract amount - 2 Years with two one-year options \$125,000.00 - Enterprise Fund
38. ORDINANCE appropriating \$500,000.00 out of Airports Improvement Fund and approving and authorizing Professional Consulting Services Contract between the City of Houston and **APPLIED RESEARCH ASSOCIATES, INC**, for Pavement Management Program Development and Implementation at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field (Project No. 508; WBS A000138-0015-3) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
39. ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund for Supplemental allocation for Contract No. 56374; approving and authorizing Amendment No. 1 to the contract for Professional Consulting Services by and between the City of Houston and **HNTB CORPORATION** for On-Call Planning Services with the Houston Airport System, WBS A-000368-0002-3-01; (Proj. No. 616) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO**
40. ORDINANCE appropriating \$1,206,348.00 out of Airports Improvement Fund, WBS A-000476-0008-4-01 and awarding Construction Contract to **CST ENVIRONMENTAL, INC** for Building Demolition and Environmental Remediation adjacent to George Bush Intercontinental Airport/Houston (Project 617D); setting a deadline for CST Environmental, Inc.'s execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding CST Environmental, Inc in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON**

RESOLUTIONS AND ORDINANCES - continued

41. ORDINANCE approving and authorizing purchase of a three-year Crime Insurance Policy with **AMERICAN INTERNATIONAL GROUP (AIG), through Member Company, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURG, PA.** for Public Employee Dishonesty and Computer Fraud; providing a maximum contract amount - \$93,754.00 - Property and Casualty Fund
42. ORDINANCE amending Ordinance Number 1999-1232 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services for the Houston Public Library - \$1,000,000.00 - General Fund
43. ORDINANCE awarding contract to **COMMERCIAL CHEMICAL PRODUCTS, INC dba POOLSURE** for Swimming Pool Maintenance Services for Parks & Recreation Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,044,800.00 General Fund
44. ORDINANCE appropriating \$221,444.44 out of Public Library Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **NATALYE APPEL & ASSOCIATES ARCHITECTS, LLC** for Library ADA Renovations at various locations, WBS E-000157-0002-3 - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - WISEMAN; G - HOLM and I - ALVARADO**
45. ORDINANCE appropriating \$7,600.00 out of Parks Consolidated Construction Fund as an additional appropriation for Professional Materials Engineering Laboratory Testing for MacGregor Park Road Improvements, WBS F-504A21-0022-4, under an existing contract with **FUGRO CONSULTANTS, INC - DISTRICT D - EDWARDS**
46. ORDINANCE appropriating \$35,000.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation for Construction Services for Southeast Solid Waste Center Concrete Driveway Repair, WBS L-000071-0001-4, under an existing contract with **TEXAS STERLING CONSTRUCTION L.P. - DISTRICT I - ALVARADO**
47. ORDINANCE appropriating \$4,230,000.00 out of Public Library Capital Project Fund; awarding construction contract to **WORKMAN COMMERCIAL CONSTRUCTION SERVICES L.T.D.** for Construction of Clayton Library Renovation, WBS E-000156-0001-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, environmental consulting services, and contingencies relating to construction of facilities financed by Public Library Capital Project Fund **DISTRICT D - EDWARDS**
48. ORDINANCE appropriating \$1,598,000.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **MERIDIAN COMMERCIAL, L.P.** for Renovation of West End Health Center - Phase II, WBS H-000068-0002-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICT H - GARCIA**

RESOLUTIONS AND ORDINANCES - continued

49. ORDINANCE approving and authorizing Professional General Environmental, Asbestos and Lead related Consulting Services On-Call Contract between the City of Houston and **CORRIGAN CONSULTING, INC**, WBS I-000100-0001-3 - \$190,000.00 - General Fund
50. ORDINANCE appropriating \$237,850.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program - 34 Corners, WBS N-00610A-00H6-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and G - HOLM**
51. ORDINANCE appropriating \$4,350,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Neighborhood Sanitary Sewer Improvements, WBS R-002011-0043-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS**
52. ORDINANCE appropriating \$4,267,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Sampson Sewer and Eastwood Subdivision Sewer Relocation, WBS R-002011-0048-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 53

PURCHASING AND TABULATION OF BIDS

53. **AMEND MOTION #2007-260, 3/7/07, TO PURCHASE** additional Automobiles, Utility Vehicles and Pickup Trucks for Various Departments, awarded to **PHILPOTT MOTORS, LTD.** - \$227,300.00 - General, Equipment Acquisition Consolidated and Police Special Services Funds **REQUIRES THREE MOTIONS** - (1-Suspend rules; 2-Bring back for reconsideration; 3-Amend)

MATTERS HELD - NUMBERS 54 through 63

54. WRITTEN Motion by Council Member Garcia to amend Item 54A as follows:

In Section 3 of the proposed ordinance, amend Section 28-171 of the Code of Ordinances, Houston, Texas, by adding, in the appropriate alphabetical order, the following definition:

“Adult means an individual who has attained the age of 18.”

TAGGED BY COUNCIL MEMBER WISEMAN

a. ORDINANCE modifying and continuing the City’s Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 1A on Agenda of May 2, 2007

55. ORDINANCE **AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Division 3 relating to concrete crushing sites; establishing a schedule of fees for permits issued in connection therewith

TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM

This was Item 14 on Agenda of May 2, 2007

56. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection

TAGGED BY COUNCIL MEMBERS WISEMAN, GARCIA, HOLM and KHAN

This was Item 2A on Agenda of May 2, 2007

57. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection in the City; repealing Ordinance No. 85-842 relating to Solid Waste Sponsorship Agreements; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability

TAGGED BY COUNCIL MEMBERS WISEMAN and GARCIA

This was Item 15 on Agenda of May 2, 2007

58. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2007; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2007

a. ORDINANCE declaring the intention of the City to Reimburse Dangerous Building Demolition Project Expenditures from future proceeds of Certificates of Obligation, appropriating \$3,500,000 from the General Fund Fund Balance for the purpose of making a cash advance to the Dangerous Building Demolition Fund, appropriating \$3,500,000 from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings

TAGGED BY COUNCIL MEMBERS WISEMAN and JOHNSON

These were Items 16 and 16A on Agenda of May 2, 2007

59. ORDINANCE appropriating \$465,125.00 out of Tax Increment Fund for Reinvestment One Number Ten, City of Houston, Texas (Lake Houston Zone) for Administrative Expenses and payment of project costs as provided herein - **DISTRICT E - WISEMAN**

TAGGED BY COUNCIL MEMBER WISEMAN

This was Item 22 on Agenda of May 2, 2007

MATTERS HELD – continued

60. ORDINANCE approving and authorizing Lease Agreement between **BRAYS OAKS TOWERS, LTD.**, a Texas Limited Partnership, as landlord (“Landlord”), and the City of Houston, Texas, as tenant (the “City”), for approximately 10,409 square feet of net rentable office space at 10103 Fondren, Suite 100, Houston, Harris County, Texas 77096, for use by the Houston Public Library Department - **DISTRICT C - CLUTTERBUCK**
TAGGED BY COUNCIL MEMBER CLUTTERBUCK
This was Item 24 on Agenda of May 2, 2007
61. ORDINANCE appropriating \$1,735,374.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-00G4-4; setting a deadline for the bidder’s execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund - **TAGGED BY COUNCIL MEMBER JOHNSON**
This was Item 39 on Agenda of May 2, 2007
62. ORDINANCE adopting guidelines and criteria, making certain elections regarding eligibility, and **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Tax Abatements - **POSTPONED BY MOTION #2007-426, 5/2/07**
This was Item 42 on Agenda of May 2, 2007
63. ORDINANCE approving and authorizing an amendment to the City of Houston’s Citizen Participation Plan - **POSTPONED BY MOTION #2007-429, 5/2/07**
This was Item 44 on Agenda of May 2, 2007

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Edwards 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, MAY 8, 2007 at 1:30 p.m. and WEDNESDAY, MAY 9, 2007 at 9:00 a.m.** with the reading of the descriptions, captions or titles of the agenda items by the City Secretary to begin not earlier than 60 minutes before the scheduled commencement, in the Council Chamber, Second Floor, City Hall, 901 Bagby, for the purpose of conducting the regular business and affairs of the City of Houston listed on the attached Agenda.

WITNESS my official signature this the 4th day of MAY, 2007.

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 MAY 4, 2007 at : p.m.

by _____

for Anna Russell
City Secretary

ITEMS WAIVED BUT NOT ON DRAFT AGENDA OF MAY 9, 2007

64. ORDINANCE approving and authorizing the submittal of an application to the Texas Health and Human Services Commission for the City's Summer Food Service Program (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's representative in the application process; authorizing the Director of the Parks and Recreation Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant
65. ORDINANCE approving and authorizing contract between the City and **DEAN'S NUTRITIONAL SERVICES, INC** for the Summer Food Service Program for the Parks & Recreation Department; providing a maximum contract amount
- 66.

**CITY COUNCIL CHAMBER – CITY HALL 2nd FLOOR – TUESDAY
MAY 8, 2007 2:00 P.M.**

AGENDA

3MIN.

3MIN.

3MIN.

NON-AGENDA

2MIN.

2MIN.

2MIN.

3MIN.

3MIN.

3MIN.

MR. JOHN KNIGHT – 4443 Pease – 77023 – 713-416-2405 – Uneven lanes

MR. ZEKE MOORE – 3422 Prudence – 77045 – 713-433-8480 – Need speed bumps, sidewalks and handicapp ramps in neighborhood

MR. JOSEPH BALLARD – 6302 Rocky Nook – Humble – TX – 77396 – 281-850-0388 – Municipal Courts

MS. KENYETTA TIDWELL – 5050 Sunflower – 77033 – 832-881-7093 – Fund raising for daughter for Junior National Young Leadership Conference

MR. CHRIS LARA – 7002 Timber Post Ln. – Humble – TX – 77346 – 281-685-9017 – Smoke Hood

MS. PEGGY CULTON-BURNETT – 5120 Rise – 77007 – 713-862-4559 – Property Lien

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

PREVIOUS

1MIN.

1MIN.

1 MIN.

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 - 832-453-6376 – We're – National C/V-WK W/Court Command ER-Order-Protection W/Cash Fund Release



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2

MAY 09 2007

April 25, 2007

COPY TO EACH MEMBER OF COUNCIL:
CITY SECRETARY: 4-26-06
DATE
COUNCIL MEMBER:

The Honorable City Council
City of Houston

Dear Council Members:

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

- Mr. Lee D. Schlanger, Position One, for a term to expire March 31, 2009;
- Ms. Carol A. Lewis, Position Four, and to serve as Chair, for a term to expire September 30, 2008;
- Mr. Mark A. Kilkenny, Position Five, for a term to expire March 31, 2009;
- Ms. Kay Crooker, Position Six, for a term to expire March 31, 2009;
- Ms. Robin Reed, Position Nine, for a term to expire September 30, 2008;
- Mr. Talmadge Sharp, Sr., Position Ten, for a term to expire March 31, 2009;
- Mr. Shaukat Zakaria, Position Eleven, for a term to expire September 30, 2008;
- Ms. Algenita Scott Davis, Position Twelve, for a term to expire March 31, 2009;
- Mr. David Fred Martinez, Position Eighteen, for a term to expire September 30, 2008;
- and
- Mr. Jeff E. Ross, Position Twenty, for a term to expire September 30, 2008.

Résumés of the nominees are attached for your review.

Sincerely,

Bill White
Mayor

BW:CC:jsk

Attachments

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



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Designation of residential parking permit area and related parking regulations in the Super Neighborhood of University Place.

Category #

Page 1 of
1

Agenda Item#
3

FROM: (Department or other point of origin):
Dawn R. Ullrich, Director
Convention and Entertainment Facilities Department

Origination Date
April 23, 2007

Agenda Date
MAY 09 2007

DIRECTOR'S SIGNATURE:

Dawn Ullrich

Council Districts affected:
C

For additional information contact:

Liliana Rambo
Maria Irshad

Phone: 713-853-8193
Phone: 713-853-8270

Date and identification of prior authorizing Council Action: August 14, 2001
ORD #2001-0759

RECOMMENDATION: (Summary)

That City Council adopt a motion authorizing the designation of one residential permit parking area and related parking regulations in the Super Neighborhood of University Place.

Amount of Funding:

Not Applicable

F & A Budget:

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

In August 2001, City Council approved amendments to Chapter 45 of the Code of Ordinances authorizing the designation of residential permit parking areas in neighborhoods where excessive commuter parking is deemed a problem for residents. To date, 76 permit areas have been designated.

It is recommended that the following proposed area be designated a residential permit parking area, where on-street parking at the respective times of day and days of the week specified in the attachment will require a valid permit. The Convention and Entertainment Facilities Department (Parking Management Division), and the Public Works and Engineering Department (Traffic Engineering Branch) reviewed the application. The required public hearing was held on March 20, 2007, and all outstanding issues have been satisfactorily resolved.

The findings and related regulations for the proposed area are attached.

- 2100 block of Watts, both sides

The designation will be effective 60 days after passage of the motion, during which time the City will notify residents of on-street parking regulations, post signs and review resident vehicle parking permit applications. The City will issue permits within the permit area and, after 60 days, enforce the posted parking regulations.

The maps attached show the proposed locations and previously approved areas in the vicinity, if any.

cc: Marty Stein, Agenda Director
Arturo Michel, City Attorney

Richard Smith, Public Works (Traffic Engineering)

REQUIRED AUTHORIZATION

F&A Director

Other Authorization

Other Authorization

Designation of Residential Parking Permit Areas: Findings

Application 012607-28-0106

Permit Area and Restrictions Proposed by Applicant:

2100 block of Watts, between Montclair and Goldsmith, both sides, Monday through Friday, 7 am to 4 pm.

Findings:

Testimony from the Convention and Entertainment Facilities Department (Parking Management Division) and Public Works – Traffic Engineer's office and the public at the 3/20/2007 hearing leads the Parking Official to find:

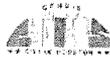
- A parking problem exists between the hours of 9 am to 4 pm, Monday through Friday.
- More than 60 percent of the 37 available parking spots were occupied. More than 25 percent of cars parked curbside were commuter vehicles generated by commuters from Rice University and the Texas Medical Center.
- Neighborhood support is demonstrated by 94.12 percent of residents (out of 18 households affected) signing the petition in favor of the permit area.
- Two residents made negative comments at the public hearing. Both were from the same household.
- The parking restriction times are consistent with other blocks affected by commuter parking from Rice University and the Texas Medical Center.
- The posting of a parking permit area is the most cost-effective manner to resolve the parking problem.

Recommendations: Designate a Residential Parking Permit Area on both sides of the 2100 block of Watts with regulations requiring a valid residential parking permit to park curbside from 9 am to 4 pm, Monday through Friday.

Residential Parking Permit Areas

Legend

-  UNIVERSITY PLACE (SN#28)
 -  Existing Areas
 -  Proposed Areas
- 012607-28-0106: 2100 Watts

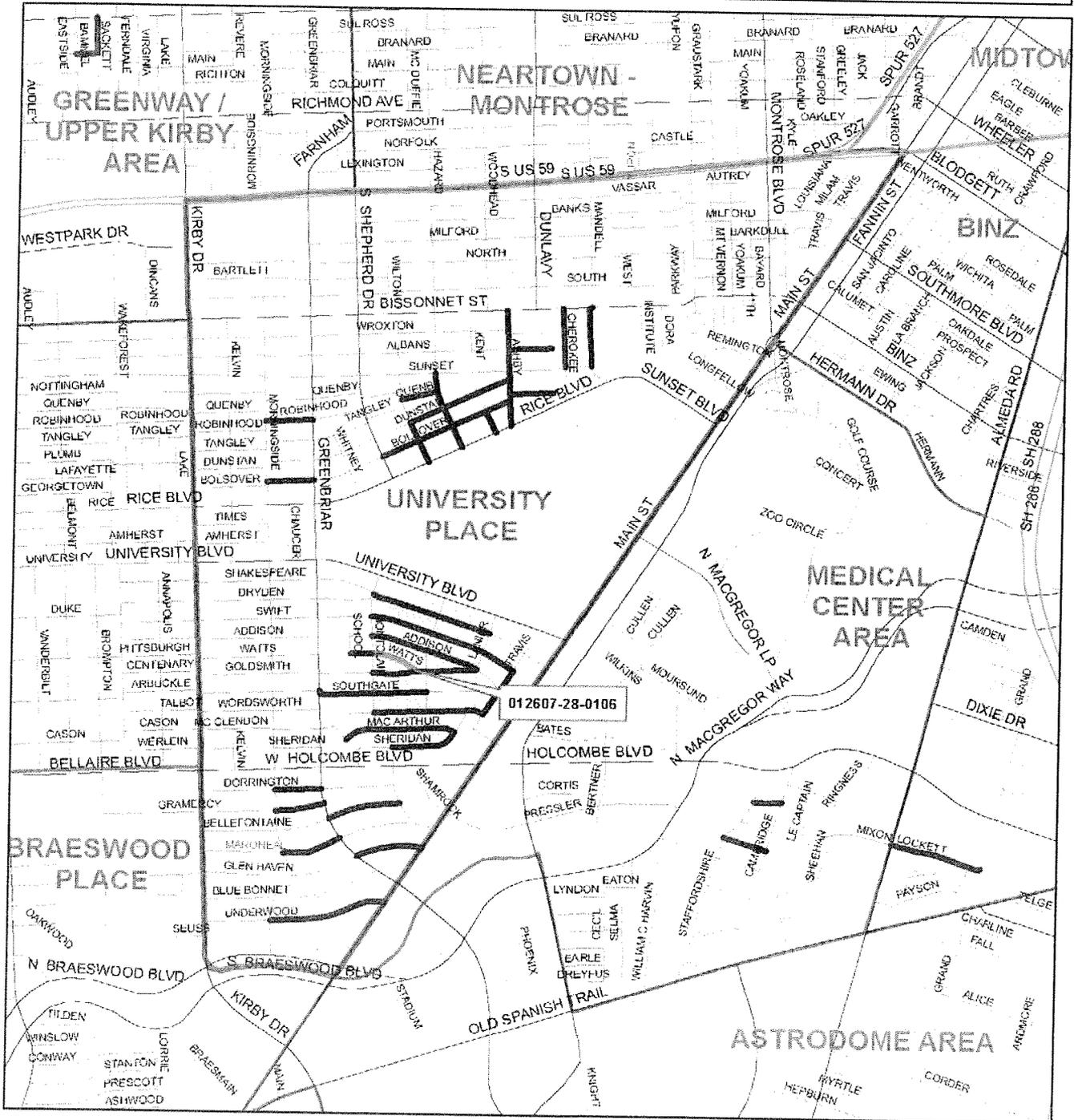


Planning & Development Department
GIS Services Division
Map Date: April 2007



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.

pl13452



**Small Business Development & Contract Compliance Division
MWDBE Participation Report
Justification for Satisfactory Rating**

Project Closeout Date: October 17th, 2006
Project # / Contract #: 424E/4600004481
Description: Terminal "C/E" Utility distribution Upgrade @ Bush IAH

Prime Contractor: Sovereign Builders Group, LTD dba Construction LTD
Final Contract Amount: \$17,203,648.24
MWDBE Goal: 17.00%
Goal Achieved: 14.70%
Rating: Satisfactory

Summary of MWDBE Evaluation

<u>RCA MWDBE's</u>	<u>MWDBE Used</u>
<u>Petros Amigos Supply, Inc.</u>	<u>Petros Amigos Supply, Inc.</u>
<u>Tag Electric Company, Inc.</u>	<u>Tag Electric Company, Inc.</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

Explanation from Prime:

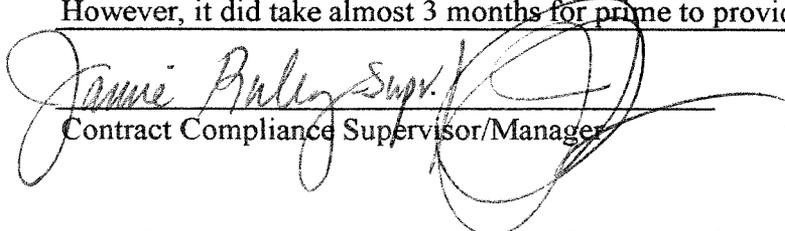
Petros Amigos, 2nd tier subcontractor to Way Engineering wasn't utilized to the full dollar amount of projected amount on RCA due to decrease in work scope.

Explanation from Subcontractor:

Subcontractor did not comment on decreased participation amount.

Final Comments:

Prime Contractor did demonstrate good faith efforts by increasing their dollar amount to their other MWDBE contractor on this project to help increase their overall participation.
However, it did take almost 3 months for prime to provide "shortfall" documentation to this office.


Contract Compliance Supervisor/Manager

Note: This form is used only when the Contractor failed to reach the MWDBE goal but is still given a Satisfactory Rating.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work – Dillard Smith Construction Company dba P. D. G. Electric for Runway 8L-26R New Electrical Vault and Fencing at George Bush Intercontinental Airport/Houston, Project 522F WBS # A-000304-0002-4-01.	Category # 7	Page 1 of 1	Agenda Item # 7
---	---------------------	--------------------	---------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date April 20, 2007	Agenda Date MAY 09 2007
--	---	-----------------------------------

DIRECTOR'S SIGNATURE: <i>[Signature]</i>	Council District affected: B
---	--

For additional information contact: Eric R. Potts <i>[Signature]</i> Phone: 281-233-1999 John S. Kahl <i>[Signature]</i> 281-233-1941	Date and identification of prior authorizing Council action: 9/3/02 (O) 2002-799
--	--

AMOUNT & SOURCE OF FUNDING: None Required	Prior appropriations: \$12,110,890.00 CIP # A-0304 AIF
---	--

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$11,369,168.90 or 2.79 percent more than the original contract amount, accept work and authorize final payment.

SPECIFIC EXPLANATION:

The Contractor, Dillard Smith Construction Company d/b/a P. D. G. Electric, has completed all the work required under their Contract No. 54278 dated September 4, 2002, in the amount of \$11,060,173.35 for Runway 8L-26R New Electrical Vault and Fencing at George Bush Intercontinental Airport/Houston. During construction, the Houston Airport System inspected this project. The inspector was Mr. Raymond Nutall.

The final amount of the contract, including Change Order No. 1 in the amount of \$532,238.71 and line item under runs in the amount of \$223,243.16, will be \$11,369,168.90 which is 2.79 percent more than the original contract amount. The changes were primarily for additional electrical duct bank and an access road for Center Point Energy.

P. D. G. Electric exceeded their 19.30% DBE goal. According to the Office of Affirmative Action and Contract Compliance, their final participation was 26.44%. The Office of Affirmative Action and Contract Compliance awarded P. D. G. Electric an "Outstanding" rating.

RMV:ERP:JSK

Attachments

- | | | | |
|--------------------------|----------------------|----------------------|-------------------------|
| cc: Ms. Marty Stein | Mr. Richard M. Vacar | Dr. Kent R. McLemore | Mr. Dara N. Umrigar |
| Mr. Anthony W. Hall, Jr. | Ms. Sara S. Culbreth | Mr. Frank D. Crouch | Ms. Janice D. Woods |
| Mr. Arturo G. Michel | Mr. Eric R. Potts | Mr. John S. Kahl | Ms. Carolyn Walker |
| Ms. Velma Laws | Ms. Kathy Elek | Mr. Adil Godiwalla | Mr. Richard Fernandez |
| | | | Mr. J. Goodwille Pierre |

REQUIRED AUTHORIZATION

F&A Budget:	Other Authorization:	Other Authorization:
------------------------	-----------------------------	-----------------------------

MOT

SUBJECT: Accept Work Structure Management, LLC Julia Ideson Building Renovation WBS No. E-000049-0001-4		Page 1 of 1	Agenda Item 8
---	--	----------------	---------------------

FROM (Department or other point of origin): Building Services Department	Origination Date 5-3-07	Agenda Date MAY 09 2007
--	-----------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. <i>[Signature]</i> 4/24/07	Council Districts affected: 1
---	---

For additional information contact: Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	Date and identification of prior authorizing Council action: Ordinance No. 06-0128 dated 02-08-06
---	--

RECOMMENDATION: Pass a motion approving the final contract amount of \$307,541.00, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required Previous Funding: \$334,000.00 Public Library Consolidated Construction Fund 439	F & A Budget:
---	--------------------------

SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve the final contract amount of \$307,541.00 or 6.05% over the original contract amount, accept the work, and authorize final payment to Structure Management, LLC.

PROJECT LOCATION: Julia Ideson Building
500 McKinney St. (493-L)

PROJECT DESCRIPTION: This project renovated the Julia Ideson Building to serve as a temporary library during the renovation of the Central Library. The renovations included ADA upgrades to the first floor restrooms, elevator controls upgrades, added wheelchair lift at the west lobby stairs, handicap ramp at the north east corner of the site and converted the auditorium to a temporary e-library.

CONTRACT COMPLETION AND COST: The contractor completed the work within the contract time, plus 22 additional days allowed by Change Order No. 1. The final cost of the project, including Change Order 1 is \$307,541.00, an increase of \$17,541.00 or 6.05% over the original contract amount.

The project design consultant was Prozign.

CHANGE ORDER DESCRIPTION: Change Order 1 added the demolition and removal of existing structural concrete and the abatement of unforeseen asbestos containing floor tiles.

[Signatures]
 IZD:WTH:MCP:JLN:JW:bo

c: Marty Stein, Issa Z. Dadoush P.E., Wendy Teas Heger AIA, John Middleton, Gabriel Mussio, Calvin Curtis, James Tillman IV

REQUIRED AUTHORIZATION CUIC ID # 25WTH42

Other Authorization:
[Signature]
 Wendy Teas Heger, AIA
 Chief of Design and Construction
 Building Services Department

Other Authorization:
[Signature]
 Rhea Brown Lawson PhD., Director
 Houston Public Library

NOT

SUBJECT: Accept Work Resicom, Inc. Grady Park WBS No. F-504B11-0011-4	Page 1 of 1	Agenda Item 9
---	----------------	---------------------

FROM (Department or other point of origin): Building Services Department	Origination Date 5.03.07	Agenda Date MAY 09 2007
--	------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 	Council District affected: G
---	--

For additional information contact: Jacquelyn L. Nisby Phone: 713-247-1814	Date and identification of prior authorizing Council action: Ordinance No. 2006-364; April 19, 2006
--	---

RECOMMENDATION: Pass a motion approving the final contract amount of \$363,464.12, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required Previous Funding: \$395,166.25 Parks Consolidated Construction Fund 421	F&A Budget:
--	------------------------

SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve the final contract amount of \$363,464.12 or 4.06% over the original contract amount, accept the work and authorize final payment to Resicom, Inc.

PROJECT LOCATION: 1700 Yorktown (Key Map 491Q)

PROJECT DESCRIPTION: The project demolished an existing swimming pool, replaced a small basketball court, constructed a new playground, enclosure and resurfacing, parking lot improvements, picnic tables, tree plantings with associated irrigation, minor site work and relocation of one tree.

CONTRACT COMPLETION AND COST: The contractor completed the work within the contract time plus an additional 74 days approved by Change Orders 1 and 3. The final cost of the project, including Change Orders 1-3 is \$363,464.12, an increase of \$14,189.12 over the original contract amount.

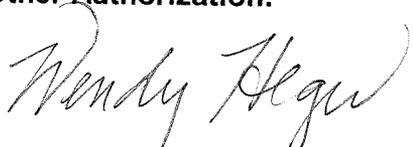
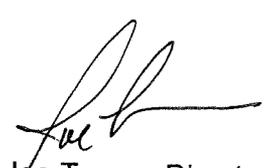
The project design consultant and construction manager was Clark Condon Associates.

PREVIOUS CHANGE ORDERS: Change Order 1 credited the city for an unused hazardous waste disposal allowance, and added additional grading around basketball court. Change Order 2 provided a credit for replacement of a tree with a smaller caliper tree; installed eight additional wheel stops; and relocated existing tennis court light switch within the electrical enclosure. Change Order 3 provided a landscape structures play unit and installed a drainage system for playground.

IZD:JLN:RJO:CP:ps

C: Marty Stein; Jacquelyn Nisby; Mark Ross; Velma Laws; Joseph Kurian; Daniel Pederson; Chip Perry; James Tillman IV;
 File

REQUIRED AUTHORIZATION CUIC ID #25RJO023

Other Authorization:  Wendy Teas Heger, AIA Chief of the Design & Construction Division Building Services Department	Other Authorization:	Other Authorization:  Joe Turner, Director Parks and Recreation Department
---	-----------------------------	---

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work Century Roofing LLC Roof and Roof-Top Unit Replacement at Southwest Quadrant Office Facility WBS No. R-000268-0042-4	Page 1 of 1	Agenda Item 10
--	----------------	-----------------------------

FROM (Department or other point of origin): Building Services Department	Origination Date 5-2-07	Agenda Date MAY 09 2007
--	-----------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Issa Z. Dadoush</i> Issa Z. Dadoush, P.E. <i>4/19/07</i>	Council District affected: C
---	--

For additional information contact: Jacquelyn L. Nisby Phone: 713-247-1814	Date and identification of prior authorizing Council action: Ordinance 2006-260, dated 03/22/06
--	--

RECOMMENDATION: Pass a motion approving the final contract amount of \$649,133.84, accept the work, and authorize final payment.

Amount and Source of Funding: No Additional Funding Required	F&A Budget:
Previous Funding: \$686,390 Water & Sewer System Consolidated Construction Fund (755)	

SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve the final contract amount of \$649,133.84 or 0.18% over the original contract amount, accept the work and authorize final payment to Century Roofing LLC

PROJECT LOCATION: Southwest Quadrant Office Building, 7101 Renwick, (Key Map 531F)

PROJECT DESCRIPTION: The project removed and abated the existing roof and replaced with an upgraded Energy Star-rated built-up roofing system with a "cool roof" reflective coating, and replaced rooftop-mounted air conditioning equipment and associated ductwork.

CONTRACT COMPLETION AND COST: The contractor completed the work within the contract time, plus 83 additional days allowed by Change Orders 1-3. The final cost of the project, including Change Orders 1-3 is \$649,133.84, an increase of \$1,143.84 over the original contract amount.

The project design consultant was NATEX Corporation Architects. The construction manager was Moisture Control Technology (MCT).

PREVIOUS CHANGE ORDERS: Change Orders 1-3 added days and tie-backs for roof antennae support.

IZD:JLN:RJO:CF:cf

c: Marty Stein; Wendy Heger; Jacquelyn Nisby; Jeff Taylor; Joe Goodman; Velma Laws; Joseph Kurian; Gabriel Mussio; James Tillman; Charlie Lee, File

REQUIRED AUTHORIZATION CUIC ID # 25WTH40

Authorization: <i>Wendy Heger</i> Wendy Teas Heger, AIA Chief of the Design & Construction Division Building Services Department	Other Authorization:	Authorization: <i>MCT</i> <i>Michael S. Marcotte</i> 5/1/07 Michael S. Marcotte, P.E. D.E.E., Director Department of Public Works & Engineering
---	-----------------------------	--

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00C3-4		Category 7	Page 1 of 1	Agenda Item # 11
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5-3-07	Agenda Date MAY 09 2007	
DIRECTOR'S SIGNATURE: <i>MS</i> <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE, Director		Council District affected: All		
For additional information contact: Roger Whitney, P.E. Sr. Assistant Director Phone: (713) 641-9189		Date and identification of prior authorizing Council action: Ordinance No. 2004-031 dated, 1/14/2004		
RECOMMENDATION: (Summary) Pass a motion to approve the final contract amount of \$740,950.74, which is approximately 2.52% under the original Contract Amount, accept the Work, and authorize final payment.				
Amount and Source of Funding: No additional funding required. Original appropriation of \$828,344.00 from Water and Sewer System Consolidated Construction Fund No. 755.			F&A Budget:	
SPECIFIC EXPLANATION: <p>PROJECT NOTICE/JUSTIFICATION: This project was an Annual Service Agreement to provide sanitary sewer rehabilitation to deteriorated sewer collection systems throughout the City.</p> <p>DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Chief Solutions, Inc. with an original contract amount of \$760,134.42. The Notice to Proceed date was March 1, 2004 and the project had 455 calendar days for completion.</p> <p>LOCATION: The project was located at various locations within all Council Districts.</p> <p>CONTRACT COMPLETION AND COST: The Contractor has completed the work within the contract time. The final cost of the project is \$740,950.74, which is approximately 2.52% under the contract amount of \$760,134.42. Fewer manhole rehabilitations and sewer cleaning were actually made than anticipated.</p> <p>M/WDBE PARTICIPATION: No M/WDBE participation goal was established for this project.</p> <p>MSM:JT:RBW:JGM:FOS:jsc Attachments</p> <p>c: Velma Laws Michael Ho, P.E. Craig Foster</p>				
Project File 4277-15		REQUIRED AUTHORIZATION		CUIC ID# 20RBW138
F&A Director:	Other Authorization:	Other Authorization: <i>MDT</i> <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utilities Division		

4277-15		Sanitary Sewer Cleaning and Television Inspection		
		in Support of Rehabilitation		
GFS No. R-0266-C3-3		Chief Environmental Surveys, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
2	451S	Ridgecrest	IA033	A
3	449R	Victorian Village	WD068	A
4	451X	Clay Estates	IA009	A
22	370K	Willowbrook Mall	WB001	A
41	450W	Westview Dr., Cedardale Dr., Larston Dr., Witte Rd.	WDP14	A
43	450A	Carverdale	Ne011	A
12	375J	Heather Ridge Village	Ne011	B
37	494B	Matthews WB	IIP52	B
50	454D	Barclay Place	Ne011	B
51	494B	Comfort Place	Ne011	B
6	532C	Windermere	AS032	C
8	532P	Knollwood Village	Ne011	C
15	531F	Westmoreland Farm	Ne011	C
19	531S	Braes Timbers	SW001	C
20	531R	Braeswood	SW001	C
23	532P	Westridge	SW219	C
33	530Z	Wrightwood	SW045	C
44	493W	Castle Court	Ne011	C
1	572K	Townwood	AS021	D
16	571T	Briargate	GR017	D
29	571M,R 572J,N	Southmont	WEP01	D
30	534J	Southern Village	SB167	D
36	534S	Edgewood	SB114	D
40	610C	Quail Run	GR006	D
52	533J	Medical Center	Ne011	D
14	496M	Woodland Acres Annex	Ne011	E
25	575Q	Houston Skyscraper Shadows	GMP01	E
47	496H	Greens Bayou Park	Ne011	E
11	530J	Sharpstown Country Club Terrace	Ne011	F
18	530U	Braeburn Valley	SW058	F
18	530T	Pine Valley	KBU01	F
24	530E	Sharpstown Country Club Terrace	Ne011	F
31	529G	Concourse	BW230	F
45	529Y	Carverdale	Ne011	F
5	491F	Tanglewood	SW031	G
7	488Y	Parkhollow Place	AR004	G
27	490S	Westchase	WD099	G
39	488Y	Ashford Park	Ne011	G
46	491S	Brairgrove	Ne011	G
32	454E	John Farmer	IB071	H
35	453S	Sunset Heights	II122	H
42	453Q	Melbourne Street	II023	H
48	413X	Mitchell Place	Ne011	H
49	453H	Croyden Gardens	Ne011	H

9	534M	Golfcrest	SBP15	
10	535K	Park Terrace	SB024	
13	495X	Magnolia Park	IB008	
17	455G	Clairmont Place	FB027	
21	535G	Collin Johnson	SBP01	
26	535F	Shermandale	SB072	
28	535T	Glenbrook Valley/ Peacan Villas	SBP33	
34	535T	Glenbrook Valley	Ne011	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation WBS# R-000266-00C6-4	Page 1 of <u>1</u>	Agenda Item # 12
--	------------------------------	--------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/3/07	Agenda Date MAY 09 2007
--	-----------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council District affected: All
--	--

For additional information contact: Roger Whitney, P.E. Sr. Assistant Director Phone: (713) 641-9189	Date and identification of prior authorizing Council action: Ordinance No. 2004-07 dated, 1/7/2004
--	--

RECOMMENDATION: (Summary)
Pass a motion to approve the final contract amount of \$769,225.35, which is approximately 2.29% over the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: \$819,636.00 from Water and Sewer System Consolidated Construction Fund No. 755. No additional funding is required. *Per the Ordinance* **F&A Budget:**

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was an Annual Service Agreement to provide sanitary sewer rehabilitation to deteriorated sewer collection systems throughout the City.

DESCRIPTION/SCOPE: This project consisted of sanitary sewer cleaning and television inspection in support of rehabilitation. The project was awarded to Chief Solutions, Inc. with an original contract amount of \$751,996.43. The Notice to Proceed date was May 3, 2004 and the project had 455 calendar days for completion. The final work order was issued on July 19, 2005.

LOCATION: The project was located at various locations within all Council Districts.

CONTRACT COMPLETION AND COST: The Contractor, Chief Solutions, Inc. has completed the work under the subject contract. On 08/05/2005, the last work order was closed. Substantial completion was awarded on 10/29/2005; final completion was awarded on 04/30/2006, the contract end date. The final cost of the project is approximately 2.29% over the original contract amount. More sewer cleaning and TV inspections were actually made than anticipated.

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

MSM:JT:RBW:JGM:FOS:jsc
Attachments

c: Velma Laws Michael Ho, P.E. Craig Foster

Project File 4277-18		REQUIRED AUTHORIZATION		CUIC ID# 20RBW137
F&A Director:	Other Authorization:	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division		

4277-18		Sanitary Sewer Cleaning and Television Inspection		
		in Support of Rehabilitation		
GFS No. R-0266-C6-3		Chief Environmental Surveys, Inc.		
WORK ORDER	KEY MAP	Subdivision	BASIN	CD
2	449Z	Wildewood Forest	WDP13	A
17	451L	Oak Forest	IA068	A
42	452H	Lowell Acres	Ne011	A
60	452Y	Timbergrove Manor	Ne011	A
1	373S	Greenbriar North	NG114	B
19	452F,C,G	Shepherd Park Terrace	Ne011	B
21	411Z	White Oak Terrace	NW137	B
37	455E	Bywood St.	FB022	B
46	454P	Wilshire Place	Ne011	B
56	412U	Lincoln City	Ne011	B
58	454P	Florida Gardens	Ne011	B
64	455G	Clairmont Place	Ne011	B
66	455H	Chatwood Place	Ne011	B
47	531R	North Braeswood Blvd	SWU01	C
52	532F	Brad Ford Place	Ne011	C
55	570B	Fondren SW South Meadow	Ne011	C
3	533Q	Foster Place	SB171	D
6	570V	Briargate	GR003	D
9	573L	Cloverland	AS006	D
15	533H	Riverside Terrace	SB130	D
33	574J	Crestmont Park	Ne011	D
40	493N	Montrose	Ne011	D
45	492V	Lancaster Place	Ne011	D
51	533Q	Southlawn	Ne011	D
32	616B	Sagemont	SM008	E
41	576T	Kirkwood	Ne011	E
44	536J	Oak Meadows	Ne011	E
62	496L	Niva Park	Ne011	E
5	528R	Brookfield	WJ276	F
11	530M	Sharpstown	Ne011	F
12	530M	Sharpstown	Ne011	F
13	529P	Global- Ogasco	KBU02	F
28	528D	Dairy Property	BW245	F
29	530M	Robindell	SW043	F
36	530L,K	Beechnut St.	KB307	F
38	528R	La Plaza Real	Ne011	F
53	530M	Sharpstown	Ne011	F
61	529J	Dairy Property	Ne011	F
72	530B	Harwin Dr, Osage St, West Park, Waldo, Artdale , Allday	SW090	F
14	491G	One Sage Road	SW031	G
24	489E	Yorkshire	Ne011	G
25	489E	Wilchester	Ne011	G
26	489M	Memorial Bend	WD033	G
27	489D,490A	Memorial City	WDP05	G

31	490U	Shadowlake	WD103	G
48	491V	Crowne Plaza	Ne011	G
71	491U,V	Westhemier Rd	SW223	G
34	452R	Northmore	Ne011	H
39	493H	Noble	Ne011	H
43	493A	Houston Heights	Ne011	H
49	453Y	Irvington	Ne011	H
57	493F	Shearn	Ne011	H
63	492D	Houston Heights	Ne011	H
67	493M	NSBB	Ne011	H
4	535S	Garden Villas	SB050	I
7	535U	Granite Park	SB037	I
8	535T	Hlenbrook Valley	Ne011	I
10	495W	Pineview Place	IB008	I
16	495T	Magnolia Park	IB008	I
22	535K	Nueva Vida Elderly Vida	SBP02	I
23	495U	Clinton Park	Ne011	I
35	535F	Park Terrace	Ne011	I
50	535K	Park Place Acres Villa	Ne011	I
59	494X	East Lawn	Ne011	I
65	493R,493V	SSBB	Ne011	I
68	535Y	Granite Park	Ne011	I
69	535V	Meadowbrook	Ne011	I
70	535R,Q,V	Allendale	Ne011	I

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Woodhead Street Sewer Replacement. WBS No. R-002011-0044-4.	Category #7	Page 1 of 1	Agenda Item# 14
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5-3-07	Agenda Date MAY 09 2007	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director	Council Districts affected: D		
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #06-514 dated 05/24/06		

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$205,390.21 or 4.26% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required.
 Original appropriation of \$263,150.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.

F&A Budget:

SPECIFIC EXPLANATION:

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's ongoing program to replace and upgrade its neighborhood sewer systems.

DESCRIPTION/SCOPE: This project consisted of construction of 986 linear feet of 8-inch sanitary sewer lines, including all sanitary manholes along Woodhead Street extending from Marshall Street to Sul Ross Street. Sunland Group designed the project with 180 calendar days allowed for construction. The project was awarded to Metro City Construction, L.P. with an original Contract Amount of \$214,533.80.

LOCATION: The project area is generally bound by Westheimer on the north, Richmond on the south, Dunlavy on the east and S. Shepherd on the west. The project is located in Key Map grid 492-V.

CONTRACT COMPLETION AND COST: The Contractor, Metro City Construction, L.P. has completed the work under subject Contract. The project was completed within the Contract. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$205,390.21, a decrease of \$9,143.59 or 4.26% under the original Contract Amount.

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

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

MSM:JTL:JAK:JM:mq
 S:\constr\Admin\CONST\Projects\4869-01\Closeout\RCA\RCA-rev.doc

c: Velma Laws Craig Foster Michael Ho, P.E. File No. 4869-01 - Closeout

REQUIRED AUTHORIZATION

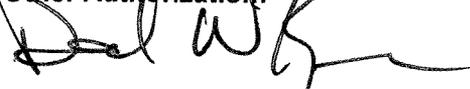
CUIC ID# 20JM002

F&A Director:

Other Authorization:

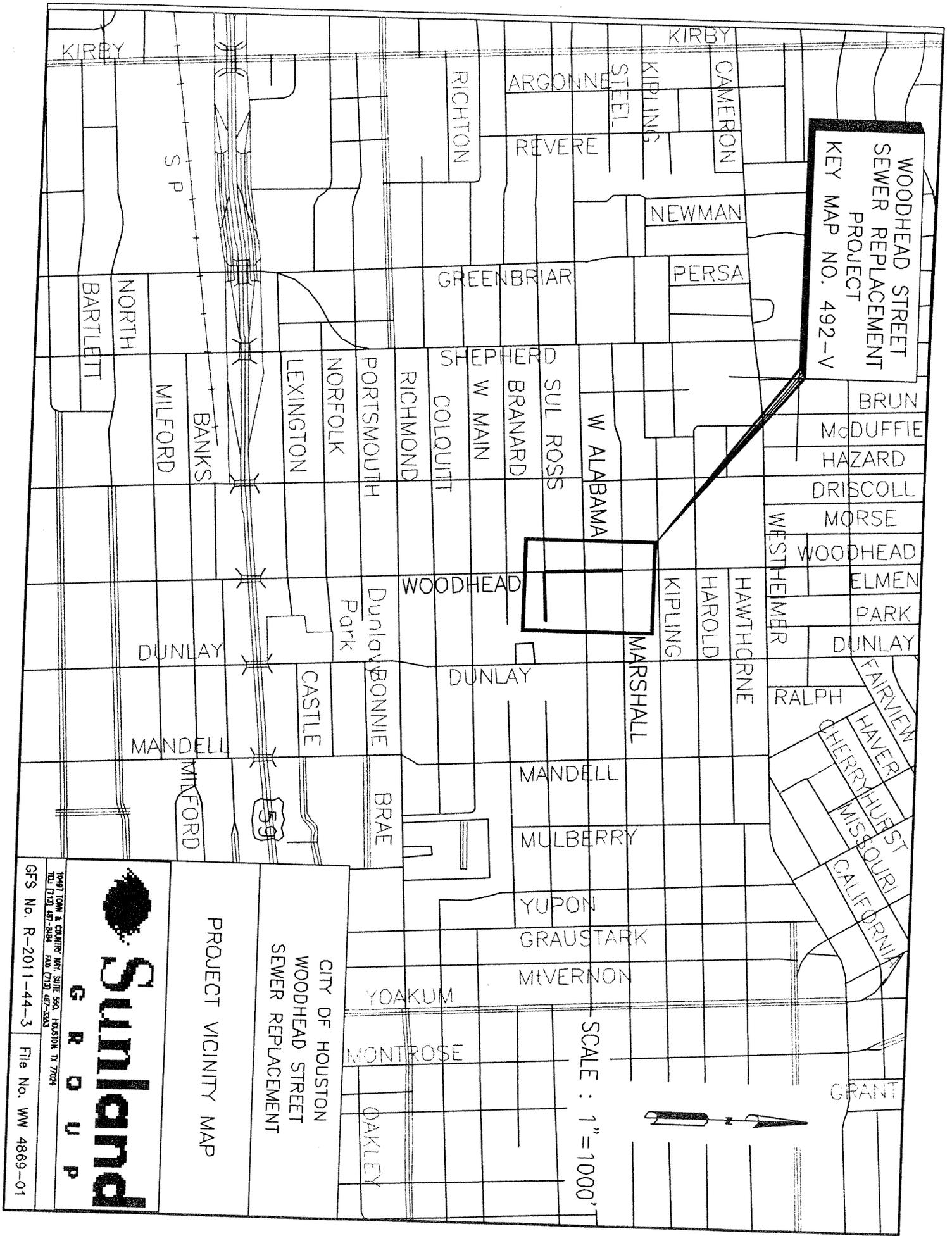
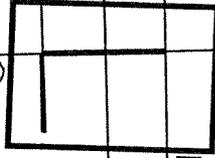
Other Authorization:


 Jeff Taylor, Deputy Director
 Public Utilities Division


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

NOT

WOODHEAD STREET
SEWER REPLACEMENT
PROJECT
KEY MAP NO. 492-V



CITY OF HOUSTON
WOODHEAD STREET
SEWER REPLACEMENT

PROJECT VICINITY MAP



G R O U P

10447 TOWN & COUNTRY AVE SUITE 500 HOUSTON TX 77024
TEL (713) 487-8848 FAX (713) 487-3343
GFS No. R-2011-44-3 File No. WW 4869-01

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in the Almeda Manor Subdivision. WBS No. S-000035-00B3-4.	Category # 7	Page 1 of 1	Agenda Item # <i>15</i>
--	---------------------	--------------------	-----------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5-3-07	Agenda Date MAY 09 2007
--	-----------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., Director	Council Districts affected: D <i>JK</i> SK
---	--

For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director <i>JTL</i> Phone: (713) 837-7074	Date and Identification of prior authorizing Council Action: Ord. #05-1046 dated 09/07/05 <i>JK</i> SK
--	---

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$880,088.14 or 10.88% under the original Contract Amount, accept the Work, and authorize final payment.

Amount and Source of Funding: No additional funding required. Original appropriation of \$1,188,200.00 for construction and contingencies from Water and Sewer System Consolidated Construction Fund, Fund No. 755.	F&A Budget:
---	------------------------

SPECIFIC EXPLANATION:

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

DESCRIPTION/SCOPE: The project consisted of 12,742 linear feet of 8-inch water line, 440 linear feet of 6-inch water line, and 1,950 linear feet of 4-inch water line with all related appurtenances in the Almeda Manor Subdivision. Kuo & Associates, Inc. designed the project with 200 calendar days allowed for construction. The project was awarded to RWL Construction, Inc. with an original Contract Amount of \$987,548.90.

LOCATION: The project is generally bound by Dalmation on the north, Fuqua on the south, Ambrose on the east, and Buffalo Speedway on the west. The project is located in Key Map grids 572-P & T.

CONTRACT COMPLETION AND COST: The Contractor, RWL Construction, Inc. has completed the work under the subject contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$880,088.14, a decrease of \$107,460.76 or 10.88% under the original Contract Amount.

The decreased cost is a result of the differences between planned and measured quantities. This decrease is primarily a result of an underrun in Bid Item No. 38 – Lime/Cement Stabilized Subgrade and Bid Item No. 39 – Reinforced Concrete Paving, which was not necessary to complete the Work.

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

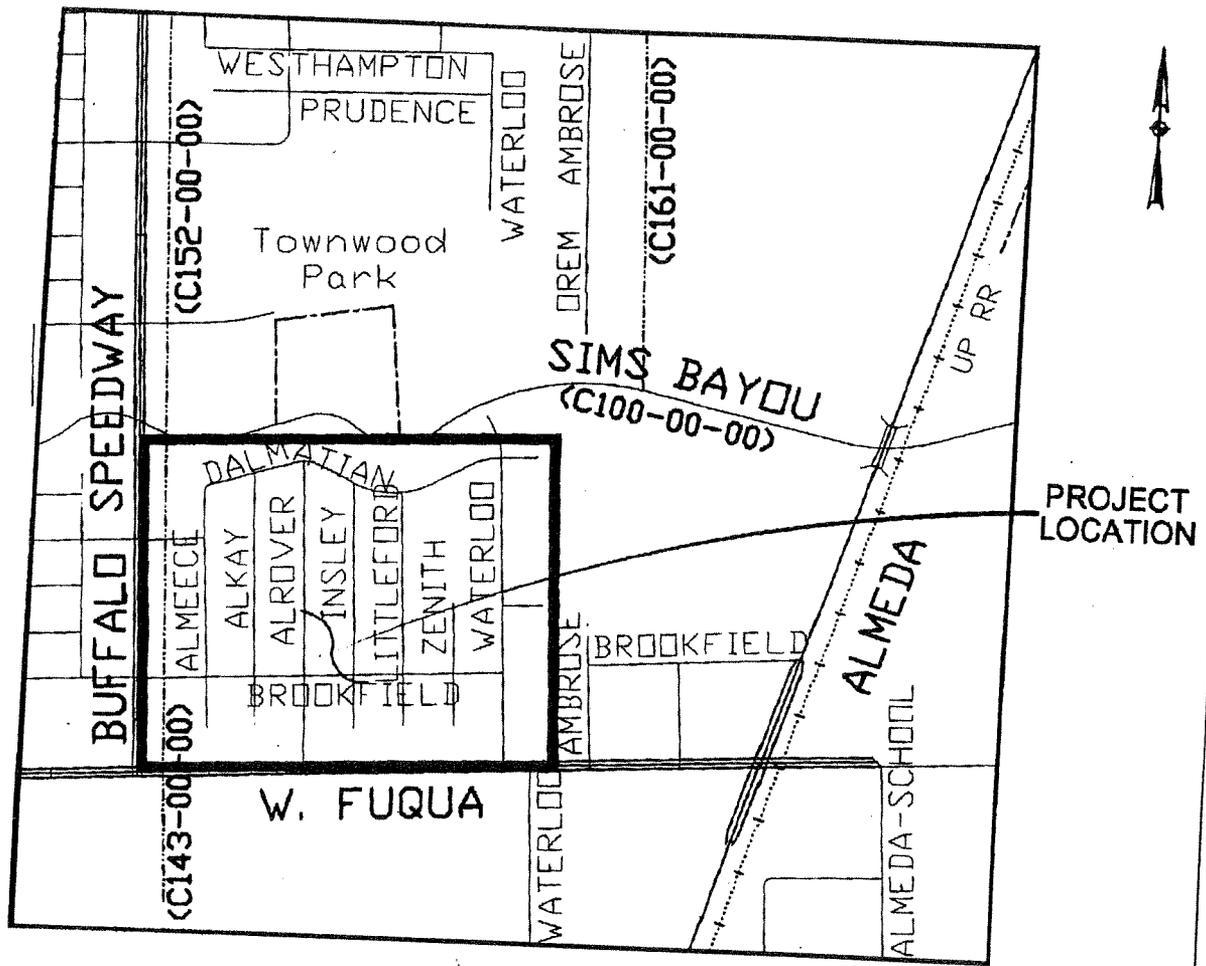
JK SK
MSM:DWK:JTL:JK:SK:mq
S:\Constr\Admin\CONST\Projects\10776 Almeda Manor CM\Closeout\RCA\RCA.doc

c: Michael Ho, P.E. Craig Foster Velma Laws File No. 10776 - 21.0

REQUIRED AUTHORIZATION CUIC ID # 20SK03 *NOT*

F&A Director:	Other Authorization: <i>Jeff Taylor</i> Jeff Taylor, Deputy Director Public Utility Division	Other Authorization: <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
--------------------------	--	--

WATER LINE REPLACEMENT: ALMEDA MANOR
GFS NO. S-0035-B3-2, FILE NO. WA 10776



VICINITY MAP

NOT TO SCALE
KEY MAP NO. 572 P, T
GIMS MAP #5251B & #5251D

REQUEST FOR COUNCIL ACTION

RCA# 7382

TO: Mayor via City Secretary

Subject: Formal Bids Received for Stanchions and Hardware for the Houston Airport System
S13-S22219

Category #
4

Page 1 of 2

Agenda Item

16

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 25, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

B, E, I

For additional information contact:

Dallas Evans Phone: (281) 230-8001
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Visiontron Corp. on its low bid in an amount not to exceed \$274,772.85 for stanchions and hardware for the Houston Airport System.

Estimated Spending Authority: \$274,772.85

F & A Budget

\$274,772.85 HAS Revenue Fund (8001)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Visiontron Corp. on its low bid for stanchions and hardware for the Houston Airport System in an amount not to exceed \$274,772.85. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This award consist of a stanchions and hardware products price list; which includes but is not limited to, new/replacement stanchions, pedestrian barriers, guide posts, chains, signage and other equipment used at the Houston Airport System to guide/direct the traveling public, enhance security, and maintain crowd control.

This is a price list contract. The best discount, which determines the low bid for a price list contract, is the best bid received for quantities of high-use items selected as sample pricing items based on previous purchasing history. The bid total for sample pricing items does not represent the total estimated to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the life of the contract based on the low bid submitted for the representative samples.

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

	<u>COMPANY</u>	<u>SAMPLE PRICING</u>
1.	Visiontron Corp.	\$388.36
2.	Lavi Industries	\$569.10

Buyer: Lewis Massingill

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MOT

4-3-07

16

Date:
4/25/2007

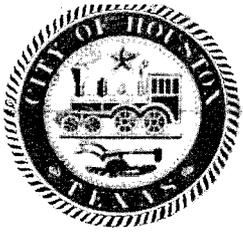
Subject: Formal Bids Received for Stanchions and Hardware for the
Houston Airport System
S13-S22219

Originator's
Initials
LM

Page 2 of 2

ESTIMATED SPENDING AUTHORITY

Department	FY07	Out Years	Total
Houston Airport System	\$50,000.00	\$224,772.85	\$274,772.85



CITY OF HOUSTON

Interoffice

Finance & Administration Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Lewis Massingill

Date: January 18, 2007

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S13 S22219 Estimated Dollar Amount: \$274,772.85

Anticipated Advertisement Date: 1/26/2007 Solicitation Due Date: 2/15/2007

Goal On Last Contract: 3% Was Goal met: Yes No

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

Name and Intent of this Solicitation:

Stanchions and hardware for public pedestrian routing, guidance systems and crowd control at the three Houston Airport System facilities. Contract includes component replacement and repair parts for existing stanchions barricades and hardware as well as the purchase of new stanchions and component equipment.

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

The current contractor is located in Hauppauge, New York and ships from that location. It is unclear how he would use a local delivery service to meet his goal. The other three bidders, for the existing contract, are all located outside the State of Texas; in New York, Mississippi and California. Since delivery is expected to be by common carrier, there will be no opportunity for local MWBE participation.

Concurrence:

SPD Initiator

Division Manager

Velma Laws, Director
*Affirmative Action

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

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

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7360

Subject: Amend Council Motion 2005-0237, Passed 03/16/2005 for Audio Control System Replacement Parts for the Houston Airport System
SC-R-6950-056-20559-A1

Category #
4

Page 1 of 1

Agenda Item

17

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 26, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
B, E

For additional information contact:

Dallas Evans Phone: (281) 230-8001
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

Council Motion 2005-0237, Passed 03/16/2005

RECOMMENDATION: (Summary)

Amend Council Motion 2005-0237, passed 03/16/2005, to increase the spending authority of the audio control system replacement parts contract for the Houston Airport System from \$154,000.00 to \$192,500.00.

Estimated Spending Authority: \$38,500.00

F & A Budget

\$38,500.00 - HAS Revenue Fund (8001)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2005-0237, passed March 16, 2005, to increase the spending authority of the audio control system replacement parts contract awarded to Ford Audio Video Systems, Inc. from \$154,000.00 to \$192,500.00. The additional spending authority is needed to meet the Houston Airport System's operational needs until a new contract is awarded.

This contract began March 22, 2005 for a 36-month term in an amount not to exceed \$154,000.00. Expenditures as of April 25, 2007 totaled \$151,567.50. All other terms and conditions shall remain as originally approved by City Council. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

This award consisted of various replacement parts, which includes, but is not limited to paging speakers, amplifiers, microphone stations, and audio sensors for the upgrade and repair of computerized equipment such as an Announcement Control System, 8 channel digital record, and playback card used by the Houston Airport System in the programming of the inter-terminal public address and paging system.

Buyer: Angela Dunn

Attachment: M/WBE zero-percent goal document approved by the Affirmative Action Division.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MDI

ang

49-07

17

ID:

DEC 07 '04

8:54 No.002 P.02



CITY OF HOUSTON
Finance & Administration Department

Interoffice
Correspondence

To: Calvin D. Wells

From: Cindy E. Ellis
Date: December 1, 2004
Subject: Request For 0% MWBE
Compliance Goal,
Audio Control System R/P
SC-R-8950-058-20559

Is this to establish a goal for advertisement? Yes

When is it scheduled to be advertised? December 31, 2004

When are bids due? January 20, 2005

Items or Scope of Bid:

This contract consists of central processing units, channel cards, hard drives, power supplies, analysis cards, control cards, and other various parts which will be used by the Houston Airport System to replace and repair the IED 500 ACS System that controls switching and programming of the inter-terminal public address and paging system at Bush Intercontinental and Hobby Airports.

The total dollar value is approximately \$159,000.00

I am requesting approval of 0 % goal.

Justification:

The manufacturers for these products drop-ship their product directly to the end-users. Consequently, there is no opportunity for M/WBE participation. Therefore, we request a zero goal be approved for this contract.

Concur:

[Signature]
Division Manager

Approved:

[Signature]
Contract Compliance Officer

Approved:

[Signature]
Calvin D. Wells
City Purchasing Agent

Approved:

[Signature] for 12/06/04
Valma Laws
Director - Affirmative Action

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

Subject: Purchase of a Radio Frequency Identification (RFID) System for the Health and Human Services Department

Category #
5

Page 1 of 1

Agenda Item

18

FROM (Department or other point of origin):

Stephen L. Williams, M.Ed., M.P.A.
Director
Houston Department of Health and Human Services

Origination Date

May 4, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Bob Barton

Council District(s) affected

All

For additional information contact:

Kathy Barton Phone:(713) 794-9998 or
Phone: (713) 826-5801

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Purchase of a radio frequency identification (RFID) system from UR International, Inc. for the Health and Human Services Department.

Spending Authority: \$226,212.00

F&A Budget

\$226,212.00 – Equipment Acquisition Consolidated Fund (1800)

SPECIFIC EXPLANATION:

The Health and Human Services Department recommends that City Council approve the purchase of a Web-based system for monitoring and tracking mobile food units, and that authorization be given to issue a purchase order to UR International, Inc. The total spending authorization of \$226,212.00 will cover the costs of all programming and related development of the radio frequency identification (RFID) system, database and website for collecting and reporting data on mobile food vendors and installation of the RFID reader at 15 commissaries. The hardware includes RFID readers and turnkey installation at 15 commissary locations, 1,300 RFID tags that will be attached to the mobile food units, a tag printer and a Web-based server for the collection of data and reports.

The RFID system will assist the Bureau of Consumer Health monitor and enforce sanity standards found in Chapter 20 of the Houston Code of Ordinances. Under Section 20-22, mobile food units are required to utilize a permitted commissary to be supplied with fresh water, dispose of wastewater, and clean the units for each day of operation. The primary complaints regarding mobile food units are that they are never moved, and often dump wastewater in the storm sewer. The RFID technology will provide HDHHS' field sanitarians prompt electronic documentation to ensure that daily commissary visits occur.

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

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

William D. Wells

R

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7377

Subject: Purchase of Computers, Monitors, and Software through the City's Master Agreement with the DIR for Texas CISV Master Catalog Purchases Under Chapter 2157 of the Government Code (Contract No. C56844)

Category #
4 & 5

Page 1 of 1

Agenda Item

19

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

May 04, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

B, I

For additional information contact:

Richard Hrachovy Phone: (281) 230-8002
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of computers, monitors, and software in the total amount of \$337,229.29 through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases.

Awarded Amount: \$337,229.29

F & A Budget

\$337,229.29 - HAS revenue Fund (8001)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of computers, monitors, and software in the total amount of \$337,229.29 through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases for the Houston Airport System, and that authorization be given to issue a purchase order to DIR's Go Direct Vendor, Dell Marketing L.P.

This purchase consists of 107 desktop computers and 66 monitors. The new desktop computers and monitors will replace the current Flight Information Display System (FIDS) equipment which has exceeded its life expectancy.

The FIDS consists of a series of video monitors, gate and baggage information displays, and an automated interactive voice response system that provides up-to-date information for all scheduled and charter flights arriving and departing. A Dell system is the standard for the FIDS and is supported by the Dell Open Manage monitoring system.

This equipment will come with a limited 3-year warranty and will have a life of expectancy of 3 years.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

RCA# 7435

TO: Mayor via City Secretary

Subject: Purchase of an Aerial Manlift Truck Through the Texas Local Government Purchasing Cooperative for the Police Department S33-N22474-B

Category #
4

Page 1 of 1

Agenda Item

20

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

May 02, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of an aerial manlift truck through the Texas Local Government Purchasing Cooperative in the amount of \$59,453.00 for the Police Department.

Award Amount: \$59,453.00

F & A Budget

\$59,453.00 - Solid Waste Local Enforcement Grant Fund (5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of a 17,950-lb. Gross Vehicle Weight Rating, gasoline-powered cab & chassis mounted with a 36-ft. aerial manlift and body through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative in the amount of \$59,453.00 for the Police Department, and that authorization be given to issue a purchase order to the Texas Local Government Purchasing Cooperative contractor, Philpott Motors, Ltd. This new truck will be used citywide by the Department's Neighborhood Protection Division to install and service cameras that are used to deter illegal dumping.

This new truck will meet the EPA's current emission standards for low emission vehicles. It will come with full warranties of three years or 36,000 miles on the cab & chassis and one year on the aerial manlift and body, and the life expectancy is seven years or 100,000 miles. This truck will be an addition to the Department's fleet. Currently, the Neighborhood Protection Division has to borrow equipment from other City Departments and the loaned equipment is typically old and in need of repair.

Buyer: Conley Jackson
PR No. 10023711

mgf

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MP

206

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

TO: Marty Stein
Agenda Director

FROM: Harold L. Hurtt
Chief of Police

DATE: May 2, 2007

SUBJECT: **Grant Purchase of a Bucket Truck for
Neighborhood Protection Division**

The Houston Police Department was given a Solid Waste Local Enforcement Grant through the Houston Galveston Area Council which allows for the purchase of a bucket truck that will be used citywide by the Neighborhood Protection Division to install and service cameras that are used to deter illegal dumping. The bucket truck must be purchased, delivered and payment received by the vendor by September 28, 2007. Due to the timeframe required to build this vehicle a purchase order must be provided to Philpott Motors, Ltd. by May 11, 2007.

Therefore, I request that this item be placed on the City Council Agenda for May 9, 2007. **Due to the aforementioned timeframe, I also request that Council Members not tag these items.** In order to take advantage of this opportunity, I hope that Council will approve of HPD's continued participation in this grant program.

Your assistance in this matter is greatly appreciated. Should you have any questions, please let me know.

hlh:tkc

Harold L. Hurtt
Chief of Police



T. N. Oettmeier
Acting Chief of Police

COP# 07-24977

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7399

Subject: Purchase of Pickup Trucks Through the Houston-Galveston Area Council for the Police Department
S33-N22431-H

Category #
4

Page 1 of 2

Agenda Item

21

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 11, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of pickup trucks through the Houston-Galveston Area Council (H-GAC) in the amount of \$73,137.00 for the Police Department.

Award Amount: \$73,137.00

F & A Budget

\$73,137.00 - Police Special Services Fund (2201)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that the City Council approve the purchase of three 6,700-lb. Gross Vehicle Weight Rating (GVWR), gasoline-powered, four-door, pickup trucks through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$73,137.00 for the Police Department, and that authorization be given to issue a purchase order to the H-GAC contractor, Dallas Dodge Chrysler Jeep. These trucks will be used citywide by the Department's Truck Enforcement Detail to conduct inspections of heavy over-the-road and local delivery trucks.

These new pickup trucks will meet the EPA's current emission standards for low emission vehicles. They will come with a full three-year/36,000-mile bumper-to-bumper warranty and the life expectancy is four years or 100,000 miles. These new trucks will replace existing units that have reached their life expectancies and will be sent to auction for disposition. See the Equipment Usage Summary on Page 2 of 2 for replacement details.

Buyer: Conley Jackson

REQUIRED AUTHORIZATION

NDT

F&A Director:

Other Authorization:

Other Authorization:

Date:
4/11/2007

Subject: Purchase of Pickup Trucks Through the Houston-Galveston
Area Council for the Police Department
S33-N22431-H

Originator's
Initials
CJ

Page 2 of 2

EQUIPMENT USAGE SUMMARY

Item No./ Description	Requisition No.	Qty.	Equipment Replacement		
			<u>Shop No.</u>	<u>Age</u>	<u>Mileage</u>
No. 1, Series 886C, 6700-lb. GVWR, Extended Cab Pickup Truck	10005015	3	32851	5	100,259
			32852	5	139,109
			32909	5	101,272

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7365

Subject: Purchase of Equipment Trailers Through the Houston-Galveston Area Council for Various Departments
S34-N22392-H

Category #
4

Page 1 of 1

Agenda Item

22

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 05, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

MS Calvin D. Wells

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the purchase of equipment trailers through the Houston-Galveston Area Council (H-GAC) in the amount of \$339,708.40 for the Houston Airport System and the Public Works & Engineering Department.

Award Amount - \$339,708.40

F & A Budget

\$ 15,000.00 - HAS-AIF Capital Outlay Fund (8012)
\$102,517.14 - Equipment Acquisition Consolidated Fund (1800)
\$222,191.26 - Combined Utility System General Purpose Fund (8305)
\$339,708.40 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of eleven equipment trailers through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$339,708.40 for the Houston Airport System and the Public Works & Engineering Department, and that authorization be given to issue purchase orders to the H-GAC contractor, Rush Equipment Centers of Texas, Inc. These trailers will be used citywide by the Departments to transport equipment to and from various work locations.

These equipment trailers will come with a full one-year warranty and the life expectancy is ten years. As detailed in the attached Equipment Usage Summary, five trailers will be additions to the fleet and six trailers will replace existing units that have exceeded their life expectancy and will be sent to auction for disposition.

Buyer: Larry Benka

Attachment: Equipment Usage Summary

mgf

REQUIRED AUTHORIZATION

NDT

F&A Director:

Other Authorization:

Other Authorization:

Equipment Usage Summary

Trailers for the Houston Airport System and Public Works & Engineering Department

RCA 7365

Requisition No.	Qty	Description	Department/Division Fleet Usage	Equipment Replacement Age/(Yrs.)	
				Shop No.	Age-Yrs.
10006473	1	Gooseneck Trailer, 20,000-lb. capacity	Houston Airport System/George Bush Intercontinental Airport This new trailer will be used at the airport by department personnel to transport equipment to and from work locations.	16024	18
10021255	3	Tag Trailer, 50,000-lb. capacity	Public Works & Engineering/Right of Way & Fleet Maintenance These new trailers will be used citywide by Street Maintenance and Concrete Repair personnel to transport excavators to and from work locations.	These trailers will be additions to the fleet and are required to increase the productivity and efficiency of work crews.	
10008277	1	Utility Trailer, 10,000-lb. capacity	Public Works & Engineering/Public Utilities This new trailer will be used citywide by Water Production personnel to transport a liquid chlorine tank to and from work locations to chlorinate water lines before the lines are put into service. Currently, a trailer is borrowed from another group to transport the chlorine tank.	This trailer will be an addition to the fleet and is required to increase the productivity and efficiency of work crews.	

Equipment Usage Summary
Trailers for the Houston Airport System and Public Works & Engineering
RCA 7365

Requisition No.	Qty	Description	Department/Division Fleet Usage	Equipment Replacement Age/(Yrs.)	
				Shop No.	Age- Yrs.
10008281	3	Tag Trailer, 24,000-lb capacity, w/electric brakes	Public Works & Engineering/Public Utilities These new trailers will be used citywide by Utilities Maintenance personnel to transport backhoes and excavators to and from repair sites to repair water and wastewater lines.	09935 10140	16 29
10008283	1	Tag Trailer, 40,000-lb. capacity, w/air brakes	Public Works & Engineering/Public Utilities This new trailer will be used citywide by Utilities Maintenance personnel to transport backhoes and excavators to and from repair sites to repair water and wastewater lines.	10579	28
1000824	1	Gooseneck Trailer, 80,000-lb capacity, w/32inch deck	Public Works & Engineering/ Public Utilities This new trailer will be used citywide by Utilities Maintenance personnel to transport backhoes and excavators to and from repair sited to repair water and wastewater lines.	18659	15

Equipment Usage Summary
Trailers for the Houston Airport System and Public Works & Engineering
RCA 7365

Requisition No.	Qty	Description	Department/Division Fleet Usage	Equipment Replacement Age/(Yrs.)	
				<u>Shop No.</u>	<u>Age-Yrs.</u>
10008285	1	Gooseneck Lowboy Trailer, 110,000-lb capacity	Public Works & Engineering/Public Utilities This new trailer will be used citywide by department personnel to transport backhoes and excavators to and from repair sited to repair water and wastewater lines.	18069	16

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7379

Subject: Formal Bids Received for Industrial, Medical and Specialty Gases for Various Departments
S11-S22059

Category #
4

Page 1 of 2

Agenda Item

23

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 26, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

For additional information contact:

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

Council District(s) affected

All
Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in an amount not to exceed \$3,208,412.49 for industrial, medical and speciality gases for various departments.

Estimated Spending Authority: \$3,208,412.49

F & A Budget

\$2,093,391.23	General Fund	(1000)
\$ 31,591.40	Fleet Management Fund	(1005)
\$ 610,923.65	Storm Water Fund	(2302)
\$ 14,143.50	HAS Revenue Fund	(8001)
\$ 458,362.71	PWE-W & S System Operating Fund	(8300)
<u>\$3,208,412.49</u>		

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in an amount not to exceed \$3,208,412.49 for industrial, medical and specialty gases for various departments. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period. The City Purchasing Agent may terminate these contracts at any time upon 30-days written notice to the contractors. These awards consist of various types of medical, industrial and specialty gases that will be used by City departments for plant testing operations, welding, lab testing, and quality and control testing.

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

Welders Equipment I Ltd. dba Specialty Gas Products: Award on its low bid for Group I - Item Nos. 1 through 4 (oxygen, acetylene and argon gases and cylinder rental), Group II - Item Nos. 5 through 12 (cylinder rental, liquid nitrogen, helium, hydrogen and air zero hydrocarbon) Group III - Item Nos. 13 through 18, (industrial oxygen, acetylene, and argon), Group IV - Item Nos. 19 and 20 (carbon dioxide and cylinder rental), Group V - Item Nos. 21 through 28 (chromatographic helium, ultra nitrogen, ultra hydrogen and six pack argon), Group VI - Item Nos. 29 and 30 (specialty gas cylinder rental), Group IX - Item Nos. 33 through 38 (oxygen, acetylene, nitrogen, liquid nitrogen and liquid argon), Group X - Item Nos. 39 through 41 (single cylinder rental and specialty gas cylinder), Group XI - Item Nos. 42 through 56 (helium, nitrogen nitrous oxide, ammonia anhydrous and hydrogen chloride gas), Group XII - Item Nos. 57 through 60 (rental of cylinders six packs and 8 lb. bottles), and Group XVII - Item Nos. 92 through 99 (replacement cost of acetylene, high pressure liquid, specialty gases, 6-pack, 12-pack and 16-pack cylinders) in an amount not to exceed \$1,394,200.15.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

(2) NOT

Date: 4/26/2007	Subject: Formal Bids Received for Industrial, Medical and Specialty Gases for Various Departments S11-S22059	Originator's Initials GK	Page 2 of 2
--------------------	--	--------------------------------	-------------

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Airgas - Southwest, Inc.	\$ 561,595.24 (Partial Bid/ Higher Unit Price)
2. Welders Equipment I Ltd, dba Specialty Gas Products	\$1,394,200.15

Airgas-Southwest, Inc.: Award on its low bid meeting specifications for Group XIII - Item Nos. 61 through 67 (oxygen, acetylene, nitrogen, argon and single rental cylinder), Group XIV - Item Nos. 68 through 78 (medical oxygen in cylinder size H, medical oxygen in cylinder size D, compressed gas, liquid oxygen, and nitrogen), Group XV - Item Nos. 79 through 80 (aluminum cylinder, size D and steel cylinder, size H), Group XVI - Item Nos. 81 through 91 (hydrostatic testing of medical oxygen, valve repair on medical oxygen, refurbishment of medical oxygen, replacement valve installed on medical oxygen cylinder, and hydrostatic testing of breathing air cylinder H) in an amount not to exceed \$1,814,212.34.

<u>COMPANY</u>	<u>TOTAL AMOUNT</u>
1. Welders Equipment I Ltd, dba Specialty Gas Products	\$ 15,860.80 (Partial Bid)
2. Airgas - Southwest, Inc.	\$1,814,212.34

Group VII - Item No. 31, and Group VIII - Item No. 32 are not being awarded.

M/WBE Subcontracting:

This bid was issued with a 3% goal for M/WBE participation.

Welder Equipment I Ltd. dba Specialty Gas Products has designated the below-named company as its certified M/WBE subcontractor.

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
Swift International Service Group, Inc.	Delivery Service	\$41,826.00

Airgas-Southwest has designated the below-named company as its certified M/WBE subcontractor.

<u>Company</u>	<u>Type of Work</u>	<u>Dollar Amount</u>
HBS National Corporation	Janitorial Services	\$54,426.38

The Affirmative Action Division will monitor this award.

Buyer: Gloria Jordan-King

Estimated Spending Authority:

<u>DEPARTMENTS</u>	<u>FY 2007</u>	<u>OUT YEARS</u>	<u>SUB-TOTAL</u>
Fire	\$ 0.00	\$1,814,212.37	\$1,814,212.37
Houston Airport System	\$ 800.00	\$ 13,343.50	\$ 14,143.50
Human & Health Services	\$ 2,000.00	\$ 122,070.93	\$ 124,070.93
Police	\$ 4,066.74	\$ 16,266.94	\$ 20,333.68
Public Works & Engineering	\$ 60,000.00	\$1,140,331.11	\$1,200,331.11
Solid Waste Management	\$ 1,177.34	\$ 34,143.56	\$ 35,320.90
Grand Total	\$68,044.08	\$3,140,368.41	\$3,208,412.49

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7308

Subject: Formal Bids Received for Light- and Medium-Duty Trucks for Various Departments
S27-N22196

Category #
4

Page 1 of 2

Agenda Item

24

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

March 23, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve various awards, as shown below, in the amount of \$1,595,146.00 for light- and medium-duty trucks for various departments.

Award Amount: \$1,595,146.00

F & A Budget

See Attachment No. 1 for Source of Funding

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve various awards, as shown below, in the amount of \$1,595,146.00 for light- and medium-duty trucks for various departments, and that authorization be given to issue purchase orders. These vehicles will be used by City personnel to conduct business and to provide services to the citizens of Houston.

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

Tommie Vaughn Motors, Inc.: Award on its low bid for Item No. 1, a 17,500-lb. Gross Vehicle Weight Rating (GVWR), regular-cab, gasoline-powered cab & chassis with a dry freight body; Item No. 2, a 11,000-lb. GVWR, regular-cab, gasoline-powered cab & chassis with a dry freight body; Item No. 3, a 11,500-lb. GVWR, diesel-powered, cutaway chassis delivery van with a utilivan body; Item No. 4, a 19,000-lb GVWR, regular-cab, diesel-powered cab & chassis with a 40-foot aerial manlift; Item No. 5, seven 19,000-lb. GVWR, regular-cab, diesel-powered cabs & chassis with a 36-foot aerial manlift; Item No. 6, two 17,500-lb. GVWR, diesel-powered, cabs & chassis with stakebed bodies and cranes; and Item No. 7, two 8,600-lb. GVWR, regular-cab, gasoline-powered, pick-up trucks in the amount of \$1,100,760.00.

Company Name

Amount

- | | |
|--------------------------------------|--|
| 1. Grande Ford | \$ 736,186.00 (Partial Bid/Higher Unit Price) |
| 2. Lone Star Chevrolet | \$1,072,013.00 (Partial Bid/Higher Unit Price) |
| 3. Tommie Vaughn Motors, Inc. | \$1,100,760.00 |
| 4. Philpott Ford | \$1,117,882.00 |
| 5. Planet Ford | \$1,124,952.00 |

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

MD

3-7-07

14.02

Date:
3/23/2007

Subject: Formal Bids Received for Light- and Medium-Duty Trucks
for Various Departments
S27-N22196

Originator's
Initials
CJ

Page 2 of 2

Lone Star Chevrolet: Award on its low bid for Item No. 8, five 35,000-lb. GVWR, crew-cab, diesel-powered, cabs & chassis with utility service bodies and cranes, and Item No. 9, a 22,950-lb. GVWR, regular-cab, diesel-powered, cab & chassis with a platform body in the amount of \$494,386.00.

<u>Company Name</u>	<u>Amount</u>
1. Philpott Ford	\$426,365.00 (Partial Bid/Higher Unit Price)
2. International Trucks of Houston	\$429,080.00 (Partial Bid/Higher Unit Price)
3. Houston Freightliner	\$471,175.00 (Partial Bid/Higher Unit Price)
4. Lone Star Chevrolet	\$494,386.00
5. Planet Ford	\$573,760.00

The cabs & chassis will come with a full three-year/36,000-mile bumper-to-bumper warranty, and the truck bodies will come with a full one-year warranty. These vehicles will have a life expectancy of seven years or 100,000 miles. For vehicle usage and replacement details, see Attachment No. 2, Equipment Justification Summary. The vehicles that will be replaced have reached their life expectancies and will be sent to auction for disposition. All of the vehicles that will be purchased will meet the EPA's current emission standards for gasoline-powered and diesel-powered trucks.

Buyer: Conley Jackson

Attachments: 1. Source of Funding
 2. Equipment Justification Summary
 3. MWBE Zero-Percentage Goal Document Approved by the Affirmative Action Division

N22196 RCA Funding Source Summary

FUND	FUND NAME	AWARD AMOUNT
1800	Equipment Acquisiton Consolidated Fund	\$575,135.00
2201	Police Special Service Fund	\$92,335.00
2304	Mobile Response Team	\$357,684.00
8012	HAS-AIF Capital Outlay Fund	\$32,958.00
8305	PWE-Combine Utility System General Purpose Fund	\$537,034.00
Grand Total		\$1,595,146.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7316

Subject: Formal Bids Received for Scientific Products for Various Departments
S07-S22286

Category #
4

Page 1 of 2

Agenda Item

25

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 26, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Daphne Sands Phone: (713) 794-9197
Desiree Heath Phone: (713) 247-1722

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to VWR International, Inc. on its low bid in an amount not to exceed \$2,625,161.26 for scientific products for various departments.

Estimated Spending Authority: \$2,625,161.26

F & A Budget

\$2,015,995.08 General Fund (1000)
\$ 12,000.00 Storm Water Fund (2302)
\$ 82,440.55 Immunization Federal Grant Fund (5000)
\$ 514,725.63 PWE - Water & Sewer System Operating Fund (8300)
\$2,625,161.26

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to VWR International, Inc. on its low bid for scientific products for various departments in an amount not to exceed \$2,625,161.26. It is further requested that authorization be given to issue purchase orders, as needed, for a 60-month period upon approval of City Council. The City Purchasing Agent may terminate this contract at any time upon 30-days notice to the contractor. **The average unit price for the items being awarded is 4% lower than the current contract price for these items.**

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

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

	<u>COMPANY</u>	<u>SAMPLE PRICING</u>
1.	VWR International, Inc.	\$50,445.92
2.	Expotech USA	\$77,053.65

This award consists of various price lists for scientific products; which includes, but is not limited to, glass and plastic wares, salts, buffers, bases, specialty and organic; safety products, lab wipes, sealants, cover glass, tips, microscope slides, centrifuge tubes, loops, bibulous paper, container tubes, tops for container tubes,

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

NOT

3-7-07

Date: 4/26/2007	Subject: Formal Bids Received for Scientific Products for Various Departments S07-S22286	Originator's Initials CC	Page 2 of 2
--------------------	--	--------------------------------	-------------

labeling tape, applicators, culture tubes, specimen containers, bio-hazardous material bags, specimen transport bags, replacement lab hoods, scales, and miscellaneous items for use citywide to supply departmental research laboratories.

The Public Works & Engineering Department uses these items to conduct water purity and treatment studies. The Police Department uses these items in various sections of the crime lab, and the Health & Human Services Department uses these items for environmental and chemical testing, such as testing toxic pollutants in the air and water, HIV/STD testing, hematology, serology and virology.

M/WBE Subcontracting:

This bid was issued with a 3% goal for M/WBE participation. VWR International, Inc. has designated the below-named company as its certified M/WBE subcontractor.

<u>COMPANY</u>	<u>TYPE OF WORK</u>	<u>DOLLAR AMOUNT</u>
Burnett's Package Express	Delivery Service	\$78,754.84

The Affirmative Action Division will monitor this award.

Buyer: Casey Crossnoe

Estimated Spending Authority:

<u>DEPARTMENT</u>	<u>FY 07</u>	<u>OUT YEARS</u>	<u>TOTAL</u>
POLICE	\$11,312.00	\$ 328,048.00	\$ 339,360.00
PUBLIC WORKS & ENGINEERING	\$17,557.52	\$ 509,168.11	\$ 526,725.63
HEALTH & HUMAN SERVICES	\$58,635.85	\$1,700,439.78	\$1,759,075.63
GRAND TOTAL	\$87,505.37	\$2,537,655.89	\$2,625,161.26

TO: Mayor via City Secretary **REQUEST FOR COUNCIL ACTION** 07-Single Family

SUBJECT: A Resolution approving the action of the Houston Higher Education Finance Corporation regarding the issuance of tax-exempt education revenue bonds for William Marsh Rice University project totaling \$345 million.

Page 1 of 1
Agenda Item # 26

FROM (Department or other point of origin):
Richard Celli, Director
Housing and Community Development Department

Origination Date 04-13-07
Agenda Date MAY 09 2007

DIRECTOR'S SIGNATURE:
Richard Celli

Council District affected: All

For additional information contact: Renee Carrington
Phone: 713-868-8338

Date and identification of prior authorizing Council action: None

RECOMMENDATION: (Summary)
Adoption of a Resolution approving the action of the Houston Higher Education Finance Corporation regarding the issuance of tax-exempt education revenue bonds for William Marsh Rice University project totaling \$345 million.

Amount of Funding: No City Funding or Liability
F&A Budget:

SOURCE OF FUNDING [] General Fund [] Grant Fund [] Enterprise Fund
[X] Other (Specify) Education Revenue Bonds

SPECIFIC EXPLANATION:
The Texas Education Code authorizes the issuance of tax exempt Higher Education Revenue Bonds through the Houston Higher Education Finance Corporation for project that aid educational institutions in the improvement of educational and housing facilities that are related thereto. William Marsh Rice University (Rice) is a non-profit, 501 (c)(3) corporation and will be solely responsible for the repayment of the debt obligation. The City has no obligation or liability in regard to the bonds.

Under this project Rice will construct a collaborative research center (CRC) and construct one new residential college and related servery, renovation of a residential college, a new plant to provide utilities to the CRC as well as campus buildings, construction and renovation of academic building and student recreational facilities, and construction of off-campus student housing and data center.

In accordance with its guidelines, the Board of Directors held a public meeting on Tuesday, April 24, 2007 as required by federal tax law. *There were no public comments.* The Board of Directors at the April 24, 2007 meeting approved and adopted a resolution authorizing the issuance of the bonds. The Department recommends City Council approve the ordinance to authorize the issuance of the bonds. Federal tax law requires that City Council approve the action of the Corporation prior to the issuance of the revenue bonds for this project, even though the City has no obligation or liability in regard to the Bonds.

Budget & Fiscal Affairs Committee reviewed this item on May 1, 2007, and voted to recommend it to City Council.

Cc: City Secretary
Legal Department
Mayor's Office

REQUIRED AUTHORIZATION

F&A Director: _____ Other Authorization: _____ Other Authorization: _____

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: Resolution authorizing Parks and Recreation Department to apply for and receive a Juvenile Justice and Delinquency Prevention (JJDP) grant to support After-School Achievement Program.	Category #	Page 1 of 1	Agenda Item: 27
--	------------	----------------	-------------------------------

FROM (Department or other point of origin): Houston Parks and Recreation Department	Origination Date: April 27, 2007	Agenda Date: MAY 09 2007
---	--	--

DIRECTOR'S SIGNATURE: Joe Turner, Director <i>Joe Turner</i>	Council Districts Affected: All
--	---

For additional information contact: Karen Cullar 713-845-1022 Twonda Thompson 713-845-1220 Dan Pederson 713-845-1248	Date and identification of prior authorizing Council Action: Not Applicable
--	--

RECOMMENDATION (summary):

Adopt Resolution authorizing the director to apply for a reimbursable grant from the Juvenile Justice and Delinquency Prevention (JJDP) Act Fund Program administered by the Governor's Criminal Justice Division to support the After-School Achievement Program.

Amount of Funding: No City match required	F&A Budget:
---	------------------------

SPECIFIC EXPLANATION:

The Parks and Recreation Department requests that City Council approve a Resolution authorizing the Director to apply for and receive a \$100,000 reimbursable grant from the U.S. Department of Justice Juvenile Justice and Delinquency Prevention Act Fund administered by the Governor's Criminal Justice Division (CJD). No matching funds are required. CJD requires a Resolution passed by City Council in order to be approved for funding.

The application is must be filed electronically by May 15, 2007. The Houston-Galveston Area Council will prioritize and recommend projects to the Texas CJD. If awarded the grant start date is September 1, 2007.

The grant is requested to expand the number of middle-school sites that will receive funding from HPARD's After School Achievement Program (ASAP). The City of Houston established the After-School Achievement Program (A.S.A.P.) in 1998 to fund after-school programming which engages youth K through 12 in structured, supervised activities after-school to reduce juvenile crime and victimization during these dangerous hours. ASAP distributes grants directly to schools, community-based, and faith-based organizations. If awarded JJDP funds will be distributed in September 2007 to at least three eligible HISD middle schools serving at-risk children in Houston's inner-city for use in the 2007 - 2008 school year.

Selected schools will be required to incorporate the following types of activities within their after-school curriculum: tutorials, homework assistance, test preparation skills, college exposure/preparatory skills, leadership skill development, team building, conflict management, financial literacy, job readiness, recreation, sports, arts, dance, creative writing, and community involvement such as volunteerism and community service.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
--------------------------	-----------------------------	-----------------------------

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Approval of a resolution designating 2 Historic Landmarks (See attachment - page 2 of 2)		Category #	Page 1 of 2	Agenda Item # 28
FROM (Department or other point of origin): Planning and Development		Origination Date 4/3/2007		Agenda Date MAY 09 2007
DIRECTOR'S SIGNATURE: <i>M5</i> <i>Marilyn A. Sprick</i> <i>AP</i>		Council District affected: G		
For additional information contact: Thomas McWhorter Phone: 713-837-7963		Date and identification of prior authorizing Council action: N/A		
RECOMMENDATION: (Summary) Approval of a resolution designating 2 Historic Landmarks: (see attachment - page 2 of 2)				
Amount and Source of Funding:			F & A Budget:	
SPECIFIC EXPLANATION: In accordance with Section 33-222 of the City of Houston Code of Ordinances, the property owner or the Houston Archaeological and Historical Commission (HAHC) may initiate an historic landmark application. All applications were initiated by the respective property owners. Public Hearings were held by the Houston Archaeological and Historical Commission and the Houston Planning Commission on March 14, 2007 and March 29, 2007 respectively. Both commissions determined that the applications satisfied applicable criteria of the ordinance and unanimously recommended approval of the two historic landmark designations. There were no objections to the applications. MLG: rp tm Attachments: Applications and Staff Reports xc Marty Stein, Agenda Director Jill Jewett, Mayor's Liaison for Cultural Affairs Anna Russell, City Secretary Arturo G. Michel, City Attorney Deborah McAbee, Land Use Division, Legal Department Harold L. Hurtt, Chief, Police Department Phil Boriskie, Chief, Fire Department				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

Date	Subject: Approval of a resolution designating 2 historic Landmarks			Originator's Initials	Page <u>2</u> of <u>2</u>
LANDMARKS NAME /ADDRESS:	INITIATED BY:	COUNCIL DISTRICT:	HAHC HEARING:	PLANNING COMMISSION HEARING:	
1. Miller-Tunks House 2117 Chilton Road	Owner	G	3-14-2007	3-29-2007	
2. George V. Rotan House 2300 Pine Valley Drive	Owner	G	3-14-2007	3-29-2007	

LANDMARK DESIGNATION REPORT

LANDMARK NAME: Miller-Tunks House
OWNER: Randall S. and Ruth Daly Riepe
APPLICANT: Same as Owner
LOCATION: 2117 Chilton Road - River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IIa
HPO FILE NO.: 07L172
DATE ACCEPTED: Feb-02-07
HAHC HEARING: Mar-14-07
PC HEARING: Mar-29-07

SITE INFORMATION:

Lot 8, Block 51, River Oaks Section 3, City of Houston, Harris County, Texas. The site includes a historic two-story, brick and wood veneer residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The Miller-Tunks House at 2117 Chilton Road was constructed in 1933 for Jesse G. Miller. However, the home is associated with a notable Houston judge and attorney, Bert H. Tunks. Judge Tunks is perhaps best known as one of the founding partners of Bracewell & Tunks which survives today as Bracewell & Giuliani. The home was designed by the prolific Houston architects, Hiram Salisbury and George McHale. The body of work created by these architects is substantial and includes many of the iconic homes in River Oaks and Southampton, as well as St. Johns School and the St. John's Chapel, designed in association with Mackie and Kamrath Architects. The home at 2117 Chilton Road is designed in the Tudor style, which is enhanced by the use of undulating bricks and half-timbering on the exterior. To date, there are no other known examples of Salisbury and McHale designs that possess the undulating brick pattern. The house qualifies for Landmark Designation under Criteria 1, 3, 4, 5, and 6.

HISTORY AND SIGNIFICANCE:

Notable Houston architects, Hiram A. Salisbury and T. G. McHale, designed the house at 2117 Chilton Road in 1934. The first owners were Jesse G. and Marcelle Miller. Jesse Miller was in the real estate business. Miller's long time office was located in the Citizens Bank building from 1936 until the 1950s. Jesse and Marcelle Miller owned the home until 1974 when it was sold.

In 1974, the house at 2117 Chilton Road was purchased by Judge Bert H. Tunks and his wife Annelle. The Tunks lived there from 1974 until Judge Tunks' death in 1988. Annelle Tunks kept the home until 1999 when it was sold to a new owner who owned the home for a short while before selling to the current owners, Randall and Ruth Riepe.

Judge Bert H. Tunks (1911-1988) was born in Durant, Oklahoma. He attended Oklahoma State University and graduated from the University of Texas Law School in 1940. His academic honors include membership in the Order of the Coif and Law Review. On November 1, 1945, Tunks joined with J. S. Bracewell and his two sons, Searcy and Fentress, to open the law firm, Bracewell & Tunks. The firm continues today as Bracewell & Giuliani and maintains a strong presence in Houston. While practicing with Bracewell, Tunks represented a variety of clients including the Houston Independent School District.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

In 1957, after practicing law for 17 years, Tunks was appointed to the 113th Civil District Court, beginning a long career as a judge. From 1967 until his retirement in 1975, he served as Chief Justice of the 14th Court of Civil Appeals. During his career as a judge, Judge Tunks was ranked twice (1973 and 1975) as the most outstanding judge in Harris County by the Houston Bar Association. Interestingly, he was appointed in 1977 after his retirement to preside over the disbarment lawsuit against Texas Supreme Court Justice Don Yarbrough.

Judge Tunks maintained a close relationship with the South Texas College of Law, serving as Adjunct Professor of Corporations for about 20 years. He also served as a member of the school's Board of Trustees. According to his obituary, "One of Judge Tunks' greatest joys was his association with the many potential young lawyers he came in contact with during his involvement with the law school."

Judge Tunks was active in the legal community; he was a member of the Houston Bar Association, the State Bar of Texas, the American Judicature Society, the American Bar Association, and was a charter member of the Texas Bar Foundation. When he passed away in 1988, his pallbearers included a diverse group: Joe Jamail, Dahr Jamail, Searcy Bracewell, Fentress Bracewell, Judge Curtis Brown, Judge Sam Johnson and others.

According to architectural historian Stephen Fox, Hiram A. Salisbury (1892-1973), the architect for the Judge Tunks Home, was born in Omaha, Nebraska. Salisbury studied architecture under a fellowship from the American Institute of Architects and later graduated from the School of Architecture at New York's Columbia University (1913-1914). He worked as a draftsman for Thomas R. Kimball from 1910-1923 and George B. Prinz from 1923-1926. Salisbury established his own architectural firm in Houston in 1926, and he is first listed in the 1927 Houston City Directory with his office in the Post-Dispatch (subsequently Shell) Building where he had his office until 1937.

Beginning in 1928, according to Fox, Salisbury collaborated on many projects with fellow architect, T. George McHale. Their projects included both residential, commercial, and churches. Among their more notable projects are the St. John's School located at 2401 Claremont, St. Stephens Episcopal Church located at 1805 W. Alabama, as well as many of the homes located in River Oaks, Southampton and other upscale Houston neighborhoods. In 1938-39, Hiram A. Salisbury and T. George McHale relocated their office to the River Oaks Community Center, located at 2017 W. Gray. Salisbury and McHale later moved their offices to 3501 Allen Parkway in 1945.

Per Stephen Fox, Thomas George McHale (1903-1975) was also born in Omaha, Nebraska, and attended school at the University of Notre Dame. Following the receipt of his architectural degree, McHale became a draftsman for John Latenzer & Sons, where he worked from 1919 until 1923. In 1924 he worked for James A. Allen and Leo A. Daly. Interestingly it is speculated that Leo Daly is the great uncle of Ruth Daly Riepe, one of the current owners of the home. In 1925, he began working for George B. Prinz where he joined Salisbury there. They both left that firm to form their own firm in 1927. The wife of T. George McHale was Inez P. McHale, who was a celebrated Houston interior decorator. They lived first at 1106 Palm Avenue and then moved to No. 2 Courtlandt Place.

Beginning in 1930, Hiram A. Salisbury and his wife lived at 3412 Yupon, between Hawthorne and Harold. By 1953, Hiram A. Salisbury and his wife were living at 610 Saddlewood Lane. Salisbury continued his practice in Houston until approximately 1962, when he retired to Medford, Oregon. He had served as the President of The American Institute of Architects, Houston Chapter in 1954.

A list of identified works of Salisbury (HAS) in association with McHale (TGMcH) and others, which was researched and provided by Stephen Fox, includes: Masonic Temple, 118 N. 11th St., Mc Allen TX, 1926; Southampton Home Sensible, 2218 Dunstan Rd, 1927; W. L. Pearson House, Corpus Christi TX, 1927; Ironcraft Studio Building (altered), 3901-07 Main St., 1927; H. Q. Rickman House, 2223 Stanmore, 1927

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

(American Architect 5 Jan 1928); Nelms Building (H. S. Tucker & Co. Oakland-Pontiac dealership) (demolished), 2310 Main St., 1927; E. E. Johnson House, 949 S. Ohio Ave., Mercedes TX, 1927; Emergency Clinic and Hospital Unit 2 (demolished), 1316 75th St., 1928; Mrs. H. F. Lawson Building (demolished), 1010 Holman Ave., 1929; Robert H. Pentz House, 2159 Inwood Dr., 1930; Speculative House (Paul Weaver House), 3443 Inwood Dr., 1930; Benson-Hall Construction Co. House (A. E. Kerr, Jr., House), 2005 Bellmeade Rd., 1931; Frank L. Webb House, 2935 Chevy Chase Dr., 1931; W. E. Sampson House (demolished), 984 Kirby Drive, 1932, with Cameron Fairchild; Charles A. Perlitz House (demolished 2005), 1005 Sul Ross Ave., c. 1932; Stewart P. Coleman House, 6 Shadowlawn Circle, 1933; W. E. Montieth House, 5 Shadowlawn Circle, 1934; James Anderson House, 5216 Dunlavy St., 1934; C. Milby Dow Bay House "Raven Moor", near Baytown, 1935; Henry A. Sauer House, 2229 Inwood Dr., 1935, HAS & TGMcH; Damon Wells House, 1659 North Blvd., 1935, HAS; Larry J. Langdon House, 2131 Troon Rd., c. 1936; Elwood Fouts House (altered), 3470 Inwood Dr., 1936, HAS & TGMcH; Francis G. Coates House, 3417 Del Monte Dr., 1936, HAS & TGMcH; J. E. Cooper House, 2247 Dryden Rd., 1936, HAS with H. Edward Maddox, and Claude E. Hooton; Pfeiffer House, River Oaks Boulevard (demolished May 2004); George B. Corless House, 1936 Larchmont Rd., 1936, HAS & TGMcH; H. F. Junker House, 2226 Shakespeare Rd., 1936, HAS & TGMcH; St. James Episcopal Church, 1500 N. Thompson St., Conroe TX, 1936-37, HAS & TGMcH; J. Sayles Leach House (demolished), 2207 River Oaks Blvd., 1937, HAS & TGMcH (*House & Garden*); Royston H. Patterson House, 7370 Sims Dr., 1937, HAS & TGMcH; John S. Bonner House, 1705 North Blvd., 1938, HAS & TGMcH; Lucien L. Powell House, 2111 Pine Valley Dr., 1938, HAS & TGMcH; Wheeler Nazro House, 3400 Piping Rock Lane, 1938, HAS & TGMcH; P. L. Williams House, 3612 Rio Vista Dr., 1938, HAS & TGMcH; Katrina Byram House, 2135 University Blvd., 1939, HAS & TGMcH; Jack Roach House, 3001 Del Monte, 1939, HAS & TGMcH, Ned Gill House, 949 Kirby Dr., c. 1940; Harry J. Kuhn House (demolished), 22 N. West Oaks, 1940, HAS & TGMcH; William S. Bonner House, 1412 North Blvd., 1940, HAS & TGMcH; E. H. Lorehn House (altered), 2198 Troon Rd., 1940, HAS & TGMcH; W. Leland Anderson House, 1519 South Blvd., 1940, HAS & TGMcH; George C. Schmidt House (demolished), 21 Westlane Place, 1940, HAS & TGMcH; Dr. Paul Ledbetter House, 3508 Inwood Dr., 1941, HAS & TGMcH; Thomas D. Anderson House (attribution but not proven), 3929 Del Monte Dr., 1941; Chapel, St. John The Divine Episcopal Church, 2450 River Oaks Blvd., 1941, HAS & TGMcH and MacKie & Kamrath, Birdsall P. Briscoe, consulting architects; St. Stephen's Episcopal Church, 1805 W. Alabama Ave., 1941, HAS & TGMcH; Jack Roach Building, 6000 Block of Harrisburg Blvd., 1941, HAS & TGMcH; Adolph Pfeffer House, 2109 River Oaks Blvd., 1930s, HAS & TGMcH; W. E. Parry House, 2407 Pelham Dr., 1930s, HAS & TGMcH; Russell L. Jolley House, 2527 Pelham Dr., 1930s, HAS & TGMcH; Jack Roach House, 3001 Del Monte Dr., 1939, HAS & TGMcH; Donald Kolp House, 3434 Wickersham Lane, 1940s, HAS & TGMcH; Parish House, Christ the King Lutheran Church, 2353 Rice Blvd., 1946-49, HAS & TGMcH; St. John's School, 2401 Claremont Lane, 1945-49, HAS & TGMcH and MacKie & Kamrath; St. Luke's Episcopal Hospital, 6720 Bertner Ave., Texas Medical Center, 1946-54, Staub & Rather and HAS; St. Paul's Episcopal Church, 7843 Park Place Blvd., 1946-48, HAS & TGMcH; North Side State Bank Building, 2010 N. Main St., 1947-48, HAS & TGMcH; Wyatt Metal & Boiler Works Building addition, 6100 Kansas, 1948, HAS & TGMcH; Dr. Blume House, Houston, 1948, HAS & TGMcH; Condit Elementary School addition, 7000 S. Third St., Bellaire TX, 1949, HAS & TGMcH; Trinity Presbyterian Church, 7000 Lawndale Ave., 1949, HAS & TGMcH; St. John's Episcopal Church, 514 Carter St., Marlin TX, 1949, HAS & TGMcH; Blue Triangle YWCA Building, 3005 Mc Gowen Ave., 1951, HAS and Birdsall P. Briscoe; St. George's Episcopal Church (demolished), 510 13th Ave. N., Texas City TX, 1950, HAS & TGMcH; St. Paul's Lutheran Church, 1208 5th St., Rosenberg TX, 1950, HAS & TGMcH; St. Thomas Episcopal Church, 207 Bob-O-Link Lane, Wharton TX, 1951, HAS & TGMcH; Wheeler Nazro House "Doe Run Farm," Washington-on-the-Brazos TX vicinity, 1951, HAS & TGMcH; St. John The Divine Episcopal Church, 2450 River Oaks Blvd., 1952-54, MacKie & Kamrath and HAS; Retreat House, 1952-53, TGMcH; St. John's Lutheran Church, 3920 Ave. L, Galveston TX, 1953-54, HAS & TGMcH; St. Michael's Episcopal

Church, 1601 Lake Rd., La Marque TX, 1953, HAS & TGMcH; Parish buildings, St. Michael the Archangel Catholic Church, 1801 Sage Rd., 1955, TGMcH; and the Walter Shult House, 500 Hillcrest Dr., Richmond TX, 1957, HAS & TGMcH.

Chilton Road is host to a significant number of homes designed by noted Houston architects. Among these are one example designed by John Staub, two homes designed by Birdsall Briscoe, and at least one other Hiram Salisbury design. In recent years the area has been the target of new development. The historic homes of Chilton road and nearby, which average 3,000 square feet, are being replaced by 5,000 to 6,000 square foot homes.

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The home at 2117 Chilton Road is a two-story brick veneered home built in 1933. The house is designed in the Tudor style, which was very popular at the time. A similar example of this style in River Oaks is the Hal and Iley Nunn Davis House at 1915 Bellmeade Drive (Protected Landmark 2006) designed by Charles Oliver in 1929. The Tudor style is enhanced by the use of undulating bricks and half-timbering on the exterior. To date, there are no other known examples of Salisbury and McHale designs that possess the undulating brick pattern.

The home utilizes multiple intersecting gables in the roofline, which contribute to the Tudor influence of the home. Windows used throughout the home are of a six-pane wood sash casement window type with the exception of a prominent leaded glass window which is centrally located on the second story of the primary façade.

The Riepes purchased the home located at 2117 Chilton Road in 2002. At this time, the home had been gutted by the previous owner who had begun the initial phases of a renovation. The Riepes rehabilitated the home and expanded the existing kitchen, added a family room, and extensively re-landscaped. The new addition to the home was subtly executed by closely matching the original undulating brick pattern. The home retains many of its original interior elements like original exposed beams in the formal living room and two leaded glass windows, and thick plaster walls.

The façade of the home has undergone some alterations from its 1933 appearance that are reversible and do not impact the significance. After 1935, as evidenced on Sanborn Fire Insurance maps, modifications were made to the main entry way, which are stylistically compatible. The original plans specified a door with half-timbering for trim. After 1935, a small gabled entry was built forward of the entry door which is open on its sides and is supported by massive wood timbers. In addition, an attached porte-cochere, which is situated approximately five feet forward from the west elevation of the main building, was enclosed on the Chilton Street side with matching brick, and three casement windows were installed like those utilized elsewhere on the house.

BIBLIOGRAPHY:

- Fox, Stephen, personal notes and research about Hiram A. Salisbury and T. George McHale, August, 2006.
Fox, Stephen, Houston Architectural Guide, American Institute of Architects, 1999.
Houston Chronicle, Tunks obituary, May 10, 1988.
Houston Chronicle, Staff report on Tunks death, May 10, 1988.
San Antonio Business Journal, "Former New York Mayor to join Texas Based Law Firm", March 30, 2005.

The information and sources provided by the applicant for this application have been reviewed, verified, edited and supplemented with additional research and sources by Randy Pace, Historic Preservation Officer, and Thomas McWhorter, Planning and Development Department, City of Houston.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

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

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

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

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark Designation of the Miller-Tunks House at 2117 Chilton Road.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
MILLER-TUNKS HOUSE
2117 CHILTON ROAD
NOT TO SCALE



LANDMARK DESIGNATION REPORT

LANDMARK NAME: George V. Rotan House
OWNER: Lynn and William A. Herbert
APPLICANT: Kelley Trammel (for owner)
LOCATION: 2300 Pine Valley Drive – River Oaks
30-DAY HEARING NOTICE: N/A

AGENDA ITEM: IIb
HPO FILE NO: 07L173
DATE ACCEPTED: Feb-08-07
HAHC HEARING: Mar-14-07
P.C. HEARING: Mar-29-07

SITE INFORMATION

Tract 1, Block 48, River Oaks Section 3, City of Houston, Harris County, Texas. The building on the site includes an historic two-story, brick residence.

TYPE OF APPROVAL REQUESTED: Landmark Designation

HISTORY AND SIGNIFICANCE SUMMARY:

The house at 2300 Pine Valley Drive was built for George V. Rotan and designed by John F. Staub, a noted Houston architect. Staub is best known as an architect of single-family houses and is closely identified with the River Oaks neighborhood. His client, George V. Rotan, was a prominent Houstonian known for both his business acumen and his athletic skill. He founded a prominent investment company, which would become one of the largest in Texas, known as Rotan Mosle. He was also associated with the design of the Hermann Park Golf Course. The house qualifies for Landmark Designation under Criteria 1, 3, 4, and 6.

HISTORY AND SIGNIFICANCE:

The house at 2300 Pine Valley Drive was designed by John F. Staub for George V. Rotan. George Vanlandingham Rotan was born circa 1887 in Waco, Texas, to Edward and Kate Sturm McCall Rotan. His mother is listed in the *Handbook of Texas Online* for her work as an organizer and first president of the Texas Federation of Women's Clubs, a regent of the Henry Downs Chapter of the Daughters of the American Revolution, and a National Committeewoman of the Colonial Dames. She was also a leader in the establishment of Waco's first public library.

In his early career, Mr. Rotan moved to Houston and was an investment banker with the firm of Newhaus & Company. A 1925 article cites his attendance at the 14th annual convention of the Investment Bankers' Association of America in Winter Park, Florida.

Mr. Rotan went on to organize an investment banking house, George V. Rotan Company. The firm was listed in the City Directory as Stock and Bond Brokers and Dealers in Investment Securities, and was located in the Niels Esperson Building. The firm later became known as Rotan Mosle, Inc. and was one of the largest Texas-based investment banks. In the 1980s, the firm was acquired by PaineWebber (now UBS). During his career, Mr. Rotan served as president of the Texas Investment Bankers Association and as a member of the board of directors of the national body. By 1943, the year of Mr. Rotan's death, he was acting as co-chairman of the second war bond drive.

The Chronicle states that "Mr. Rotan was a nationally known sportsman, having been many times the Texas amateur champion and won many trophies in national and international meetings." Research shows that George Rotan won the Texas State Championship at least four times (1912, 1913, 1914 and 1915), and it is possible that he won on other occasions as well. In 1993 he was posthumously inducted in the Texas Golf Hall of Fame in The Woodlands as one of seven "Pioneers of Golf". He also contributed to the founding of Hermann Park's golf

course. In a history of Hermann Park, Stephen Fox writes, “an 18-hole golf course was constructed on the site allotted by Kessler in 1922, following a design by the Houston stockbroker and golfing enthusiast, George V. Rotan, and the engineer David M. Duller.” Upon Mr. Rotan’s death in 1943, a front-page article appeared in the Houston Chronicle.

According to the *Handbook of Texas Online*, John Staub (1892-1981) began his architectural practice in New York in 1916. In 1921, he came to Houston to supervise a project in the Shadyside neighborhood, and went on to establish his own practice here in 1923. Staub is best known as an architect of single-family houses and is closely identified with the River Oaks neighborhood. His first independent commission in Houston was the River Oaks Country Club. He was then retained by the Hogg brothers to design two model homes for the developing River Oaks subdivision. As his career progressed, he was selected in 1928 as primary architect to design Bayou Bend, the home of Ima Hogg. Staub’s associate in the project was Birdsall Briscoe. Between 1924 and 1958, he designed thirty-one houses in River Oaks, in addition to making designs for homes that were never built. He also designed many renovations and extensions for existing homes in River Oaks. Outside of River Oaks, Staub homes from this period were built in Broadacres, Courtlandt Place, Riverside, and the Fort Worth neighborhood of River Crest. Additional Staub homes may be found in Beaumont, Dallas, and Memphis, Tennessee, some of which are open to the public as museums.

According to Howard Barnstone’s book, some of the River Oaks homes designed by John F. Staub include:

- House for Country Club Estates, 3374 Chevy Chase, 1924.
- Joseph H. Chew House, 3335 Inwood, 1925.
- House for Country Club Estates, 3260 Chevy Chase, 1925.
- Kemerton Dean House, 1912 Bellmeade, 1925.
- John F. Staub House, 3511 Del Monte, 1925.
- Hubert B. Finch House, 3407 Inwood, 1926.
- Bayou Bend for Ima Hogg, 2940 Lazy Lane, 1926.
- Judge Frederick C. Proctor Home, 2950 Lazy Lane, 1926 (as associate to Birdsall Briscoe), demolished.
- Harry C. Hanszen House, 2955 Lazy Lane, 1930.
- John Sweeney Mellinger House, 3452 Del Monte, 1930.
- Wallace E. Pratt House, 2990 Lazy Lane, 1931, demolished.
- George A. Hill, Jr. House, 1604 Kirby Drive, 1931.
- Robert J. Neal House, 2960 Lazy Lane, 1931.
- Hugh Roy Cullen House, 1620 River Oaks Boulevard, 1933.
- David D. Bruton House, 2923 Inwood Drive, 1933.
- Clarence M. Frost House, 2110 River Oaks Boulevard, 1933.
- Ravenna for Stephen P. Farish, 2995 Lazy Lane, 1934.
- William J. Crabb House, 2416 Pine Valley Drive, 1935, demolished.
- Robert Bowles House, 3015 Inwood Drive, 1935.
- George S. Heyer Home, 2909 Inwood Drive, 1935.
- Oak Shadows for Ray L. Dudley, 3371 Chevy Chase, 1936.
- Tom Scurry House, 1912 Larchmont, 1936.
- James L. Britton House, 1824 Larchmont, 1936.
- Robert D. Strauss House, 1814 Larchmont, 1937.
- John M. Jennings House, 2212 Troon Road, 1937.
- Dan J. Harrison House, 2975 Lazy Lane, 1938.

- Claud B. Hamill House, 2124 River Oaks Boulevard, 1938.
- Edward H. Andrews House, 3637 Inwood Drive, 1939.
- Rienzi for Mr. and Mrs. Harris Masterson, III, 1406 Kirby Drive, 1952 (S,R&H).
- House for Mr. and Mrs. Ben M. Anderson, 3740 Willowick, 1956 (S,R&H).
- House for Mr. and Mrs. George A. Peterkin, Senior, 2005 Claremont, 1957 (S,R&H).

In addition to residential work, Staub designed the parish house of Palmer Memorial Church, the Junior League Building, and the Bayou Club in Houston. His firm designed buildings for the campuses of the University of Texas, Rice University, University of Houston, and the Texas Medical Center. He was the primary architect on the John Reagan High School project as well. Staub, Rather, and Howze also consulted with Jim Goodwin of Pierce and Pierce in the new building and planetarium for the Houston Museum of Natural Science.

According to the article about River Oaks in the *Handbook of Texas Online*, River Oaks was developed "by Buffalo Bayou and Memorial Park in west central Houston. The residential garden suburb, which comprises 1,100 acres, was developed in the 1920s by Michael Hogg and attorney, Hugh Potter, who in 1923 obtained an option to purchase 200 acres surrounding the River Oaks Country Club. In 1924 Hogg organized Country Club Estates to promote the development. The two developers retained Kansas City landscape architects, Hare and Hare, to provide a master plan that would protect the environmental integrity and natural beauty of the area. They also hired J. C. Nichols, who built one of the first major shopping centers in the United States, to serve as a design consultant. The master plan included homesites, a fifteen-acre campus for River Oaks Elementary School, two shopping centers, and esplanades planted with flowers. It called for underground utility lines, eliminated alleys, allowed only three intersecting streets, provided rigid building codes, and eventually banned all commercial traffic. Deed restrictions and centralized community control assured exclusivity; approval of house designs by a panel of architects and citizens and a purchase price of at least \$7,000 were required. The first home in the area, built by Will and Sue Clayton, is now listed in the National Register of Historic Places. Among the other notable houses is Ima Hogg's family home, Bayou Bend (N. R.; City of Houston Landmark), designed by John F. Staub and Birdsall P. Briscoe. In the late 1920s the development lost money, but by the late 1930s developers had invested \$3 million in the project, and the community had begun to influence development patterns downtown. In the 1930s River Oaks was at the geographic center of Houston. The community operated independently for three years, after which it was annexed by the city."

ARCHITECTURAL DESCRIPTION AND RESTORATION HISTORY:

The Staub home located at 2300 Pine Valley Drive is designed in a very subdued, Manorial style with elements of modified Georgian style. The home is essentially a three bay wide house with prominent forward projecting bay window and recessed entry on the ground floor. A two-story wing, also of brick veneer, is attached to the main portion of the house, but it is stepped back from the front façade approximately five feet to the rear of the property. The home features large, recessed paneled brick panels and a pronounced brick cornice which are considered subtle decorative elements of the exterior of the home. Subtlety was often a trademark of John Staub designed homes. The minimal use of decorative cast iron both on the parapet above the projecting bay window and over the main entry way is another example of the subdued, stylistic flourishes exhibited in this house.

The house at 2300 Pine Valley Drive has been featured in [The Architecture of John F. Staub](#) by Howard Barnstone as well as being featured on the American Institute of Architects Tour of River Oaks. The American Institute of Architects Houston Architectural Guide describes the use of "a favorite Staub trick on south-facing houses: the front door is in the backyard." According to the owner, Staub chose to ignore the River Oaks deed restrictions that called for the house to face either Chilton or Pine Valley Drive. The current owners

characterized their home with the following remark: "It's incredibly private and enhances the feeling that Staub sought for creating a kind of country house within a city."

One of the unique features of the home is in its floor plan. Most rooms have windows on three sides. John Staub designed many of his residential projects with particular emphasis placed on the window and door configuration. This was done in order to provide maximum air circulation even on hot Houston days. The current owner stated, "the house was always cool even pre-air conditioning simply because of how it was sited and where windows and doors were placed (maybe this is another reason why Staub ignored the deed restrictions)."

The interior of the home utilizes 9+ foot ceilings, which lend themselves to a more open and airy feel. About the house, a friend of the owners remarked, "How perfect - no wonder you like it - the Rotans were as tall as you all are!" There are two bedrooms on either end of the house that are slightly lower than the main floor. Two steps descend to enter them, which helps to impart a feeling of intimacy to the rooms. Two steps must also be navigated to enter the den on the west side of the house. The home also features a John Staub trademark - the quintessential Staub powder room. As architectural historian Stephen Fox explained to the owner, Staub never wanted someone to walk right into the bathroom as you first enter an anteroom of sorts from which to access the bathroom. Finally, the home also has a huge basement with windows (lightwells) that was designed as an entertainment space with a bar and a dumbwaiter for easy access to the kitchen upstairs.

The home located at 2300 Pine Valley Drive remains today in original condition with only minimal changes to the original footprint of the home. The few changes include:

- Two windows in the den and in the bedroom above it were removed and a fireplace and chimney was constructed in that location. It is possible that this occurred when air conditioning was installed in the house as the units are located right outside where the two den windows were once located.
- The original architectural plans depict a circular driveway with an entrance/exit on both Pine Valley and Chilton, of which there is no current evidence. It is possible that this element was never realized.
- The façade was slightly altered when two windows were added on the front/non-street facing elevation, when a butler's pantry was converted into a breakfast room. A bay window was copied from the living room (photo in the Staub book) and an upstairs window was adjusted above it so that it would be centered.

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

BIBLIOGRAPHY:

<http://www.tsha.utexas.edu/handbook/online/articles/SS/fst94.html>

Barnstone, Howard, The Architecture of John F. Staub: Houston and the South, University of Texas Press, 1979.

Fox, Stephen, Big Park, Little Plans: A History of Hermann Park.

Fox, Stephen, ed., "Houston Architectural Guide", 2nd edition, American Institute of Architects/Houston Chapter, 1999.

Handbook of Texas Online, "Rotan, Kate Sturm McCall", s.v.

<http://www.tsha.utexas.edu/handbook/online/articles/RR/froaf.html> (accessed February 8, 2007).

Handbook of Texas Online, "Staub, John Fanz."

Houston Chronicle, "George V. Rotan Funeral is Set for 5 p.m. Today," April 18, 1943.

Houston Chronicle, "Pioneers due Induction," October 8, 1983.
Time Magazine, "Convention", December 21, 1925.

APPROVAL CRITERIA FOR LANDMARK DESIGNATION:

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

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

- | S | NA | S - satisfies | D - does not satisfy | NA - not applicable |
|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|----------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission accepts the recommendation of the Houston Archaeological and Historical Commission and recommends to City Council the Landmark Designation of the George V. Rotan House at 2300 Pine Valley Drive.

CITY OF HOUSTON

Archaeological & Historical Commission

Planning and Development Department

SITE LOCATION MAP
GEORGE V. ROTAN HOUSE
2300 PINE VALLEY DRIVE
NOT TO SCALE



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving a contract with AVIA Partners, Inc. for prescription drugs for older adults in the Houston/Harris County Area	Category # 9	Page 1 of 1	Agenda Item # 34
--	------------------------	-----------------------	----------------------------

FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services	Origination Date March 20, 2007	Agenda Date MAY 09 2007
--	---	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: ALL
---	--

For additional information contact: Kathy Barton Telephone: 713-794-9998 or 713-826-5801	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary)
Approval of an ordinance for a contract with AVIA Partners, Inc. for prescription drugs for older adults in the Houston/Harris County Area.

Amount of Funding: Total Contract Value: \$400,000.00 FY07 Initial allocation: \$100,000.00 (Texas Department on Aging and Disability Services (TDADS) Federal State Local - Pass Through Fund 5030) Texas Department on Aging and Disability Services Grant Funds (5030)	F&A Budget:
--	------------------------

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

SPECIFIC EXPLANATION:

The Houston Department of Health and Human Services (HDHHS) requests City Council approval of a contract with AVIA Partners, Inc. for prescription drugs for older adults in the Houston metropolitan area. HDHHS issued a Request for Proposal (RFP) on April 5, 2006 with a return date of May 5, 2006. AVIA Partners, Inc. was the sole respondent and is recommended for the award of the contract. The contract term is from date of execution through September 30, 2007, with three (3) successive one-year renewal terms. The total contract value is \$400,000.00 with an initial allocation of \$100,000.00. The amount of \$100,000.00 will be allocated on each annual term.

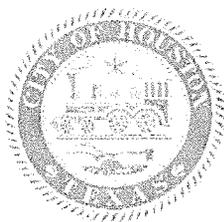
Through this contract, AVIA will provide: a) an Internet connection for maintenance of eligibility on the Department's Area Agency on Aging clients; b) provide pharmacy identification cards for distribution to eligible clients; c) access to network pharmacies who will dispense the medication(s) to clients and d) educate each client on the appropriate usage and potential side effects of each medication dispensed. Criteria for assistance includes mandates of the Older Americans Act including but not limited to economic need, health status or disability, mobility, minority status, social isolation and geographic location. A minimum of 134 participants, age 60 and older can be served at the beginning of the first contract period.

AVIA Partners, Inc. is a pharmacy management company with a national network of pharmacies that includes companies as Kroger, Randalls, Walgreens, CVS and HEB along with independent pharmacies in the Houston area and Harris County.

cc: Finance & Administration
Legal Department
Agenda Director

REQUIRED AUTHORIZATION		
F&A Director	Other Authorization:	Other Authorization:
		NDT

SUBJECT: Revisions to Chapter 47 of the Code of Ordinances		Agenda Item #	29	Page 1 of 1
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5-3-07	Agenda Date MAY 09 2007	
DIRECTOR'S SIGNATURE: Michael S. Marcotte, P.E., DEE, Director <i>MS</i>		Council District affected: All		
For additional information contact: Karen Leback Assistant Director Phone: (713) 371-1136 <i>KFL</i>		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve revisions to Chapter 47 of the Code of Ordinances				
Amount and Source of Funding: N/A			F&A Budget:	
<p>City Council approval is requested for ordinance changes to Chapter 47 of the Code of Ordinances governing city water and sewer services. A comprehensive review of Chapter 47 has not been undertaken for more than 40 years and many of its provisions are out-of-date or do not reflect current conditions.</p> <p>None of the requested fee changes impacts the majority of ratepayers. Rather, these are fees for specialized services used by only a small number of customers; currently, the entire rate base is subsidizing services provided to a few customers.</p> <p>Public Works and Engineering is requesting ordinance changes, which can be grouped in the following categories:</p> <ul style="list-style-type: none"> • Deletion of obsolete or duplicative provisions/language • New and increased fees to recover costs for special services • Customer service improvements • Language to increase the city's authority to enforce ordinance provisions • Language to enhance collection capability. <p>A list of the ordinance revisions in each category and a short explanation of each is attached.</p> <p>The Fiscal Affairs Committee approved a motion on May 1, 2007 to send these ordinance revisions to Council.</p> <p>ACTION RECOMMENDED: It is recommended that City Council approve revisions to Chapter 47 of the Code of Ordinances that will assist us in providing high quality customer service to our customers.</p>				
KFL/loc c: Marty Stein Susan Bandy Gary Norman				
REQUIRED AUTHORIZATION			CUIC ID# 20 KFL 019	
F & A Director	Other Authorization: <i>Susan Bandy</i> Susan Bandy, Deputy Director PWE/Resource Management Division		Other Authorization:	



CITY OF HOUSTON

Department of Public Works and Engineering

Interoffice

Correspondence

To: Mayor and City Council Members From: Director, PWE

Date: April 16, 2007

Subject: **REVISIONS TO CODE OF ORDINANCES
CHAPTER 47 - WATER AND SEWERS**

The Public Works and Engineering Department will be requesting City Council approval for a number of changes to Chapter 47 of the Code of Ordinances governing water and sewer service. A comprehensive review of Chapter 47 has not been undertaken for more than 40 years and many provisions of the Chapter are obsolete or do not reflect current conditions. Major updates include:

1. Clarification of antiquated or duplicative provisions and language. *(Again, has not been updated in 40 years)*
2. Increase in fees to recover costs for special services. These fees have not been increased since 1983 and no longer reflect current costs. They include:
 - Increase the cost to restore service after termination for non-payment from \$10 to \$30.
 - Increase the fee from \$10 to \$55 for someone who turns water on without authorization after a City employee turns it off. If a customer does this more than once, there are fines.
 - Increase the fees (various depending on size of meter) for retesting meters that have been tested within the past 12 months and found to be operating correctly. No fee is charged if the meter is found to be operating inaccurately when tested.
 - Increase the fees for collection and disposal of refuse from septic tanks/sewage holding tanks from \$15 for 600 gallons to \$115 for the first 500 gallons.
3. New fees to recover the costs for special services. These services, currently provided without charge, are used by few customers but are subsidized by all. They include:
 - A \$40 fee for posting a notice of termination of service for commercial customers with tenants.
 - A \$40 fee for hanging tenant notices of termination of service plus \$1 for each additional notice over 10. For example, fee would be charged to apartment owner where non-payment is resulting in termination of service.
 - A \$75 fee for periodic testing of private fire suppression systems. These are customer requested and usually used for insurance purposes.
 - A \$10 fee for rereading a meter at the customer's request if the read turns out to be accurate.

- *Add a \$40 monthly fee for processing evaporation credits (about 600 customers in this program). This is a very beneficial program for these customers and is very labor intensive to administer.*
- 4. Customer service improvements. These include:
 - *Exempting low-income disabled persons from late fees.*
 - *Increasing maximum distribution amounts from the W.A.T.E.R. fund.*
- 5. Increase in City's enforcement authority. These include:
 - *Authorizing City employees other than HPD officers to issue citations for tampering, misuse of water and theft of services.*
- 6. Enhancement in collection capabilities. These include:
 - *Enhanced ability to file liens in accordance with State law (non-homestead properties and commercial properties **only**).*
 - *Allowing termination of service for past due "sewer only" accounts.*
 - *Allowing no more than 2 leak adjustments in any 12 months.*
 - *Clarifying that a large bill adjustment must be applied for within 6 months of occurrence.*

In addition, the following two concerns were raised at the Budget and Fiscal Affairs Committee briefing:

1. Concern over PWE enhancing credit check authority for nonpayment.
 - *Credit checks are not conducted on residential customers without their written approval. The credit checks are conducted on commercial and multi-family customers **only**.*
2. Concern over increased costs (fees for reconnection after disconnection for nonpayment) for customers who have difficulty paying their bills.
 - *PWE does everything possible to help customers who contact us and have difficulty paying their bills. Our goal always is to avoid turning off service. A customer receives multiple notices, and in most cases a phone call, telling them that they are overdue before we terminate service. We also will work out payment schedules or refer them to the W.A.T.E.R fund to determine if they are eligible for this assistance. Most terminations occur in cases where the customer ignores all warnings or notices.*

Please find attached the "red-line" version of the proposed new ordinance. If you would like to meet and discuss these changes, please contact Deputy Director Susan Bandy of my staff at 713-837-0282.



Michael S. Marcotte, P.E., DEE

Grouped Changes to Chapter 47

Changes are marked as R (residential), M (multi-family) and C (commercial)

The Utility Customer Service Branch of Public Works & Engineering is requesting a number of ordinance changes to Chapter 47 of the Code of Ordinances governing water and sewer services. A comprehensive review of Chapter 47 has not been undertaken for more than 40 years, and many of its provisions are out-of-date or do not reflect current conditions. The changes requested can be grouped into several categories.

1. **Clarification of antiquated provisions/language.** A number of provisions and language in the current ordinance are incorrect, vague or antiquated. These are being revised or deleted.
 - Repeal sec. 47-6 referring to inspection of water taps by plumbing inspectors. Taps are inspected by Utility Customer Service inspectors prior to turn on.
 - Revise sec. 47-8 to eliminate the wording of the city's application for a water meter from the ordinance. The revision leaves the specific language up to the utility official.
 - New sec. 47-15 states that it is the city's responsibility to provide each customer with an accurate bill and to correct inaccurate bills in a timely manner.
 - Repeal sec. 47-17 referring to charges when water taps are made by the city. Taps are made by private contractors; in rare cases when the city makes the tap, there is no charge.
 - Delete language in sec. 47-18 pertaining to the installation of water meters by city personnel; private contractors perform this function. Clarify that an application for a water meter will not be accepted unless payment in full is made for the meter, appurtenances and inspection, that all taps and meters must be inspected by city officials and that the city will charge its cost for meters, meter boxes and required electronic devices. **(charge to contractors)**
 - Delete sec. 47-19 pertaining to the city's right to control water service connections. This section is redundant with language in sec. 47-7.
 - Add or clarify definitions in sec. 47-61 including average water usage, water and sewer customer, outdoor customer, residential establishment and person with disability. **R, M, C**
 - Add in sec. 47-61(e) (3) that emergency backup service (EBS) equipment excluding backflow devices will be conveyed to the city free and clear of any liens. **C**
 - Repeal sec. 47-66 that contains language contradictory to wording in sec. 47-73 defining out-of-order or damaged meters. **R, M, C**
 - Clarify in sec. 47-70 the customer's right to an administrative review and hearing, and the issues to be considered in the process. For example, the rate schedule, the application of late penalties or requests inconsistent with city ordinances are not

subject to a review or hearing. Change “director” to “utility official” for consistency. **R, M, C**

- Revise definition for an “accurate” meter in sec. 47-73 to comply with industry standards. **R, M, C**
- In sec. 47-74 allow customers up to two leak adjustments within a 12 month period, and set out a broader method for determining the customer’s average to improve customer service. **R, M, C**
- In sec. 47-75 clarify that customers applying for an unusually large bill adjustment must do so within six months. **R**
- Add new definitions in sec. 47-121 (sewer portion of ordinance) to concur with new definitions in sec. 47-61 (water portion.) **R, M, C**
- Delete sec. 47-124 that states the city’s charge for sewer service to property located outside the city limits shall be 115% of the amount charged within the city limits in accordance with state law disallowing such surcharge.
- Revise sec. 47-126 to allow the utility official to determine the amount of deposit required for sewer-only customers in the same manner as in sec.47-68 for water and sewer customers. **R, M, C**
- Delete sec. 47-130 regarding engineering studies to determine sewer charges; this is no longer permitted. **C**

2. **Increased Fees to Recover Costs for Special Services.** The fee for certain special services provided to a small number of customers is far lower than the actual cost to the city. **This results in the entire rate base of customers subsidizing services provided to a few customers.** A number of fees are being increased to reflect their actual cost to the city. *None of these fees has been increased since 1983.*

- Increase the monthly rental charge for transient meters in sec. 47-22 as follows: from \$5.00 to \$15.00 for a 1-inch meter; from \$10.00 to \$20.00 for a two-inch meter and from \$15 to \$25.00 for a 3-inch meter. **C**
- In sec. 47-70 increase the cost to restore water service after termination for nonpayment from \$10.00 to \$30.00. This fee will reflect the cost to send a water inspector to restore water service. **R, M, C**
- Also in sec 47-70 increase the fee from \$10.00 to \$55.00 when water service that has been turned off by city personnel for nonpayment is turned on again by unauthorized persons. This fee is for the first occurrence; other fees and penalties will be charged if the meter was damaged, if a tamper-proof lock must be placed on the tap or if there are more occurrences of unauthorized turn-ons. **R, M, C**
- In sec. 47-73 increase the cost when the department retests a meter at the customer’s request and the meter is within the manufacture’s warranty period or has been tested within the past 12 months and is found to be accurate. For field testing of meters less than three inches the fee is increased from \$12.50 to \$25.00; for bench testing of such meter the fee is increased from \$47.50 to \$50.00 plus the cost of the new meter and related electronic devices; and for three inch and larger meters the cost is increased from \$100.00 to \$170.00 plus the cost of the new meter. **R, M, C**

- Increase the charges set out in sec. 47-139 for collection and disposal of refuse from sewage holding tanks and septic tanks in the Lake Houston vicinity. The current fees are unrealistically low and do not reflect the actual cost of the service or the costs charged by the private sector for similar services. For example, the cost to service tanks (other than houseboats) is currently \$15.00 for the first 600 gallons and is being increased to \$115 for the first 500 gallons. A survey of private waste haulers found that their pump-out cost for 500 gallons is between \$125 and \$150. **C**

3. **New Fees to Recover Costs for Special Services.** A number of services are provided to certain customers at no cost—even though these services are required by only a small number of customers and a cost is incurred by the city. New fees are proposed for providing these special services to cover actual costs.

- In sec. 47-18 codify the cost of inspecting taps smaller than three inches at \$75.00, increasing from \$40.00 and \$350 for 3” and larger taps. Allow a \$25 fee for applicants setting a time for such inspection who fail to keep the appointment or notify the department. **(charge to contractors)**
- In new sec. 47-47 allow the posting of notice of termination of service for commercial customers with tenants and set a \$40.00 charge for such posting. **C**
- Amend sec. 47-48 to set a fee for hanging tenant notices at multi-family properties that are seriously delinquent in payment of water and sewer charges. The proposed fee is \$40.00 for hanging ten or fewer notices and \$1.00 for each additional notice. **M**
- In sec. 47-64 allow connection of private fire suppression systems to the city’s water lines under circumstances determined by the utility official (this is currently permitted) but add a \$75 fee for periodic testing of such systems. **C**
- Add a \$10.00 fee in sec. 47-73 for rereading a meter at the customer’s request if the reading verifies that the department’s original reading was correct. Some customers continually request that their meter be reread even though past readings have consistently been correct. If the original reading was incorrect, there will be no charge. Senior citizens, disabled veterans and low income disabled persons will be exempted from the fee. **R, M, C**
- Add a \$40.00 monthly fee for processing evaporation credits and a \$250.00 application fee in sec. 47-129. The section will also be amended to streamline the processing and approval of credits. **M, C**

4. **Customer Service Improvements.** While amendments to other sections will improve customer service, the following changes specifically assist those in greatest need.

- In sec. 47-69 add exempt low-income disabled persons and disabled veterans to those who are not charged late fees. **R**
- In sec. 36-62 increase the maximum amount of funds disbursed by the W.A.T.E.R. Fund to any one customer during a six-month period from \$50.00 to

\$100.00. There has been no increase in the maximum amount of disbursement since the inception of the W.A.T.E.R. Fund in the early 1980's. **R**

5. **Language to Increase the City's Authority to Enforce Ordinance Provisions.** The current ordinance states that a number of actions are illegal but does not state how these measures can be enforced. Language to enhance the city's ability to enforce its ordinances is included in this revision.

- Update sec. 47-7 in order to give the city the ability to fine anyone tampering with the city's water meter, service line, meter box, vault or electronic devices. **R, M, C**
- Add new sec. 47-9 to give the city the authority to issue citations for unlawful acts described in chapter 47. **R, M, C**
- Update sec. 47-11 that requires owners of property within 300 feet of a public sewer to make connection to the sewer and remove "all surface privies and cesspools." UCS has added timelines to this ordinance, specified the method of removing the septic tanks and included a fine up to \$2,000 based on health and safety issues if the connection is not made within the specified time period. A provision to turn off the water if the connection is not made is also included. **R, M, C**
- Add language in sec. 47-20 to make installing, repairing or performing work or making adjustments to a city water meter without authorization an offense. **R, M, C**
- Update sec. 47-21 requiring that the water meter and box be kept free from rubbish and obstructions and giving the customer 30 days to uncover the meter. After this time period the city may uncover the meter and charge the customer its cost unless the obstruction is caused by conditions beyond the control of the customer. Approximately 14,500 meters are obstructed at any one time, requiring the department to estimate usage. **R, M, C**
- Revise sec. 47-37 to include theft of water and unauthorized connections to city water mains as instances of misuse of water and making such actions an offense. **R, M, C**
- Add language in sec. 47-38 to provide the customer the right to an administrative hearing before turn-off for actions taken under sec. 47-37. **R, M, C**
- In sec. 47-68 clarify that: **R, M, C**
 - a customer who uses water without making application is responsible for all water used from the date of the last meter reading previous to the customer's use of service;
 - when a tenant leaves a property, the water account will be placed in the name of the property owner;
 - an account balance on one property may be transferred to another account of the same customer; and
 - the city may periodically review accounts for credit stability. **(M, C)**

6. **Amendments to enhance collection capability.** Current ordinance provisions tie the City's hands in attempts to collect on large past due amounts.

- Revise sec. 47-44 pertaining to placing liens for delinquent water and wastewater charges to remove reference to a specific state law (which has been renumbered) but provide authorization to file liens in accordance with the Texas State Constitution and Texas Local Government Code provisions. **M, C**
- Add new language in sec. 47-136 to allow the city to discontinue service to other properties owned by the same customer if the customer refuses to pay for service to a sewer-only account. **R, M, C**

(b) The city may disconnect service for failure to make an application or provide information requested by the department. (b) The utility official shall make an investigation of the applicant's credit stability, and, based upon the results of such investigation, shall determine whether or not the applicant must place a deposit with the city to guarantee the payment of charges made for services furnished. The type of investigation to be made, the sources of information, and the minimum requirements for service without a deposit shall be determined by the utility official; provided, however, his determination shall be based on factual information obtained from reliable sources and the amount of the deposit to be required in those instances where one is required shall be determined from the applicant's credit stability, the type of service requested, the use of the property to be served, and the experience of the department with similar customers. The director of public works and engineering is hereby authorized to subscribe to the services of a reputable credit reporting bureau on an annual basis.

(c) If a deposit is required, water service will not be commenced until the applicant has made the required deposit with the city.

(d) Each time a termination of service is made to a customer for failure to make timely payment of charges for water or sanitary sewer service, a recheck of the customer's credit stability will be made and a deposit will be required before water service is restored, if the utility official determines that it is necessary in order to protect the interests of the city.

(e) Deposits will be retained by the city until a satisfactory credit rating has been established by the customer making the deposit, or termination of services requested, or application for services to the same property or address is made by a new applicant.

(f) After a customer's water service has been discontinued at his request, and all water charges and fees have been fully satisfied, if he has a deposit with the department, he shall be entitled to have refunded to him the deposit or the remaining portion thereof after all charges due the city by the customer have been deducted from such deposit.

(g) In order to collect past due payments, the utility official may transfer account balances from one account to another for customers with more than one account (including accounts for different properties), but the utility official must give written notice to the customer.

Sec. 47-69. Potable water bills; charge for late payment.

(a) All potable water bills shall be payable in full based upon the rates and schedules provided in this division, on or before the due date stated on the customer's bill, unless the customer notifies the department in writing that he or she desires to challenge the correctness of the bill in an administrative hearing as described in section 47-70 70.1. If payment in full is not received by the department or an authorized agent by the due date and the customer has not requested an administrative hearing, the department shall bill such customer ten percent of the past due amount as a charge for late payment. Provided, that any bill attempted to be paid by a check or money order drawn on or issued by a

financial institution which has had its funds frozen by involuntary, or voluntary action after the attempt to pay the bill in such manner, shall not be charged in late fee if the bill is paid within 30 days from the date the customer has been notified that payment on the check or money order has not been honored. The director shall prescribe the form for the customer's bills.

(b) Notwithstanding the provisions of subsection (a), late charges shall not apply to governmental customers (unless otherwise provided by contract) ~~or~~, exempt senior customers, persons with a disability or disabled veterans.

As used in this subsection, the term "~~governmental customer~~" "governmental customer" means the United States, the city, and the state including its agencies and political subdivisions.

As used in this subsection, the term "exempt senior customer" means any customer who:

(1) — Is at least 60 years old;

(2) — Is a residential customer occupying the entire premises for which exempt senior customer status is requested; and

(3) — Has filed with the department an application for exempt senior customer status using the form prescribed by the director.

Sec. 47-70. Termination of service for failure to pay.

(a) If any customer ~~shall refuse or neglect~~ fails to pay charges for water service furnished by the city when due, ~~such customer shall be sent written notice by certified mail, by hand delivery to the premises where such service is provided, or by any other means reasonably calculated to the department shall notify such customer. Such notice shall describe the procedures prescribed herein by which the correctness of a bill may be challenged. (In the case of single-~~ about the delinquent bill, the amount the customer owes, and the right of the customer to an administrative review or hearing as provided by section 47-70.1 of this Code. The department shall give notice to single family residential customers, ~~such notice shall also inform the customer concerning the availability of the W.A.T.E.R. Fund established pursuant to Chapter 36 of this Code, and shall describe the procedures established by the director of the health and human services department for making chapter 36 of this Code for assistance in paying water and sewer charges. Provided, an application for assistance thereunder; provided, however, that an application for aid from the W.A.T.E.R. Fund shall not delay or otherwise affect the responsibilities of the customer or the city under this chapter.)~~ The customer shall be allowed ten days from the receipt of such written notice in which to express his intent to challenge the correctness of said bill by way of an informal administrative hearing. If such an intent is expressed by way of a telephone call or written response, a hearing shall be arranged as soon as practical following notice to the city of such intent. Said hearing shall be set at a reasonable

time and place and shall be held before a designated department official with the power to correct or adjust mistaken bills (each such official being designated by the director). Said customer (who may be represented by counsel or any other agent) shall be allowed to present such information at the hearing as is necessary to establish his complaint. Said customer may ask questions of any person offering information at such hearing and may examine any documents or records presented. After considering all information, documents and records presented, both by the customer and the city, the designated department official shall render a decision within five days of said hearing. If the official finds such bill is incorrect in whole or in part, he shall correct or adjust such bill as is necessary, including removal of any charges for late payment. If, however, the bill is found to be correct, the water shall be immediately turned off and not turned on again, except by authorized representatives of the department.

(b) No customer refund pursuant to subsection 47-70(a) above, in excess of the city council approval requirement limitation amount established pursuant to article II, section 19a of the city charter (inclusive of any related sewer charge refund pursuant to this chapter) shall be made except with the prior approval of the city council.

(c)(b) If a customer does not choose to challenge a charge for water service, then, at the end of the ten-day period following notice to the customer, the water shall be immediately turned off and not turned on again, except by authorized representatives of the department.

(d)(c) When the water supply to any property or premises of a customer has been disconnected or otherwise terminated by the department for failure of the customer to pay any water charges due and owing to the city, the water service to that customer at the affected property or premises shall not be resumed until and after all delinquent charges have been fully paid and satisfied, or satisfactory arrangements have been made with the director to pay such delinquent bills, and the delinquent customer has made any required deposit with the department. Whenever an umbrella account established under section 47-71 of this Code is delinquent, water service to each meter under that account may be terminated by the department in accordance with this subsection.

(d) The department shall charge the customer \$30 as the cost to restore water service after termination for nonpayment or, in case where there is a new tenant at the service address, the failure to make an application.

(e) In cases where the water has been turned off for nonpayment of charges for water or sanitary sewer services, and the customer has complied with the requirements of the city and is entitled to have the water turned on again, if the request for turning on the water is made by the customer between the hours of 8:00 a.m. and 5:00 p.m. of any weekday from Monday through Friday (except holidays authorized by city council for city employees), the charge for turning on the meter will be \$10.00. If the request for turning on the meter is made by the customer and the request is complied with by the city at any time other than that stated above, the charge for turning on the meter will be \$12.50.

(e) If the department has closed the water meter pursuant to the provisions of this chapter, and the customer, without the department's authorization, restores water service, the department shall charge the customer for water usage plus the following fees:

- (1) \$55 for first occurrence;
- (2) \$55 plus a penalty of \$75 for second occurrence; and
- (3) \$55 plus a penalty of \$230 for third and subsequent occurrences.

In the event the department requires a penalty, it must provide notice to the customer and allow the customer to contest the penalty at an administrative hearing as provided in section 47-70.1 of this Code.

~~(f) If the meter has been turned off for nonpayment of charges for water services, and it is turned on again by anyone other than authorized personnel of the department, the meter shall be turned off again and an additional service fee of \$10.00 will be assessed for each unauthorized turn on, or when, in the opinion of the director, the turning off of the water at the curb stop or removal of the meter or the locking of the curb stop is not sufficient protection for the city against the unauthorized use of water, the director may cause the water to be turned off at the corporation stop or the service line to be cut and plugged, and upon a reapplication for water service, the cost of reconnecting the service provided for in subsection (e) will be charged to the customer, plus an additional service fee of \$50.00. damaged in the attempt to unlawfully restore water services, the department shall charge the customer the actual cost to repair or replace the meter. If it is necessary for the department to place a locking device on the meter to prevent theft of water, the department shall charge the customer not only the cost to repair or replace the meter, but also the cost of the locking device.~~

(g)(f) The foregoing procedures shall also apply to sewer service charges. An informal administrative hearing as to the correctness of a charge for sewer service may be combined with a similar hearing on water charges for the same customer.

Sec. 47-70.1 Sec. 47-70.1. Disputing water bills; administrative review and hearing.

Customers have the right to request an administrative review and/or administrative hearing. The policies governing such review and hearing are prescribed by the utility official and will be available to any person upon request. The customer has 90 days from the date of the first bill that is disputed to request an administrative review or hearing.

An administrative review is an investigation by the department of the customer's account and relevant facts in order to resolve the dispute.

Administrative hearings may be held for disputes related to article I, division 1 of article II, and article III of chapter 47. The hearing shall be set at a reasonable time and

place and shall be held before a department hearing officer, designated by the utility official, with the power to correct or adjust water bills. Provided, however, the department shall not provide hearings for the following:

- (1) The terms or denial of a deferred pay agreement;
- (2) The amount, terms or denial of assistance from the W.A.T.E.R. Fund;
- (3) The customer's financial inability to pay for water services;
- (4) The rate schedule;
- (5) The amount of deposit;
- (6) The amount or application of late penalties;
- (7) Requests that are inconsistent with city ordinances;
- (8) The cost of administrative fees; or
- (9) A matter where the complainant is not the customer for the account.

The customer has the right to be represented by counsel or any other agent and shall notify the city at least two days prior to the hearing of such representation.

Termination of service is suspended by a request for an administrative hearing unless the service was terminated prior to the customer's request for the hearing, the customer closes or transfers his account to a new address, the customer fails to pay charges not in dispute or the customer has prevented the city from obtaining meter readings within the last 60 days.

Sec. 47-70.2. Acceptance and disposition of donations to the W.A.T.E.R. Fund.

(a) The ~~director~~ utility official is authorized to accept donations to the W.A.T.E.R. Fund, as established by section 36-61 of this Code, when made in the manner set forth herein. ~~The director~~ The utility official shall place such funds in the city's trust and agency account in trust for the W.A.T.E.R. Fund.

The ~~director~~ utility official shall include the following statement on all water and sanitary sewer bills:

"Check if ~~\$1.00~~ \$1 added as gift to W.A.T.E.R."

Whenever a customer's water or sanitary sewer payment shall exceed the amount then due by the exact sum of ~~\$1.00~~ \$1 and such customer has checked the box provided

on the bill for contributions to the W.A.T.E.R. Fund, the ~~director~~ utility official shall deem the excess a contribution in the amount of ~~\$1.00~~ \$1 to the W.A.T.E.R. Fund.

(b) Upon the written approval of the utility official, the department shall apply W.A.T.E.R. funds as a credit to a customer's water and sanitary sewer bill in the same proportion, which the water and sanitary sewer charges bear to the customer's total bill. Such donated and transferred W.A.T.E.R. funds shall be under the general direction and control of the utility official for all purposes and shall under no circumstances be commingled with water, sanitary sewer or other public funds.

Sec. 47-71. Meter reading not to be combined for billing purposes; exception for umbrella account.

(a) As used in this section, the following terms shall have the meanings set out below, unless the context clearly indicates another meaning is intended:

Contiguous: An establishment is contiguous if all included buildings lie on a continuous tract of land, except for division by a street, alley, sidewalk, right-of-way, natural or man-made waterway, or preserved green area.

Umbrella account shall mean a multifamily residential customer account established pursuant to this section.

(b) Except as provided in this section for umbrella accounts, the meter readings of two or more water meters, even though serving a single building or establishment, shall not be combined for billing purposes, but separate billing shall be made for the water metered through each individual meter based on the sliding scale of charges provided by this division, with the charge computed the same as if there were only one meter serving such customer building or establishment.

(c) A multifamily residential customer whose establishment is served by more than one meter may elect to establish an umbrella account under which all meter readings from its establishment are combined for billing purposes. In order to be eligible to establish an umbrella account the following criteria must be met:

- (1) The establishment must be contiguous, and all included buildings must be under the same ownership; and
- (2) The owner of the establishment must complete the application for the umbrella account and agree to the conditions required by this article.

(d) The following types of meters may not be included in an umbrella account:

- (1) submeters maintained by the customer;

- (2) meters for which the city bills for water service only, such as outdoor customer meters;
- (3) meters that measure wastewater discharge only; and
- (4) meters that determine the usage for a single unit only of the establishment.

(e) The utility official shall promulgate the application form for establishment of the umbrella account. The application shall include information regarding the address or addresses of the multifamily residential establishment, the nature of any factor that may determine whether the buildings or structures are contiguous, the name of the owner, the number of units in the establishment, the number of meters covered by the proposed account, and any other information deemed relevant by the utility official. The application must be signed by the owner or duly authorized agent thereof, and must be notarized.

(f) The utility official shall grant the owner an umbrella account if the utility official is satisfied that all criteria of this section are met, and the owner or his agent has completed the application for an umbrella account. The umbrella account shall be effective for the next billing period after approval by the utility official.

(g) The following events will terminate the umbrella account:

- (1) a transfer of ownership of the establishment in whole or in part; or
- (2) an election in writing by the owner of the establishment to terminate the umbrella account. Any such election to terminate shall not be effective until the end of the billing period during which the owner's notice is received by the department. An umbrella account that is delinquent may not be terminated by owner election.

(h) The provisions of this section relating to the establishment of umbrella accounts shall be effective July 1, 1993.

Sec. 47-72. Scaling or reduction of bill generally.

Any scaling or reduction of a water bill as shown by a meter is unlawful and is prohibited, unless such reduction is made in accordance with specific provisions of this division. Any officer or employee of the city scaling or reducing any meter bill, except in accordance with such provisions, shall be personally responsible for the reduction in the bill, and shall be dismissed from the city's service therefor.

Sec. 47-73. Testing meters; adjustments to bills.

(a) In case any consumer of water questions the correctness of a city water meter, he may obtain a test thereof upon written request therefor to the department. The customer

may additionally request that he be permitted to be present at the removal and testing of the meter in person or by agent.

(b) Upon the receipt of a written request therefor, the city shall cause the meter to be thoroughly and accurately tested. If the party complaining of the meter has requested that he be present for the removal and testing of the meter, he shall be given reasonable notice of the time thereof and be afforded the opportunity to be present and participate therein.

(c) Should the test of the meter complained of show that the meter registers more than 100 percent of the water delivered, the bill of the party complaining of the meter since his last payment shall be corrected according to the result of the test, and the meter shall be replaced by a correct meter, accurately tested before it is placed in service. Should the test show that the meter registers less than 100 percent of the water delivered, the bill of the party complaining since his last payment shall be increased in accordance with the test, and the party applying for the test shall pay such bill as increased, and in such event the city shall replace such defective meter with a good one, which has been accurately tested before being placed in service. All meters must meet the accuracy test guidelines of the American Water Works Association. The department shall adjust customer bills for up to 24 months on the basis of results of tests performed by the department. If the meter or register is defective, the department shall repair or replace it. If a meter is damaged so that it cannot be tested, the customer's account may be adjusted for up to 24 months based on the average usage.

(d) A correction of a water bill as the result of testing the meter, whether the bill be increased or diminished, shall never extend to any period before the last payment of the bill. When the department retests the meter at the request of the customer, the department shall bill the customer for the cost as follows:

- (1) If a customer requests that a meter be tested that is within the manufacturer's warranty period, and such meter when tested is accurate under the American Water Works Association guidelines; or
- (2) If the department has tested the meter within the previous 12 months, and such meter when retested at the request of the customer is accurate under the American Water Works Association guidelines, then the department shall charge the customer:

For field testing of meters less than three inches: \$25.

For bench testing of meters less than three inches: \$50 plus cost of the new meter and related electronic devices.

For bench testing 3 inch and larger meters: \$170 plus cost of the new meter.

(e) In the event the meter has been tested by the department within the previous 12 months and such meter when retested at the request of the customer is accurate within two percent error, then the department shall charge the following fees for meter testing:

- (1) For meters less than three inches in size, a field test shall cost \$12.50, and a test performed outside of the customer's premises shall cost \$47.50.
- (2) For meters three inches or greater in size, the cost shall be \$100.00 plus the actual cost of the test. Prior to any such test the department shall make an estimate of the total cost and require the customer requesting the test to make a deposit in the amount of \$100.00. Upon completion of the test, the department will provide the customer a detailed cost statement.

(e) If the department re-reads a meter at the customer's request, and the reading verifies that the department's original reading was correct (equal to or greater than the prior reading), the department shall charge the customer a fee of \$10. Provided, however, that exempt senior customers, disabled veterans and persons with disability are exempt from this fee.

Sec. 47-74. Adjustment of bill as result of defect in customer's line.

(a) Any residential, commercial, multifamily or outdoor customer of the city may request a correction of any water bill submitted to him by the city for water usage because of showing excessive usage due to a loss of water through an excusable defect in the customer's water line for a period not to exceed three consecutive months, by filing. In order to apply for the correction the customer must file a sworn written application with the utility official and mailing or delivering the same to the department within six months of the repair of the excusable defect. Customers may apply for no more than two such adjustments in any 12-month period for any one account. Such application shall contain the following matters and such other information as the utility official may require:

- (1) The name of the applicant, the address or description of the property or premises furnished water, the bill which is sought to be corrected, the date of the bill and the period of water usage covered thereby.
- (2) A statement of the date on which the excusable defect in the applicant's water line was discovered and the date on which it was repaired; and a statement that water was lost through the city water meter serving such property and that such water was not used in any manner by anyone.
- (3) A written acknowledgment that the applicant makes the statements shown on the application and swears to their veracity for the purpose of inducing the city to grant a reduction in the amount of the water bill for which a correction is requested.

- (4) The application ~~shall~~ must show whether or not there ~~have~~ has been any additional water ~~appliances~~ consuming devices placed in use on the ~~applicant's~~ applicant's premises during the period covered by such bill.
- (5) Documentation shall be submitted detailing the exact nature and date of repairs to the applicant's water line.
- (6) A statement that the applicant is personally familiar with all of the matters of facts stated in the application and sworn to therein, that they are made on his personal knowledge and that they are each true and correct.
- (7) The customer shall execute a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code and shall state that the applicant certifies that the application contains no false statements.

As used in this section the term "excusable defect" shall mean a rupture or leakage of the ~~customer's~~ customer's water lines as may be caused by freezing weather, settlement, corrosion, wear or accident. The term does not apply to defective or out-of-repair faucets.

(b) Applications under this section shall be made on forms prescribed by the director of public works and engineering.

(c) Upon receipt of a properly completed application, the utility official shall review such application, and if he approves the same as being in compliance with this section, the applicant's bill shall be corrected by applying to the amount of water consumption shown thereon in excess of the applicant's average water usage, a rate of charge equal to one-half of the normal rate of such water usage by a customer in the applicant's classification, which reduction in rate shall be accomplished in the following manner:

- (1) ~~The applicant's average water usage for a prior like period of time shall be determined~~ applicant's average usage shall be determined as set out in section 47-61 (b) of this Code. If the applicant has not been a customer for a sufficient length of time to make such determination, then the average water usage for a like period of time for city water customers living within the applicant's vicinity will be used. This average water usage so determined will hereafter be referred to as "average usage." ~~the department shall hold the adjustment for a sufficient period of time to calculate the average water usage.~~
- (2) From the total water consumption shown on the bill submitted for correction, the average usage will be deducted. The resulting figure will hereafter be referred to as "excess usage."

- (3) The excess usage will be considered consumption beyond the average usage, and one-half of the regular rate for consumption beyond the average usage (for customers in the applicants' rate classification) will be applied to the excess usage and this will determine the amount the applicant must pay for the excess usage.
- (4) The regular rate for customers in the applicant's rate classification will be applied to the average usage and this amount will be added to the amount due for the excess usage and the total of those two amounts will be the amount that the applicant must pay for water usage during the period covered by the corrected bill.
- (5) Provided, however, for multifamily residential customers that have established umbrella accounts, "average usage" and "excessive usage" under this section shall be determined with reference to each customer meter rather than the entire account as billed by the department.

(d) If the applicant has already paid the bill for which an adjustment is authorized under this section and the adjustment is no more than six times the applicant's average bill, the department shall credit the applicant's account the amount of the adjustment to be applied to the charges thereafter accruing. However, if the adjustment is more than six times the customer's average bill and the customer requests a refund, or the applicant can show extreme economic hardship to the utility official, the department shall refund the amount of the adjustment. The utility official shall determine whether extreme economic hardship exists.

If an applicant discontinues water service before subsequent charges have depleted the credit, the department shall refund to the applicant at the time of discontinuance the remaining credit balance minus any overdue debt the applicant owes the city.

(e) A determination by the utility official of the amount of a correction to be made in an applicant's water bill in accordance with the provisions of this section shall be final.

Sec. 47-75. Adjustment of unusually large bill.

(a) Any single-family residential customer who receives a water bill for any given month that is ~~computed on the basis of a gross quantity~~ greater than 200 percent of the average ~~monthly gross quantity applicable to such usage of the customer, the customer~~ may request an adjustment of the bill in the manner provided in this section; ~~provided, that for any given customer, .~~ Provided, that the customer must make an application within six months of receipt of such bill and only one such monthly bill out of any ~~series of 12 consecutive monthly bills may be adjusted under this section. The "average monthly gross quantity" applicable to a customer means the average gross quantity for water service to the same premises during the 12 months immediately preceding the month for which the adjustment is sought~~ If the applicant has not been a customer for a sufficient length of time for the department to determine average usage, the department shall delay the adjustment

until it can calculate the average usage. In order to request such an adjustment, the customer shall must file an application for the adjustment on a form furnished by the utility official. The application form shall contain a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code, and the customer shall must state that the application contains no false statements. The application shall identify the bill and briefly state:

- (1) The reasons for the request for the adjustment;
- (2) A description of the additional water appliances consuming devices or fixtures, if any, that have been placed in use by the customer during the current month or the preceding 12 months;
- (3) That there have been no plumbing repairs or necessity therefor during the month for which an adjustment is sought or that the nature of any plumbing defects was not such as would explain the additional usage; and
- (4) Such other information as the application utility official may require.

(b) Upon receiving such application, the utility official shall make an investigation to determine if an error was made, which investigation shall include inspection of the customer's water meter for accuracy and review of the customer's billing record. If the initial investigation reveals a billing or meter error, the utility official shall make an adjustment to correct the error. If the investigation does not reveal an error, the utility official may make such further investigation as the utility official deems advisable and shall give full consideration to the statements contained in the customer's application. If the utility official concludes that, in all reasonable probability, the customer was charged for more water than has the customer consumed during the month in question but is unable to actually account for such unusual quantity, the utility official shall recompute the bill using as the gross quantity 200 percent of the average monthly gross quantity applicable to the customer. A determination by the utility official made in accordance with the provisions of this section shall be final.

(c) If the customer has already paid the bill for which an adjustment is authorized under this section and the adjustment is no more than six times the customer's average bill, the department shall credit the customer's account the amount of the adjustment to be applied to the charges thereafter accruing. However, if the adjustment is more than six times the customer's average bill and the customer requests a refund, or the customer can show extreme economic hardship, the department shall refund the amount of the adjustment. The utility official shall determine whether extreme economic hardship exists.

If an customer discontinues water service before subsequent charges have depleted the credit, the department shall refund to the customer at the time of discontinuance the remaining credit balance minus any overdue debt the customer owes the city.

(d) The provisions of this section shall be cumulative of the provisions of section 47-73 of this Code.

Sec. 47-76. Charge for collecting in the field.

If a city collection representative makes a field call on a customer and a water or sewer bill is paid to the representative, a collection charge of \$5.00 shall be added to the amount of such bill.

Sec. 47-77. Charges for disinfection of potable water mains by city employees.

(a) This section shall be applicable on all construction contracts for potable water mains constructed or renewed under city specifications where the mains are disinfected (chlorinated) by employees of the department.

(b) The director shall prescribe policies, procedures, and rates to be paid by contractors for the disinfection of newly constructed or renewed water mains. Such policies, procedures, and rates will be made available to the contractor prior to the completion of the construction.

(c) The rates for disinfection shall be established yearly by the director and shall be subject to approval by the city council by motion duly adopted.

Sec. 47-78. Delinquent customers to provide certain information to utility official.

The utility official may require any delinquent customer to provide the city:

- (1) The name and address of the owner of the service address of such customer; and
- (2) The full legal description of the service address of such customer.

Sec. 47-79. Charge for billing information.

Any customer may request an itemized summary of the department's billing records in accordance with procedures and forms promulgated by the director of public works and engineering. Each such request shall include payment to the city of a copying fee determined as follows:

\$10.00 per request for the previous 12 months; plus

\$10.00 per request for each additional 12-month period or fraction thereof for which billing information is requested.

Secs. 47-80--47-83. Reserved.

DIVISION 2. UNTREATED WATER

Sec. 47-84. Statement of policy; untreated water rates where there is no contract.

(a) This division applies to all sales of untreated water by the city.

(b) The policy of the city is that the provisions of this division, shall be deemed a part of every city contract for sale of untreated water for industrial, municipal use, or agricultural use.

(c) It is the city's policy that no guarantees or warranties of any sort shall be made with respect to continued service, water quality, prices, quantity, pressure or any other matter relating to the furnishing of untreated water, unless such guarantee or warranty is contained in a written contract approved by city council.

(d) When no contract is in effect, there are no warranties or guarantees of any sort, nor shall there be any minimum monthly quantity, and any water taken by any such customer in the absence of a water supply contract shall be paid for at the following rates per month:

- (1) First 10,000,000 gallons, \$1.060 per 1,000 gallons.
- (2) Next 10,000,000 gallons, \$0.953 per 1,000 gallons.
- (3) Next 30,000,000 gallons, \$0.899 per 1,000 gallons.
- (4) Next 100,000,000 gallons, \$0.845 per 1,000 gallons.
- (5) Amount in excess of 150,000,000 gallons, \$0.818 per 1,000 gallons.

Editor's note--Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted in 2005, 2006, and 2007.

Sec. 47-85. Contract rates and terms of service.

Subject to variations as provided in section 47-86 of this Code, sales of untreated water under written contracts for industrial and municipal use shall be made in consideration of the requirement that the buyer agrees to purchase at least ninety percent of all its untreated water requirements from the city; however, the buyer shall not be required to purchase a minimum quantity during each month. Untreated water contracts shall include provisions limiting the city's obligation to deliver water to a stated contract quantity, and the buyer shall be required to pay a surcharge equal to five percent of the otherwise applicable cost for the portion of the water delivered to the buyer which exceeds the contract quantity whenever the amount actually delivered exceeds the contract quantity by ten percent or

more. The rate for untreated water sold pursuant to this subsection is \$0.4238 per 1,000 gallons.

Editor's note--Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted in 2005, 2006, and 2007.

Sec. 47-86. Same--Variations.

(a) If a contract under this division provides for delivery of water by the city at some point away from the main San Jacinto River conveyance systems and the Trinity River conveyance systems of the city and the Coastal Industrial Water Authority, the rate of the otherwise applicable schedule will be increased by agreed amounts so as to allow for the additional cost of service factors, including amortization of the cost of additional facilities and interest.

(b) A customer taking untreated water under this division will be relieved from its obligation to take, or pay for, its minimum quantity of water for a single annual period of time, not to exceed 14 days in any calendar year, if such customer's plant or facility substantially ceases operations during such period and if the conditions of this subsection (b) are met. The customer must apply to the utility official at least 30 days prior to the beginning of the cessation of operations. The application, on a form provided by the city, shall be made under oath by the customer, or its duly authorized agent, and shall contain the following:

- (1) The beginning and ending dates of the cessation of operations and a request that minimum payments be suspended between such dates;
- (2) The dates of the last preceding cessation of operations and suspension period, if any;
- (3) The reason that such cessation of operations is necessary;
- (4) A statement that the cessation of operations cannot reasonably be avoided. If the reason for cessation is maintenance of the customer's plant or facility, the application must state that such maintenance cannot practicably be performed without a cessation of operations.

Upon approval of the application by the utility official, the customer's monthly bill or statement shall be adjusted prorata so as to relieve the customer of that portion of its minimum monthly payment corresponding to the cessation period. The provisions of this subsection shall not apply to any circumstances defined as force majeure in any water supply contract or to any other suspension of payments provided for in such contracts.

Sec. 47-87. Bills; penalty for late payment.

The water division will read the meter of each customer of untreated water for industrial and municipal uses on the first day of each calendar month and will render to each customer, on or before the tenth day of each month, a statement showing the quantity of water delivered, the payment which is due for water during the preceding month, and the time when payment is due. The statement will be mailed to such address as customers, from time to time, furnish the water division. If a customer fails to pay any amount when due, interest thereof shall accrue at the rate of ten percent per annum from the date when due until paid. The statements will refer to the penalty for late payment.

Sec. 47-88. Provisions of long-term contracts.

Long-term contracts authorized pursuant to the provisions of section 402.021 of the Texas Local Government Code may contain special provisions not inconsistent with the provisions of this division regarding options for additional water, stand-by charges, and other provisions in consideration for contractual commitments from customers to purchase their surface water requirements from the city over long periods of time.

Sec. 47-89. Rates and terms for sale of untreated water for irrigation use.

(a) The rates for untreated water sold for irrigation purposes pursuant to written contracts shall be as follows:

- (1) If such water is not pumped from the canal or conveyance system: \$53.87 per acre to be watered initially plus \$9.81 per acre to be watered for each additional watering during the annual term of the contract, or
- (2) If such water is pumped from the canal or conveyance system:
 - a. For the initial watering: The greater of \$53.87 per acre to be watered or \$53.87 per million gallons actually used; and
 - b. For each additional watering during the annual term of the contract: The greater of \$9.81 per acre to be watered or \$9.81 per million gallons actually used.

(b) All persons desiring to purchase untreated water for irrigation purposes shall apply to the director for such purchases.

- (1) Each application must:
 - a. Be in a form specified by the director;
 - b. Be filed with the director on or before April 1 of a year for a purchase during that year (the director may extend the deadline at his discretion);

- c. Contain the complete legal name of the person applying for purchase of untreated water for irrigation purposes (the "applicant") and the applicant's business address and telephone number;
- d. Contain a description of the land to be irrigated, such that the land may be located with ease and certainty;
- e. Contain the number of acres to be irrigated to the nearest tenth of an acre;
- f. State whether the applicant will use gravity or a pump to convey untreated water to the land described in the application, and if a pump is used, state the make, model, age, size, condition and location of all pumps and self-reading (or self-recording) meters;
- g. Contain an agreement by the applicant to be bound and abide by the provisions set out in this section; and
- h. Be signed by the applicant, or by a person authorized to bind the applicant to contracts and agreements.

(2) The director shall examine each application for purchase of untreated water for irrigation purposes. An application shall be approved if the director determines that:

- a. The city reasonably anticipates a surplus of untreated water after filling the needs of its domestic, commercial and industrial customers such that it may serve irrigation customers;
- b. The applicant's pumps, meters and other facilities are satisfactory.
- c. The applicant is not in arrears for water previously taken for irrigation purposes; and
- d. The application complies with this Code.

(c) The following provisions shall apply to all sales of untreated water sold for irrigation purposes:

- (1) Water shall be taken only from a point approved by the director;
- (2) Water may be taken only when the director determines that a surplus of water remains after the needs of domestic, commercial and industrial customers are fully met;

- (3) If water is to be taken through a self-reading or self-recording meter, the applicant shall have the obligation to install and maintain the meter at the applicant's own expense, and shall have the meter tested for accuracy whenever requested by the director. If any test results indicate that the meter is inaccurately measuring the water by two percent or more, the applicant shall recalibrate the meter or replace it;
- (4) The applicant shall have full responsibility with respect to any damages to persons or property caused by the water after it leaves the canal, and shall indemnify the city for any such damages;
- (5) The city shall not be liable for any damages caused by failure to furnish water to the applicant for any reason;
- (6) The applicant shall construct all canals, levees, banks, ditches and other improvements reasonably deemed necessary by the director to receive water and to prevent the waste thereof;
- (7) The applicant shall not sell or otherwise make available to other parties any water delivered for irrigation purposes;
- (8) The city shall have a lien on crops produced on the irrigated land until all sums owing are paid in full, or until the director releases said lien in whole or part;
- (9) No warranties or representations are made by the city with respect to the quality of water sold, or its suitability for crop irrigation purposes, and it shall be the applicant's responsibility to determine whether the water is suitable for irrigation purposes.

(d) Payment for untreated water for irrigation purposes supplied during any year shall be made on or before November 1 of that year (for the first watering) and on or before December 1 of that year (for any subsequent watering) to the city water division at City Hall, or at such other place as the director may specify. Interest shall accrue on any unpaid balance at the rate of ten percent per annum until paid.

Editor's note--Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted in 2005, 2006, and 2007.

Sec. 47-90. Sale of groundwater pumping certificates.

The director is hereby authorized to sell city groundwater pumping certificates issued by the Harris-Galveston Coastal Subsidence District ("certificates"). Transfer of any such certificate may be made only upon tender of payment to the director.

Rates for certificates are as follows: participants in the city's southeast water treatment plant will be charged the current operations and maintenance rate for the southeast water treatment plant or the latest price charged for certificates by the Harris-Galveston Coastal Subsidence District, whichever rate is higher. All other buyers will be charged the base rate for contract treated water service for customers that receive surface water only from the city.

Certificates may be sold only if the director determines use of the certificates is not required by the city. Documents evidencing sale of certificates must be approved by the legal department as to form.

Secs. 47-91--47-100. Reserved.

DIVISION 3. WATER USED BY CITY

Sec. 47-101. Generally.

(a) Other departments or divisions of the city shall be deemed a customer of the water division with respect to each meter or connection which serves areas or structures which:

- (1) Are used primarily for or in connection with activities for which fees, charges or other nontax revenues are paid to the city; and
- (2) Are under the control of a department or division of the city which is shown as a revenue-supported, "enterprise" operation in the most recently published annual financial report of the city.

(b) The director shall bill each such department or division monthly, and each such department or division shall pay for water used by it upon receipt of the bill.

Sec. 47-102. Sale to state.

The sale of unmetered water to the state department of highways and public transportation for use in its street sweepers and herbicide trucks and other similar purposes is hereby authorized provided that the utility official requires that adequate reporting procedures by such department to the city are established in order to insure that water furnished by the city to such department is paid for.

Secs. 47-103--47-120. Reserved.

ARTICLE III. CITY SEWER SERVICE CHARGES

Sec. 47-121. Definitions.

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

Average usage. The customer's average monthly water usage as determined by the utility official on the basis of historical usage and other relevant factors.

~~(a)~~ *City sanitary sewer system.* The sanitary sewer and waste disposal system owned, maintained and operated by or on behalf of the city in order to furnish sanitary sewer and waste disposal services, including, but not limited to waste treatment facilities including fertilizer plants, plants, disposal fields, lagoons and areas devoted sanitary landfills for purposes of treating, neutralizing, stabilizing or disposing of waste, and sewer systems including pipelines, conduits, canals, pumping stations, force mains, and all other constructions, devices and appurtenant appliances used to transport waste, as such system may be now constituted or as it may be hereafter improved, enlarged or extended by construction, reconstruction, acquisition, annexation or otherwise.

~~(b)~~ *Commercial user.* Any business or establishment that is not an industrial user and is (i) identified in the 1987 Edition of the Standard Industrial Classification Manual, or (ii) is served by an intake meter one inch or greater.

Customer. Any person who has applied for or contracted with the city for sewer service. The term also includes a person or entity that resides at the service address. A customer may have more than one meter and more than one property with sewer service, but each meter will have a separate account number.

~~(c)~~ *Duplex residence.* A single building equipped for occupancy as a permanent residence by two families.

~~(d)~~ *Industrial user.* Any business or establishment that discharges industrial waste as defined in Article V of this chapter.

~~(e)~~ *Light commercial user.* Any business or establishment with an intake meter of 3/4 inch or less that is not a residential, commercial, or industrial user.

~~(f)~~ *Multiple-dwelling units.* One or more buildings, each equipped for occupancy by three or more families and used as a permanent residence by those families.

~~(g)~~ *Person.* Persons, individuals, firms, partnerships, companies, corporations, and governmental entities, whether one or more or a combination of one or more thereof.

Person with disability. This term has the meaning ascribed in section 36-62 of this Code.

~~(h)~~ *Residential user.* A single-family residence, or a duplex residence, or a multiple-dwelling residence, or any combination of same.

~~(i)~~ *Single-family residence.* A residential establishment serving a single family, or household, which may not include separate living quarters. In those instances where there is no meter on the water supply to the principal household, separate living quarters shall be considered as a separate residence and a separate sewer service charge shall be applied.

Sec. 47-122. Rates, for users taking city water.

(a) *Residential users.* The monthly charge for sanitary sewer service for each residential user shall be computed on the basis of the quantity of water furnished to the user's premises as measured by the city water meter or meters serving such premises, as follows:

- (1) For each single-family residential customer with a gross quantity of 3,000 gallons or less in a given month, the charge for sewer service is \$6.10.
- (2) For each single-family residential customer with a gross quantity greater than 3,000 gallons, but not greater than 4,000 gallons in a given month, the charge for sewer service is \$14.75.
- (3) For each single-family residential customer with a gross quantity greater than 4,000 gallons, but not greater than 5,000 gallons in a given month, the charge for sewer service is \$17.51.
- (4) For each single-family residential customer with a gross quantity in excess of 5,000 gallons in a given month, the charge for sewer service is \$3.70 per 1,000 gallons, plus a \$1.08 service fee.
- (5) For other residential customers, the charge for sewer service is \$3.70 per 1,000 gallons, plus a \$1.08 service fee.

(b) *Commercial users.* The monthly charge for sanitary sewer service for each commercial user shall be computed on the basis of the quantity of water furnished to the ~~user's~~ user's premises as measured by the city water meter or meters serving such premises as provided below:

- (1) Minimum charge for 2,000 gallons or less of water usage: \$12.46.
- (2) Additional charge for additional water usage in excess of the first 2,000 gallons: \$4.74 per ~~1,000~~ 1000 gallons.

(c) *Light commercial users.* The monthly charge for sanitary sewer for each light commercial user shall be computed on the basis of the quantity of water furnished to the

user's user's premises as measured by the city water meter or meters serving such premises as provided below:

- (1) Minimum charge for 2,000 gallons or less of water usage: \$10.42.
- (2) Additional charge for additional water usage in excess of the first 2,000 gallons: \$3.71 per ~~4,000~~ 1000 gallons.

(d) *Industrial users.* The monthly charge for sanitary sewer for each industrial user shall be computed on the basis of the quantity of water furnished to the user's user's premises as measured by the city water meter or meters serving such premises as provided below, plus the industrial waste surcharges required under the provisions of section 47-143 of this Code:

- (1) Minimum charge for 2,000 gallons or less of water usage: \$12.51.
- (2) Additional charge for additional water usage in excess of the first 2,000 gallons: \$4.76 per ~~4,000~~ 1000 gallons.

Editor's note--Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted in 2005, 2006, and 2007.

Sec. 47-123. Rates for users not receiving water from city.

The monthly sanitary sewer service charge for each user having a private water supply or receiving water from a source other than the city's water system and whose water supply is not self-metered and billed as provided in section 47-128 of this Code, shall be as follows:

- (1) *Single family residence:* \$15.94 per month.
- (2) *Duplex residence:* \$30.80 per month.
- (3) *Multiple dwelling units, per single family unit:* \$15.94 per month.
- (4) *Light commercial user rate, per commercial equivalent:* \$34.64 per month. Each light commercial user shall pay the cost of a single commercial equivalent unless such light commercial user requires additional commercial equivalents of service as determined by the table in section 47-1002 of this Code.
- (5) *Commercial user rate, per commercial equivalent:* \$43.34 per month. Each commercial user shall pay the cost of a single commercial equivalent unless such commercial user requires additional commercial equivalents of service as determined by the table in section 47-1002 of this Code.

- (6) *Industrial user rate, per commercial equivalent: \$43.53 per month. Each industrial user shall pay the cost of a single commercial equivalent unless such industrial user requires additional commercial equivalents of service as determined by the table in section 47-1002 of this Code.*

Editor's note--Ordinance No. 2004-299, passed April 14, 2004 requires the annual adjustment of water and sewer rates effective on the first of April. The adjustment is based on the change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area. The rates were adjusted in 2005, 2006, and 2007.

Sec. 47-124. Reserved. Property located outside city.

For sewer service to property located outside the limits of the city, where there is no existing contract with the city precluding the application of the charges established by this article during the term thereof, the charges to be made by the city for such service shall be 1.15 times the amount of charges for like service within the city limits.

Sec. 47-125. Reduced rates or free service.

All persons owning, renting, leasing or having management or control of property or premises that produce waste that is discharged into the sanitary sewers of the city, including domestic waste, and subject to the provisions of this article, shall be charged the rates established in this division, and no reduced rates or free sanitary sewer service shall be furnished to any such person, property or premises.

Sec. 47-126. Deposit to secure payment.

Persons who are not water customers of the city shall be required to Applicants for sewer service only shall post a deposit with the department in the amount of \$20.00 for each family unit involved for two or less units, and \$10.00 per unit for over three families with a minimum deposit of \$30.00. Such deposit is solely to secure payment of charges made for sewer service. Based upon the amount of water used as reflected by the water meter readings, such required deposits may be increased as to any customer when, in the opinion of determined by the utility official, it should be, in order to protect the city in the payment of its charges made under the provisions of this article. Upon termination of service, the city shall apply the deposit on hand to the unpaid charges of the customer and the excess, if any, will be paid to the customer. as provided in section 47-68 of this Code.

Sec. 47-127. Determination of charges generally.

In those instances where water meters are provided on the sources of water providing water to the facilities discharging into the sanitary sewer system of the city, water usage will be determined from the water meter readings, for the purpose of determining the sewer service charge. As to such water sources that are not metered, estimates of water

usage will be made by the city and sewer service charges based upon such estimates will be in addition to those determined from water meter readings.

Sec. 47-128. Metering water not furnished by city to determine charge.

Any person discharging waste from any property or premises into the sanitary sewers of the city who has a private source of water supply or who receives his water supply from a source other than the city may choose to install a water meter of the type and standard approved by the department for the purpose of measuring the amount of water taken into such facilities. Such meter shall be installed in a location approved by the department and accessible to the water meter readers of the city at all times during the hours from 4:00 a.m. to 5:00 p.m., Monday through Saturday of each week of each year. The water consumption indicated by such meter shall be the basis of determining the sewer charge provided for in this article, to be billed at the applicable rate as stated in section 47-122 of this Code.

Sec. 47-129. Metering water not discharged into sewer system to determine charge.

(a) Any person customer discharging wastewater into the sewer system, except a single-family residential user, who takes water for the manufacture of a product or as cooling water, such that may receive credit for that portion of the water provided to his or her facilities that is not discharged into the sanitary sewers of the city may, at his under the city's submeter credit program.

(b) In order to apply for the submeter credit program, the customer must submit to the department an application together with a non-refundable fee of \$250. The customer must meet all guidelines specified herein to qualify and remain in the submeter credit program.

(c) The customer shall, at his or her own expense, install a water meter submeter(s) of a type and design, and at a location approved by the utility official, on the water intake sources of such facility, and the city will accept. The department shall inspect and approve the submeter installations to ensure that the department's standards are met.

(d) The customer shall take monthly readings from such meter taken and provided to the city by such person or his duly authorized agent. Such monthly readings shall be furnished on forms provided these submeters within two days of the date specified by the utility official and sworn to as correct by the person taking the reading. The department shall not accept readings taken outside this time frame. The customer shall provide the readings as required by the utility official. The department shall charge a monthly administrative processing fee of \$40 for participation in the submeter credit program. This fee will be deducted from the monthly credit given to the customer.

It shall be the obligation of the customer to test such water meter(e) The customer shall test all submeters at least once every 12 twelve months and provide the city by

certified mail department a certificate reporting the results of the tests, which shall. The test must include:

- (1) A determination of the accuracy of the meter, submeters, and
- (2) A determination that water passing through the meter is not no water is discharged into the sanitary sewers of the city except water that is measured by the blow-down submeter.

Such testing must be conducted by a technician certified to perform the testing and employed by a company approved:

Such testing shall be conducted by a licensed plumber, and both the customer and the licensed plumber must sign the certificate of test results. The form for the certificate shall be prescribed by the utility official for such testing. It shall also be the customer's customer's responsibility to notify the department within a reasonable time in advance of the test so that the department may, if it chooses, have a witness present during such test. If upon any such test-test results show the percentage of accuracy is found to be within the accuracy tolerance as established by the manufacturer's specifications, such meter shall be determined to have correctly measured the quantity delivered to the sewer system. If, however, upon any such test the percentage of accuracy is found to be in excess of not within the accuracy tolerance specified by the manufacturer's specifications, then such meter shall be immediately adjusted to register correctly the quantity not delivered to the sewer system. The billings to such customer shall be adjusted for a period extending manufacturer, then the customer shall repair or replace and retest the meter. The department shall bill the customer by (1) adjusting the sewer bill back to the time when the inaccuracy began, if such time is ascertainable, or (2) adjusting the sewer bill for a period extending back one-half (1/2) of the time elapsed since the date of the last test or the date of the last adjustment, if the time is not ascertainable. of the meter.

(b) The amount of water indicated by such monthly reading of such meter will be deducted from the city's reading of the city's water meter providing water to such property and the resulting amount will be the water usage upon which the sanitary sewer service charge established by this article will be computed. In the event such(f) Under the submeter credit program, the department shall determine the quantity of wastewater for billing purposes by subtracting the monthly reading of the customer's submeter from the monthly reading of the city's meter. In the event the property is not supplied water by the city, such meter reading will be deducted the department shall deduct the submeter readings from the total water usage furnished to such the property as estimated by the utility official as provided for in this article.

(e)(g) A customer taking water for cooling purposes under the submeter credit program must also maintain an acceptable range of cycles of concentration as indicated by the ratio of make-up water to blow-down water from the submeter readings in order to receive credit. The utility official will determine the acceptable range of system cycles of concentration based on industry standards.

(h) If the submeter readings are not within range compliance, the department shall notify the customer and allow the customer a 30-day period to make corrections. During this 30-day period, the department shall give the customer a credit based on the credit for the same period of the prior year, subject to prior year compliance as defined in subsection (g) of this section. After the 30-day correction period, the department shall not give credits to the customer until submeter readings fall within range compliance.

(i) The department shall remove any customer from the submeter credit program if such customer fails to submit submeter readings for six consecutive months or more. The customer may reapply for the program by meeting all herein specified requirements. No credits shall be given to a customer for the period during which program participation was terminated.

(j) No facility for which a meter submeter is installed under the provisions of this section shall may be connected to the sanitary sewer system of the city, without the owner thereof having first notified in writing unless the customer secures the written approval of the utility official of such for the proposed connection.

(k) The department shall have the right, at any time during regular business hours, to check the meter reading on such meter to inspect the submeters installed to measure the amount of water provided to the facility not discharging waste into the city's sanitary sewers, and to remove and test such meter at any time, and not discharged into the city's sanitary sewer system. The department may also require submeter calibration tests to be performed at any time to ensure accuracy of the submeters.

(l) Any person who has approval from the department for a submeter credit program and who knowingly submits false information to the city for the submeter credit program or who connects his or her facilities to the city's sanitary sewer system without notifying the utility official shall be guilty of an offense. In addition, the department shall remove the customer from the submeter program for a period of one year.

(m) If a facility does not discharge into the city's sewer system and the water to which is furnished by the city's water system, may be metered by a city water meter connected to a separate service line from the city water main and located in the utility easement, upon the making of application therefor by the owner of such property and making the required deposits and paying the meter charge and connection fees provided for by this chapter, and such meter shall be read by the city's meter reader and will be subject to the established water rates and charges of the city the same as any other metered water connection to a city main.

(f) Any person making a false affidavit as to the amount of water usage registered by a meter installed under the provisions of this section, or any person representing to the city that the facility for which a meter is installed under the provisions hereof does not discharge waste into the city's sanitary sewer when, in fact it does, or any person having

facilities for which such a meter is installed who subsequently connects such facility to the city's sanitary sewer system without notifying the utility official, shall be guilty of an offense. Each and every day that such violation continues shall constitute a separate offense punishable as such.

Sec. 47-130. Reserved. Engineering study to determine charge where portion of water not discharged into sewer.

(a) Any person discharging wastewater into the sewer system, except a single-family residential user, who takes water for the manufacture of a product or as cooling water, such that water provided to his facilities is not discharged into the sanitary sewers of the city, may make an application to the utility official requesting that an engineering study of his property be made.

(b) Applications for an engineering study made under the provisions of this section shall be upon forms promulgated and furnished by the utility official, and the applicant shall furnish all the information and other matters requested therein. The fee for making an engineering study under the provisions hereof shall be \$1,100.00. No fee shall be required for studies initiated by the utility official subsequent to the first application. The fee is to reimburse the city for the expense of making the engineering study and report. Each applicant shall agree, as a condition precedent for the engineering study, to indemnify and hold harmless the city from any and all such liability for any act or omission by the city, its agents and employees, committed while conducting the engineering studies and tests provided for herein, causing or resulting in damages to the property or person of the applicant, his agents, employees and invitees.

(c) Upon receipt of an application and the fee required herein, the utility official will, as soon as possible, make an engineering study of the applicant's property and facilities. In those instances where, in the opinion of the utility official, based upon an engineering study of the property and facilities of the applicant, it is impractical or unfeasible for the applicant to install one or more meters to measure the amount of water passing through the water meter serving such property and not being discharged into the sanitary sewers of the city, the utility official is authorized to make an engineering study to determine the percentage of the amount of water passing through such meter that is being discharged into the sanitary sewers of the city. A report of such determination, showing the basis thereof, shall be certified to by the utility official and one copy shall be filed with the city secretary and one copy shall be retained by the utility official. Such report, when so filed, shall constitute the basis upon which the sewer service charge established by this division shall be computed.

(d) The utility official is authorized, at his discretion or on written request from an applicant, to make such additional engineering studies from time to time of any such property and facilities to check the current accuracy of the file report on any such property, and if it is determined that the file report is more than five percent inaccurate, a new report based upon the latest studies, shall be filed with the city secretary to replace the prior one. A complete copy of such report shall be retained by the department for billing purposes. No change in the basis of computing the sewer service charge for any property will be made

until the first billing date after the filing by the utility official with the city secretary of the first or any subsequent report. Requests by an applicant for a restudy under the provision hereof will not be accepted or acted on more often than once in every 12 month period (annually) subsequent to the filing of the first report on the applicant's property.

(e) In the event it is necessary that certain testing instruments be installed, or that existing equipment or facilities located on the applicant's property be altered, adjusted, disconnected or temporarily moved in order to facilitate the making of an engineering study or test under the provisions of this section, all of the foregoing shall be done by and at the expense of the applicant.

(f) When the utility official has, as a result of an engineering study made under the provisions of this section, determined the percentage of metered water passing through the water meters serving a property that is being discharged into the sanitary sewers of the city, or when the amount of metered water passing through the water meter serving such property and which is not being discharged into the city's sanitary sewers is determined from a water meter installed to measure the amount of such water, future billings by the city for sanitary sewer service to such property shall be adjusted in order to charge such customer only for that amount of metered water that is being discharged into the city's sanitary sewers. city's sewer system but does take water from the city, all applicable rates and requirements of this chapter for water service shall apply to the customer responsible for such facility.

Sec. 47-131. Determination of charge where user maintains more than one source of water supply.

(a) Where a sewer system user maintains more than one source of water supply, and only one source produces sewage flow discharging into the sanitary sewer system of the city, the sewer service charge shall be determined by metering only that source of water supply. Failure of the owner or operator to install the necessary approved meter will constitute an agreement and consent by such owner or operator that the city's estimate of the total water usage, irrespective of actual discharge, will be the basis upon which the sewer charge will be based.

(b) The city's estimate of water usage may be made by whatever means and calculations the utility official determines to be fair and equitable, and which will reasonably reflect the approximate water usage of such premises.

Sec. 47-132. Responsibility for charges for multiple living units.

Where the city does not supply the source of water for all multiple living unit connections, the owner of the premises will be held responsible for the sewer service charge, where individual water meters are not provided for each living unit.

Sec. 47-133. No deductions for vacancies in apartments or duplex residences; removal of apartment or duplex unit from service.

No deductions will be made for vacancies in the application of the minimum sewer service charge to apartments or duplex residences in any classification. An apartment unit or duplex unit removed from such service by remodeling or abandonment will be relieved of payment of a sewer service charge, but correction of the city's records must be requested by the owner in writing or by signing the proper forms provided by the city.

Sec. 47-134. Billing.

(a) Billing for sewer service charges shall be made to the water customers of the city concurrently with the monthly or bimonthly water bills issued by the city to such customers. Those ~~persons~~ customers without water meters or with a source of water supply other than the city will be billed on those same dates. As to those persons discharging into the ~~sewers~~ sewer of the city who are not water customers of the city, bimonthly bills shall be sent to them for the charges incurred during the preceding two months.

(b) All sewer bills shall be payable in full based upon the rates and schedules provided in this division. ~~The provisions of section 47-69 of the Code shall be applicable to the date of payment and charges for late payments, on or before the due date stated on the customer's bill, unless the customer notifies the department in writing that he or she desires to challenge the correctness of the bill in an administrative hearing as described in section 47-70. If payment in full is not received by the department or an authorized agent by the due date and the customer has not requested an administrative hearing, the department shall bill such customer ten percent of the past due amount as a charge for late payment. Provided, that any bill attempted to be paid by a check or money order drawn on or issued by a financial institution which has had its funds frozen by involuntary, or voluntary action after the attempt to pay the bill in such manner, shall not be charged in late fee if the bill is paid within 30 days from the date the customer has been notified that payment on the check or money order has not been honored. The director shall prescribe the form for the customer's bills.~~

~~(c) Notwithstanding the provisions of subsection (a), late charges shall not apply to governmental customers (unless otherwise provided by contract) or exempt senior customers.~~

~~As used in this subsection, the following term "governmental customer" means the United States, the city, and the state including its agencies and political subdivisions.~~

~~As used in this subsection, the term "exempt senior customer" means any customer who:~~

~~(1) Is at least 60 years old;~~

~~(2) Is a residential customer occupying the entire premises for which exempt senior customer status is requested; and~~

~~(3) Has filed with the department an application for exempt senior customer status using the form prescribed by the director.~~

Sec. 47-135. Adjustment of bill.

In the event any adjustment in a water bill under the provisions of this chapter affects the basis on which the city sewer charge is levied for the same period, an appropriate adjustment in the sewer charge shall be made.

Sec. 47-136. Discontinuance of service for failure to pay.

The city shall have the right to discontinue either or both water and sanitary sewer service to any person customer discharging into the sanitary sewers of the city, who fails or refuses to make timely payment of the sewer charges for which he is billed; provided, however, in the event of a dispute as to the amount of charges made, service shall not be terminated if the person charged customer follows procedures prescribed in section ~~47-70~~ and a designated department 70.1 of this Code and a hearing official determines that the disputed charges are incorrect.

The city shall have the right to discontinue water and sanitary sewer service to any other property owned by the customer if that customer fails to make application or fails to make timely payment of the sewer charges. The cost to restore water service after termination for nonpayment shall be the same as provided in sections 47-70(e) and 47-70(f) of this Code.

Sec. 47-137. Continued use of sewer after refusal to pay.

Any person failing or refusing to pay the charges provided for in this article, or to deposit the proper sum in the event of a dispute as to the amount of such charges, in the time and manner provided, and who continues to discharge waste from his property into the sanitary sewer systems of the city shall be guilty of an offense and upon continuance thereof shall be fined as provided in section 1-6 of this Code. Each and every day that such violation continues shall constitute a separate offense and shall be punishable as such. The conviction of a person for such an offense shall not be a bar to the institution by the city of a suit for the collection of the delinquent charges and for an injunction to enjoin such person from discharging waste into the sanitary sewer systems of the city without complying with the provisions of this division and paying the charges established hereby.

Sec. 47-138. Violations of article; furnishing city false information.

Any person violating any of the provisions of this article or knowingly furnishing the city with false or fraudulent information, or failing to comply with the provisions hereof, shall be guilty of an offense and, upon conviction thereof, shall be fined as provided in section 1-6 of this Code. Each and every day that such violation continues shall constitute a separate offense and be punishable as such. This penalty shall be in addition to any other remedy, penalty or sanction provided for herein.

Sec. 47-139. Charges for collection and disposal of refuse from sewage holding tanks and septic tanks in the Lake Houston vicinity.

(a) The ~~director may~~ utility official shall prescribe rules and regulations for the collection and disposal by the city department of refuse from sewage holding tanks and septic tanks located in the Lake Houston vicinity. As used herein, the "Lake" Lake Houston vicinity" includes the lake itself and all territory, which is either within 200 feet of the lake shore lakeshore or within the watershed of the lake.

(b) ~~For any such collection and disposal services provided, there shall be charges collected as follows:~~ The charge for sewage collection shall be:

- (1) For services to tanks on houseboats or on other vessels: ~~\$10.00~~ vehicles, \$50 per collection.
- (2) For service to any other tanks: ~~\$15.00~~ \$115 for the first ~~600~~ 500 gallons or any part thereof, ~~per collection~~, plus ~~\$1.50~~ \$20 for each additional ~~one hundred (100)~~ 100 gallons in excess of ~~600~~ the first 500 gallons ~~per collection~~.

Chapter 36 provisions

Sec. 36-61. ~~Composition; permitted use of funds, etc~~ Permitted use of W.A.T.E.R. Funds.

The city shall accept any gifts for the W.A.T.E.R. Fund including, but not limited to, those donations made to the fund pursuant to section 47-~~70.1~~ 70.2 of this Code, on the condition that they shall be administered, managed and dealt with, save as otherwise provided, as a single trust to be known as the W.A.T.E.R. Fund (water aid to elderly residents) which shall be constituted of the aggregate of such gifts and shall be deposited in the ~~city's~~ city's trust and agency account. The aggregate of such gifts to the W.A.T.E.R. Fund may be invested pursuant to ~~chapter~~ Chapter 104, Texas Local Government Code. At the direction of the utility official, the donations shall be devoted to the public purposes set forth in section 36-62 of this Code without regard to race, ethnic origin, color, sex or creed and shall not be diverted to the ordinary corporate purposes of the city.

Sec. 36-62. Special and general purposes.

The W.A.T.E.R. Fund shall be administered and managed for the purpose of assisting certain elderly residents whose incomes meet the below ~~specified~~ specified criteria, ~~handicapped residents~~ persons with disability, and certain other residents ~~with~~ for payment of ~~their~~ city water and sanitary sewer bills (excluding deposits, fees, tap, meter and related service installation charges) in accordance with the administrative procedures set forth in chapter 47 of this Code. Eighty percent of the funds shall be available for assisting the elderly on fixed incomes, five percent shall be available for assisting ~~the handicapped persons with disability~~, and the remaining 15 percent shall be available for assisting certain other residents meeting the criteria set forth below. (In the event one or more of these classes do not exhaust their percentage allowance within a six-month period, excess funds available may be assigned to the remaining class or classes.) Recipients of the assistance ~~shall~~ must be single-family residential customers as defined in section 47-61 of this Code who meet the qualifications set forth in ~~subsections (1), (2) and (3)~~ subsection (a) below. Once a recipient has received benefits from the W.A.T.E.R. Fund in the sum of ~~\$50.00,~~ \$100 the recipient shall not be entitled to any further benefits ~~therefrom~~ there from until a period of six months has expired. ~~Assistance shall be given~~ The city shall give assistance under this program based on the date of initial application in the order ~~that~~ the applications are actually received at the processing locations designated by the ~~utility official.~~ city.

~~The utility official~~ The city shall determine whether an applicant qualifies for assistance based on proof of income ~~in accordance with the following criteria:~~ City water and sewer service must be provided in the name of the applicant who must reside at the property. All residents of the household must be listed on the application along with their income.

- (1) *Elderly residents.* Elderly residents otherwise eligible under this section may qualify for assistance if:

- a. They are at least 60 years old and are living alone or with one or more other persons 60 years old or over; and sixty years old.
 - b. Their monthly household income, when adjusted by subtracting all medical bills for the month not reimbursed by insurance or Medicaid, is less than or equal to the then-current "Weighted Average Poverty Threshold" current year's poverty guidelines applicable to their size of family unit as promulgated, from time to time, by the United States U.S. Department of Health and Human Services, Administration on Aging, or its successor agency for use under Title III of the Older Americans Act.
- (2) Handicapped residents. Residents who are deemed "handicapped" under the then-current regulations as promulgated, from time to time, by the United States Department of Health and Human Services pursuant to Section 504 of the Rehabilitation Act of 1973 as amended, may also qualify for assistance. Handicapped residents shall submit with their application a written statement signed by a licensed physician certifying that the applicant has a Person with disability. Person with disability shall mean a person:
- a. Who has a presently existing, medically determined physical or mental impairment of a chronic or permanent character that substantially limits one or more of his or her major life activities as specified in the aforesaid regulations for the handicapped.; or
- (3) Other residents who may qualify. Other residents who are otherwise eligible under this section may qualify for assistance if their
- b. Whose monthly household income, when adjusted by subtracting all medical bills for the month not reimbursed by insurance or Medicaid, is less than or equal to 100 percent of the then-current year's poverty income guideline amount guidelines applicable to their size of family unit as promulgated from time to time, for all states (except Alaska and Hawaii) and the District of Columbia by the United States by the U.S. Department of Health and Human Services or its successor agency.
- (3) Low income residents. Other residents who are otherwise ineligible under this section may qualify for assistance if their monthly household income is less than or equal to 100 percent of the current poverty income guideline amount applicable to their size of family unit as promulgated by the U.S. Department of Health and Human Services. Preference shall be given to those who have met these the guidelines for at least three months or less more.

- (4) *Ineligibles.* Any resident who is ~~employed by the city or who has any person residing within his household who is employed by the city~~ an active city employee or whose household includes a city employee shall not be eligible for assistance from the W.A.T.E.R. Fund.

AN ORDINANCE RELATING TO TERMS AND CONDITIONS FOR WATER AND WASTEWATER SERVICE; AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; CONTAINING A REPEALER; PROVIDING FOR SEVERABILITY; DECLARING CERTAIN CONDUCT UNLAWFUL AND PROVIDING A PENALTY THEREFOR; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

* * * *

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

Section 1. That Section 47-6 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 2. That Section 47-7 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-7. Control of water service connection.

The department shall own and maintain that part of the water service connection extending from the main to the meter, including the service line, meter, meter box, vault enclosure, and attached electronic devices. No person may remove, repair or tamper with any of the elements of the water service connection except with the consent of the utility official. Violation of this section shall be punishable by a fine not to exceed \$500. Provided, however, this section does not prohibit the resident or custodian of the property from shutting off the water at the meter if necessary to prevent water loss due to frozen water pipes and other emergencies.”

Section 3. That Section 47-8 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-8. Application for installation of water meter.

Any person desiring the installation of a water meter must complete an application for installation of the meter. The application shall include

the name and address of applicant, the billing address, the type of service requested, and any other information required by the utility official.”

Section 4. That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 47-9 to read as follows:

“Sec. 47-9. Enforcement.

The department shall have the authority to issue citations for unlawful acts as described in this chapter including, but not limited to, furnishing the city false or fraudulent information. Each offense shall be punishable by a fine of not less than \$50 and no more than \$500 unless otherwise specified. Each day the violation continues shall constitute a separate offense. The city reserves the right to seek civil remedies for any such offenses as well as penal sanctions.”

Section 5. That Section 47-11 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-11. Required connections to public sewers.

All owners of real property having a building or structure thereon shall ascertain the availability of city sewer service for the owner’s property. If such property is situated within 300 feet of a city sewer main, the owner shall within 60 days of notice from the department apply for a sewer tap permit and pay any fee due the city for the permit including sewer impact fees if applicable. The connection must be completed six months after the date of the application for the permit, unless the utility official, because of extraordinary circumstances, grants additional time. After expiration of the six-month period, the department shall charge the owner’s account for sewer service unless the utility official grants additional time.

During the same six-month time period the owner must also remove all septic tanks from the property, or in the alternative, may leave any tanks in place and fill them with sand or dirt after the waste has been removed. The owner must ensure all remediation is in accordance with requirements established by the department.

In addition to other remedies available to the department, in the event the owner fails to comply with this section, the department may terminate water service to the property. Provided, however, in the event the department terminates water service, it must provide notice to the

owner and the opportunity for an administrative hearing as provided in section 47-70 of the Code.

Any person owning such property, who after notice from the department fails to comply with these requirements within the time period specified herein, shall be guilty of an offense punishable by a fine not to exceed \$2,000. Each day the violation continues shall constitute a separate offense."

Section 6. That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding new Section 47-15 to read as follows:

"Sec. 47-15. Responsibility of the department.

It shall be the responsibility of the department to provide each city customer an accurate bill. If the bill is inaccurate, the department shall correct the bill in a timely manner and correct the customer's account in accordance with the provisions of this chapter."

Section 7. That Section 47-17 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 8. That Section 47-18 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-18. Installation of water meters.

(a) Subject to the provisions of section 47-18.1 of this Code, the department shall not accept an application for the purchase of a water meter unless the application includes payment in full for the meter and appurtenances as well as the inspection fee. Provided, however, if a meter has already been installed, the applicant may exchange the meter for a larger meter and pay the city the difference between the cost of the original meter and the new larger meter plus the inspection fee.

(b) The utility official shall prescribe regulations for the furnishing and installation of meters by private contractors. Any person turning on the water without written approval of the department shall be guilty of an offense.

(c) The department shall charge for meters at the actual cost to the city, including cost for the meter, meter box and the required electronic devices. The department shall also charge for its inspection of the meters

at the following rates: \$75 for two inch or smaller meters and \$350 for meters larger than two inches. The department shall not furnish water service until the applicant pays all charges required by the city.

(d) The applicant or his designated agent may request that the department set a time for the inspection of the water meter tap. If the applicant or its agent fails to keep the appointment and does not provide at least one hour's notice to the department, the department shall charge the agent an additional fee of \$25."

Section 9. That Section 47-19 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 10. That Section 47-20 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-20. Setting of meters.

It shall be an offense for any person to install, repair, or perform any work or adjustment to a city water meter (including meter boxes and electronic devices) without authorization by the department."

Section 11. That Section 47-21 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-21. Water meter and box to be free from rubbish and obstructions.

Wherever a water meter is set, whether in an easement or in the basement of a building, the customer shall keep the space occupied by the meter and the meter box or vault free from rubbish, animals or obstructions of any kind. In the event the water meter box or vault is buried or obstructed, the department may give written notice to the customer requiring such person to uncover or remove obstructions from the meter box or vault within 30 days of the notice. If the customer does not remove the obstruction, the city may remove the obstruction and charge the customer or property owner the city's cost for such work. If the customer fails to make payment, the city may file a lien against the property as provided in section 47-44 of this Code. If the meter is obstructed by persons not controlled by the customer or owner, or by conditions beyond control of the customer, the city may remove the obstructions or uncover the meter and bring appropriate legal action against the person responsible for the obstructions."

Section 12. That Subsection (d) of Section 47-22 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(d) Rates for water usage through a transient water meter shall be as specified in section 47-61 of this Code. In addition to a charge for water usage, a rental rate shall be charged for each month or portion of a month the meter is held by the transient meter customer according to the following schedule:

<u>Transient Meter Size</u>	<u>Monthly Rental Charge</u>
1 inch	\$15.00
2 inch	20.00
3 inch	25.00”

Section 13. That Section 47-37 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-37. Misuse of water; altering plumbing system.

(a) No person shall apply water furnished by the city to any use different from that named in the application or contract for water service, nor shall any customer supply water to other persons or to other families or permit them to take water, nor shall any person, after the water is introduced to any building or upon any property make any tap or connection upon such property for the purpose of altering, repairing, or making extensions or attachments to furnish water to other families on such property. Misuse of water also includes theft of water service, making an unauthorized connection, construction of a by-pass of the water meter or use of any other device or arrangement that would prevent the water meter from correctly measuring the customer’s water supply from the city. Any waste or misuse of water shall be an offense.

It is prima facie evidence that a person has misused water or tampered with the meter if the person is the customer or owner of the property and:

- (1) Water is prevented from passing through the city’s meter;
- (2) The city’s meter is prevented from correctly registering the quantity of water supplied to the property unless the faulty measurement is due to age, normal wear and tear or natural causes;

- (3) Water is diverted or bypassed around the meter;
- (4) The city's meter or service connection to the property is removed; or
- (5) Wastewater is prevented or diverted from flowing from the property into the city's wastewater system.

(b) It shall be an offense for any person to use water (i) from a connection to a city water main except through meter properly measuring the flow, (ii) for any property that does not have a separate meter to measure water for the family or business receiving the water, or (iii) for any purpose not specified in the application, contract or permit with the city.

(c) Unmetered fire sprinkler lines installed prior to October 2, 2002, and fire sprinkler lines with city approved backflow prevention devices with a bypass meter may be used only for fire protection. If there is any other usage of the fire sprinkler lines in excess of 1,000 gallons per month for each fire system, except for permitted construction, remodeling or expansion of existing systems, the department shall require that line be metered with a fire rated meter as specified in subsection (b) of section 47-38 of this Code."

Section 14. That Subsection (a) of Section 47-38 of the Code of Ordinances,

Houston, Texas, is hereby amended to read as follows:

"(a) If any customer causes or permits any waste or misuse of city water contrary to the provisions of this chapter or other ordinances of the city, the department may upon notice to the customer terminate the customer's water connection, excluding any independently served fire service, and restore regular service only at such time as the objectionable conditions have been corrected to the satisfaction of the utility official. Provided, however, the customer shall have the right to request an administrative hearing as provided in section 47-70.1 of this Code. Violation of this subsection shall be an offense."

Section 15. That Subsection (a) of Section 47-44 of the Code of Ordinances,

Houston, Texas, is hereby amended to read as follows:

"(a) The city is authorized pursuant to the state constitution and the Texas Local Government Code to impose liens on property incurred as a result of nonpayment for water or wastewater service to such property."

Section 16. That Subsections (c) and (d) of Section 47-44 of the Code of Ordinances, Houston, Texas, are hereby repealed.

Section 17. That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 47-47 to read as follows:

“Sec. 47-47. Posting notice of termination for commercial customers.

Prior to terminating water service for a commercial customer with tenants, the department shall post notice of termination at a prominent location on the property. After placement of the notice, the department shall allow an additional six calendar days for payment before terminating service. The department shall charge the commercial customer \$40 for the cost of posting such notice.”

Section 18. That Section 47-48 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-48. Notice of water termination of multifamily residential customer.

Prior to terminating water service to a multifamily residence with five or more units for failure to make an application for service, make a payment or pay a required deposit when required, the department shall post notice of water termination either by hanging tenant notices or by posting notice at a prominent location on the property. The manager or customer shall allow city personnel access to the premises to post or hang notices. After placement of the notices, the department shall allow an additional six calendar days for payment or application for service before the department terminates service.

It shall be unlawful for any person to remove a notice of water termination posted by the department until the earliest of the following:

- (1) The multifamily residential customer pays its arrearage for water and sewer service;
- (2) The date of termination specified on the notice has passed;
or
- (3) The termination is cancelled by the utility official or prohibited by a court of competent jurisdiction.

Provided, however, a tenant of the multifamily residential customer may remove the termination notice from his or her door. Violation of this section shall be an offense.

The department shall charge the multifamily residential customer \$40 for hanging ten or fewer notices and one dollar for each additional notice."

Section 19. That Subsection (b) of Section 47-61 of the Code of Ordinances, Houston, Texas, is hereby amended by amending definitions for the terms *customer*, *outdoor customer*, *residential establishment* and adding, in the appropriate alphabetical order positions, definitions for the terms *average usage*, *disabled veteran*, *exempt senior customer* and *person with disability* to read as follows:

"*Average usage* means the customer's average monthly water usage as determined by the utility official on the basis of historical usage and other relevant factors."

"*Customer* means any person who has applied for or contracted with the city for water service. The term also includes a person or entity that resides at the service address. A customer may have more than one meter and more than one property with water service, but each meter will have a separate account number."

"*Disabled veteran* means a veteran of the armed forces entitled to receive compensation for service connected disability under the laws of the United States."

"*Exempt senior customer* means any customer who:

- (1) Is at least 60 years old;
- (2) Is a residential customer occupying the entire premises for which exempt senior customer status is requested; and
- (3) Has filed with the department an application for exempt senior customer status using the form prescribed by the director."

"*Outdoor customer* means a customer whose meter is connected to and serves only one of the following:

- a. A device or system for irrigation or distributing water to any area not enclosed within a permanent roofed structure; or
- b. One or more spigots, hydrants or outlets for water wholly located outside of a permanent, roofed structure.

No connection or water flow to a city or private sewer is permitted for outdoor customers. If a connection or flow into the sewer is found, the customer's account shall be changed to a water and sewer customer and the department shall bill the customer for all wastewater usage, including any arrearage."

"Residential establishment means any structure or group of structures within which at least 75 percent of the floor space (excluding corridors) is occupied or intended for occupancy as living quarters. Residential establishment does not include hotels, motels, inns, lodging houses or any similar establishment in which lodging is furnished for consideration and in which permanent residents occupy less than 80 percent of the accommodations. Residential establishment does not include group quarters. Group quarters are living arrangements for other than ordinary household life, such as dormitories, military barracks, hospitals, assisted care facilities and prisons."

"Person with disability has the meaning ascribed in section 36-62 of this Code."

Section 20. That Item (3)b.1 of Subsection (e) of Section 47-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- "1. Convey to the city the complete installation (excluding back flow prevention devices) free and clear of liens and encumbrances by written documents approved by the director."

Section 21. That Section 47-64 of the Code of Ordinances, Houston, Texas is hereby amended by adding a new Subsection (c) to read as follows:

"(c) The department may supply water for private fire suppression systems if in the opinion of the utility official the connection will not cause appreciable reduction in the pressure of the city's water system. The director shall determine all conditions necessary for connecting such private fire protection to the city's water system to ensure the safety of the public water system. The cost for a city employee to participate in or

witness any test of a fire suppression system as required by this Code or any other ordinance of the city shall be \$75.”

Section 22. That Section 47-66 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 23. That Subsections (a) and (b) of Section 47-68 of the Code of Ordinances, Houston, Texas are hereby amended to read as follows:

“(a) Every person requesting water service from the city shall furnish the information required by the utility official, including information necessary to investigate the credit stability of the applicant. The utility official may require that an applicant provide the name and address of the owner of the service address, and the full legal description of the service address.

- (1) A customer who uses service without making application shall pay for all water used from the date of the last meter reading previous to that customer's use of service.

If the customer fails to make an application or to provide information that the department requests, the department may disconnect the premises without further notice.

- (2) By making an application for water service, the applicant agrees to timely pay for all furnished services.
- (3) The department shall notify in writing the owner of property who leases a premises whenever the department has notice that the tenant has vacated the property or taken the account out of its name. Thereafter the owner of such property shall be responsible for any water charge incurred after receipt of the notice.
- (4) The department may review multi-family, light commercial, commercial, and industrial customer accounts at any time to determine financial stability.

(b) The city may disconnect service for failure to make an application or provide information requested by the department.”

Section 24. That Section 47-68 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) to read as follows:

“(g) In order to collect past due payments, the utility official may transfer account balances from one account to another for customers with more than one account (including accounts for different properties), but the utility official must give written notice to the customer.”

Section 25. That Section 47-69 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-69. Potable water bills; charge for late payment.

(a) All potable water bills shall be payable in full based upon the rates and schedules provided in this division, on or before the due date stated on the customer's bill, unless the customer notifies the department in writing that he or she desires to challenge the correctness of the bill in an administrative hearing as described in section 47-70.1. If payment in full is not received by the department or an authorized agent by the due date and the customer has not requested an administrative hearing, the department shall bill such customer ten percent of the past due amount as a charge for late payment. Provided, that any bill attempted to be paid by a check or money order drawn on or issued by a financial institution which has had its funds frozen by involuntary, or voluntary action after the attempt to pay the bill in such manner, shall not be charged in late fee if the bill is paid within 30 days from the date the customer has been notified that payment on the check or money order has not been honored. The director shall prescribe the form for the customer's bills.

(b) Notwithstanding the provisions of subsection (a), late charges shall not apply to governmental customers (unless provided by contract), exempt senior customers, persons with a disability or disabled veterans.

As used in this subsection, the term ‘*governmental customer*’ means the United States, the city, and the state including its agencies and political subdivisions.”

Section 26. That Section 47-70 of the Code of Ordinances, Houston, Texas, be hereby amended to read as follows:

“Sec. 47-70. Termination of service for failure to pay.

(a) If any customer fails to pay charges for water service furnished by the city when due, the department shall notify such customer about the delinquent bill, the amount the customer owes, and the right of the customer to an administrative review or hearing as provided by section 47-70.1 of this Code. The department shall give notice to single family residential customers concerning the availability of the W.A.T.E.R. Fund established pursuant to chapter 36 of this Code for assistance in paying water and sewer charges. Provided, an application for assistance from the W.A.T.E.R. Fund shall not delay or otherwise affect the responsibilities of the customer or the city under this chapter.

(b) If a customer does not choose to challenge a charge for water service, then, at the end of the ten-day period following notice to the customer, the water shall be immediately turned off and not turned on again, except by authorized representatives of the department.

(c) When the water supply to any property or premises of a customer has been disconnected or otherwise terminated by the department for failure of the customer to pay any water charges due and owing to the city, the water service to that customer at the affected property or premises shall not be resumed until and after all delinquent charges have been fully paid and satisfied, or satisfactory arrangements have been made with the director to pay such delinquent bills, and the delinquent customer has made any required deposit with the department. Whenever an umbrella account established under section 47-71 of this Code is delinquent, water service to each meter under that account may be terminated by the department in accordance with this subsection.

(d) The department shall charge the customer \$30 as the cost to restore water service after termination for nonpayment or, in case where there is a new tenant at the service address, the failure to make an application.

(e) If the department has closed the water meter pursuant to the provisions of this chapter, and the customer, without the department's authorization, restores water service, the department shall charge the customer for water usage plus the following fees:

- (1) \$55 for first occurrence;
- (2) \$55 plus a penalty of \$75 for second occurrence; and
- (3) \$55 plus a penalty of \$230 for third and subsequent occurrences.

In the event the department requires a penalty, it must provide notice to the customer and allow the customer to contest the penalty at an administrative hearing as provided in section 47-70.1 of this Code.

If the meter has been damaged in the attempt to unlawfully restore water services, the department shall charge the customer the actual cost to repair or replace the meter. If it is necessary for the department to place a locking device on the meter to prevent theft of water, the department shall charge the customer not only the cost to repair or replace the meter, but also the cost of the locking device.

(f) The foregoing procedures shall also apply to sewer service charges. An informal administrative hearing as to the correctness of a charge for sewer service may be combined with a similar hearing on water charges for the same customer.”

Section 27. That Section 47-70.1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-70.1. Disputing water bills; administrative review and hearing.

(a) Customers have the right to request an administrative review and/or administrative hearing. The policies governing such review and hearing are prescribed by the utility official and will be available to any person upon request. The customer has 90 days from the date of the first bill that is disputed to request an administrative review or hearing.

(b) An administrative review is an investigation by the department of the customer’s account and relevant facts in order to resolve the dispute.

(c) Administrative hearings may be held for disputes related to article I, division 1 of article II, and article III of chapter 47. The hearing shall be set at a reasonable time and place and shall be held before a department hearing officer, designated by the utility official, with the power to correct or adjust water bills. Provided, however, the department shall not provide hearings for the following:

- (1) The terms or denial of a deferred pay agreement;
- (2) The amount, terms or denial of assistance from the W.A.T.E.R. Fund;

- (3) The customer's financial inability to pay for water services;
- (4) The rate schedule;
- (5) The amount of deposit;
- (6) The amount or application of late penalties;
- (7) Requests that are inconsistent with city ordinances;
- (8) The cost of administrative fees; or
- (9) A matter where the complainant is not the customer for the account.

(d) The customer has the right to be represented by counsel or any other agent and shall notify the city at least two days prior to the hearing of such representation.

(e) Termination of service is suspended by a request for an administrative hearing unless the service was terminated prior to the customer's request for the hearing, the customer closes or transfers his account to a new address, the customer fails to pay charges not in dispute or the customer has prevented the city from obtaining meter readings within the last 60 days."

Section 28. That Chapter 47 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Section 47-70.2 to read as follows:

"Sec. 47-70.2. Acceptance and disposition of donations to the W.A.T.E.R. Fund.

(a) The utility official is authorized to accept donations to the W.A.T.E.R. Fund, as established by section 36-61 of this Code, The utility official shall place such funds in the city's trust and agency account in trust for the W.A.T.E.R. Fund.

The utility official shall include the following statement on all water and sanitary sewer bills:

'Check if \$1 added as gift to W.A.T.E.R.'

Whenever a customer's water or sanitary sewer payment shall exceed the amount then due by the exact sum of \$1 and such customer has checked the box provided on the bill for contributions to the

W.A.T.E.R. Fund, the utility official shall deem the excess a contribution in the amount of \$1 to the W.A.T.E.R. Fund.

(b) Upon the written approval of the utility official, the department shall apply W.A.T.E.R. funds as a credit to a customer's water and sanitary sewer bill in the same proportion, which the water and sanitary sewer charges bear to the customer's total bill. Such donated and transferred W.A.T.E.R. funds shall be under the general direction and control of the utility official for all purposes and shall under no circumstances be commingled with water, sanitary sewer or other public funds."

Section 29. That Subsection (c) of Section 47-73 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(c) All meters must meet the accuracy test guidelines of the American Water Works Association. The department shall adjust customer bills for up to 24 months on the basis of results of tests performed by the department. If the meter or register is defective, the department shall repair or replace it. If a meter is damaged so that it cannot be tested, the customer's account may be adjusted for up to 24 months based on the average usage."

Section 30. That Subsection (d) of Section 47-73 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 31. That Subsection (e) of Section 47-73 of the Code of Ordinances, Houston, Texas, is hereby redesignated as Subsection (d) and amended to read as follows:

"(d) When the department retests the meter at the request of the customer, the department shall bill the customer for the cost as follows:

- (1) If a customer requests that a meter be tested that is within the manufacturer's warranty period, and such meter when tested is accurate under the American Water Works Association guidelines; or
- (2) If the department has tested the meter within the previous 12 months, and such meter when retested at the request of the customer is accurate under the American Water Works

Association guidelines, then the department shall charge the customer:

For field testing of meters less than three inches: \$25.

For bench testing of meters less than three inches: \$50 plus cost of the new meter and related electronic devices.

For bench testing 3 inch and larger meters: \$170 plus cost of the new meter.”

Section 32. That Section 47-73 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (e) to read as follows:

“(e) If the department re-reads a meter at the customer’s request, and the reading verifies that the department’s original reading was correct (equal to or greater than the prior reading), the department shall charge the customer a fee of \$10. Provided, however, that exempt senior customers, disabled veterans and persons with disability are exempt from this fee.”

Section 33. That Subsection (a) of Section 47-74 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) Any residential, commercial, multifamily or outdoor customer of the city may request a correction of any water bill showing excessive usage due to a loss of water through an excusable defect in the customer's water line for a period not to exceed three consecutive months. In order to apply for the correction the customer must file a sworn written application with the utility official within six months of the repair of the excusable defect. Customers may apply for no more than two such adjustments in any 12-month period for any one account. Such application shall contain the following matters and such other information as the utility official may require:

- (1) The name of the applicant, the address or description of the property or premises furnished water, the bill which is sought to be corrected, the date of the bill and the period of water usage covered thereby.
- (2) A statement of the date on which the excusable defect in the applicant's water line was discovered and the date on which it was repaired; and a statement that water was lost through

the city water meter serving such property and that such water was not used in any manner by anyone.

- (3) A written acknowledgment that the applicant makes the statements shown on the application and swears to their veracity for the purpose of inducing the city to grant a reduction in the amount of the water bill for which a correction is requested.
- (4) The application must show whether or not there has been any additional water consuming devices placed in use on the applicant's premises during the period covered by such bill.
- (5) Documentation shall be submitted detailing the exact nature and date of repairs to the applicant's water line.
- (6) A statement that the applicant is personally familiar with all of the matters of facts stated in the application and sworn to therein, that they are made on his personal knowledge and that they are each true and correct.
- (7) The customer shall execute a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code and shall state that the applicant certifies that the application contains no false statements.

As used in this section the term 'excusable defect' shall mean a rupture or leakage of the customer's water lines as may be caused by freezing weather, settlement, corrosion, wear or accident. The term does not apply to defective or out-of-repair faucets."

Section 34. That Item (1) of Subsection (c) of Section 47-74 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- "(1) The applicant's average usage shall be determined as set out in section 47-61(b) of this Code. If the applicant has not been a customer for a sufficient length of time to make such determination, the department shall hold the adjustment for a sufficient period of time to calculate the average water usage."

Section 35. That Subsection (a) of Section 47-75 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(a) Any single-family residential customer who receives a water bill for any given month that is greater than 200 percent of the average usage of the customer, the customer may request an adjustment of the bill in the manner provided in this section. Provided, that the customer must make an application within six months of receipt of such bill and only one such monthly bill out of any 12 consecutive monthly bills may be adjusted under this section. If the applicant has not been a customer for a sufficient length of time for the department to determine average usage, the department shall delay the adjustment until it can calculate the average usage. In order to request such an adjustment, the customer must file an application for the adjustment on a form furnished by the utility official. The application form shall contain a statement setting forth an understanding that the application is a government record subject to criminal prosecution for false statements under chapter 37 of the Texas Penal Code, and the customer must state that the application contains no false statements. The application shall identify the bill and briefly state:

- (1) The reasons for the request for the adjustment;
- (2) A description of the additional water consuming devices or fixtures, if any, that have been placed in use by the customer during the current month or the preceding 12 months;
- (3) That there have been no plumbing repairs or necessity therefor during the month for which an adjustment is sought or that the nature of any plumbing defects was not such as would explain the additional usage; and
- (4) Such other information as the utility official may require.”

Section 36. That Section 47-121 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the letter designations before each definition and adding, in the appropriate alphabetical order positions, definitions for the terms *average usage*, *customer*, and *person with disability* to read as follows:

“*Average usage.* The customer’s average monthly water usage as determined by the utility official on the basis of historical usage and other relevant factors.”

“*Customer.* Any person who has applied for or contracted with the city for sewer service. The term also includes a person or entity that resides at the service address. A customer may have more than one

meter and more than one property with sewer service, but each meter will have a separate account number.”

“Person with disability. This term has the meaning ascribed in section 36-62 of this Code.”

Section 37. That Section 47-124 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 38. That Section 47-126 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-126. Deposit to secure payment.

Applicants for sewer service only shall post a deposit with the department in the amount determined by the utility official as provided in section 47-68 of this Code.”

Section 39. That Section 47-129 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 47-129. Metering water not discharged into sewer system to determine charge.

(a) Any customer discharging wastewater into the sewer system, except a single-family residential user, who takes water for the manufacture of a product or as cooling water, may receive credit for that portion of the water provided to his or her facilities that is not discharged into the sanitary sewers of the city under the city’s submeter credit program.

(b) In order to apply for the submeter credit program, the customer must submit to the department an application together with a non-refundable fee of \$250. The customer must meet all guidelines specified herein to qualify and remain in the submeter credit program.

(c) The customer shall, at his or her own expense, install water submeter(s) of a type, design and location approved by the utility official. The department shall inspect and approve the submeter installations to ensure that the department’s standards are met.

(d) The customer shall take monthly readings from these submeters within two days of the date specified by the utility official. The department

shall not accept readings taken outside this time frame. The customer shall provide the readings as required by the utility official. The department shall charge a monthly administrative processing fee of \$40 for participation in the submeter credit program. This fee will be deducted from the monthly credit given to the customer.

(e) The customer shall test all submeters at least once every twelve months and provide the department a certificate reporting the results of the tests. The test must include:

- (1) A determination of the accuracy of the submeters, and
- (2) A determination that no water is discharged into the sanitary sewers of the city except water that is measured by the blow-down submeter.

Such testing must be conducted by a technician certified to perform the testing and employed by a company approved by the utility official for such testing. It shall be the customer's responsibility to notify the department within a reasonable time in advance of the test so that the department may, if it chooses, have a witness present during such test. If test results show the percentage of accuracy is not within the accuracy tolerance specified by the manufacturer, then the customer shall repair or replace and retest the meter. The department shall bill the customer by (1) adjusting the sewer bill back to the time when the inaccuracy began, if such time is ascertainable, or (2) adjusting the sewer bill for a period extending back one-half of the time elapsed since the date of the last test of the meter.

(f) Under the submeter credit program, the department shall determine the quantity of wastewater for billing purposes by subtracting the monthly reading of the customer's submeter from the monthly reading of the city's meter. In the event the property is not supplied water by the city, the department shall deduct the submeter readings from the total water usage furnished to the property as estimated by the utility official.

(g) A customer taking water for cooling purposes under the submeter credit program must also maintain an acceptable range of cycles of concentration as indicated by the ratio of make-up water to blow-down water from the submeter readings in order to receive credit. The utility official will determine the acceptable range of system cycles of concentration based on industry standards.

(h) If the submeter readings are not within range compliance, the department shall notify the customer and allow the customer a 30-day period to make corrections. During this 30-day period, the department

shall give the customer a credit based on the credit for the same period of the prior year, subject to prior year compliance as defined in subsection (g) of this section. After the 30-day correction period, the department shall not give credits to the customer until submeter readings fall within range compliance.

(i) The department shall remove any customer from the submeter credit program if such customer fails to submit submeter readings for six consecutive months or more. The customer may reapply for the program by meeting all herein specified requirements. No credits shall be given to a customer for the period during which program participation was terminated.

(j) No facility for which a submeter is installed under the provisions of this section may be connected to the sanitary sewer system of the city, unless the customer secures the written approval of the utility official for the proposed connection.

(k) The department shall have the right during regular business hours to inspect the submeters installed to measure the amount of water provided to the facility and not discharged into the city's sanitary sewer system. The department may also require submeter calibration tests to be performed at any time to ensure accuracy of the submeters.

(l) Any person who has approval from the department for a submeter credit program and who knowingly submits false information to the city for the submeter credit program or who connects his or her facilities to the city's sanitary sewer system without notifying the utility official shall be guilty of an offense. In addition, the department shall remove the customer from the submeter program for a period of one year.

(m) If a facility does not discharge into the city's sewer system but does take water from the city, all applicable rates and requirements of this chapter for water service shall apply to the customer responsible for such facility."

Section 40. That Section 47-130 of the Code of Ordinances, Houston, Texas, is hereby repealed.

Section 41. That Section 47-134 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-134. Billing.

(a) Billing for sewer service charges shall be made to the water customers of the city concurrently with the monthly or bimonthly water bills issued by the city to such customers. Those customers without water meters or with a source of water supply other than the city will be billed on those same dates. As to those persons discharging into the sewer of the city who are not water customers of the city, bimonthly bills shall be sent to them for the charges incurred during the preceding two months.

(b) All sewer bills shall be payable in full based upon the rates and schedules provided in this division. The provisions of section 47-69 of the Code shall be applicable to the date of payment and charges for late payments."

Section 42. That Section 47-136 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-136. Discontinuance of service for failure to pay.

The city shall have the right to discontinue either or both water and sanitary sewer service to any customer discharging into the sanitary sewers of the city, who fails or refuses to make timely payment of the sewer charges for which he is billed; provided, however, in the event of a dispute as to the amount of charges made, service shall not be terminated if the customer follows procedures prescribed in section 47-70.1 of this Code and a hearing official determines that the disputed charges are incorrect.

The city shall have the right to discontinue water and sanitary sewer service to any other property owned by the customer if that customer fails to make application or fails to make timely payment of the sewer charges. The cost to restore water service after termination for nonpayment shall be the same as provided in sections 47-70(e) and 47-70(f) of this Code."

Section 43. That Section 47-139 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 47-139. Charges for collection and disposal of refuse from sewage holding tanks and septic tanks in the Lake Houston vicinity.

(a) The utility official shall prescribe rules and regulations for the collection and disposal by the department of refuse from sewage holding

tanks and septic tanks located in the Lake Houston vicinity. As used herein, the 'Lake Houston vicinity' includes the lake itself and all territory, which is either within 200 feet of the lakeshore or within the watershed of the lake.

(b) The charge for sewage collection shall be:

- (1) For services to tanks on houseboats or on other vehicles, \$50 per collection.
- (2) For service to any other tanks: \$115 for the first 500 gallons or any part thereof plus \$20 for each additional 100 gallons in excess of the first 500 gallons."

Section 44. That Section 36-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 36-61. Permitted use of W.A.T.E.R. Funds.

The city shall accept any gifts for the W.A.T.E.R. Fund including, but not limited to, those donations made to the fund pursuant to section 47-70.2 of this Code, on the condition that they shall be administered, managed and dealt with, save as otherwise provided, as a single trust to be known as the W.A.T.E.R. Fund (water aid to elderly residents) which shall be constituted of the aggregate of such gifts and shall be deposited in the city's trust and agency account. The aggregate of such gifts to the W.A.T.E.R. Fund may be invested pursuant to Chapter 104, Texas Local Government Code. At the direction of the utility official, the donations shall be devoted to the public purposes set forth in section 36-62 of this Code without regard to race, ethnic origin, color, sex or creed and shall not be diverted to the ordinary corporate purposes of the city."

Section 45. That Section 36-62 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 36-62. Special and general purposes.

The W.A.T.E.R. Fund shall be administered and managed for the purpose of assisting certain elderly residents whose incomes meet the below specified criteria, persons with disability, and certain other residents for payment of city water and sanitary sewer bills (excluding deposits, fees, tap, meter and related service installation charges) in accordance with the administrative procedures set forth in chapter 47 of this Code. Eighty percent of the funds shall be available for assisting the elderly on

fixed incomes, five percent shall be available for assisting persons with disability, and the remaining 15 percent shall be available for assisting certain other residents meeting the criteria set forth below. (In the event one or more of these classes do not exhaust their percentage allowance within a six-month period, excess funds available may be assigned to the remaining class or classes.) Recipients of the assistance must be single-family residential customers as defined in section 47-61 of this Code who meet the qualifications set forth in this section below. Once a recipient has received benefits from the W.A.T.E.R. Fund in the sum of \$100 the recipient shall not be entitled to any further benefits there from until a period of six months has expired. The city shall give assistance under this program based on the date of initial application in the order that the applications are actually received at the processing locations designated by the city.

The city shall determine whether an applicant qualifies for assistance based on the criteria specified below. City water and sewer service must be provided in the name of the applicant who must reside at the property. All residents of the household must be listed on the application along with their income.

- (1) *Elderly residents.* Elderly residents otherwise eligible under this section may qualify for assistance if:
 - a. They are at least sixty years old.
 - b. Their monthly household income, when adjusted by subtracting all medical bills for the month not reimbursed by insurance or Medicaid, is less than or equal to the current year's poverty guidelines applicable to their size of family unit as promulgated by the U.S. Department of Health and Human Services or its successor agency.
- (2) *Person with disability.* Person with disability shall mean a person:
 - a. Who has a presently existing, medically determined physical or mental impairment of a chronic or permanent character that substantially limits one or more of his or her major life activities; or
 - b. Whose monthly household income, when adjusted by subtracting all medical bills for the month not reimbursed by insurance or Medicaid, is less than or equal to the current year's poverty guidelines

applicable to their size of family unit as promulgated by the U.S. Department of Health and Human Services or its successor agency.

- (3) *Low income residents.* Other residents who are otherwise ineligible under this section may qualify for assistance if their monthly household income is less than or equal to 100 percent of the current poverty income guideline amount applicable to their size of family unit as promulgated by the U.S. Department of Health and Human Services. Preference shall be given to those who have met the guidelines for at least three months or more.
- (4) *Ineligibles.* Any resident who is an active city employee or whose household includes a city employee shall not be eligible for assistance from the W.A.T.E.R. Fund."

Section 46. That all ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 47. That if any provision, section, subsection, sentence, clause, or phrase of the Ordinance, or the application of same to any person or set of circumstances if 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, if 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 declared to be severable for the purpose.

Section 48. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council was posted as a place convenient to the public at the City Hall of the City for the time required by law preceding his meeting, as required by the Open Meetings

Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all time during which this ordinance and the subject matter thereof has been discussed, considered, and formally acted upon. The City Council further ratifies; approves and confirms such written notice and the contents and posting thereof.

Section 49. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2007.

APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

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

City Secretary

(Prepared by Legal Dept.
(EWB/jdw/11/15/06)



Sr. Assistant City Attorney

(Requested by Michael Marcotte, P.E., Director, Department of Public Works & Engineering)
(LD. File No. 0800600115-001)

SUBJECT: Approve two ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2007 (the "Series 2007 Notes"). Also, approval of the Preliminary Official Statement (POS), the Notice of Sale (NOS) and the distribution of the POS in preparation for a competitive sale of the Series 2007 Notes.	Category #	Page 1 of <u>2</u>	Agenda Item# 30+31
---	-------------------	------------------------------	---

FROM (Department or other point of origin): Department of Finance and Administration and Office of the City Controller	Origination Date: May 1, 2007	Agenda Date MAY 09 2007
--	---	---------------------------------------

DIRECTOR'S SIGNATURE: 	Council District Affected: All
--	--

For additional information contact: Michael Shannon 713 - 221-0201 Jim Moncur 713 - 247-2950	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary) Approve two ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2007 (the "Series 2007 Notes"). Also, approval of the Preliminary Official Statement (POS), the Notice of Sale (NOS) and the distribution of the POS in preparation for a competitive sale of the Series 2007 Notes, in an amount not to exceed \$200 million.

Amount of Funding: Not Applicable	F&A Budget:
--	------------------------

Source of Funding: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify

SPECIFIC EXPLANATION:

The City's General Fund revenue collections are not evenly distributed throughout the fiscal year. The major revenue source is ad valorem taxes, the largest part of which is collected shortly before the tax delinquency date of February 1 of each year. In order to finance its general operation expenditures each fiscal year, the City borrows against anticipated collection of taxes and revenues to cover temporary cash flow shortages. This request is for City Council's approval to issue Tax and Revenue Anticipation Notes (TRANS) for Fiscal Year 2008 in an aggregate amount not to exceed \$200 million.

The TRANS are structured in two parts, which helps the City to comply with tax laws and arbitrage regulations. The first ordinance will approve the first borrowing (\$110 – 130 million) and is sized to take advantage of federal tax law exemptions from arbitrage penalties. It will be competitively bid. The ordinance also authorizes the Preliminary Official Statement (POS) and the distribution of the POS so the City can proceed with the competitive sale for this portion of the Series 2007 Notes. The closing for these notes is anticipated to occur in early July 2007.

The second ordinance will authorize the Mayor and City Controller to finalize the terms of a second offering for a supplemental borrowing if there are additional cash needs later in the fiscal year. If the supplemental borrowing occurs (not to exceed \$70 – 90 million), the terms of the sale will be presented to City Council to award the sale. The supplemental notes, if issued, would be repaid prior to fiscal year end, typically following the receipt of property tax revenue. The supplemental borrowing option has not been utilized in the past 3 years.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
--------------------------	-----------------------------	-----------------------------

Date: May 1, 2007	Subject: Approve two ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2007 (the "Series 2007 Notes"). Also, approval of the Preliminary Official Statement (POS), the Notice of Sale (NOS) and the distribution of the POS in preparation for a competitive sale of the Series 2007 Notes.	Originator's Initials	Page 2 of 2
-----------------------------	---	----------------------------------	--------------------

Electronic bids for the Notes will be received on the sales desk between 9:30 a.m. – 10:00 a.m. Central Daylight Time and will correspond with a meeting date for City Council. If any bid becomes a leading bid within two minutes prior to the scheduled end of the bidding, the time period for submission of bids will automatically extend by two minutes from the time such new leading bid was received. At the close of the bidding period, the Office of the City Controller, Finance and Administration, and the City's Financial Advisors will verify interest rate calculations of bids received and join the City Council session to announce the results. City Council will be asked to adopt a motion to award the sale based on the lowest true interest cost.

This item was discussed at the Budget and Fiscal Affairs Committee on May 1, 2007, and was recommended favorably for full City Council consideration

Recommendation:

The Finance Working Group recommends the approval of this item.

Cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director

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

SUBJECT: Petition for the City's consent to the addition of three (3) tracts of land totaling 72.312 acres to Dowdell Public Utility District (Key Map No. 289-R)	Category #	Page 1 of <u>1</u>	Agenda Item # 32
--	-------------------	------------------------------	-----------------------------------

FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5/3/07	Agenda Date MAY 09 2007
--	-----------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E., DEE	Council District affected: "ETJ"
---	--

For additional information contact: Jun Chang, P.E. <i>pc</i> Senior Assistant Director Phone: (713) 837-0433	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary)
The petition for the addition of 72.312 acres of land to Dowdell Public Utility District be approved.

Amount of Funding: NONE REQUIRED	F & A Budget:
--	--------------------------

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

SPECIFIC EXPLANATION:

Dowdell Public Utility District has petitioned the City of Houston for consent to add 72.312 acres of land, located in the city's extraterritorial jurisdiction, to the district.

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

The district is located in the vicinity of Hooks Memorial Airport, Boudreaux Road, Hufsmith Kuykendahl and Dowdell Road. The district desires to add 72.312 acres, thus yielding a total of 689.554 acres. The district is served by the Dowdell Public Utility District Wastewater Treatment Plant, which is owned and operated by the district. The nearest major drainage facility for Dowdell Public Utility District is Willow Creek which flows to Cypress Creek then to Spring Creek then into the San Jacinto River and finally into Lake Houston.

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

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

Attachments

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

REQUIRED AUTHORIZATION 20JZC264	
F & A Director	Other Authorization: <i>Andrew F. Icken</i> Andrew F. Icken Deputy Director Planning & Development Services Div.
	Other Authorization:



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

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

04-02-07 P12:35 *[Signature]*

Application is hereby made for consent of the City of Houston to the creation/ addition of 72.312 acres to Dowdell PUD under the provisions of Chapters 49 & 54 Texas Water Code.

[Signature: Sara J. Anderson]

Attorney for the District

Attorney: Sara J. Anderson, Smith, Murdaugh, Little & B

Address: 1100 Louisiana, Suite 400, Houston, Texas Zip: 77002 Phone: 713/652-6500

Engineer: Jack Miller, P.E., R.G. Miller Engineers, Inc.

Address: 12121 Wickchester Lane, Suite 200, Houston, Texas Zip: 77079 Phone: 713/461-4633

Owners: See attached

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

LOCATION

INSIDE CITY OUTSIDE CITY NAME OF COUNTY (S) Harris
Survey Elizabeth Smith Abstract A-70

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

North of: Hooks Memorial Airport East of: Boudreaux Rd.
South of: Hufsmith Kuykendahl West of: Dowdell Rd.

WATER DISTRICT DATA

Total Acreage of District: 617.242 Existing Plus Proposed Land 689.554 ✓

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

Single Family Residential 76% Multi-Family Residential _____
Commercial 24% Industrial _____ Institutional _____

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

Sewage Treatment Plant Name: Dowdell PUD WWTP

NPDES/TPDES Permit No: 11404-001 TCEQ Permit No: _____



CITY OF HOUSTON



Department of Public Works and Engineering
Water District Consent Application Form

Existing Capacity (MGD): 0.50

Ultimate Capacity (MGD): 0.95

Size of treatment plant site: 10.6 ac ~~square feet~~/acres.

If the treatment plant is to serve the District only, indicate the permitted capacity of the plant: 0.95 MGD.

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

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

Total permitted capacity: _____

MGD of (Regional Plant).

Name of District: _____

MGD Capacity Allocation _____

or property owner(s)

Name of District: _____

MGD Capacity Allocation _____

Water Treatment Plant Name: Dowdell Water Plant Nos. 1,2 & Rem Well

Water Treatment Plant Address: 8402 Creek Willow, 8424 Creek Willow, 8202 Hayden

Well Permit No: 119333; 119334; 119335

Existing Capacity:

Well(s): 2,250

GPM

Booster Pump(s): 4,500

GPM

Tank(s): 0.632

MG

Ultimate Capacity:

Well(s): 2,250

GPM

Booster Pump(s): 4,500

GPM

Tank(s): 0.844

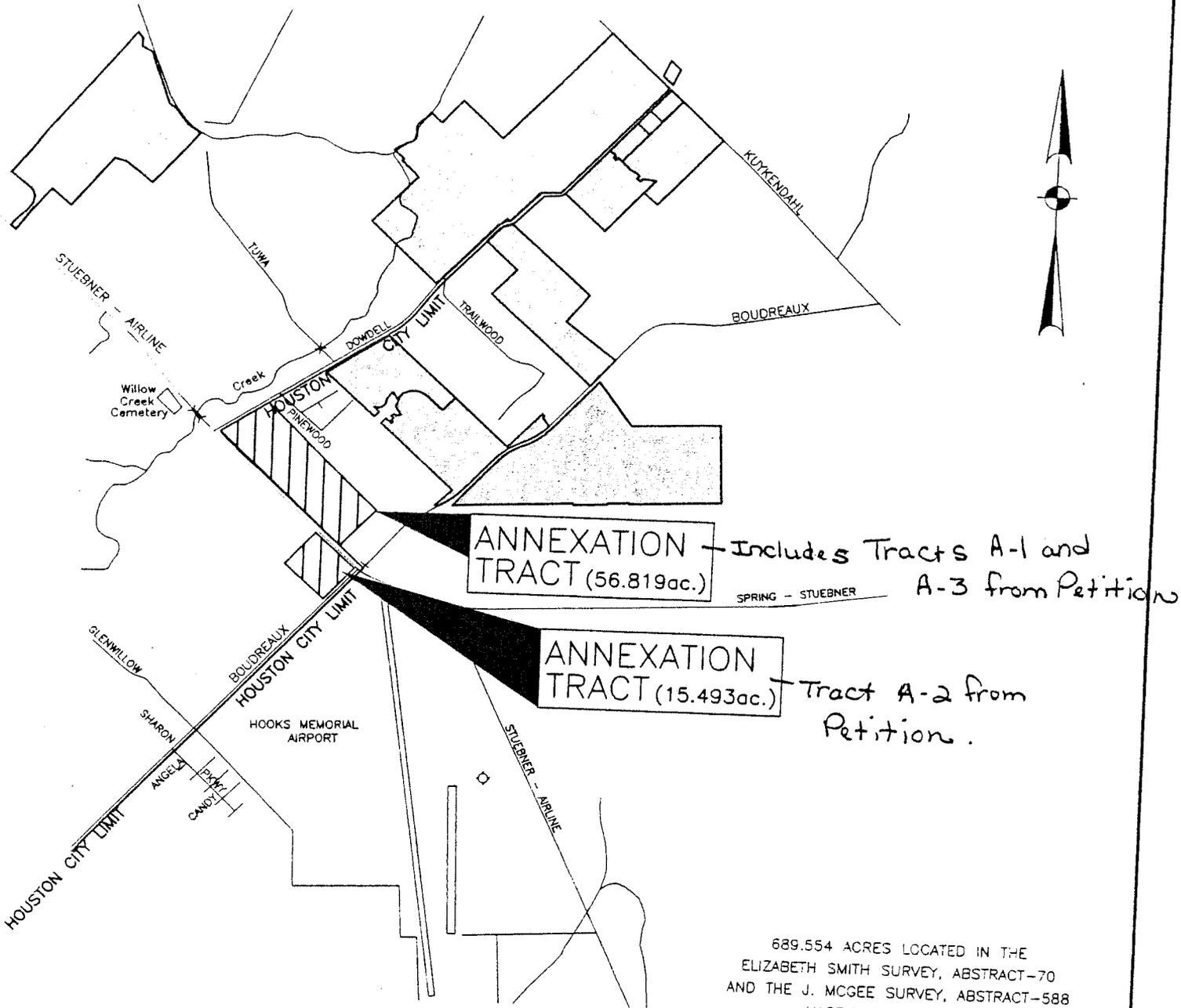
MG

Size of Treatment Plant Site: 1- 0.6 ac.; 2-.52 ac.; Re-0.5 acres

~~square feet~~/acres.

Comments or Additional Information: _____

**DOWDELL PUBLIC UTILITY DISTRICT
 PROPOSED ADDITION OF 56.819 AND 15.493 ACRE TRACTS OF LAND
 (KEY MAP PAGE 289R)**



689.554 ACRES LOCATED IN THE
 ELIZABETH SMITH SURVEY, ABSTRACT-70
 AND THE J. MCGEE SURVEY, ABSTRACT-588
 HARRIS COUNTY, TEXAS

r.g.miller
engineers
 since 1966

12121 Wickchester Lane - Suite 200
 Houston, Texas 77079

DATE: MARCH 2007 SCALE: N.T.S.

C:\Users\jg\Documents\Projects\0338EXH1\ANNEX.dwg Mar 26, 2007 - 10:50am

2/1/07

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving a contract with AVIA Partners, Inc. for prescription drugs for older adults in the Houston/Harris County Area		Category # 9	Page 1 of 1	Agenda Item # 34
FROM (Department or other point of origin): Stephen L. Williams, M.Ed., M.P.A. Director-Houston Department of Health and Human Services		Origination Date March 20, 2007	Agenda Date MAY 09 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: ALL		
For additional information contact: Kathy Barton Telephone: 713-794-9998 or 713-826-5801		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approval of an ordinance for a contract with AVIA Partners, Inc. for prescription drugs for older adults in the Houston/Harris County Area.				
Amount of Funding: Total Contract Value: \$400,000.00 FY07 Initial allocation: \$100,000.00 (Texas Department on Aging and Disability Services (TDADS) Federal State Local - Pass Through Fund 5030) Texas Department on Aging and Disability Services Grant Funds (5030)			F&A Budget:	
SOURCE OF FUNDING: [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)				
SPECIFIC EXPLANATION: The Houston Department of Health and Human Services (HDHHS) requests City Council approval of a contract with AVIA Partners, Inc. for prescription drugs for older adults in the Houston metropolitan area. HDHHS issued a Request for Proposal (RFP) on April 5, 2006 with a return date of May 5, 2006. AVIA Partners, Inc. was the sole respondent and is recommended for the award of the contract. The contract term is from date of execution through September 30, 2007, with three (3) successive one-year renewal terms. The total contract value is \$400,000.00 with an initial allocation of \$100,000.00. The amount of \$100,000.00 will be allocated on each annual term. Through this contract, AVIA will provide: a) an Internet connection for maintenance of eligibility on the Department's Area Agency on Aging clients; b) provide pharmacy identification cards for distribution to eligible clients; c) access to network pharmacies who will dispense the medication(s) to clients and d) educate each client on the appropriate usage and potential side effects of each medication dispensed. Criteria for assistance includes mandates of the Older Americans Act including but not limited to economic need, health status or disability, mobility, minority status, social isolation and geographic location. A minimum of 134 participants, age 60 and older can be served at the beginning of the first contract period. AVIA Partners, Inc. is a pharmacy management company with a national network of pharmacies that includes companies as Kroger, Randalls, Walgreens, CVS and HEB along with independent pharmacies in the Houston area and Harris County. cc: Finance & Administration Legal Department Agenda Director				
REQUIRED AUTHORIZATION				
F&A Director	Other Authorization:		Other Authorization:	

SUBJECT: Lease truck staging lots to serve large events at the George R. Brown Convention Center		Category #	Page 1 of 1	Agenda Item # 35
FROM (Department or other point of origin): Dawn Ullrich, Director Convention & Entertainment Facilities Department		Origination Date April 10, 2007	Agenda Date MAY 09 2007	
DIRECTOR'S SIGNATURE: <i>M.S. Dawn Ullrich</i>		Council District affected: 1		
For additional information contact: Steve Lewis Phone: 713-853-8888		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) Approve a sublease with All-Star Parking, Inc. covering two vacant lots located at 2233 Polk and 2233 Lamar, located east of the George R. Brown Convention Center.				
Amount of Funding: \$13,500 for FY2007 (\$180,000 Maximum Contract Amount)		F & A Budget:		
<input checked="" type="checkbox"/> Enterprise Fund C&E Facility Rev Fund (#8601)				
SPECIFIC EXPLANATION: A crucial component of accommodating large conventions is the availability of marshalling areas for freight transported by tractor-trailers. Staging lots in close proximity to the convention center allow the freight to be gathered at a central location and dispatched to the appropriate loading dock as they become available. The availability of such staging areas helps "sell" the convention center to prospective clients who book large conventions and tradeshow and gives the convention center a competitive edge we've not previously had in pursuing larger shows. Further, the lots would be an ideal location to park commercial trucks and trailers off street and also provide temporary contract employees such as wait staff, kitchen staff, and ushers a place to park their personal vehicles during banquets, shows, concerts, and holiday parties. The proposed sublease of 2233 Polk and 2233 Lamar from All-Star Parking, Inc. would secure convenient, nearby lots for a period of two years with two, one-year option terms and a right of first refusal to purchase in favor of the City. The rental would be \$4,500 per month for the first year, \$5,000 per month for the second year, and \$5,500 per month for the option years. The Building Services Department concurs that the rental amounts are well within the fair market value for such property. The property owner, Raju Patel, has agreed to honor the City's sublease should the All-Star Parking, Inc. lease with the owner be terminated. The owner has also agreed to honor the City's right of refusal to purchase the property. The Convention & Entertainment Facilities Department recommends that City Council approve the above-described sublease for use as staging areas for tractor-trailers and commercial parking.				
REQUIRED AUTHORIZATION				
F&A Director:		Other Authorization:		Other Authorization: NDT

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: General Services Administration Supplemental Lease Agreement No. 2 – William P. Hobby Airport	Category #	Page 1 of 2	Agenda Item # 36
---	-------------------	-----------------------	-----------------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date March 26, 2007	Agenda Date MAY 09 2007
--	---	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Kae</i> <i>da</i>	Council District affected: I
--	--

For additional information contact: James D. Murfi Phone: 281/233-1820 Michael A. Lee Phone: 281/233-1571	Date and identification of prior authorizing Council action: September 17, 2003, Ord. 2003-0835 May 24, 2005, Ord. 2005-0650
--	---

AMOUNT & SOURCE OF FUNDING: Revenue - \$25,889.41 per year (\$2,157.45 per month)	Prior appropriations: N/A
---	-------------------------------------

RECOMMENDATION: (Summary)
Enact an Ordinance approving and authorizing the execution of Supplemental Lease Agreement No. 2 to Lease GS-07B-15237 with the General Services Administration (GSA) for office and breakroom space for the Transportation Security Administration (TSA) at William P. Hobby Airport (HOU).

SPECIFIC EXPLANATION:
The General Services Administration (GSA) is leasing space on behalf of the Transportation Security Administration (TSA) for offices and breakrooms at William P. Hobby Airport (HOU). This Supplemental Lease Agreement No. 2 adds an additional 267 square-foot breakroom to the lease.

The pertinent aspects of the Supplemental Lease Agreement No. 2 are as follows:

Leased Premises: Adds approximately 267 square feet of breakroom space. The total lease space will increase to approximately 3,112 square feet.

Rental: Adds approximately \$25,889.41 per year (\$2,157.45 per month). The total rent will increase to approximately \$187,217.92 per year (\$15,601.49 per month).

Term: The term remains unchanged ending September 3, 2008. After September 4, 2007, Director or GSA may cancel with ninety days written notice.

REQUIRED AUTHORIZATION

F&A Budget: <i>Michelle Mitchell</i>	Other Authorization:	Other Authorization:
--	-----------------------------	-----------------------------

Date March 26, 2007	Subject: General Services Administration Supplemental Lease Agreement No. 2 – William P. Hobby Airport	Originator's Initials MAL	Page 2 of 2
-------------------------------	---	---	-----------------------

General Use: The space is in support of the passenger and baggage screening operations at HOU for breakroom purposes.

Janitorial: TSA shall assume the responsibility, cost and expense for the janitorial services of the leased premises.

Maintenance and Utilities: The City will provide for the maintenance of the building, building systems and all equipment, fixtures and appurtenances furnished by the City under the lease and provide for all utilities furnished to the leased premises.

RMV:mal

Attachments

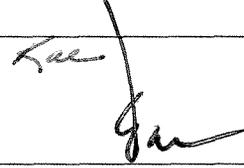
- cc: Ms. Marty Stein
Mr. Anthony W. Hall, Jr.
Mr. Arturo G. Michel
Mr. Richard M. Vacar, A.A.E.
Ms. Sara Culbreth
Mr. Dave Arthur
Mr. James D. Murff
Mr. Jeffrey W. Kelly
Mr. Randy Rivin
Ms. Kathy Elek
Mr. Richard Fernandez
Ms. Ellen Erenbaum

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract with Aviation Data Group, LLC (ADG) for airline route and network analysis software.	Category #	Page 1 of 1	Agenda Item # 37
---	-------------------	-----------------------	---------------------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date April 2, 2007	Agenda Date MAY 09 2007
--	--	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: B, E, I
--	--

For additional information contact: Saba Abashawl Phone: 281/233-1829 Genaro Peña Phone: 281/233-1808	Date and identification of prior authorizing Council action: N/A
--	--

AMOUNT & SOURCE OF FUNDING: \$125,000 Houston Airport System (HAS) Revenue Fund (8001)	Prior appropriations: N/A
--	-------------------------------------

RECOMMENDATION: (Summary)
Enact an ordinance approving and authorizing a contract with Aviation Data Group, LLC (ADG) for airline route and network analysis software for the Houston Airport System.

SPECIFIC EXPLANATION:

The Houston Airport System (HAS) has maintained an annual agreement with Aviation Data Group, LLC (ADG) for airline route and network analysis software since August 2004. This software, known as APGdat, provides HAS with access to the fundamental tools used by airlines to make route and network decisions, including schedule, traffic, fare and load factor data. HAS has used this data to target passenger airlines with justification for new routes to/from Houston.

ADG is now offering upgraded software known as APGdat+, which provides further air service analysis capabilities. The improved capabilities include forecasting, modeling and detailed analysis of average fares and passenger traffic. The improved features provided in APGdat+ will allow HAS to evaluate air service opportunities that HAS previously could not, thus expanding the marketing and air service development outreach.

The term of this contract is two years with two one-year options.

RMV:sm

cc: Ms. Marty Stein Ms. Kathy Elek
Mr. Anthony W. Hall, Jr. Ms. Saba Abashawl
Mr. Arturo G. Michel Mr. Genaro Peña
Ms. Velma Laws Mr. Richard Fernandez
Mr. Richard M. Vacar

REQUIRED AUTHORIZATION			NDT
F&A Budget: 	Other Authorization:	Other Authorization:	

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional Consulting Services Contract with Applied Research Associates, Inc. for Pavement Management Program Development with the Houston Airport System; Project No. 508; WBS # A-000138-0015-3	Category # 9	Page 1 of 2	Agenda Item # 38
--	---------------------	--------------------	-----------------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date April 3, 2007	Agenda Date MAY 09 2007
--	--	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Kae</i> 	Council District affected: B, E & I
---	---

For additional information contact: Eric R. Potts Phone: 281-233-1999 Adil Godiwalla Phone: 281-233-1934	Date and identification of prior authorizing Council action: None
---	---

AMOUNT & SOURCE OF FUNDING: CIP No. A-0138.37.2 \$500,000.00 Airports Improvement Fund (8011) 	Prior appropriations: None
---	--------------------------------------

RECOMMENDATION: (Summary)
Enact an ordinance to approve a Professional Consulting Services Contract with Applied Research Associates, Inc. and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:
A Professional Consulting Services Contract has been prepared with Applied Research Associates, Inc. for the development of an Airfield Pavement (AIR PAV) Management System at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field consistent with FAA mandates as outlined in Advisory Circulars #150/5380-6A and #150/5380-7A.

This Air Pav Management System will enable the Houston Airport System (HAS) to further maximize cost effective utilization of department resources for pavement maintenance, repair and upgrade in response to current and foreseeable air traffic growth and changes.

This contract includes the following elements:

1. Overall survey and assessment of the condition and strength of airfield pavement at the three airports using non-destructive and destructive pavement testing methods.
2. Evaluation of current and future aircraft traffic levels and patterns in relation to current pavement conditions and strengths.
3. Upgrade the AIRPAV system computer program to predict the probable cost and optimum timing of pavement repair and upgrades to meet future needs.
4. Development of recommendations for the type, quantity and cost of an ongoing pavement maintenance plan for the next five years.
5. Submittal of a report summarizing the findings, conclusions and recommendations of the study.

REQUIRED AUTHORIZATION

NDT

F&A Budget: 	Other Authorization:	Other Authorization:
---	-----------------------------	-----------------------------

Date April 3, 2007	Subject: Professional Consulting Services Contract with Applied Research Associates, Inc. for Pavement Management Program Development with the Houston Airport System; Project No. 508; WBS # A-000138-0015-3	Originator's Initials	Page 2 of 2
----------------------------------	--	------------------------------	-----------------------

The term of this contract is two years with three one-year extensions. The total allocated amount is \$500,000.00.

DBE Participation:

The Disadvantage Business Enterprise (DBE) goal for this project is twenty-four percent (24%) and will be met by the following certified firm:

Firm	Type of Work	Amount	% of Bid
Aviles Engineering Corp.	Nondestructive Testing & Engineering Assistance	\$120,000.00	24%
Total		\$120,000.00	24%

This project is eligible for federal funding through the FAA's AIP Program. It is also eligible for Passenger Facility Charge (PFC) funding. Appropriate fund source adjustments will be made in the future if additional AIP or PFC funding becomes available.

RMV: ERP: AG: BPG: JDW

Attachments

cc: Ms. Marty Stein Mr. Anthony W. Hall, Jr. Mr. Arturo G. Michel Ms. Velma Laws Mr. Richard M. Vacar Ms. Sara S. Culbreth Mr. Dave Arthur Ms. Ellen Erenbaum Mr. Eric R. Potts	Dr. Kent R. McLemore Mr. Frank Crouch Mr. John S. Kahl Mr. Adil Godiwalla Ms. Kathy Elek Ms. Janice D. Woods Ms. Carolyn A. Walker Mr. Dara R. Umrigar Mr. Richard Fernandez Mr. J. Goodwille Pierre
---	---

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment No.1 to the Contract for Professional Consulting Services with HNTB Corporation for On-Call Planning Services with the Houston Airport System; Project No. 616; WBS # A-000368-0002-3-01.	Category # 9	Page 1 of 2	Agenda Item # 39
---	------------------------	-----------------------	-----------------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date April 5, 2007	Agenda Date MAY 09 2007
--	--	-----------------------------------

DIRECTOR'S SIGNATURE: <i>Kae [Signature]</i>	Council District affected: B, E & I
---	---

For additional information contact: Eric R. Potts Phone: 281/233-1999 Kent R. McLemore <i>WPKH</i> 281/233-1973	Date and identification of prior authorizing Council action: 2004-1045 (O); 10/5/04
--	---

AMOUNT & SOURCE OF FUNDING: CIP A-0368.13.2 \$2,000,000.00 Airports Improvement Fund (8011) <i>(48)</i>	Prior appropriations: CIP A-0368.03/07.6.....\$4,250,000.00 Airports Improvement Fund (561)
---	---

RECOMMENDATION: (Summary)
Enact an ordinance to approve Amendment No.1 to the Contract for Professional Consulting Services with HNTB Corporation and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:

On September 24, 2004, the City entered into contract 56374 in the amount of \$4,250,000.00 with HNTB Corporation for On-Call Planning Services with the Houston Airport System (HAS), including George Bush Intercontinental Airport/Houston, William P. Hobby Airport, Ellington Field and other HAS properties to assess HAS' current and future development needs, the options available for meeting those needs and the actions required to implement development recommendations.

This amendment will provide a continuation of work already underway and broaden HAS' ability to address complex airport planning issues. Services performed to date include upcoming capital programming tasks, land use management issues (encroachment of incompatible land uses), master plan implementation support, regulatory changes, height hazard zoning ordinance changes and environmental work to support programmed construction projects.

It is requested that Council approve Amendment No. 1 in the amount of \$2,000,000.00, which will provide continued development services for the following elements:

- Project Management
- Data Collection and Analysis
- Airspace Planning Services
- Terminal Facility Planning Services
- Ground Access Planning Services
- General Facility Planning
- Land Use Planning
- Documentation and Presentations
- Environmental Planning Services

REQUIRED AUTHORIZATION

NDT

F&A Budget: <i>[Signature]</i>	Other Authorization:	Other Authorization:
--	-----------------------------	-----------------------------

Date April 5, 2007	Subject: Amendment No.1 to the Contract for Professional Consulting Services with HNTB Corporation for On-Call Planning Services with the Houston Airport System; Project No. 616; WBS # A-000368-0002-3-01.	Originator's Initials CO	Page 2 of 2
------------------------------	---	------------------------------------	-----------------------

- Capital Improvements Program Support
- Master Plan Implementation Support

Originally, the contract term for this project was three (3) years. However, it was anticipated at that time that based on the performance of the consultant and the amount of work to be utilized that future amendment(s) may be required to increase either the time or the funds for this project. Amendment No. 1 will extend these services for three (3) additional years.

DBE Participation:

The Disadvantaged Business Enterprise (DBE) goal for Amendment No. 1 is twenty-four percent (24%) and will be met by the following certified firms:

FIRM	TYPE OF WORK
ESC Polytech, Inc.	Airport Planning Services
KM Chng Environmental, Inc.	Environmental Services, Air Quality
Quadrant Consultants, Inc.	Civil Engineering, Environmental Services
The Lentz Group, Inc.	Required Public Meetings (Conducted per FAA Regulations)
Lopez Garcia Group, Inc.	Civil Engineering, Environmental
Martinez Corporation	Aerial Mapping, Photogrammetry
TSC Engineering Company	Civil Engineering, Surveying
Kimberley Mickelson, P.C.	Legal Services
Planning & Development Services, Inc. dba Knudson & Associates	Urban and Comprehensive Planning
TransSolutions, LLC	Airfield and Traffic Simulations

The amount of work for each proposed sub-consultant will be determined as the project progresses and the services required by each sub-consultant are better defined.

HNTB Corporation is currently achieving 23.02% DBE participation on their 24% goal.

RMV: ERP: KRM: CAO: JDW

Attachments

cc: Ms. Marty Stein Mr. Anthony W. Hall, Jr. Mr. Arturo G Michel Ms. Velma Laws Mr. Richard M. Vacar Ms. Sara S. Culbreth	Mr. Dave Arthur Ms. Ellen Erenbaum Ms. Kathy Elek Mr. Eric R. Potts Mr. Adil Godiwalla Dr. Kent R. McLemore Mr. Frank Crouch	Mr. John S. Kahl Mr. Dara N. Umrigar Ms. Janice D. Woods Ms. Carolyn A. Walker Mr. Richard Fernandez Mr. J. Goodwille Pierre
--	--	---

SUBJECT: Construction Contract with CST Environmental, Inc. for Building Demolition and Environmental Remediation adjacent to George Bush Intercontinental Airport/Houston, Project No. 617D, WBS #A-000476-0008-4-01.	Category #	Page 1 of 2	Agenda Item # 40
---	-------------------	--------------------	----------------------------

FROM (Department or other point of origin): Houston Airport System	Origination Date May 3, 2007	Agenda Date MAY 09 2007
--	--	-----------------------------------

DIRECTOR'S SIGNATURE: 	Council District affected: B
---	--

For additional information contact: Eric R. Potts Phone: 281/233-1999 Adil Godiwalla Phone: 281/233-1934	Date and identification of prior authorizing Council action: N/A
---	--

AMOUNT & SOURCE OF FUNDING: CIP No. A-0476.73.3 \$1,206,348.00 Airports Improvement Fund (8011) 	Prior appropriations: N/A
--	-------------------------------------

RECOMMENDATION: (Summary)

Enact an ordinance to award a construction contract to CST Environmental, Inc. in the amount of \$1,086,800.00 and appropriate the necessary funds to finance the cost of these services.

SPECIFIC EXPLANATION:

PROJECT LOCATION: Greenview Manor Subdivision adjacent to George Bush Intercontinental Airport/Houston.

PROJECT SUMMARY: Project consists of, but is not limited to, demolition of buildings in Greenview Manor Subdivision adjacent to George Bush Intercontinental Airport/Houston.

Project 617D has a term of 300 calendar days and was designed by Ambrose, McEnany and House, Architects.

BIDS DATE: Bids received on April 26, 2007 were as follows:

1.	CST Environmental, Inc.	\$1,086,800.00
2.	AAR, Inc.	\$1,131,345.00
3.	J.T.B. Services, Inc.	\$1,380,750.00
4.	Cherry Moving Co. Inc.	\$1,398,000.00
5.	Basic Industries, Inc.	\$3,115,204.00

REQUIRED AUTHORIZATION		NDT
F&A Budget: 	Other Authorization:	Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance Authorizing the purchase of Crime Insurance Policy for Public Employee Dishonesty and Computer Fraud

Category #

Page 1 of 2

Agenda Item# **41**

FROM: (Department or other point of origin):

Judy Gray Johnson, Director
Finance and Administration Department

Origination Date

April 27, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE:

Judy Gray Johnson

Council Districts affected:

All

For additional information contact:

Tina A. Paquet

Phone: 713-837-9856

Date and identification of prior authorizing Council Action:

5/16/06; Ordinance No. 2006-495

RECOMMENDATION: (Summary)

Authorize the purchase of a Crime Insurance Policy for Public Employee Dishonesty and Computer Fraud from American International Group (AIG), through member company, National Union Fire Insurance Company of Pittsburgh, PA.

Amount of Funding:	Year 1 Policy Premium	\$ 20,280
	Year 2 Policy Premium	\$ 31,737
	Year 3 Policy Premium	\$ 41,737
	Not to Exceed Premium	\$ 93,754

F & A Budget:

Michelle Mitchell

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

Property / Casualty Fund (Insurance Revolving Fund): 1004
To Be Reimbursed By Various Funds

SPECIFIC EXPLANATION:

The Finance & Administration Department recommends that Council approve the three-year Crime Insurance Policy for Public Employee Dishonesty and optional Computer Fraud Coverage proposed by the incumbent carrier, American International Group (AIG), through member company, National Union Fire Insurance Company of Pittsburgh, Pa. The three-year policy term begins May 29, 2007. The proposed not to exceed policy premium for the three-year policy term is \$93,754. This not to exceed amount includes premium of \$85,543 (\$52,629 base crime policy premium and loss adjustment premium of \$32,914), as well as, premium of \$8,211 for optional computer fraud coverage (protects the City from the use of computers to fraudulently transfer City funds and other property to a third party).

Loss adjustment premium may be charged during the second and third policy years, if loss payments exceed 100% of the premium applicable to each year. Proposed premium amounts for each policy year are outlined below.

POLICY YEAR	Base Crime Policy Premium	Loss Adjustment Premium	TOTAL ADJUSTED		
			CRIME POLICY PREMIUM	OPTION: COMPUTER FRAUD PREMIUM	NOT TO EXCEED PREMIUM
1	\$17,543	-	\$17,543	\$2,737	\$20,280
2	\$17,543	\$11,457	\$29,000	\$2,737	\$31,737
3	\$17,543	\$21,457	\$39,000	\$2,737	\$41,737
Totals	\$52,629	\$32,914	\$85,543	\$8,211	\$93,754

Section 2-39 of the City of Houston Code of Ordinance requires that public employees dishonesty coverage be maintained to cover all employees not covered by the individual public official bonds required in Section 2-37 of the Code. Public employee dishonesty coverage required in Section 2-39 protects the City from losses resulting from theft committed by an employee acting alone or in collusion with others.

REQUIRED AUTHORIZATION

F&A Director:

Date: 4/27/2007	Subject: Ordinance authorizing the purchase of a Crime Insurance Policy for Public Employee Dishonesty and Computer Fraud	Originator's Initials	Page 2 of 2
-----------------	---	-----------------------	-------------

A Request for Proposals for a Crime Insurance Policy for Public Employee Dishonesty was advertised in the Houston Business Journal on March 23rd and 30th, 2007. The City's Insurance Broker of Record, John L. Wortham & Son, L. P. solicited proposals from seven insurance carriers. Five of the carriers declined to submit proposals due to the high-risk exposure of providing insurance for theft by public employees in large municipalities. The sixth carrier's proposal did not meet minimum specifications. The proposal received from AIG meets minimum specifications and the requirements of Section 2-39 of the City of Houston Code of Ordinance.

The terms of the three year policy are as follows:

Policy Term: May 29, 2007 to May 29, 2010

Limit: \$2,000,000 per occurrence

Deductible: \$10,000 per occurrence

Not to Exceed Premium: \$93,754 (Crime Policy: \$85,543 + Computer Fraud Option: \$8,211)

Attachment

cc: Anthony Hall, Chief Administrative Officer
Arturo Michel, City Attorney
Marty Stein, Agenda Director

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7135

Subject: Approve an Ordinance Authorizing a First Amendment to Contract No. C51012 for Energy Management and Maintenance Services for the Houston Public Library
TC-9-0762-019-12170-A1

Category #
4

Page 1 of 1

Agenda Item

42

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 27, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Jacquelyn L. Nisby Phone: (713) 247-1814
Ray DuRousseau Phone: (713) 247-1735

Date and Identification of prior authorizing Council Action:

Ordinances 1999-1232, 2005-310, 2005-1299

RECOMMENDATION: (Summary)

Approve an ordinance authorizing a first amendment to Contract No. C51012 between the City of Houston and Johnson Controls, Inc. to increase the spending authority from \$10,119,628.00 to \$11,119,628.00, and extend the term from May 29, 2007 to December 31, 2007 for energy management and maintenance services for the Houston Public Library.

Spending Authority Increase: \$1,000,000.00

F & A Budget

\$1,000,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing a first amendment to Contract No. C51012 between the City of Houston and Johnson Controls, Inc. to increase the spending authority from \$10,119,628.00 to \$11,119,628.00 and extend the term from May 29, 2007 to December 31, 2007 for energy management and maintenance services for the Houston Public Library.

This contract was awarded on November 17, 1999 by Ordinance No. 1999-1232, for a seven-year term with a 180-day extension option in the original contract amount of \$9,192,055.00. Ordinance No. 2005-310 was approved on March 30, 2005 for a supplemental agreement to add additional services which increased the spending authority from \$9,192,055.00 to \$9,856,909.00. Ordinance No. 2005-1299 was approved on November 16, 2005 to increase the spending authority from \$9,856,909.00 to \$10,119,628.00.

Expenditures as of April 27, 2007 totaled \$10,029,004.87. The spending authority increase and six-month term extension will allow services to continue through December 31, 2007 until a new request for proposal for energy management and maintenance services is advertised and awarded. Johnson Controls, Inc. has agreed to extend the contract term at the current contract prices. All other terms and conditions remain as originally approved by City Council. Although this contract is being extended, the City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, equipment, materials, tools, supervision and transportation necessary to provide heating, ventilation, and air conditioning maintenance and operations; energy management; preventive maintenance to include lighting and electrical; and maintain the building management systems (Metasys) at all Houston Public Library facilities. In addition, the contractor will provide fire alarm monitoring, maintenance, and testing services at twelve library facilities.

This contract was awarded with a 15% M/WBE participation goal; Johnson Controls, Inc. is currently achieving 15.8%.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

3-26-07

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 7402

Subject: Formal Bids Received for Swimming Pool Maintenance Services for the Parks & Recreation Department
S28-L22349

Category #
4

Page 1 of 2

Agenda Item

43

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

May 03, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells
For additional information contact:
Cheryl Johnson Phone: (713) 845-8034
Ray DuRousseau Phone: (713) 247-1735

Council District(s) affected

All
Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Commercial Chemical Products, Inc. dba Poolsure on its low bid in an amount not to exceed \$3,044,800.00 for swimming pool maintenance services for the Parks & Recreation Department.

Estimated Spending Authority: \$3,044,800.00

F & A Budget

\$3,044,800.00 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to extend, for a total five-year term, to Commercial Chemical Products, Inc. dba Poolsure on its low bid for swimming pool maintenance services in an amount not to exceed \$3,044,800.00 for the Parks & Recreation Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor. This contract shall be used citywide to maintain the chemicals and chemical dispensing equipment for 40 swimming pools and 18 wading pools.

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

<u>Company</u>	<u>Total Amount</u>
1. Texas Aquatic Supply	\$ 650,943.00 (Incomplete Bid)
2. Commercial Chemical Products Inc. dba Poolsure	\$3,044,800.00
3. Clearwater Chemicals	\$4,246,950.00

The scope of work requires the contractor to provide all labor, supervision, materials, tools, equipment, chemicals, supplies and transportation necessary to provide chemicals and maintenance of controllers and dispensers for City swimming pools. The contractor shall furnish all water testing equipment and chemicals to maintain proper chemical balance as required in commercial pools. Pools shall be visited once per week to check water balance, replenish chemicals and monitor equipment. The contractor shall also be required to perform year-round maintenance and repair services on the controllers, chemical feed systems and automated monitoring equipment.

M/WBE Subcontracting:

This bid was advertised as a goal-oriented contract with an 11% M/WBE participation level. Commercial Chemical Products, Inc. dba Poolsure has designated the below-named company as its certified M/WBE subcontractor.

REQUIRED AUTHORIZATION

F&A Director:

Other Authorization:

Other Authorization:

Date: 5/3/2007	Subject: Formal Bids Received for Swimming Pool Maintenance Services for the Parks & Recreation Department S28-L22349	Originator's Initials DP	Page 2 of 2
-------------------	---	--------------------------------	-------------

Name **Type of Work** **Amount**
 Bates Chemical, Inc. Chemical Wholesalers \$334,928.00

Buyer: David Petersen

Estimated Spending Authority			
DEPARTMENT	FY 2007	OUT YEARS	TOTAL
Parks & Recreation	\$107,000.00	\$2,937,800.00	\$3,044,800.00
Grand Total	\$107,000.00	\$2,937,800.00	\$3,044,800.00

SUBJECT: Professional Architectural Services Contract Natalye Appel + Associates Architects LLC Library ADA Renovations WBS No. E-000157-0002-3		Page 1 of 2	Agenda Item 44
---	--	-----------------------	--------------------------

FROM (Department or other point of origin): Building Services Department	Origination Date 4-18-07	Agenda Date MAY 09 2007
--	------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 4/2/07</i>	Council Districts affected: A,B,E,G,I
--	---

For additional information contact: Jacquelyn L. Nisby <i>Jacquelyn Nisby</i> Phone: 713-247-1814	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: Approve architectural services contract and appropriate funds for the project.

Amount and Source Of Funding: \$221,444.44 Public Library Consolidated Construction Fund (4507)	F & A Budget: <i>[Signature]</i>
---	--

SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve and authorize an architectural services contract with Natalye Appel + Associates Architects LLC to perform Facility Design Services for five branch libraries for the Houston Public Library.

PROJECT LOCATIONS:

<u>Branch Library</u>	<u>Address</u>	<u>Map</u>	<u>District</u>
J.S. Bracewell	10115 Kleckley	576P	E
Mrs. Amanda E. Dixon	8002 Hirsch	454K	B
J. Frank Jungman	5830 Westheimer	491T	G
Lucile Yvonne Melcher	7200 Keller	535E	I
Elizabeth L. Ring	8835 Long Point	450V	A

PROJECT DESCRIPTION: The scope of services for this project includes architectural and engineering services necessary to provide construction documents for the correction of all accessibility violations at the five branch libraries in accordance with the Americans with Disabilities Act.

REQUIRED AUTHORIZATION

CUIC # 25WTH 32

Building Services Department: <i>Wendy Teas Heger</i> Wendy Teas Heger, AIA Chief of Design & Construction Division	Houston Public Library: <i>Rhea Brown Lawson</i> Rhea Brown Lawson, PhD. Director
---	---

Date	SUBJECT: Professional Architectural Services Contract Natalye Appel + Associates Architects LLC ADA Renovations WBS No. E-000157-0002-3	Originator's Initials JBW	Page 2 of 2
-------------	---	---	-----------------------

SCOPE OF CONTRACT AND FEE: The contract provides for a Basic Services Fee to be paid as a lump sum and certain Additional Services to be paid on a reimbursable basis.

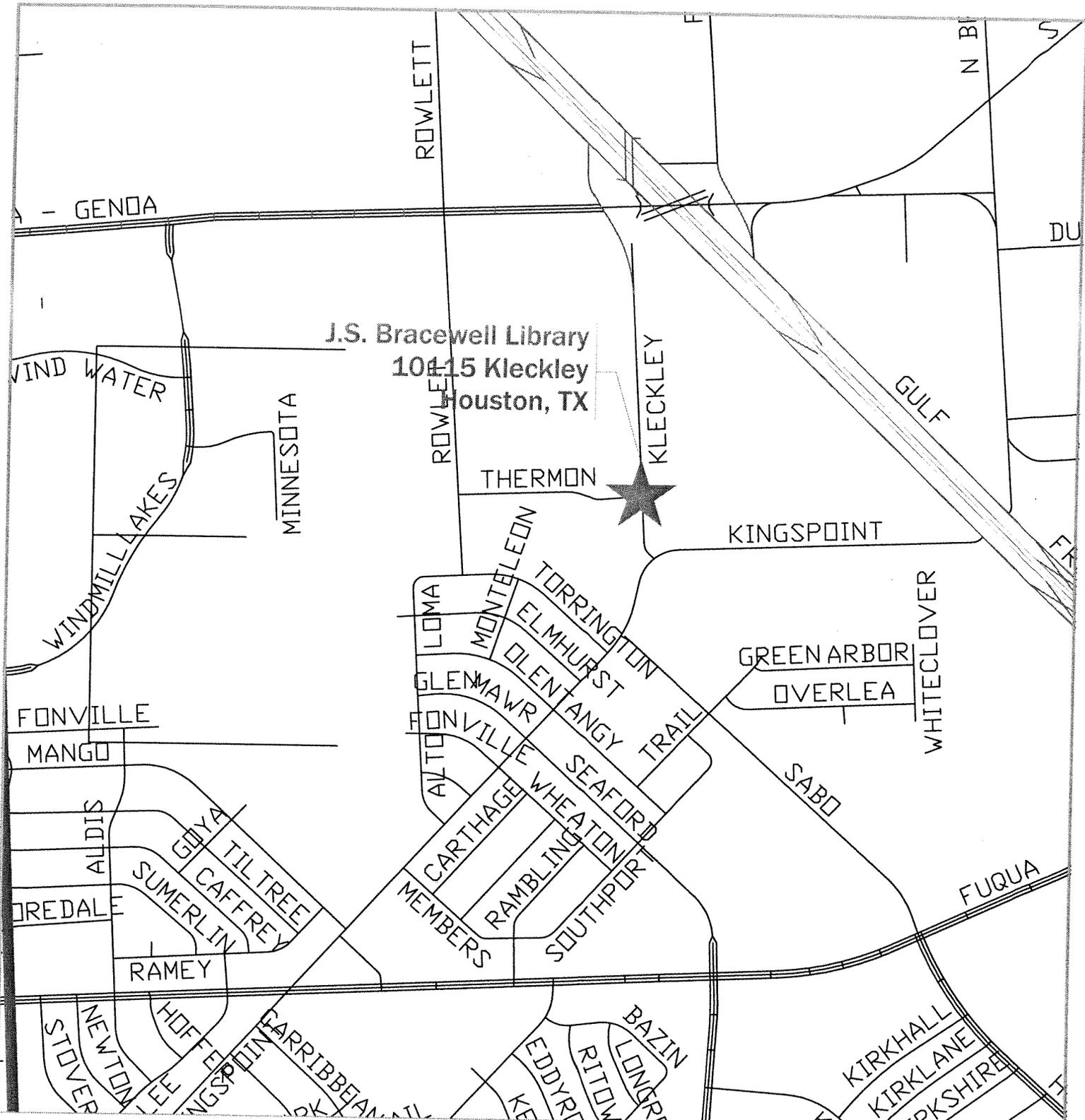
\$ 170,000.00	Basic Services Fee
\$ 31,444.44	Additional Services Fee
<u>\$ 20,000.00</u>	Reimbursable Expenses
\$ 221,444.44	Total Funding

M/WBE INFORMATION: A MWBE goal of 24% has been established for this contract. The Architect has submitted the following certified firm to achieve this goal:

<u>Firm</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Multi, Design for People, LLC	Assist in Evaluation	\$50,000.00	29.41%

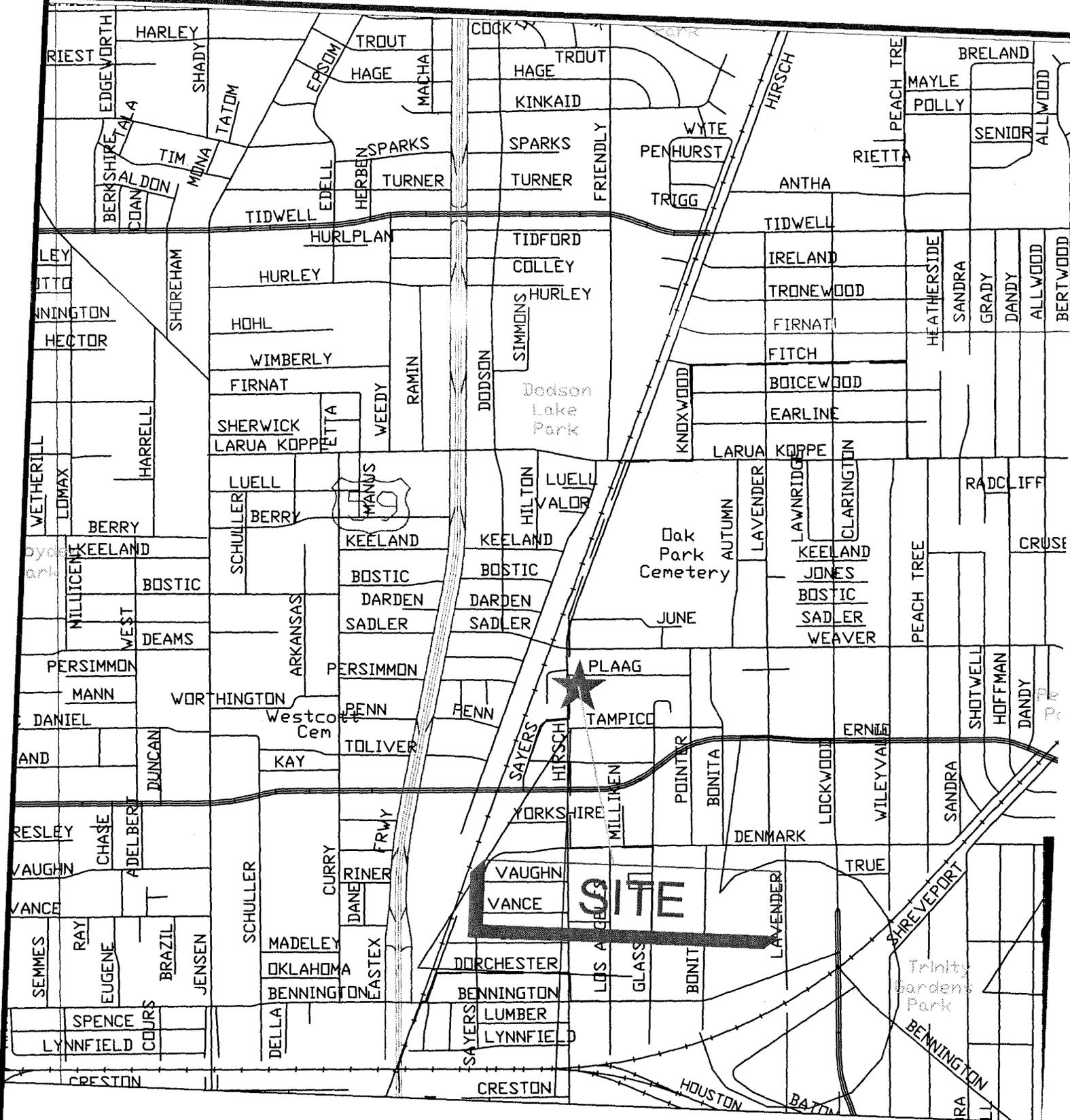
MV
IZD:WTH:MCP:JLN:jb

c: Marty Stein, Jacquelyn L. Nisby, John Middleton, Velma Laws, File



J.S. Bracewell Library
 10115 Kleckley
 Houston, TX

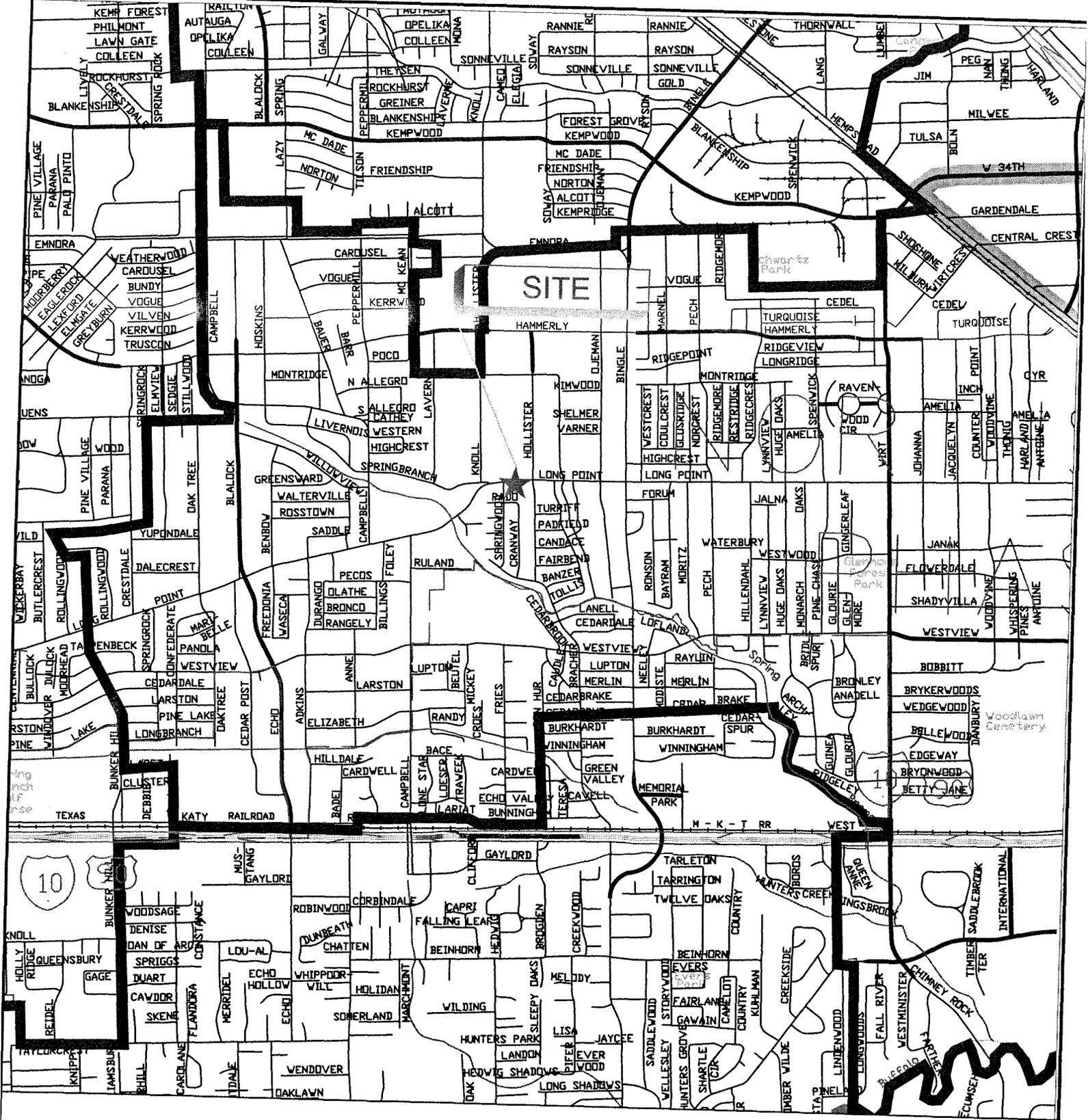
J.S. Bracewell Library
 10115 Kleckley
 Houston, TX



AMANDA E. DIXON BRANCH LIBRARY
 8002 HIRSCH HOUSTON, TX

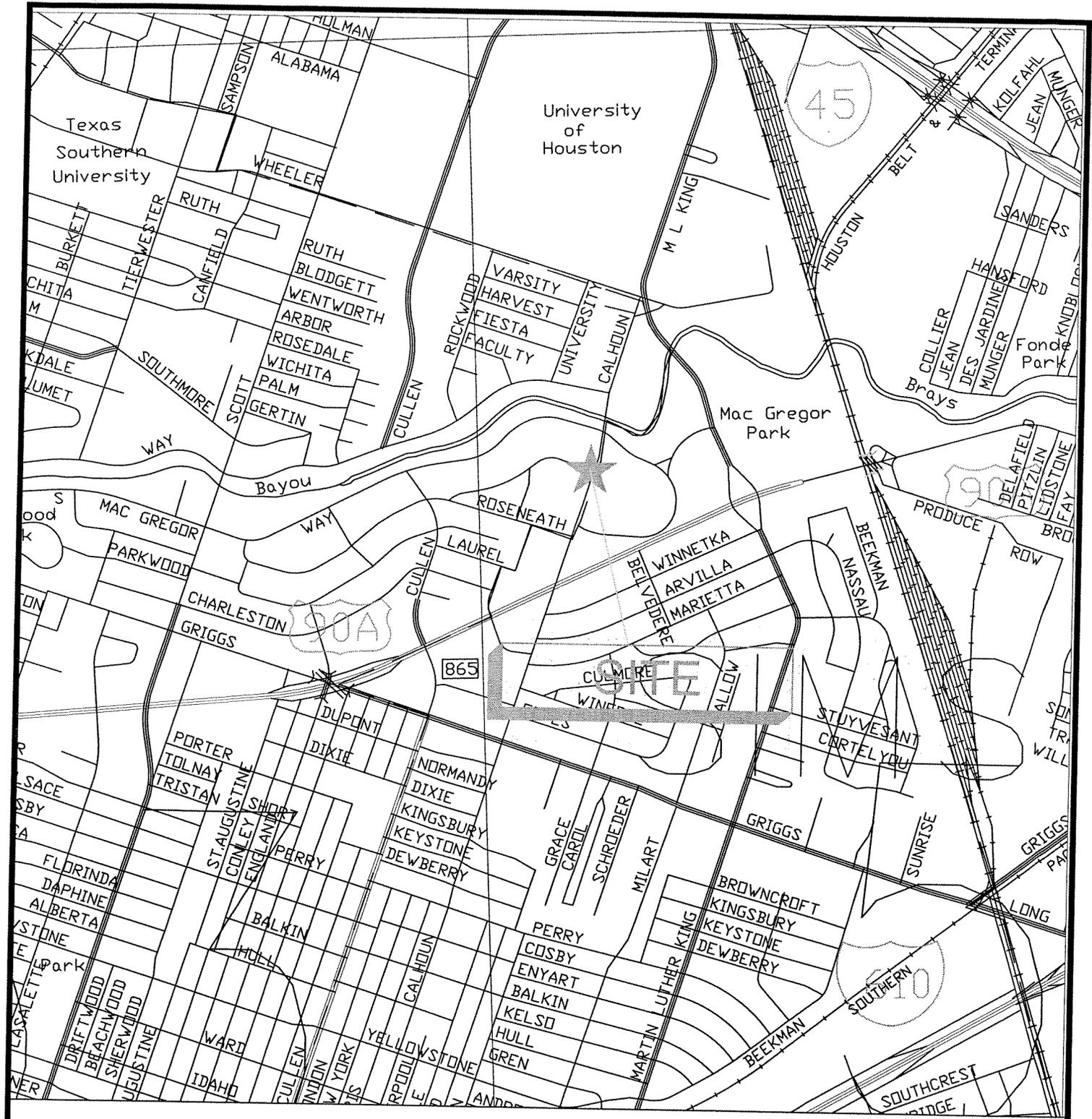


J. Frank Jungman
5830 Westheimer Houston, Tx



ELIZABETH L. RING LIBRARY
 8835 LONG POINT
 HOUSTON, TX

SUBJECT: Appropriate Additional Funds Professional Materials Engineering Laboratory Services Contract Fugro Consultants, Inc. MacGregor Park Road Improvements WBS No. F-504A21-0022-4		Page 1 of 1	Agenda Item 45
FROM (Department or other point of origin): Building Services Department	Origination Date 04-27-2007	Agenda Date MAY 09 2007	
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>Issa Z. Dadoush 4/19/07</i>	Council District(s) affected: D		
For additional information contact: Jacquelyn L. Nisby <i>JLN</i> Phone: 713-247-1814	Date and identification of prior authorizing Council action: Ordinance 05-646, May 24, 2005 Ordinance 06-321, April 5, 2006		
RECOMMENDATION: Appropriate additional funds for the project.			
Amount and Source of Funding: \$7,600.00 - Parks Consolidated Construction Fund (4502)		F & A Budget: <i>Medley</i> <i>SL</i>	
Previous Funding: \$18,000.00 - Parks Consolidated Construction Fund 421			
SPECIFIC EXPLANATION: The Building Services Department recommends that City Council appropriate an additional amount of \$7,600.00 to the Task Order Contract with Fugro Consultants, Inc. (Fugro) to perform additional materials testing and inspection services for the MacGregor Park Road Improvements project for the Parks and Recreation Department.			
PROJECT LOCATION: MacGregor Park 5225 Calhoun (Key Map 534E)			
PREVIOUS HISTORY AND PROJECT DESCRIPTION: On May 24, 2005, City Council approved a three-year Task Order Contract with Fugro Consultants, Inc. to perform materials testing to assure quality control during construction and compliance with engineering design specifications. On April 5, 2006, City Council appropriated \$18,000 for construction materials testing at MacGregor Park to include concrete slabs, piers, footings, asphalt and inspection on the installation of three picnic pavilions and shade structure.			
SCOPE OF WORK AND FEE: This additional appropriation will provide for additional testing services of construction material necessary to complete the inspection of structural steel, concrete sidewalks and asphalt at MacGregor Park. The consultant will be paid based on the established City of Houston Schedule of Fees. The project consists of park road improvements, playground equipment, acoustic panels, shade structure and pavilions, and grading and drainage improvements.			
M/WBE INFORMATION: A M/WBE goal of 24% has been established for this appropriation. The consultant will utilize the M/WBE sub-consultant in the original contract to achieve the goal.			
The original contract has a 24% goal. To date, Fugro has achieved 22.6% M/WBE participation.			
JZD:WTH:RJO:JLN:LJ:tc			
cc: Issa Dadoush; Mark Ross; Richard Odlozil; Lisa Johnson; Velma Laws; James Tillman; Gabriel Mussio; File			
REQUIRED AUTHORIZATION		CUIC ID# RJO031	
Other Authorization: <i>Wendy Teas Heger</i> Wendy Teas Heger, AIA Chief of the Design & Construction Division Building Services Department	Other Authorization:	Other Authorization: <i>Joe Turner</i> Joe Turner, Director Parks and Recreation Department	



5225 CALHOUN RD

COUNCIL DISTRICT "D"

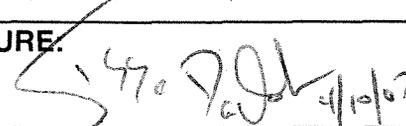
KEY MAP NO. 534 E

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds Texas Sterling Construction L.P. Southeast Solid Waste Center Concrete Driveway Repair 1502 Central St. WBS No. L-000071-0001-4	Page 1 of 1	Agenda Item 46
--	-----------------------	--------------------------

FROM (Department or other point of origin): Building Services Department	Origination Date 4/26/07	Agenda Date MAY 09 2007
--	------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 	Council District affected: 1
---	--

For additional information contact: Jacquelyn L. Nisby  Phone: 713-247-1814	Date and identification of prior authorizing Council action: Ordinance 2004-0680; dated 06/23/2004
--	--

RECOMMENDATION: Appropriate funds for the project.

Amount and Source of Funding: \$ 35,000.00 Solid Waste Consolidated Construction Fund (4503)	F & A Budget: 
--	---

SPECIFIC EXPLANATION: The Building Services Department recommends that City Council appropriate an additional amount of \$35,000.00 to the existing citywide contract with Texas Sterling Construction L.P., for drive-way concrete replacement and urethane leveling services at the Solid Waste Southeast Service Center.

PROJECT LOCATION: Solid Waste Southeast Service Center
1502 Central Street (535G)

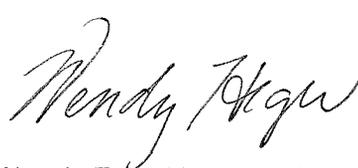
PROJECT DESCRIPTION: This project involves replacement of the damaged driveway area with an 8" concrete slab, and repair of the expansion joints as needed; polyurethane injection under north truck driveway to void fill, stabilize, lift and level concrete slab pavement. The urethane leveling will be covered under a 1-year service warranty and 10-year material guarantee against shrinkage or deterioration. The driveway has collapsed due to the heavy weight of the solid waste transfer trucks using the facility.

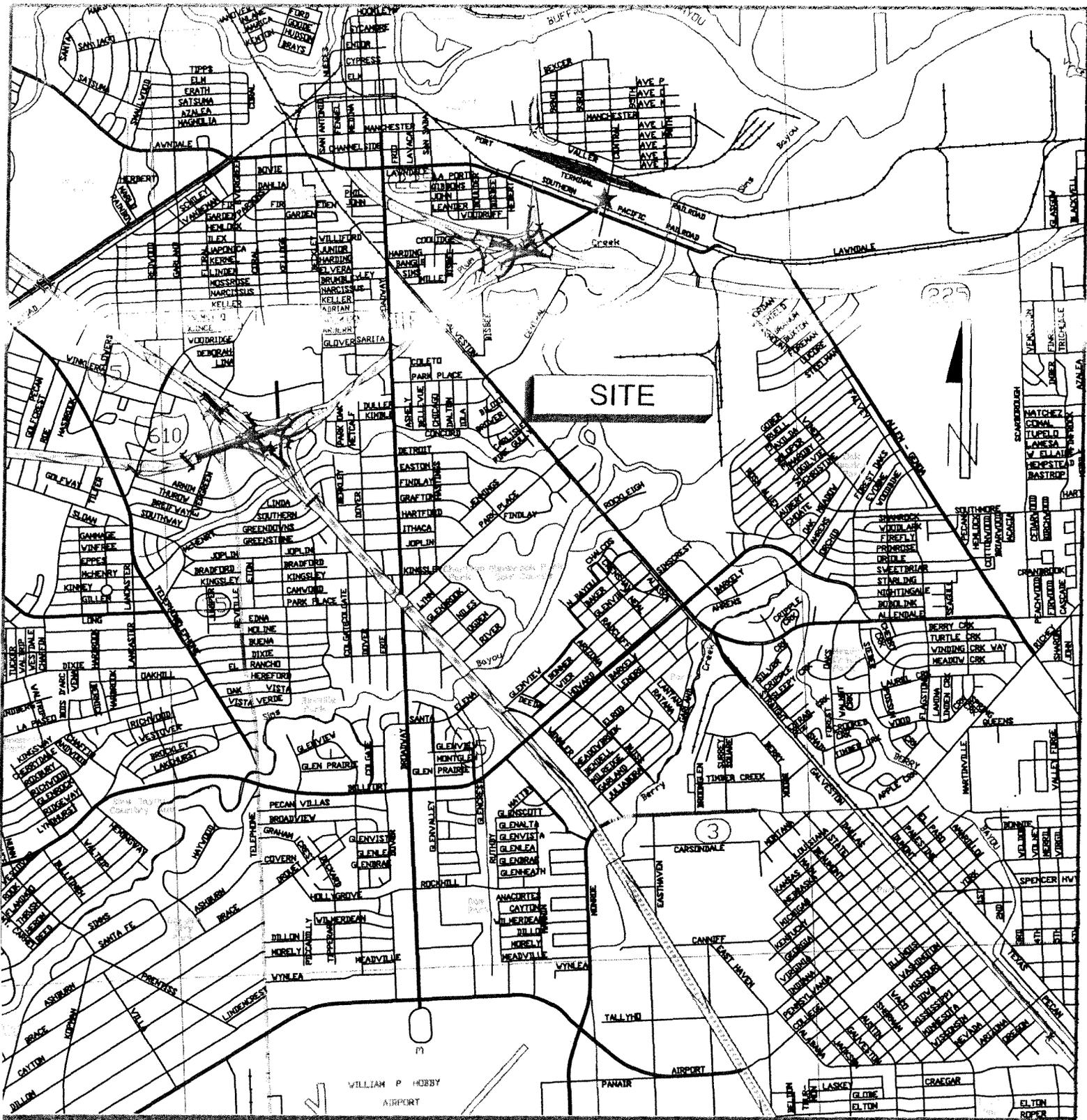
The contract duration for this project is 15 calendar days.

IZD:WTH: JLN:RJO:CF:cf

c: Marty Stein, Diane Edison, James Tillman IV, Gary Readore, Project File

REQUIRED AUTHORIZATION CUIC ID#25WTH27

Other Authorization:  Wendy Teas Heger, AIA Chief of Design and Construction Building Services Department	Other Authorization:	Other Authorization:  Thomas Buchanan, Director Solid Waste Management Department
--	-----------------------------	---



SOUTHEAST SOLID WASTE CENTER
 CONCRETE DRIVEWAY REPAIR
 1502 CENTRAL STREET

SUBJECT: Award Construction Contract Workman Commercial Construction Services L.T.D. Clayton Library Renovation WBS No. E-000156-0001-4	Page 1 of 2	Agenda Item 47
---	----------------	--

FROM (Department or other point of origin): Building Services Department	Origination Date 5-3-07	Agenda Date MAY 09 2007
--	-----------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 4/3/07	Council District: D
---	-------------------------------

For additional information contact: Jacquelyn L. Nisby Phone: 713-247-1814	Date and identification of prior authorizing Council action: Ordinance 07-0289, dated 03-07-07
---	--

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding: \$4,230,000.00 Library Capital Project Fund (4018)	F&A Budget:
---	----------------------------

SPECIFIC EXPLANATION: On March 7, 2007, City Council approved a Renovation Agreement with Clayton Library Friends (CLF) for construction administration services in connection with the Clayton Family Buildings. Under the Agreement, CLF agreed to transfer two payments for the project into the above-referenced City account.

On October 27 and November 3, 2006, the Building Services Department (BSD) advertised a Request for Competitive Sealed Proposals containing selection criteria that ranked the respondents on price, experience, references, sub-contractors and schedule. The Competitive Sealed Proposals were due on November 16, 2006, and three firms responded. BSD formed a selection committee comprised of representatives from BSD to evaluate the respondents. The selection committee evaluated the proposals and Workman Commercial Construction Services, L.T.D. received the most points and offers the best value to the City based on the advertised criteria.

Therefore, BSD recommends that City Council award a construction contract to Workman Commercial Construction Services L.T.D., to provide construction services for the Clayton Library Renovation, on the reduced proposal amount of \$4,440,000.00. This reduced amount is the result of a reduction of \$180,000.00 from the Environmental Allowance. The requested appropriation provides funding for FY07 construction costs of \$3,737,000.00, and fully funds the 10% contingency, material testing and environmental consulting portions of the contract. The appropriation for the remaining FY08 construction costs will be requested during the first quarter of FY08.

PROJECT LOCATION: Clayton Library
 5300 Caroline (493W)

PROJECT DESCRIPTION: The Clayton Library Center for Genealogical Research is a part of the Houston Public Library system. The Clayton Family Buildings were donated to the City and consist of the main house, the guesthouse and the carriage. The three buildings have been used as a library, office and storage areas for the Clayton Library Center since 1968. The project will renovate the three buildings to include work on the structure, brickwork, roofs, and internal millwork. The scope of work includes new mechanical, electrical, plumbing, and elevator systems to the main house. Windows and millwork of the main house will be salvaged and new millwork will match existing profiles. The main house will serve as stacks and reading rooms. The guesthouse will be renovated to serve as a training room on the first floor and offices on the second floor. The carriage house will serve as a meeting room for the Center. Texas Accessibility Standards, Texas Historical Commission and City of Houston requirements apply to this project.

REQUIRED AUTHORIZATION CUIC ID # 25WTH38 NOT

Other Authorization:

 Wendy Teas Heger, AIA,
 Chief of Design and Construction Division
 Building Services Department

Other Authorization:

 Rhea Brown Lawson, Ph. D., Director
 Houston Public Library

The contract duration for this project is 365 days. Glassman Shoemaker Maldonado Architects is the design consultant for the project.

PROPOSALS: The following three proposals were received on November 16, 2006 and are ranked as follows:

Proposer

1. Workman Commercial Construction Services L.T.D.
2. The Gonzalez Group L.P.
3. Frost Construction Company

AWARD: It is recommended that City Council award the construction contract to Workman Commercial Construction Services L.T.D. and appropriate funds for the project, including additional appropriations of \$24,000.00 for engineering and material testing services under the existing contract with Tolunay-Wong Engineers, Inc. and \$25,000.00 for environmental consulting services under the existing contract with Terracon, Inc.

FUNDING SUMMARY FY 07:

\$ 3,737,000.00	Construction Contract Services
\$ <u>444,000.00</u>	10% Contingency
\$ 4,181,000.00	Total Contract Services
\$ 24,000.00	Engineering/ Material Testing
\$ <u>25,000.00</u>	Environmental Consulting Services
\$ 4,230,000.00	Total Appropriation

FUNDING SUMMARY FY 08:

\$ 640,000.00	Construction Contract Services
\$ <u>63,000.00</u>	Clean Air Incentive Allowance
\$ 703,000.00	Total Appropriation

M/WBE PARTICIPATION: Construction goals of 15% for M/WBE and 5% for SBE have been established for this contract. The contractor has submitted the following certified M/WBE and SBE subcontractors to achieve the goal.

M/WBE:

<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% Of Contract</u>
Arc Light Electric, Inc.	Electrical	\$750,000.00	16.89%

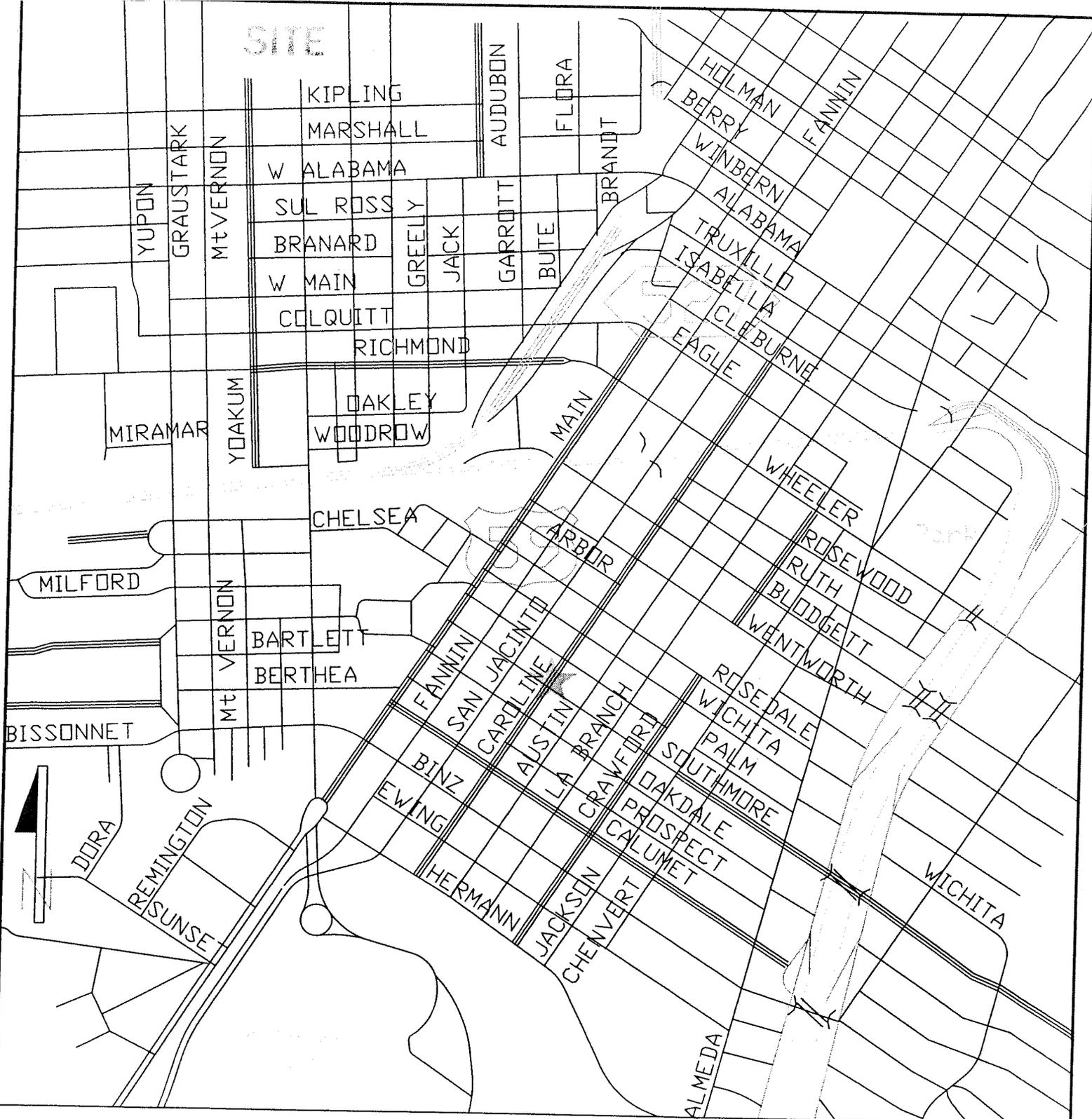
SBE:

<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% Of Contract</u>
EDH Plumbing Contractors, LLC	Plumbing	\$125,000.00	2.82%
Ideal Finishes	Painting & Wall Coverings	\$ 95,000.00	2.14%
DC Services, L.L.C.	Electrical contractors	\$ 8,000.00	0.18%
Sediment Erosion Control Specialists	Hydroseeding services	\$ <u>7,500.00</u>	<u>0.17%</u>
TOTAL		\$235,500.00	5.31%

IZD:WTH:MCP:JLN:ks

c : Marty Stein, Issa Z. Dadoush P.E., Wendy Teas Heger AIA, Rhea Brown Lawson, Ph.D., Jacquelyn L. Nisby, Joseph Kurian, Kim Nguyen, Phil Golembiewski P.E., James Tillman IV, File

SITE



William L. Clayton Library
5300 Caroline, Houston, TX

SUBJECT: Award Construction Contract Meridian Commercial, L.P. Renovation of West End Health Center – Phase II WBS No. H-000068-0002-4		Page 1 of 2	Agenda Item 48
--	--	----------------	-----------------------------

FROM (Department or other point of origin): Building Services Department	Origination Date 4-30-07	Agenda Date MAY 09 2007
--	------------------------------------	-----------------------------------

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. <i>[Signature]</i> 4/24/07	Council District: H
--	-------------------------------

For additional information contact: Jacquelyn L. Nisby <i>[Signature]</i> Phone: 713-247-1814	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: Award construction contract and appropriate funds for the project.

Amount and Source of Funding \$ 1,598,000.00 Public Health Consolidated Construction Fund (4508)	F&A Budget: <i>[Signature]</i>
--	--

SPECIFIC EXPLANATION: The Building Services Department (BSD) recommends that City Council award a construction contract to Meridian Commercial, L.P. on the accepted proposal amount of \$1,386,539.00 to provide construction services for Phase II of the renovation of the West End Health Center for the Houston Department of Health and Human Services (HDHHS). BSD is requesting a 10% contingency to address unforeseen conditions that are typically inherent in the renovation of aged facilities.

On January 12 and January 19, 2007, BSD advertised a Request for Competitive Sealed Proposals containing selection criteria that ranked the respondents on price, experience, references, sub-contractors and schedule. The proposals were due on February 8, 2006 and six firms responded. BSD and HDHHS evaluated the proposals and Meridian Commercial, L.P. received the most points and offers the best value to the City based on the advertised criteria, qualifications, and price.

PROJECT LOCATION: West End Health Center
 190 Heights Blvd.(493E)

PROJECT DESCRIPTION: This project is the final phase of a plan by the HDHHS to renovate the West End Health Center and West End Multi-Service Center to expand services for the community. HDHHS has contracted with the Good Neighbor Healthcare Organization to manage the dentistry, obstetrics, optometry, and pediatric clinics within the Center. This project will build-out these areas to be managed by the Good Neighbor Healthcare Organization. The scope of work includes space for additional dentist chairs, optometry services, and additional examination rooms.

The contract duration for this project is 210 calendar days. The design consultant for this project is NATEX Corporation Architects.

PROPOSALS: The following six proposals were received on February 8, 2007 and are ranked as follows:

- Proposer**
1. Meridian Commercial, L.P.
 2. Momentum Contractors, Inc.
 3. Times Construction, Inc.
 4. Division One Construction, L.P.
 5. Frost Construction Co., Inc.
 6. Resicom, Inc.

REQUIRED AUTHORIZATION CUIC ID # 25RAV156

<i>[Signature]</i> Wendy Teas Heger, AIA. Chief of Design and Construction Division Building Services Department	[Empty]	<i>[Signature]</i> Stephen L. Williams, M.ED, MPA, Director Department of Health and Human Services
---	---------	---

Date	SUBJECT: Award Construction Contract Meridian Commercial, L.P. Renovation of West End Health Center – Phase II WBS No. H-000068-0002-4	Originator's Initials LJC	Page 2 of 2
------	--	--	---------------------------

AWARD: It is recommended that City Council award the construction contract to Meridian Commercial, L.P. and appropriate funds for the project, including \$43,000.00 for construction management services under the existing contract with NATEX Corporation Architects and \$5,470.00 for engineering testing services under the existing contract with Terracon Consulting Engineers.

FUNDING SUMMARY:

\$ 1,386,539.00	Construction Contract Services
\$ 138,653.90	10% Contingency
\$ 1,525,192.90	Total Contract Services
\$ 24,337.10	Civic Art (1.75%)
\$ 5,470.00	Engineering Testing
\$ 43,000.00	Construction Management
\$ 1,598,000.00	Total Funding

M/WBE INFORMATION: Construction goals of 15% for M/WBE and 5% for SBE have been established for this contract. The contractor has submitted the following certified M/WBE and SBE subcontractors to achieve the goal:

M/WBE PARTICIPATION:

<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
EDH Plumbing Contractors, LLC	Plumbing	\$ 188,000.00	13.56%
MEK Interiors & Floors, Inc.	Flooring	\$ 71,000.00	5.12%
Houston Christian Brothers Painting Inc.	Painting	\$ 21,985.00	1.59%
TOTAL		\$ 280,985.00	20.27%

SBE PARTICIPATION:

<u>Firm</u>	<u>Scope of Work</u>	<u>Amount</u>	<u>% of Contract</u>
New Choice Builders, Inc.	Drywall/ Acoustical	\$ 99,254.00	7.16%

MH
AV
 IZD:WTH:RAV:JLN:LJC:lc

c: Marty Stein, Issa Z. Dadoush P.E., Stephen L. Williams, Jacquelyn L. Nisby, James Tillman, Joseph Kurian, Kim Nguyen, File

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Professional General Environmental, Asbestos and Lead related Consulting Services On-Call Contract between the City and Corrigan Consulting, Inc., WBS No. I-000100-0001-3 (GFS# I-0100-01-2).

Category #7

Page 1 of 1

Agenda Item # 49

FROM (Department or other point of origin):
Department of Public Works and Engineering

Origination Date
4-19-07

Agenda Date
MAY 09 2007

DIRECTOR'S SIGNATURE:

Council District affected:

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

All M.T.

For additional information contact:

Date and identification of prior authorizing Council action:

Michael K. Ho
Michael K. Ho, P.E., F. ASCE Phone: (713) 837-7067
Assistant Director

RECOMMENDATION: (Summary)

Approve, authorize, an allocation of funds for General Environmental, Asbestos and Lead related Consulting Services Contract with Corrigan Consulting, Inc.

Amount Source of Funding:

\$190,000.00 from General Fund 1000

PLC 4/5/07

F&A Budget:

PROJECT NOTICE/JUSTIFICATION: This project will provide general environmental, asbestos and lead related consulting services in an effort to accelerate the Bid Sales Program.

DESCRIPTION/SCOPE: This project consists of comprehensive professional environmental consulting services, including: project planning, site studies, pre-acquisition environmental site assessments, preparation of reports, environmental testing and review of analytical results, asbestos and/or lead surveys of buildings, and administration of any required remediation work.

LOCATION: This contract will encompass sites/parcels located throughout the City.

PROJECT COST: The total cost of this project is \$190,000.00, to be allocated as follows:

- \$175,000.00 for contract services
- \$15,000.00 for project management

M/WBE PARTICIPATION: The M/WBE goal for the project is set at twenty-four percent (24%). The consultant has proposed the following firms to achieve this goal.

Name of Firms	Work Description	Amount	% of Contract
1. Amerititle Abstract & Research, Inc.	Title Search for ESAs	\$2,625.00	1.5 %
2. E-Lab Analytical, Inc.	Environmental Analysis	\$7,000.00	4.0 %
3. Environmental Consulting Services, Inc.	Asbestos, Lead, Mold	\$3,500.00	2.0 %
4. ICU Environmental Health & Safety, Inc.	Asbestos, Lead, Mold	\$3,500.00	2.0 %
5. J3 Resources, Inc.	Asbestos & Lead Analysis	\$1,750.00	1.0 %
6. Quaternary Resource Investigations, LLC	Environmental Drilling	\$16,625.00	9.5 %
7. Xenco Laboratories	Environmental Analysis	\$7,000.00	4.0 %
TOTAL		\$42,000.00	24 %

MSM

MSM:DWK:MKH:MT:tcn

c: Marty Stein Susan Bandy Velma Laws Nancy Collins, Esq. Craig Foster File

REQUIRED AUTHORIZATION

NOT CUIC ID# 20MT16

Other Authorization:

Other Authorization:

Other Authorization:

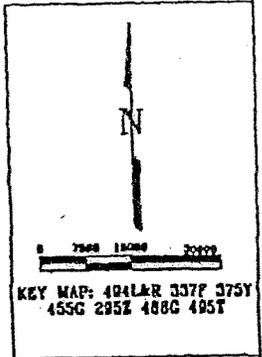
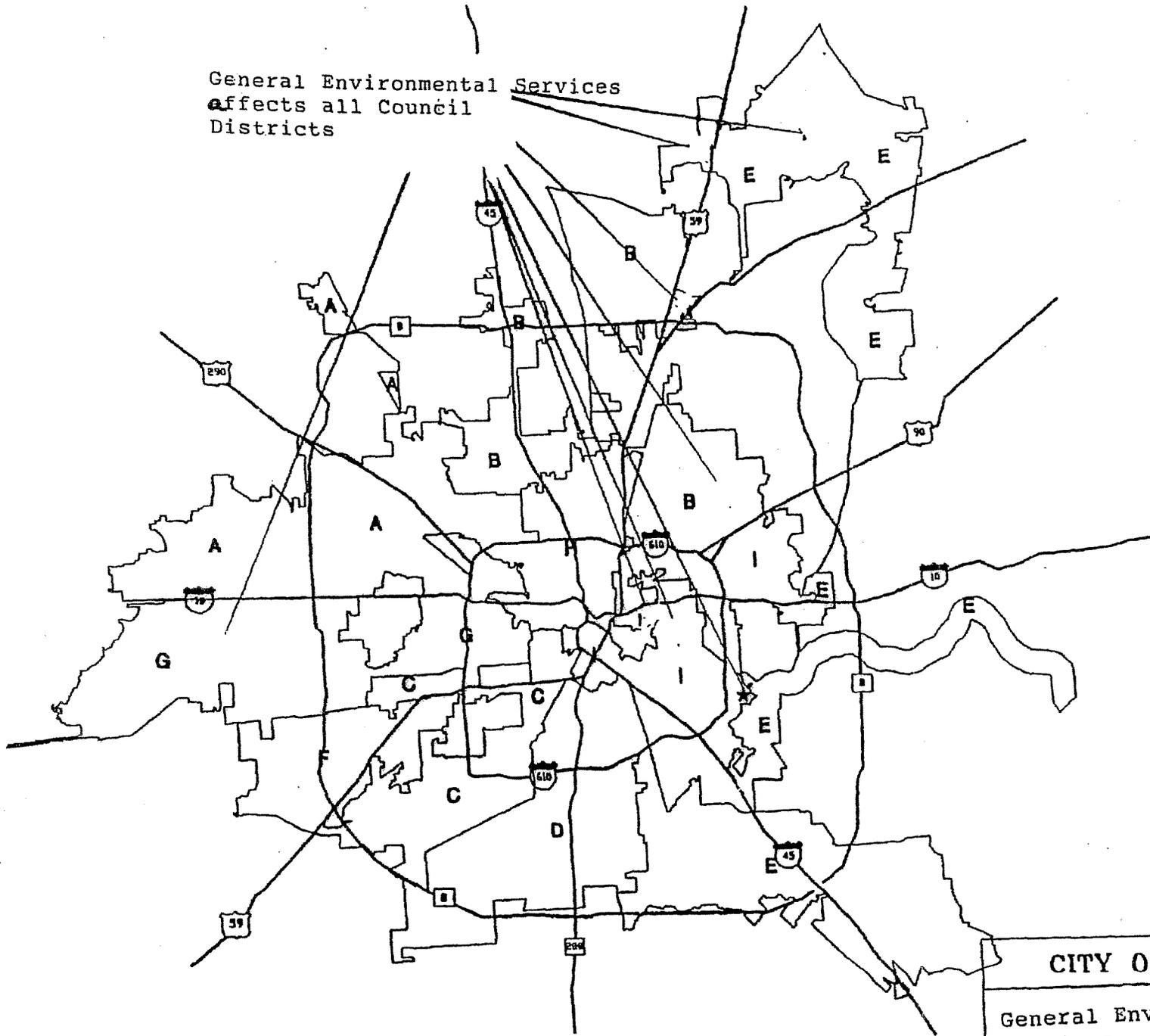
Andy Icken

Andy Icken, Deputy Director
Planning and Development Services Division

Daniel W. Krueger

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

General Environmental Services
affects all Council
Districts



CITY OF HOUSTON
General Environmental
Services

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Safe Sidewalk Program - 34 Corners, WBS No. N-00610A-00H6-4, FileNo. SB9214-03	Page 1 of 2	Agenda Item # 50
--	----------------	-------------------------

FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 5-3-07	Agenda Date: MAY 09 2007
---	------------------------------------	------------------------------------

DIRECTOR'S SIGNATURE: <i>Michael S. Marcotte</i> Michael S. Marcotte, P.E. DEE	Council District affected: SP C, D, G
---	---

For additional information contact: <i>Reid K. Mrsny</i> Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding:
\$237,850.00 Street & Bridge Consolidated Construction Fund No. 4506
Paquette 04/29/07

PROJECT NOTICE/JUSTIFICATION: This project is part of the Safe Sidewalk Programs and is required to address the health, safety, and welfare of pedestrians.

DESCRIPTION/SCOPE: This project consists of work for construction of removing existing damaged or non-compliant sidewalks, and wheelchair ramps; and constructing new 4-1/2-inch concrete sidewalks and wheelchair ramps as ordered by U.S. District Court, Southern District, on 31 Oct. 2006, RE: Civil Action No. H-03-2286.

The Contract duration for this project is 120 calendar days. This project was designed by Carter and Burgess, Inc.

LOCATION: The work sites are located in Council District C, D, and G within the City of Houston limits. The project is located in various Key Map Grids.

BIDS: Bids were received on February 22, 2007. The one bid is as follows:

<u>Bidder</u>	<u>Bid Amount</u>
1. Tikon Group, Inc.	\$174,684.50

REQUIRED AUTHORIZATION		CUIC ID# 20MAM08
F&A Budget: <i>Michael</i> 32	Other Authorization:	Other Authorization: <i>Daniel W. Krueger</i> Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division NOT

AWARD: It is recommended that this construction Contract be awarded to Tikon Group, Inc. with a low bid of \$174,684.50 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$237,850.00 to be appropriated as follows:

- Bid Amount \$174,684.50
- Contingencies \$8,733.41
- Engineering and Testing Services \$25,000.00
- Project Management \$17,432.09
- Construction Management \$12,000.00

Engineering and Testing Services will be provided by Remington Engineering and Testing, LLC under a previously approved contract.

Construction Management Services will be provided by City of Houston.

M/WBE PARTICIPATION: No MWBE and SBE participation is required for this project.

RKM 2/27 SP
MSM:DWK:RKM:MAM:SP:mg

- c: Daniel W. Krueger, P.E.
Marty Stein
Susan Bandy
Velma Laws
Michael Ho, P.E.
Craig Foster
WBS No. N-00610A-00H6-4
3.7 Advertisement/Bid/Award Records

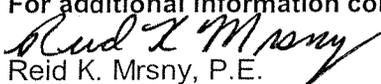
LIST OF INTERSECTIONS

<u>Sheet No.</u>	<u>Drawing Title</u>
1	FAIRVIEW ST. @ HULDY ST.-FAIRVIEW ST. @ McDUFFIE ST.
2	FAIRVIEW ST. @ HAZZARD ST.-FAIRVIEW ST. @ WOODHEAD ST.
3	FAIRVIEW ST. @ ELMEN ST.-DUNLAVY ST. @ WESTHEIMER RD.
4	WESTHEIMER RD @YOAKUM BLVD.-GREENBRIAR DR. @NORFOLK ST.
5	WEBSTER ST. @ BAGBY ST. – WEBSTER ST. @ BRAZOS ST.
6	WEBSTER ST. @ AUSTIN ST. – WEBSTER ST. @ LA BRANCH ST.
7	WEBSTER ST. @ CRAWFORD ST. – WEBSTER ST. @ JACKSON ST.
8	W. ALABAMA ST. @ MONTROSE BLVD. – W. ALABAMA ST. @ STANFORD ST.
9	W. ALABAMA ST. @ JACKSON ST. – W. ALABAMA ST. @ GARROTT ST.
10	W. ALABAMA ST. @ DUNLAVY ST. – W. ALABAMA ST. @ MANDELL ST.
11	W. ALABAMA ST. @ MULBERRY – W. ALABAMA ST. @ MOUNT VERNON ST.
12	W. ALABAMA ST. @ YOAKUM ST.
13	W. ALABAMA ST. @ EASTSIDE ST. – WESTHEIMER RD.@ MID LN.

SUBJECT: Contract Award for Neighborhood Sanitary Sewer Improvements: Peden Street to Willard Street and West Polk to West Gray Street. W.B.S. No. R-002011-0043-4.	Page 1 of 2	Agenda Item # <div style="font-size: 2em; text-align: center;">51</div>
--	----------------	--

FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 4-18-07	Agenda Date: MAY 09 2007
---	-------------------------------------	------------------------------------

DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE	Council District affected: D IMR
--	---

For additional information contact:  Reid K. Mrsny, P.E. Phone: 713837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: (Summary)
 Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$4,350,000.00 Water and Sewer System Consolidated Construction Fund No. 8500. *Proffer*

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to improve and upgrade its neighborhood sanitary sewers systems.

DESCRIPTION/SCOPE: This project consists of construction of new sanitary sewers, water lines, storm sewers and sidewalks in the street right-of-way. The Contract duration for this project is 365 calendar days. This project was designed by Civil Tech Engineering, Inc.

LOCATION: The project area is generally bound by West Polk on the north, Bomar on the south, Taft on the east and Waugh on the west. The project is located in Key Map Grids 493N.

BIDS: Bids were received on February 15, 2007. The ten (10) bids are as follows:

Bidder	Bid Amount
1. Metro City Construction, L.P.	\$3,736,469.10
2. ACM Contractors, Inc.	\$4,321,390.00
3. Total Contracting Limited	\$4,861,175.00
4. D.L. Elliott Enterprises, Inc.	\$4,952,792.30
5. Reytec Construction Resources, Inc.	\$5,108,066.50
6. Huff & Mitchell, Inc.	\$5,220,507.00
7. Texas Sterling Construction, L.P.	\$5,295,589.00
8. Conrad Construction Company, LTD.	\$5,554,724.50
9. George Construction, Inc.	\$5,958,066.50
10. Laughlin - Thyssen, Inc.	\$6,410,551.00

REQUIRED AUTHORIZATION CUIC ID# 20IMR50 NOT

F&A Budget: 	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
--	---	--

Date	Subject: Contract Award for Neighborhood Sanitary Sewer Improvements: Peden Street to Willard Street and West Polk to West Gray Street. W.B.S. No. R-002011-0043-4.	Originator's Initials IMR	Page 2 of 2
-------------	--	---	-----------------------

AWARD: It is recommended that this construction Contract be awarded to Metro City Construction, L.P. with a low bid of \$3,736,469.10 and that Addendum Number 1 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$4,350,000.00 to be appropriated as follows:

- Bid Amount \$3,736,469.10
- Contingencies \$186,823.46
- Engineering and Testing Services \$165,000.00
- Project Management \$261,707.44

Engineering and Testing Services will be provided by DAE & Associates, LTD., d/b/a/ Geotech Engineering & Testing under a previously approved contract.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 15% M/WBE goal and 5% SBE goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. PRV Services, Inc.	Utilities Installation	<u>\$560,470.36</u>	<u>15.0%</u>
	TOTAL	\$560,470.36	15.0%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Gube Trucking	Trucking Services	<u>\$186,823.45</u>	<u>5.0%</u>
	TOTAL	\$186,823.45	5.0%

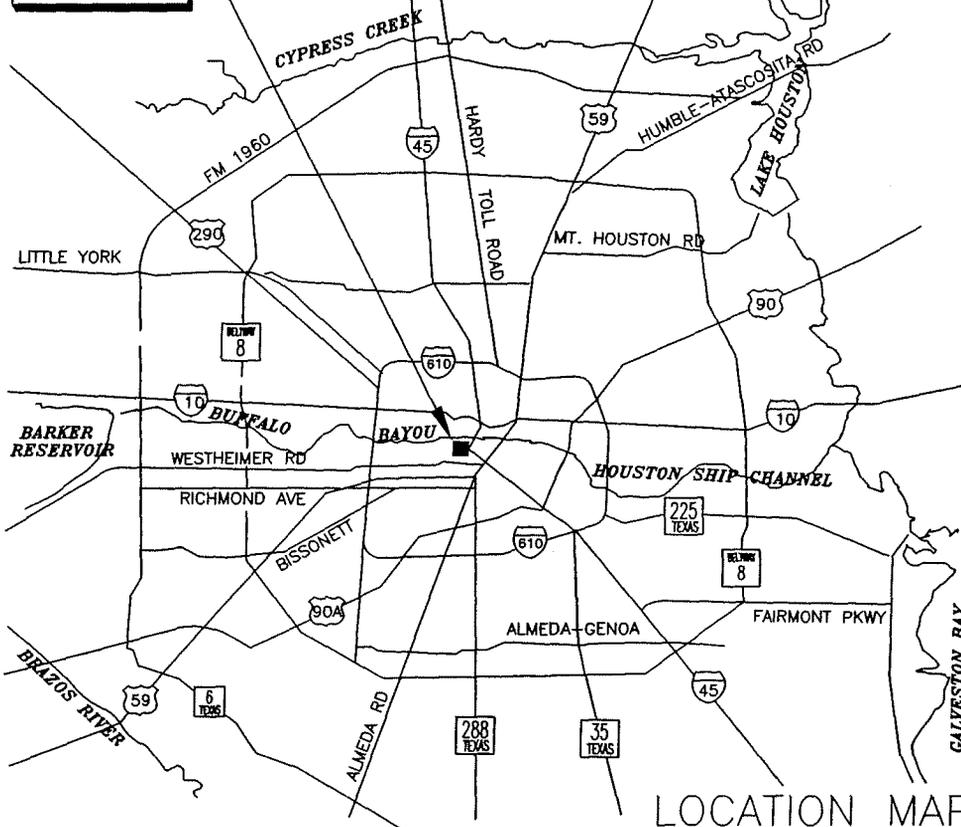
All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

Blm CA/IMR

MSM:DWK:RKM:EN:IMR:pa

- c: Marty Stein
Susan Bandy
Velma Laws
Michael Ho, P.E.

**PROJECT
LOCATION**



LOCATION MAP



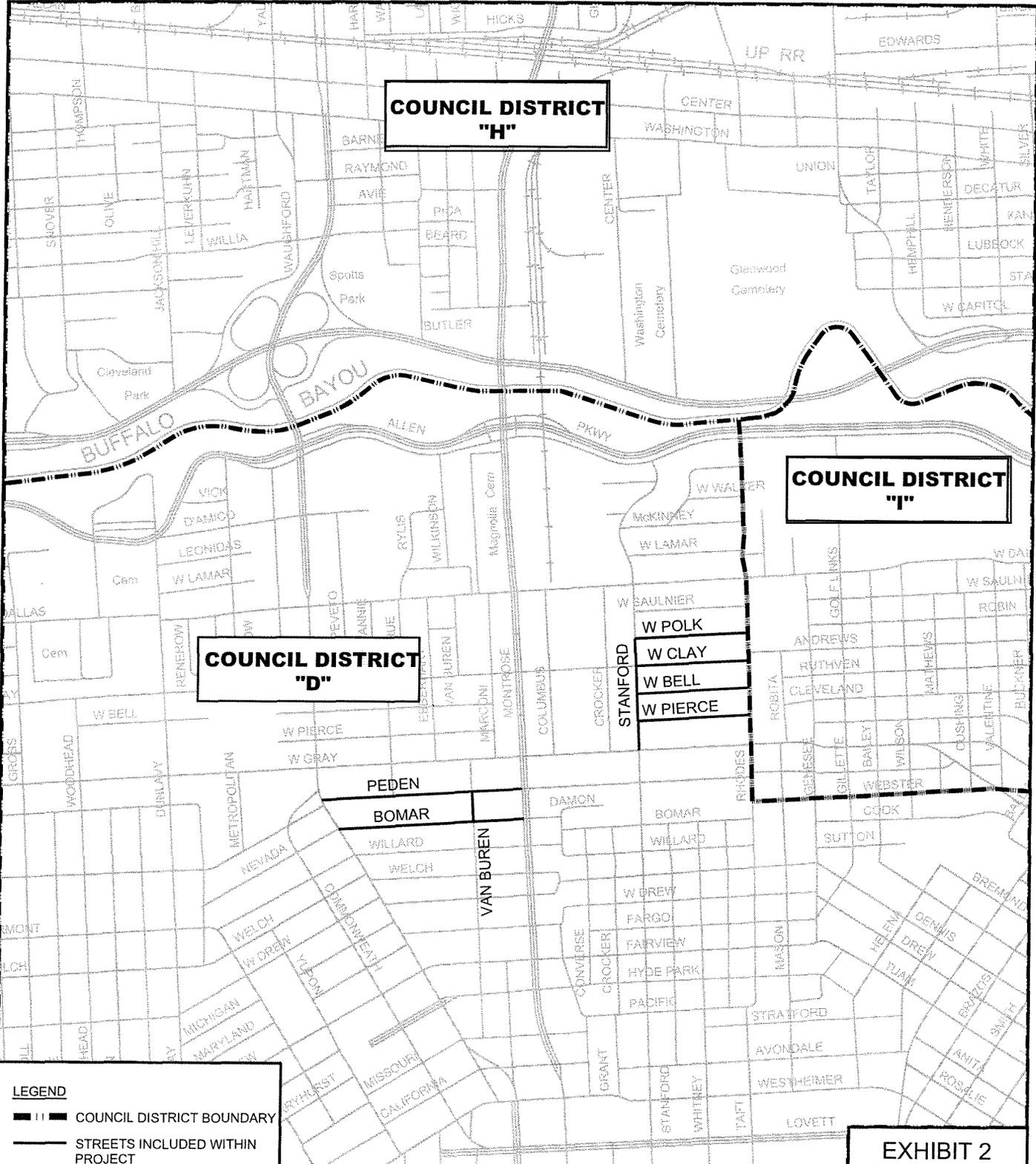
WBS NO. R-002011-0043-4
CONTRACT NO. 56094
COUNCIL DISTRICT D

EXHIBIT 1

NEIGHBORHOOD SEWER IMPROVEMENTS
WEST POLK TO WEST GRAY
VICINITY MAP
GIMS MAP NO. 5357C
KEY MAP NO. 493 N

**CivilTech
Engineering, Inc.**

11821 Telge Road
Cypress, Texas 77429
(281) 304-0200 Fax (281) 304-0210



LEGEND

- COUNCIL DISTRICT BOUNDARY
- STREETS INCLUDED WITHIN PROJECT

EXHIBIT 2

NEIGHBORHOOD SEWER IMPROVEMENTS
 WEST POLK TO WEST GRAY
 SITE MAP
 GIMS MAP NO. 5357C
 KEY MAP NO. 493 N

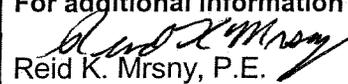
CivilTech
Engineering, Inc.

11821 Telge Road
 Cypress, Texas 77429
 (281) 304-0200 Fax (281) 304-0210

SUBJECT: Contract Award for Sampson Sewer and Eastwood Subdivision Sewer Relocation. W.B.S. No. R-002011-0048-4.	Page 1 of 2	Agenda Item # 520
--	----------------	--------------------------

FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 5-2-07	Agenda Date: MAY 09 2007
---	------------------------------------	------------------------------------

DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E. DEE	Council District affected: 02 D, I
---	--

For additional information contact:  Reid K. Mrsny, P.E. Phone: (713) 837-0452 Senior Assistant Director	Date and identification of prior authorizing Council action:
--	---

RECOMMENDATION: (Summary)
Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$4,267,900.00 Water and Sewer System Consolidated Construction Fund No. 8500.

Rae
04/25/07

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's ongoing program to improve and upgrade its neighborhood sanitary sewers.

DESCRIPTION/SCOPE: This project consists of construction of 8-inch, 10-inch and 15-inch sanitary sewers in the streets within the vicinity of Eastwood Subdivision. Also, construction of 8-inch and 10-inch sanitary sewers along Canfield Street between Holman and Alabama Street, and 10-inch sanitary sewer at Holman street from Valesco to Canfield.

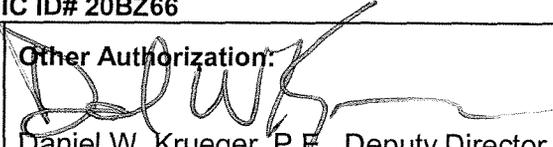
The Contract duration for this project is 300 calendar days. This project was designed by United Engineers, Inc.

LOCATION: Eastwood is generally bound by Rusk on the north, Leeland on the south, Dumble on the east and Lockwood on the west. Sampson sanitary sewer is on Holman Street between Velasco and Canfield. The project is located in Key Map Grids 493-Z, 494-T, 494-X and 533-D.

BIDS: Bids were received on February 15, 2007. The five (5) bids are as follows:

Bidder	Bid Amount
1. Total Contracting Limited	\$3,763,810.00
2. Huff & Mitchell, Inc.	\$4,891,393.00
3. BRH-Garver Construction, LP	\$5,049,133.50
4. D.L. Elliott, Inc.	\$5,959,590.00
5. George Construction, Inc.	\$6,201,972.50

REQUIRED AUTHORIZATION CUIC ID# 20BZ66

F&A Budget: 	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division	Other Authorization:  Daniel W. Krueger, P.E., Deputy Director Engineering and Construction Division
--	---	--

Date	Subject: Contract Award for Sampson Sewer and Eastwood Subdivision Sewer Relocation. W.B.S. No. R-002011-0048-4.	Originator's Initials BZ	Page 2 of 2
------	---	-----------------------------	----------------

AWARD: It is recommended that this construction Contract be awarded to Total Contracting Limited with a low bid of \$3,763,810.00 and that no Addendum be made a part of this Contract.

PROJECT COST: The total cost of this project is \$4,267,900.00 to be appropriated as follows:

• Bid Amount	\$3,763,810.00
• Contingencies	\$ 188,190.50
• Engineering and Testing Services	\$ 90,000.00
• Project Management	\$ 225,899.50

Engineering and Testing Services will be provided by Associated Testing Laboratories, Inc. under a previously approved contract.

M/WBE PARTICIPATION: The low bidder has submitted the following proposed program to satisfy the 15% M/WBE goal and 5% SBE goal for this project.

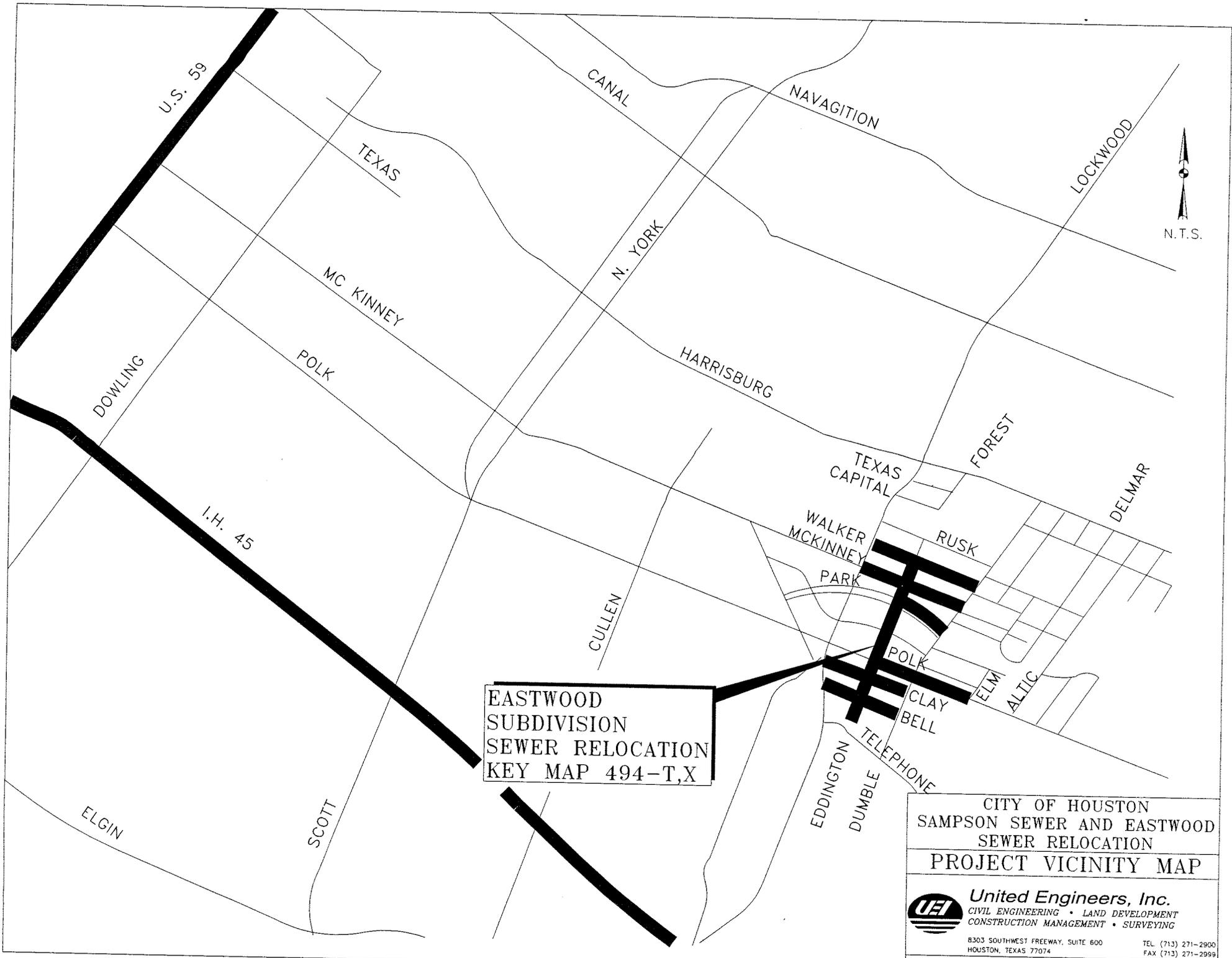
<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Two-Way Barricade Equipment Sales & Rentals, Inc.	Traffic Control	\$400,000.00	10.63%
2. Paradigm Outdoor Supply, LLC	Pipe Supplies	\$166,000.00	4.41%
TOTAL		\$566,000.00	15.04%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Environmental Allies, L.P.	Storm water pollution Prevention Plan services	\$ 4,000.00	0.11%
2. Arriola Paving, Inc.	Asphalt paving	\$133,000.00	3.53%
3. Bedo Construction Products, Inc.	Manhole Supplies	\$ 55,000.00	1.46%
TOTAL		\$192,000.00	5.10%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DWK:RKM:EN:BZ:pa
BZ
for

- c: Marty Stein
Susan Bandy
Velma Laws
Michael Ho, P.E.



EASTWOOD
SUBDIVISION
SEWER RELOCATION
KEY MAP 494-T,X

CITY OF HOUSTON
SAMPSON SEWER AND EASTWOOD
SEWER RELOCATION
PROJECT VICINITY MAP

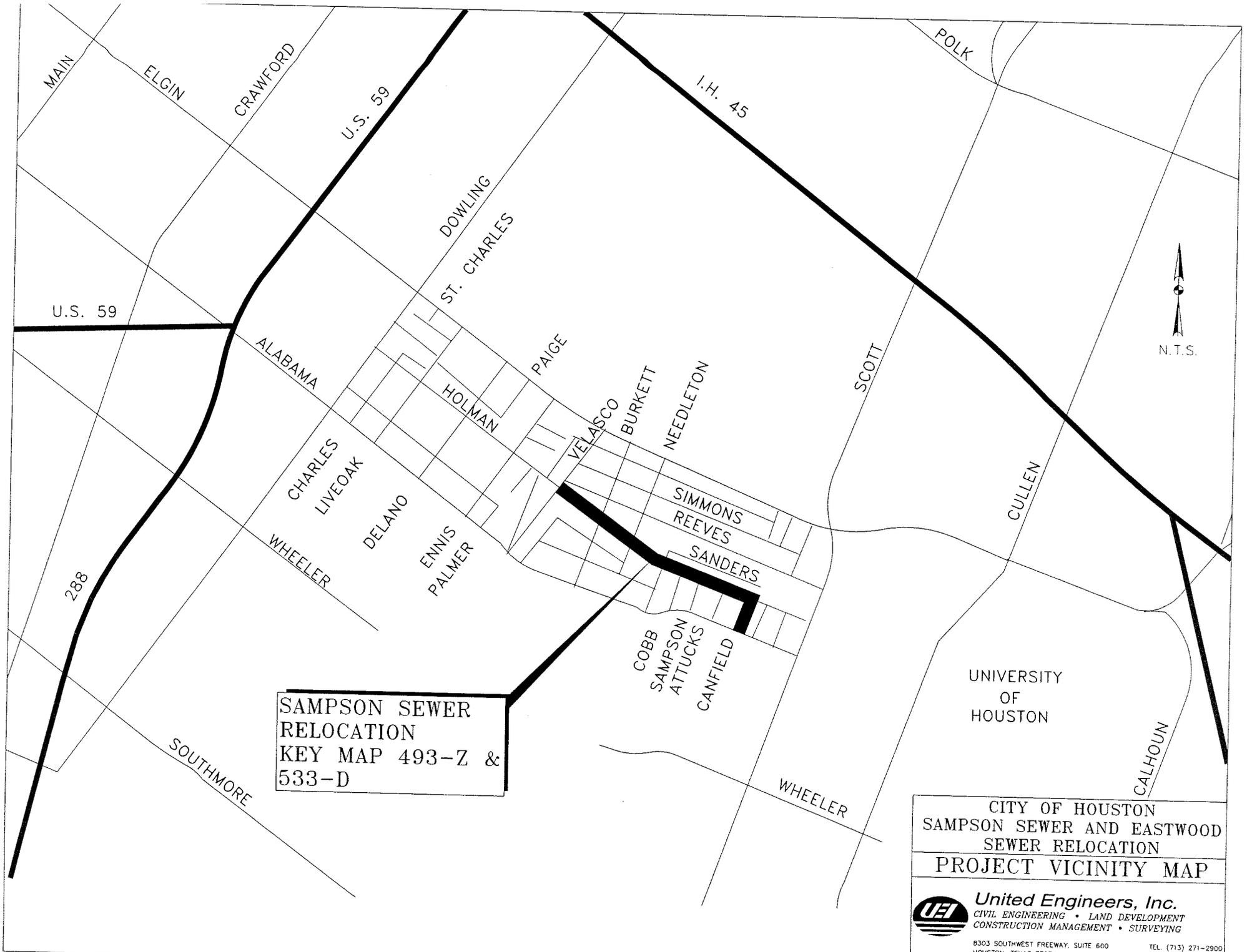


United Engineers, Inc.
CIVIL ENGINEERING • LAND DEVELOPMENT
CONSTRUCTION MANAGEMENT • SURVEYING

8303 SOUTHWEST FREEWAY, SUITE 600
HOUSTON, TEXAS 77074

TEL (713) 271-2900
FAX (713) 271-2999

WBS NO. R-002011-0048-4



SAMPSON SEWER
RELOCATION
KEY MAP 493-Z &
533-D

CITY OF HOUSTON
SAMPSON SEWER AND EASTWOOD
SEWER RELOCATION
PROJECT VICINITY MAP

UEI *United Engineers, Inc.*
CIVIL ENGINEERING • LAND DEVELOPMENT
CONSTRUCTION MANAGEMENT • SURVEYING

8303 SOUTHWEST FREEWAY, SUITE 600 TEL. (713) 271-2900
HOUSTON, TEXAS 77074 FAX (713) 271-2999

WBS NO. R-002011-0048-4

REQUEST FOR COUNCIL ACTION

RCA# 7410

TO: Mayor via City Secretary

Subject: Amend Council Motion No. 2007-0260, Passed 3/7/2007 to Purchase Additional Automobiles, Utility Vehicles and Pickup Trucks for Various Departments
S27-N22152

Category #
4

Page 1 of 2

Agenda Item

53

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Finance and Administration Department

Origination Date

April 24, 2007

Agenda Date

MAY 09 2007

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Ray DuRousseau Phone: (713) 247-1735
Phone:

Date and Identification of prior authorizing Council Action:
CM No. 2007-0260, Passed 3/7/2007

RECOMMENDATION: (Summary)

Amend Council Motion No. 2007-0260, passed March 7, 2007 to purchase additional automobiles, utility vehicles, and pickup trucks for a total increase of \$227,300.00 for the Convention & Entertainment Facilities, Police and Solid Waste Management Departments.

Award Amount - \$227,300.00

F & A Budget

[Signature]

- \$ 41,752.00 - General Fund (1000)
- \$ 92,580.00 - Equipment Acquisition Consolidated Fund (1800)
- \$ 92,968.00 - Police Special Services Fund (2201)
- \$227,300.00 - Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion No. 2007-0260, passed March 7, 2007, to purchase two additional intermediate, hybrid-electric sedans (Item No. 1); two additional heavy-duty, utility vehicles (Item No. 12); six additional 3/4-ton, regular cab, gasoline-powered, pickup trucks (Item No. 22); and award low bid for two 1-ton, crew cab, diesel-powered, pickup trucks (Item No. 25) for a total increase of \$227,300.00 for the Convention & Entertainment Facilities, Police and Solid Waste Management Departments and that authorization be given to issue purchase orders to the awarded supplier, Philpott Motors, Ltd. These vehicles will be used citywide by Department personnel to conduct City business and provide services to the citizens of Houston.

Company

Amount (Item No. 25)

- | | |
|--|-------------|
| 1. Philpott Motors, Ltd. | \$52,472.00 |
| 2. Tommie Vaughn Motors, Inc. | \$53,120.00 |
| 3. PFHWY6 L.P., d/b/a Planet Ford 6 | \$54,040.00 |
| 4. Baby Jack II Automotive, Ltd., d/b/a Caldwell Country Chevrolet | \$63,600.00 |

ang

In January 2007, as a result of advertising this bid in accordance with the requirements of the State of Texas bid laws, bids were received from six vehicle suppliers. The bid document included a provision that allows the City to purchase additional vehicles through March 7, 2008, provided the contractor agrees to honor the original bid prices. Philpott Motors, Ltd. has agreed, in writing, to honor its original bid prices for the vehicles requested in this award.

These vehicles will meet the EPA's current emission standards for low emission vehicles. They will come with a full three-year/36,000-mile bumper-to-bumper warranty, and the life expectancy is seven years or 100,000

REQUIRED AUTHORIZATION

NDT

F&A Director:

Other Authorization:

Other Authorization:

R. L. DuRousseau

Date: 4/24/2007	Subject: Amend Council Motion No. 2007-0260, Passed 3/7/2007 to Purchase Additional Automobiles, Utility Vehicles and Pickup Trucks for Various Departments S27-N22152	Originator's Initials LR	Page 2 of 2
--------------------	---	--------------------------------	-------------

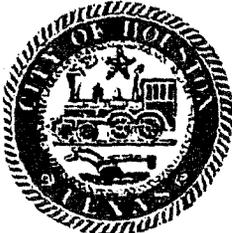
miles. See the Equipment Usage Summary below for vehicle usage and replacement details. The vehicles that will be replaced have reached their life expectancies and will be sent to auction for disposition.

EQUIPMENT USAGE SUMMARY

BID ITEM NO./ DESCRIPTION	REQUISITION NO.	QTY.	DEPARTMENT FLEET USAGE	EQUIPMENT REPLACEMENT		
				Shop No.	Age-Yrs.	Mileage
No. 1/ Series 358E, Hybrid- Electric, Intermediate Sedan	10023126	2	Convention & Entertainment Facilities These vehicles will be used citywide by the Department's Parking Management Enforcement Officers for transportation for monitoring City parking regulations, primary in the Central Business District.	27542	10	66,091
				29082	9	109,940
Item No. 12/ Series 665C, Heavy-Duty, 4-Door, Utility Vehicle	10005317	2	Police These vehicles will be used citywide by the Department's K9 Patrol Officers to transport dogs and equipment.	32531	5	157,760
				32544	5	160,400
Item No. 22/ Series 872C, 3/4-Ton, Regular Cab, Pickup Truck	10021079	6	Solid Waste Management Four of these vehicles will be used by Department field supervisors to monitor collection crews on refuse collection routes, investigate injuries and vehicle accidents, and respond to citizens' inquiries. Two units will be used by Department personnel assigned to the Mayor's program initiative to increase recycling participation of citizens.	Additions to the Fleet		
				Four vehicles are required for new field supervisors who are responsible for refuse collection routes that the Department will take over from a private sector refuse collection company on July 1, 2007. Two vehicles will replace trucks currently being leased for personnel assigned to the recycling program initiative.		
Item No. 25/ Series 886D, 1-Ton, Crew Cab, Pickup Truck	10004838	2	Police These vehicles will be used citywide by the Department's Mounted Patrol Officers to transport horses that are used in the execution of daily patrol and special assignment duties.	21889	14	61,833
				21890	14	51,751

Buyer: Louis Reznicek

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



CITY OF HOUSTON

Interoffice

Finance & Administration Department
Strategic Purchasing Division (SPD)

Correspondence

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

From: Nancy Reingold

Date: 10/24/06

Subject: MWBE Participation Form

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

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

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

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

Solicitation Number: S24-N22152 Estimated Dollar Amount: \$4,000,000.00

Anticipated Advertisement Date: 11/3/2006 Solicitation Due Date: 11/30/2006

Goal On Last Contract: 4% on some items Was Goal met: Yes No

If goal was not met, what did the vendor achieve: See note below

Name and Intent of this Solicitation:
Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)
Vehicles are manufactured and sent to local dealers to clean and inspect and then deliver to the City of Houston. The only opportunity for M/WBE participation is in the installation of after-market options. There is only one certified M/WBE company that installs bodies and other after-market options. On the previous contract, we had to request a revised zero goal for the \$1,304,298.00 awarded to Philpott Motors, Ltd. based on documentation of a good faith effort. Baby Jack Ford achieved approximately 5% M/WBE participation on an award of \$855,632.00.

Concurrence:

Nancy R. Reingold
SPD Initiator

[Signature]
Division Manager

[Signature]
Velma Laws, Director
*Affirmative Action

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

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



MOTION NO. 2007

WRITTEN Motion by Council Member Garcia to amend the proposed Ordinance modifying and continuing the City's Juvenile Curfew ordinance, as follows:

Agenda Item No. 1a

Motion by Council Member Garcia to amend Item 1a as follows:

In Section 3 of the proposed Ordinance, amend Section 28-171 of the Code of Ordinances, Houston, Texas, by adding, in the appropriate alphabetical order, the following definition:

"Adult means an individual who has attained the age of 18."

Council Members Johnson and Berry absent

On 5/2/07 the above motion was tagged by Council Member Wiseman.

cr



CITY OF HOUSTON

City Council

Interoffice

Correspondence
Adrian Garcia
District H

To: Mayor Bill White
City Council Members

From: Adrian Garcia
Council Member

Date: May 2, 2007

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary

Subject: Amendment – Agenda Item 1a

Garcia Amendment

RE: Agenda Item No. 1a (05/02/2007)

Motion by Council Member Garcia to amend Item 1a as follows:

In Section 3 of the proposed Ordinance, amend Section 28-171 of the Code of Ordinances, Houston, Texas, by adding, in the appropriate alphabetical order, the following definition:

"Adult means an individual who has attained the age of 18."

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 28 of Code of Ordinances, Houston, Texas related Juvenile Curfew Ordinance	Category	Page	Agenda Item 54A #A
---	-----------------	-------------	------------------------------

FROM (Department or other point of origin): Houston Police Department	Origination Date: April 26, 2007	Agenda Date: MAY 0 2 2007
---	--	--

DIRECTOR'S SIGNATURE: <i>MS</i> Arturo G. Michel, City Attorney	Council District affected: ALL MAY 0 9 2007
---	---

For additional information contact: Assistant City Attorney Kuruvilla Oommen (713-247-2736) <i>710</i> Executive Assistant Chief Chief M. W. Thaler (713-308-1577)	Date and identification of prior authorizing Council action: Ord. 2004-384 May 4, 2004
---	--

RECOMMENDATION:
Adopt ordinance amending the Code of Ordinances to modify the juvenile curfew ordinance

Amount and source of funding: N/A	F&A Budget:
--	------------------------

EXPLANATION:

State law requires cities that have adopted juvenile curfew ordinances to conduct hearings and determine whether to continue or modify curfew restrictions every three years. Council last acted to continue the current juvenile curfew ordinance in May 2004. Thus, the City's current juvenile curfew ordinance must be continued before May 11, 2007, or it will expire.

The Houston Police Department recommends that City Council continue the current ordinance, with a few revisions. State law requires that two public hearings be held before City Council. The first was held on April 25th, and the second is scheduled for May 2nd.

The proposed ordinance amendments would make juveniles under the age of 17 (16 and under) subject to curfew restrictions. The current provision is for juveniles under the age of 18.

New curfew hours would be established as follows:

- Weekdays: Sunday through Thursday, from 11 p.m. until 6 a.m. the following day
- Weekends: Saturday and Sunday, from 12 a.m. until 6 a.m.
- School Hours: Monday through Friday, from 9 a.m. to 2:30 p.m., excluding school holidays and summer vacation periods.

Proposed revisions would also extend curfew restrictions to restaurants, theaters, game rooms and shopping centers.

All existing exceptions to juvenile curfew restrictions would remain. The proposed ordinance would allow the later curfew (12 a.m.) on days before a school holiday and would provide a defense for minors attending or traveling to or from certain recreational activities.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
---------------	----------------------	----------------------

CITY OF HOUSTON

INTER OFFICE CORRESPONDENCE

to: Martha Stein, Agenda Director
Office of the Mayor

FROM: M. W. Thaler, Executive Assistant Chief
Investigative Operations

DATE: May 3, 2007

SUBJECT: **Questions Regarding Defenses
Allowed for the Juvenile Curfew**

During the council meeting of May 2, 2007, Council Member Khan raised two questions regarding how the juvenile curfew would be enforced if faced with two different scenarios. First, if an officer encounters a juvenile claiming to be home schooled during the daytime curfew hours, is an officer prevented from issuing a curfew citation? Secondly, since constitutionally protected activities are an exception allowed by the curfew ordinance, does a juvenile claiming to be protesting something as arbitrary as the style of an individual's hair cut have an expectation that he/she is exempt from receiving a curfew citation?

Regarding the first question, perhaps the best way to begin this discussion is to revisit the purpose of the curfew ordinance. The agreed to goals of the curfew ordinance since its inception have been to decrease juvenile victimization, reduce the opportunity for juveniles to engage in dangerous or harmful activities, and to encourage proper supervision of children. Given these objectives, the assumption was that it would be beneficial to provide specified times during which a juvenile should have adult supervision. As such, there is no blanket exception granted for home schooled children to disregard the daytime curfew hours. As stated in previous discussions, officers are expected to stop and question juveniles encountered during daytime curfew hours. The hope is that officers will be able to determine sufficient information regarding what actions are necessary to guarantee the best interest of the child are provided for. Whether a curfew citation is or is not issued is totally dependent on the circumstances surrounding the encounter. The first option exercised by our officers is always to return the child to adult supervision to ensure the child's safety. However, if in the officer's judgment, additional intervention is needed, then a citation will most likely be issued.

As to the second question, the answer again is driven by the circumstances surrounding the encounter with the juvenile. The officer is expected to engage the juvenile in a discussion to allow the child an opportunity to offer an explanation of the activities they are engaged in. If the juvenile claims to be exercising his/her privilege to exercise his/her constitutional right to protest some pressing legitimate issue, this activity would not result in a citation. If on the other hand, the juvenile offered a response that is obviously frivolous on its face, then the juvenile would be subject to all the enforcement options available to the officer. Should there be some question as to the legitimacy of the protest activity; the officer would be expected to confer with his/her supervisor and/or the municipal prosecutor's office for additional guidance.

Hopefully, this sufficiently answers the questions raised. However, should additional information be needed, please contact me.

M. W. Thaler, Executive Assistant Chief
Investigative Operations



CITY OF HOUSTON

Office of the Mayor

~~7-18~~
~~5-2-07~~
Bill White

Mayor

Rogene Gee Calvert
Director of Personnel & Volunteer
Initiatives Program (VIP)
P.O. Box 1562
Houston, Texas 77251-1562

T. 713-427-8165
F. 713-247-3199
rogene.calvert@cityofhouston.net
www.houstontx.gov

May 1, 2007

To Whom It May Concern:

The 2006-2007 Mayor's Youth Council discussed the original revisions of the City Curfew ordinance in their February 21, 2006 meeting. At that time, they supported the recommended changes. Most recently, they were asked their opinion of the current revisions, i.e., making weekday curfew at 11 pm and keeping weekend curfew at midnight and lowering the age to 16 years from 18 years. They wholeheartedly agreed to these changes as well.

I had an opportunity this morning to address an audience of over 60 high schools students and posed the same question of them. They too agreed with the proposed revisions to the Curfew ordinance.

If you have further questions, please do not hesitate to contact me.

Sincerely,

Rogene Gee Calvert

1A
~~MAY 02 2007~~

ARTICLE V. JUVENILE CURFEW

Sec. 28-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Curfew hours means the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day, between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday, or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

Emergency shall means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not be limited to a fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

Guardian shall means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor shall means any person under ~~18~~ 17 years of age.

Parent shall means the natural mother or father or adoptive mother or father of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, ~~houses~~, office buildings, transport facilities, and restaurants, theaters, game rooms, shops and shopping centers.

Sec. 28-172. Offenses.

(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city during curfew hours ~~between the hours of 12:00 at night (midnight) and 6:00 a.m. on any day of the week or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.~~

(b) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in section 28-172(a) of this Code.

(c) Violations of this section shall be punishable as provided in section 1-6 of this Code.

Sec. 28-173. Defenses.

It is a defense to prosecution under section 28-172 of this Code that:

- (a1) The minor was accompanied by his or her parent or guardian;
- (b2) The minor was accompanied by an adult designated by his or her parent or guardian;
- (c3) The minor was on an errand made necessary by an emergency;
- (d4) The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government-sponsored activity;
- (e5) The minor was engaged in an lawful employment activity or was going directly to or coming directly from lawful employment;
- (f6) The minor was on the sidewalk directly in front of the place where he or she resides;
- (g7) The minor was on an errand directed by his or her parent or guardian;
- (h8) The minor was in a motor vehicle involved in intrastate or interstate transportation;
- (i9) The minor was engaged in, participating in, or traveling to or from any event, function or activity for which the application of section 28-172 of this Code would contravene his or her rights protected by the Texas or United States Constitutions;
- (j10) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code; or

- (k11) With respect to the hours between 9:00 a.m. and 2:30 p.m. ~~only, that the~~ offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled or that the minor has graduated from high school or received a high school equivalency certificate;
- (12) With respect to the hours between 11:00 p.m. and 12:00 a.m. (midnight), the day following the offense is a holiday observed by the closure of classes in the school in which the minor is enrolled; or
- (13) The minor was attending or was traveling to or from a recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.

Sec. 28-174. Supplemental effect.

The provisions of this article are supplemental and shall be cumulative with all other laws and ordinances applicable in any manner to juveniles.

Sec. 28-175. Enforcement.

Notwithstanding the penal effect of this article the chief of police is encouraged to develop alternative enforcement strategies, which may include but need not be limited to the return of minors to their residences or schools, counseling with minors and their parents or guardians, the issuance of warning citations to minors or their parents or guardians, or the referral of instances that appear to also involve the violation of school attendance laws to those officers who are responsible for the enforcement of those laws. The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

Secs. 28-176--28-200. Reserved.

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE MODIFYING AND CONTINUING THE CITY'S JUVENILE CURFEW ORDINANCE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City has a Juvenile Curfew Ordinance that is codified as Article V of Chapter 28 of the Code of Ordinances; and

WHEREAS, Section 370.002 of the Texas Local Government Code, which became effective on May 31, 1995, requires that municipalities conduct review hearings at three year intervals with respect to their Juvenile Curfew Ordinances, and the City Council last continued the Juvenile Curfew Ordinance by adopting Ordinance 2004-384 on May 5, 2004, following a review and hearings conducted in 2004; and

WHEREAS, the City Council conducted hearings with respect to the need for modification of the Juvenile Curfew Ordinance on April 25, 2007, and May 2, 2007, and in connection with those hearings has reviewed the Juvenile Curfew Ordinance's effects on the community and on problems the ordinance was intended to remedy; and

WHEREAS, based upon the hearings, the City Council is of the opinion that the Juvenile Curfew Ordinance should be continued with certain modifications; **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 the City's Juvenile Curfew Ordinance, which is codified as Article V of Chapter 28 of the Code of Ordinances, Houston, Texas, and was originally adopted as Ordinance 91-1543, is hereby continued with the modifications adopted in this Ordinance.

Section 3. That Section 28-171 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 28-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

Curfew hours means the period between the hours of 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday and 6:00 a.m. of the following day, between the hours of 12:00 a.m. (midnight) and 6:00 a.m. on any Saturday or Sunday, or between the hours of 9:00 a.m. and 2:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term shall include but not be limited to a fire, natural disaster, vehicular accident, or a serious medical condition of sudden onset.

Guardian means the person who, under a court order, is the guardian of the person of a minor or the public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Parent means the natural mother or father or adoptive mother or father of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, restaurants, theaters, game rooms, shops and shopping centers."

Section 4. That Subsection (a) of Section 28-172 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) It shall be unlawful for any minor to knowingly remain, walk, run, stand, drive or ride about, in or upon any public place in the city during curfew hours."

Section 5. That Section 28-173 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 28-173. Defenses.

It is a defense to prosecution under section 28-172 of this Code that:

- (1) The minor was accompanied by his or her parent or guardian;
- (2) The minor was accompanied by an adult designated by his or her parent or guardian;
- (3) The minor was on an errand made necessary by an emergency;
- (4) The minor was attending a school, religious, or government-sponsored activity or was traveling to or from a school, religious, or government-sponsored activity;
- (5) The minor was engaged in a lawful employment activity or was going directly to or coming directly from lawful employment;
- (6) The minor was on the sidewalk directly in front of the place where he or she resides;
- (7) The minor was on an errand directed by his or her parent or guardian;
- (8) The minor was in a motor vehicle involved in intrastate or interstate transportation;
- (9) The minor was engaged in, participating in, or traveling to or from any event, function or activity for which the application of section 28-172 of this Code would contravene his or her rights protected by the Texas or United States Constitution;
- (10) The minor was married or had been married or had disabilities of minority removed in accordance with chapter 31 of the Texas Family Code;
- (11) With respect to the hours between 9:00 a.m. and 2:30 p.m., the offense occurred during the school summer vacation break period of the school in which the minor is enrolled or on a holiday observed by the closure of classes in the school in which the minor is enrolled or that the minor has graduated from high school or received a high school equivalency certificate;

- (12) With respect to the hours between 11:00 p.m. and 12:00 a.m. (midnight), the day following the offense is a holiday observed by the closure of classes in the school in which the minor is enrolled; or
- (13) The minor was attending or was traveling to or from a recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor."

Section 6. 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 7. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ___ day of _____, 2007.

APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept.

KO:asr 04/20/07

Requested by Harold L. Hurtt, Chief of Police

L.D. File No. 062060073001

Shirley Danner
Assistant City Attorney *SH*

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 21 of the Code of Ordinances, Houston, Texas, relating to permitting of concrete crushing sites	Category #	Page 1 of	Agenda Item #
		55	#

FROM (Department or other point of origin): Houston Department of Health and Human Services	Origination Date April 27, 2007	Agenda Date MAY 09 2007 MAY 02 2007
---	------------------------------------	--

DIRECTOR=S SIGNATURE: Stephen L. Williams, MPA <i>Stephen L. Williams</i>	Council District affected: All
---	-----------------------------------

For additional information contact: Elena Marks Phone: 713-247-3394	Date and identification of prior authorizing Council action:
--	--

RECOMMENDATION: (Summary)
 Adopt ordinance amending Chapter 21 of the Code of Ordinances, Houston, Texas relating to the permitting of concrete crushing sites

Amount and Source of Funding: N/A	F & A Budget:
-----------------------------------	---------------

SPECIFIC EXPLANATION:

Chapter 21 of the Code of Ordinances currently includes programs administered by the Houston Department of Health and Human Services. The proposed ordinance requires that sites where concrete crushing operations are conducted obtain a permit from the City.

- Existing sites must apply for a permit; however, the location requirements do not apply. Existing concrete crushing sites are required to post signs with contact and permit information as well as paying the \$500 permit fee.
- New sites and expansion of existing sites will have to meet certain location requirements to be granted a permit. Permits will not be granted for sites that would be located in a "designated area" (a circle around the site with a radius of 1,500 feet) if the designated area is 50% residential or if a child care facility, hospital, nursing home, place of worship, public park, school or concrete crushing site is located in the designated area. Application, notice and hearing procedures apply to new sites. The signage and fee requirements also apply to new or expanded sites. Permits must be obtained by October 1, 2007.

The Environment and Public Health Committee has had a number of meetings on this issue and on April 19, 2007, voted to recommend the proposed ordinance to Council. In response to Council and public comments, one change has been made to the ordinance presented to the committee. Temporary concrete crushing sites at demolition sites where the concrete will be reused will be permitted, but will be exempt from the location requirements because the concrete will be reused on site.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
---------------	----------------------	----------------------

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING A NEW DIVISION 3 RELATING TO CONCRETE CRUSHING SITES; ESTABLISHING A SCHEDULE OF FEES FOR PERMITS ISSUED IN CONNECTION THEREWITH; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

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

WHEREAS, permitting and registering concrete crushing sites will assist the Health Officer in locating and inspecting these sites; and

WHEREAS, the City Council finds that regulating the location of these sites in residential areas is necessary to protect the public health, safety and welfare of residents of the City; and

WHEREAS, the City Council finds that preventing the concentration of these sites is necessary to protect the public health, safety and welfare of residents of the City; and

WHEREAS, the City Council finds that these sites reasonably are expected to have a negative effect on residential property values and can affect other forms of land use, such as public parks, schools, child care facilities, hospitals, nursing homes and places of worship; and

WHEREAS, the City has conducted public meetings and has received comments on these issues; and

WHEREAS, the City Council finds that the Department of Health and Human Services has analyzed its costs of administering the program, taken into account the appropriate costs of the program, and related the costs to the types of permits issued by the City; and

WHEREAS, the City Council finds that the proposed permit fee is reasonably related to the cost of administering the program; **NOW, THEREFORE;**

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

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

Section 2. That Article VI of Chapter 21 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 3, which shall read as follows:

"DIVISION 3. CONCRETE CRUSHING SITES

Sec. 21-167. Definitions.

As used in this division, the following words and terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Child care facility has the meaning ascribed in section 28-222 of this Code.

Crushing means any fixed, portable, permanent or temporary operation where pressure is applied to concrete, whether new or used, to reduce the size of the original material so that it can be used or reused.

Designated area means an area determined by creating a closed curve with a radius of 1500 feet from the property line of each site where crushing operations are located. Each tract that is wholly

or partially located within the area so created shall be part of the designated area.

Existing operation means a site that has a valid permit issued by the Texas Commission on Environmental Quality to perform crushing on or before _____¹.

Expand or expansion means an increase in:

- (1) The size of the tract on which a facility is located; or
- (2) Operations, including but not limited to hours of operation and amount of materials that may result in an increase in air emissions.

Hospital has the meaning ascribed in section 28-222 of this Code.

Multi-family residential has the meaning ascribed in section 28-222 of this Code.

New operation means a site that does not have a valid permit issued by the Texas Commission of Environmental Quality to perform crushing on or before _____².

Nursing home has the meaning ascribed in section 28-222 of this Code.

Permit means a current and valid permit issued pursuant to this division to operate a site.

Permittee means a person who holds a permit under this division to operate a site, and includes any employee, agent, or independent contractor of the permittee.

Place of worship means one or more buildings, whether situated in the city or not, in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship.

Public park has the meaning ascribed in section 28-121 of this Code.

1 Editor shall insert the date of passage and approval of this Ordinance.

2 Editor shall insert the date of passage and approval of this Ordinance.

Residential has the meaning ascribed in section 28-222 of this Code.

Residential area means an area 50 percent or more of which consists of tracts that are wholly or partially subject to residential restrictions or are used for residential purposes. Tracts that are multi-family residential shall be treated as a residential tract.

School has the meaning ascribed in section 28-222 of this Code.

Site means the tract and fixtures, including structures, appurtenances and stockpiles of raw materials and finished products, where crushing is done.

Tract means a contiguous parcel of property under common ownership.

Sec. 21-168. Scope.

Pursuant to this division, all sites where crushing operations are performed are required to obtain a permit. Existing operations, expansions of existing operations and new operations are required to follow the permit application procedures in section 21-171 of this Code. Expansions of existing operations and new operations shall meet the location requirements in section 21-170 of this Code. However, the location requirements in section 21-170, notice requirements set forth in section 21-174 and the hearing and appeal procedures set forth in section 21-175, all sections of this Code, shall not apply to existing operations or to temporary crushing operations located at demolition sites if the concrete is being crushed primarily for use at the demolition site.

Sec. 21-169. Prohibited activities.

It shall be unlawful for any person to:

- (1) Operate at a site within the city unless there is a permit for the site issued pursuant to this division;
- (2) Expand crushing operations unless a permit for the expansion has been issued pursuant to this division;
- (3) Operate at a site within the city in violation of any term of a permit issued pursuant to this division; and
- (4) Fail to post signs as provided herein.

Sec. 21-170. Location requirements.

The director shall not issue a permit for a new operation or the expansion of any existing operation:

- (1) On a lot, tract or parcel of land where the crushing operation or expansion of the site for crushing is prohibited, expressly or impliedly, by unexpired deed restrictions or covenants running with the land contained or incorporated by reference in a properly recorded map, plat, replat, declaration, deed, judgment or other instrument filed in the county real property records, map records or deed records.
- (2) In any designated area that is a residential area or contains a child care facility, hospital, nursing home, place of worship, public park, school or crushing site.

Sec. 21-171. Applications.

(a) An applicant may obtain a permit for an existing operation or new or expanded operation by submitting a permit application to the department in the time and manner prescribed by the director, along with the fee required by section 21-176 of this Code.

(b) An application shall not be considered complete unless accompanied by any drawings, descriptive data, emissions information, permit fees, ownership information, contact information, and other pertinent data that may be required by the director.

(c) The director shall notify the applicant when the application is complete.

(d) If any of the required documentation, data, reports or drawings contain any false, erroneous or misleading information known to the applicant, then any permit issued pursuant to that false, erroneous or misleading information shall be void with the same force and effect as if it had never been issued.

(e) On or before the thirtieth calendar day following the filing of the complete application, the director shall issue to the applicant a written notice of disapproval or preliminary approval of the permit. Any notice of disapproval of a permit application must include a written report explaining the reasons for disapproval. Any preliminary approval shall be subject to the hearing provisions of section 21-175 of this Code, and, if no request for hearing is timely filed thereunder, shall become a final approval on the business day

next following the close of the protest period. The issuance of a written notice to the applicant shall be complete upon the deposit of the properly addressed notice in the United States mail, first class postage paid.

Sec. 21-172. Permits.

Each permit shall specify and display on its face the following terms, which shall be the conditions under which the permittee is authorized to operate or expand the site:

- (1) Name of the permittee, address and contact information, including telephone number and e-mail;
- (2) Name of the owner of the site, if different from the permittee;
- (3) Operations authorized by the permit;
- (4) Location of the site;
- (5) Signage requirements, which shall include the information in section 21-174 of this Code, except that instead of the application number the permit number shall be listed; and
- (6) A statement that the permittee must comply with all applicable requirements of this division, including rules promulgated by the director hereunder.

Sec. 21-173. Additional requirements.

The director may develop rules to ensure that particulate matter originating on a site or as a result of the operations on the site do not create a nuisance. These rules may include dust-suppression techniques, maintenance of entrances and exits and physical barriers and similar practices and may be incorporated into site permits. A copy of the regulations shall be maintained in the director's office for inspection, and copies may be purchased at the fee prescribed by law.

Sec. 21-174. Notice of pending application.

(a) The applicant must post and use reasonable efforts to maintain one or more signs at the location of the proposed site or existing site for which expansion is proposed for a minimum of 30 calendar days beginning no later than the sixth calendar day following the date of the filing of a

complete permit application with the department. Each sign shall be posted no more than 15 feet from the public right-of-way that is used as access to the site. A sign shall face each public right-of-way bordering the site and the lettering on each sign shall be legible from the public right of way. Each sign shall be a minimum of four by eight feet in size, with lettering that complies with specifications promulgated by the director. Each sign shall contain at a minimum the following items of information:

- (1) That this is the proposed location of a site or site expansion, with the type of operations identified;
- (2) The hours of operation and the type of material to be processed or stored;
- (3) The name, address and contact information for the applicant, including telephone number of the person who can provide information about the application;
- (4) The permit application number assigned to this project by the department; and
- (5) A contact telephone number of the department where information can be obtained about the application.

The applicant shall retain the sign or signs at the site as provided herein.

(b) If, in the opinion of the director, compliance with the requirements of this section is impracticable or insufficient to provide adequate notification of the pending permit application, the director may require additional signs to be erected at locations as he deems advisable.

(c) Written notice of the filing of each application for a permit shall be given to each property owner within the designated area surrounding the proposed site. Notice shall also be given to any civic organization, property owners association, or any other interested group with identifiable boundaries, provided that the organization, association or group is registered with the planning and development department in a manner prescribed by the director of that department. Notice to all owners of record and civic organizations registered with the planning and development department shall be deemed given if properly addressed and deposited in the United States mail, with first class postage paid. The required written notice shall be in a form prescribed by the director and shall be mailed no later than the tenth calendar day following the filing of the required completed application. The written notice shall include a map showing the location of the proposed site or site proposed to be expanded, the surrounding designated area and all other sites located within one square mile of the proposed site or expansion.

(d) Written notice shall be published by the applicant at least once in a daily newspaper of general circulation in the city not later than the seventh calendar day following the date of filing of a complete application. The notice shall be published in the section of the newspaper in which other legal notices are commonly published, and shall be headed with the following words (or their reasonable equivalent), in conspicuous type:

"NOTICE OF PROPOSED [TYPE OF SITE] [OPERATION OR EXPANSION]." The notice shall state the type of operations being proposed or expanded, describe the intended hours of operation of the site and the material that will be processed or stored at the site, and advise that additional information may be obtained by writing or calling the office of the chief of the bureau of air quality of the health and human services department.

(e) The 'written notice' required in subsection (d) above shall include at a minimum the following:

- (1) The name, address, and telephone number of the operator of the proposed or expanded site;
- (2) The name, address, and telephone number of the owner if different from the operator of the proposed or expanded site;
- (3) The location of the proposed site or site to be expanded including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;
- (4) The proposed hours of operation of the site;
- (5) The types of material to be processed or stored at the site; and
- (6) That additional information may be obtained by writing or calling the office of the chief of the bureau of air quality.

(f) The applicant shall be responsible for paying all costs associated with the giving of notice under this division.

Sec. 21-175. Hearing; appeal.

(a) If one or more persons who own property or reside within the designated area request a hearing regarding an application for a permit by submitting to the director a written request therefor that is received in the director's office on or before the fifteenth day following the latter of the date

of publication or mailing of notices as provided in section 21-174(c) of this Code, 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 specified in section 21-170 of this Code. The hearing officer shall promulgate rules for hearings. If a hearing is timely requested, the hearing officer shall conduct a hearing and shall make the determination whether the permit should be granted in accordance with this section. Otherwise, the director shall make that determination.

(b) In making a determination regarding the permit, the hearing officer or director shall consider whether the site complies with the requirements of section 21-170 of this Code and may not reasonably be expected to cause a nuisance.

(c) If the application is finally approved, the director shall issue the permit to the applicant.

(d) If an application is denied, the applicant shall be afforded a written notice of the reason for denial. There shall be no appeal from the denial of an application by the hearing officer pursuant to subsection (a) of this section. However, an applicant whose application is denied by the director shall be entitled to appeal the matter to the hearing officer by filing a written notice of appeal in the director's office within 15 days following the date that notice of the denial is mailed to the applicant. If an appeal is timely filed, the director shall cause the matter to be referred to the hearing officer, who shall conduct a hearing in accordance with this section. The hearing officer's determination shall be final.

Sec. 21-176. Application fees.

The director shall establish the application fee, which shall be approved by city council. Any site where there are facilities that are required to register under division 2 of article VI of this chapter is exempt from the payment of any permit application fee under this division.

Sec. 21-177. Provisions cumulative.

The provisions of this division are cumulative of all other requirements of this Code and other laws, including, without limitation, the Construction Code and the Fire Code, as well as all applicable state and federal laws and regulations. Compliance with this division does not excuse compliance with any other law, and permittees are additionally required to obtain any other permits, licenses, and authorizations required by law, including but not limited to permits, licenses, and authorizations that are required to be obtained from the city, the Texas Commission on Environmental Quality, the United States

Environmental Protection Agency or any other appropriate governmental agency.

Sec. 21-178. Penalty; enforcement by city attorney; access to sites.

(a) Violation of this division is unlawful and hereby declared to be a nuisance. Any person who violates any provision of this division shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$500 or more than \$2000 for each violation. Each and every day that any violation continues shall constitute a separate offense and shall be punishable as such.

(b) In accordance with Section 217.042 of the Local Government Code, the city attorney is hereby authorized to file suit on behalf of the city in any court of competent jurisdiction to enjoin or abate a violation of this division. All authority granted to the city attorney under this division shall be exercised uniformly on behalf of and against all citizens and property in the city. This authorization shall be cumulative and in addition to any other civil or criminal penalty provisions. The city, acting through the city attorney or any other attorney representing the city, may file an action in a court of competent jurisdiction to recover damages from the owner or the agent of the owner of a facility in an amount adequate for the city to undertake any activity necessary to bring about compliance with this division.

(c) The city, acting through the city attorney or any other attorney representing the city, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and restrictions of any permit authorized under this division or the provisions of this division.

(d) When it is necessary to make an inspection to enforce the provisions of this division or to inspect or investigate conditions related to air quality, the health officer may enter a site at reasonable times to inspect or to perform the duties imposed by this division or to inspect or review records, reports, data, plans, or other documents relating to compliance with this division. If the site is occupied, credentials must be presented to the occupant and entry requested. If the site is unoccupied, the health official shall first make a reasonable effort to locate the owner or other person having charge or control of the site and request entry. If refused, the health official shall have recourse to the remedies provided by law to secure entry."

Section 3. That the City Council hereby approves the initial schedule of fees attached as Exhibit "A" hereto pursuant to Section 21-176 of the Code of Ordinances, Houston, Texas, as adopted by this Ordinance.

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 applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 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 at 12:01 a.m. on October 1, 2007.

PASSED AND APPROVED this _____ day of _____, 2007.

Mayor of the City of Houston

Prepared by the Legal Dept. *DPH*

PSW: April 27, 2007

DPH

Senior Assistant City Attorney

Requested by Steven Williams, Director, Health and Human Services Department

L.D. File No.0380700017001

H:\WPfiles\WOLFSON\concretecrushingordinance.doc

EXHIBIT A

SCHEDULE OF PERMIT APPLICATION FEES

ARTICLE VI, CHAPTER 21, CITY OF HOUSTON CODE OF ORDINANCES

CONCRETE CRUSHING SITES

Permit Application Fee:	\$500.00
-------------------------	----------

SUBJECT: Ordinance approving amendments to Chapter 42 relating to a solid waste collection plan.		Category #	Page 1 of 1	Agenda Item 56 29
FROM (Department or other point of origin): Department of Planning and Development		Origination Date 04-25-07		Agenda Date MAY 0 9 2007
DIRECTOR'S SIGNATURE: MS <i>Marlene P. Gafrick</i>		Council District affected: All MAY 0 9 2007		
For additional information contact: Marlene Gafrick Phone: x7-7760		Date and identification of prior authorizing Council action: 3/24/99, Ord. No. 99-262 12/12/01, Ord. No. 2001-1100		
RECOMMENDATION: (Summary) Approval of an ordinance to amend Chapter 42 relating to Section 42-40 basic subdivision plat submittal requirements				
Amount and Source of Funding: NA			F & A Budget:	
SPECIFIC EXPLANATION: The Solid Waste Task Force made recommendations on an amendment to Chapter 42 requiring a single-family residential plat inside the city to be accompanied by a solid waste collection plan. A note shall be placed on the face of the plat indicating whether the development is eligible for solid waste collection provided by the city. A hearing was held by the Council Committee on Regulation, Development and Neighborhood Protection. The Committee approved the Task Force's Recommendation on this item and has forwarded this amendment to City Council for Consideration. cc: Marty Stein Arturo Michel, City Attorney Deborah McAbee, City Legal Don Cheatham, City Legal Buck Buchanan, Solid Waste Department Director				
REQUIRED AUTHORIZATION				
F & A Director:		Other Authorization:		Other Authorization:

#2a

~~5207~~

[PROPOSED AMENDMENTS - DEFINITIONS; PLATTING REQUIREMENTS]

Chapter 42. SUBDIVISIONS, DEVELOPMENTS AND PLATTING

Sec. 42-1. Definitions

* * *

Director of solid waste means the director of the department of solid waste management or his designee.

* * *

Solid waste collection plan means a plan that is filed with a single-family subdivision plat application for property located within the city that includes the following provisions to allow (i) the collection of solid waste without hindrance or obstruction of any adjacent public street, (ii) the frequency of solid waste collection as necessary to avoid a health hazard caused by the accumulation of solid waste, (iii) heavy trash removal, [and] (iv) one or more sites for the placement of trash cans to serve all units within the subdivision without infringing on any required open space or parking areas required by this chapter, [and (v) whether the city or another provider is expected to provide service.]

→ |
→ |

| ←
| ←

* * *

Sec. 42-40. Basic subdivision plat submittal requirements.

(a) An application for the approval of a subdivision plat shall be filed with the department in the form prescribed by the director for the respective class of subdivision plat, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide all required materials, in the quantity and manner prescribed by the director, on paper, on a computer disc or on electronic media;
- (3) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, regarding all contiguous land under common ownership or control;
- (4) Meet the graphic and legal requirements of sections 42-41 through 42-45 of this Code, as applicable; and
- (5) Be accompanied by the applicable filing fee.

(b) An application for the approval of a subdivision plat that is a replat shall also

be accompanied by a current title report and shall comply with the notice provisions of section 42-49 of this Code, where applicable.

(c) A class III plat shall be first submitted for review as a preliminary plat in accordance with the requirements below.

(d) The application to plat a single-family subdivision inside the city must be accompanied by a solid waste collection plan, as defined in this chapter, which plan shall be subject to the approval of the director of solid waste. ~~The existence of the An approved plan is a prerequisite to plat approval. The~~ plan must be noted on the plat ~~or identify the document filed with the plat containing the elements of the plan, as follows: A note shall be by a note~~ placed on the face of the plat indicating whether the development is eligible or ineligible for solid waste collection provided by the city, as applicable, utilizing one of the following forms.

- (1) THE RESIDENTIAL UNITS OR LOTS ENCOMPASSED BY THIS PLAT ARE INELIGIBLE FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE CITY AT THE TIME OF THE FILING OF THE PLAT. THE OBLIGATION TO PROVIDE SOLID WASTE COLLECTION SERVICES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THE SUBDIVISION. NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES; or
- (2) THE RESIDENTIAL UNITS OR LOTS LOCATED IN THIS SUBDIVISION ARE ELIGIBLE FOR SOLID WASTE COLLECTION SERVICES BY THE CITY AT THE TIME OF THE FILING OF THE PLAT. NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES.

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SOLID WASTE COLLECTION; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, in 2006, the Mayor's Solid Waste Task Force ("Task Force") was appointed by Mayor Bill White to study various issues relating to the City's Solid Waste Management Department and its services; and

WHEREAS, on April 2, 2007, in a special meeting of the City Council, the Task Force presented its final report and recommendations for changes to the City's solid waste operations; and

WHEREAS, the Task Force recommended that the Code of Ordinances ("Code") be amended to require that the developer be required to include in any future plats submitted for the development of residential properties information on the face of the plat in the form set forth in Appendix B-1 of the Task Force Final Report to the City Council; and

WHEREAS, the City Council adopts such recommendation and desires to amend Chapter 42 of the Code to implement such recommendation; **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 Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order positions, the following terms:

"Director of solid waste means the director of the department of solid waste management or his designee."

"Solid waste collection plan means a plan that is filed with a single-family subdivision plat application for property located within the city that includes the following provisions to allow (i) the collection of solid waste without hindrance or obstruction of any adjacent public street, (ii) the frequency of solid waste collection as necessary to avoid a health hazard caused by the accumulation of solid waste, (iii) heavy trash removal, (iv) one

or more sites for the placement of trash cans to serve all units within the subdivision without infringing on any required open space or parking areas required by this chapter, and (v) whether the city or another provider is expected to provide service."

Section 3. That Section 42-40 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (d) that reads as follows:

"(d) The application to plat a single-family subdivision inside the city must be accompanied by a solid waste collection plan, as defined in this chapter, which plan shall be subject to the approval of the director of solid waste. An approved plan is a prerequisite to plat approval. The plan must be noted on the plat by a note placed on the face of the plat indicating whether the development is eligible or ineligible for solid waste collection provided by the city, as applicable, utilizing one of the following forms.

- (1) **THE RESIDENTIAL UNITS OR LOTS ENCOMPASSED BY THIS PLAT ARE INELIGIBLE FOR SOLID WASTE COLLECTION SERVICES PROVIDED BY THE CITY AT THE TIME OF THE FILING OF THE PLAT. THE OBLIGATION TO PROVIDE SOLID WASTE COLLECTION SERVICES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THE SUBDIVISION. NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES; or**
- (2) **THE RESIDENTIAL UNITS OR LOTS LOCATED IN THIS SUBDIVISION ARE ELIGIBLE FOR SOLID WASTE COLLECTION SERVICES BY THE CITY AT THE TIME OF THE FILING OF THE PLAT. NOTWITHSTANDING THE FOREGOING, THE CITY RESERVES THE RIGHT TO AMEND THE LEVEL OF SOLID WASTE COLLECTION SERVICES IT PROVIDES."**

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 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 _____, 2007.

APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston

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

City Secretary

Prepared by Legal Dept.
RDC:asw 05/01/2007
Requested by Thomas M. "Buck" Buchanan, Director, Department of Solid Waste Management
L.D. File No. 0420600101005



Senior Assistant City Attorney

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 39 of the Code of Ordinances, Houston, Texas, relating to solid waste collection	Category	Page 1 of 2	Agenda Item 57/15
---	-----------------	-----------------------	-----------------------------

FROM (Department or other point of origin): Solid Waste Management	Origination Date: April 26, 2007	Agenda Date: MAY 0 2 2007
--	--	--

DIRECTOR'S SIGNATURE: Thomas M. Buchanan, Director 	Council District affected: MAY 0 9 2007 ALL
--	--

For additional information contact: Jenny Bailey 713-247-2546	Date and identification of prior authorizing Council action:
---	---

RECOMMENDATION: Adopt ordinance amending Chapter 39 of the Code of Ordinances, Houston, Texas, relating to solid waste collection

Amount and source of funding: Not applicable	F&A Budget:
---	------------------------

EXPLANATION:

In 2006 Mayor White appointed a Solid Waste Task Force, co-chaired by Mr. Lorne Bain and City Controller Annise Parker. One charge to the task force was to provide policy recommendations on what criteria should be used to establish eligibility for City collection services. After extensive study and deliberation, the Solid Waste Task Force released its report in March 2007. The findings and recommendations of the Task Force were presented in their entirety to City Council on April 2, 2007, and in further detail to the Budget and Fiscal Affairs Committee on April 3, 2007.

The proposed amendments to Chapter 39 of the Code of Ordinances would codify certain Task Force recommendations on eligibility and sponsorship agreements as well as others aimed at improving collection efficiency. These changes were presented to the Regulation, Planning and Neighborhood Protection Committee on April 19, 2007, and the committee voted to recommend them to full Council. The amendments generally fall into five sections of Chapter 39:

- 1) Definitions (Section 39-1) – Updates and amends various definitions relative to solid waste collection service, including the definitions for Basic Collection Service, Residential Unit, and Sponsorship Agreement.
- 2) Eligibility Criteria (Sec 39-65) – Establishes eligibility criteria for Basic Collection Service as 1) a residential unit abutting a public street or 2) other residential units that meet the “three-prong test.” The test requires that there be a maximum of 20 units, sufficient frontage on a public street to allow 5 feet of space per automated container, and that all containers can be collected from a public street.
- 3) Sponsorship Agreements (Sec 39-66) – Provides that a qualified organization such as a civic association is eligible for a Sponsorship Agreement only if the entity is eligible for Basic Collection Service. The Solid Waste Management Director may extend through December 2007 any current agreements with organizations that become ineligible with the proposed ordinance changes.
- 4) Collection Efficiency (Sec. 39-67) – Authorizes the Solid Waste Management Director to determine the most efficient placement of cans for collection in special circumstances such as on one-way streets or corner lots, and if necessary, to restrict parking to only one side of the street on collection days.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
---------------	----------------------	----------------------

REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance amending Chapter 39 of the Code of Ordinances, Houston, Texas, relating to solid waste collection

Page 2 of 2

5) Heavy Trash (Sec. 39-77) - Amendments proposed in this Council action relate only to two specific elements of heavy trash service and not to broader recommendations in the Task Force Report. The first limits eligibility for scheduled heavy trash collection to units that meet the normal criteria for Basic Collection Service. Due to collection constraints imposed by high-density developments, residential units that qualify only under the three-prong test would not be eligible for heavy trash service. The second change reduces the maximum volume of scheduled heavy trash that will be collected from 40 cubic yards to 8 cubic yards. The ordinance discussed at committee proposed a limit of 10 cubic yards, but the committee voted to reduce the maximum volume to 8 cubic yards.

The administration is currently reviewing the additional recommendations made by the Solid Waste Task Force. These will be the subject of future committee hearings and subsequent Council action.

Attachment

HOUSTON CODE OF ORDINANCES – PROPOSED AMENDMENTS

Chapter 39. Solid Waste and Litter Control

Sec. 39-1. Definitions.

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

Alley shall mean means a public right-of-way which that is used only for secondary access to individual properties which that have their primary access from an adjacent public street or an approved common or compensating open space or courtyard which that has direct access to a public street.

Automated service container means a rolling, molded plastic container, equipped with a lid, capable of holding not more than 90 gallons, and designed and intended to be collected by means of a garbage collection vehicle designed to be operated by a single individual.

Basic collection service means the collection of residential garbage or trash by the city effected by the use of a garbage truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers placed at the edge of the public street curblin or edge of paving by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck. The term also includes the collection of garbage or trash in one-way containers pursuant to section 39-62(c)(3) of this Code.

Bulk container means any container used for the collection and/or disposal of solid waste which that is designated and intended:

- a. To be transported from the premises where it is used by mechanical means with its contents to the dumpsite; or
- b. To be emptied by mechanical means upon the premises where it is used into a waste transport vehicle.

Without limitation, the term includes the "dumpster" type containers which that are commonly used in multifamily residential, commercial, and industrial and public locations. Provided, that the term shall not include the rolling automated

collection service containers that are furnished by the city and private collection contractors to residents where ~~automated~~ basic collection service equipment is utilized.

Bulk container service provider shall mean means the owner of the bulk container, provided that if a person other than the owner is contractually or otherwise obligated to ~~service the container by transporting the~~ transport the bulk container and/or its contents for disposition, then it shall mean the person providing such service.

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

~~Commercial unit/service unit shall mean any structure, public or private, located within the boundaries of the city that is adopted to occupancy for the transaction of business. It shall include but not be limited to shops, stores, shopping centers, public buildings, business offices, restaurants, hotels, motels, or such other places of business.~~

~~————~~ *~~Curblin~~ shall mean Curblin means an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin shall include the area three feet beyond said imaginary line on the ~~nonpavement~~ residence side of the line.*

Department means the department of solid waste management.

Director means the director of the department of solid waste management or the director's duly authorized representative.

Garbage shall ~~mean~~ means abandoned, discarded or unwanted putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including such materials from food markets, food storage facilities, food handling, and the sale of produce and other food products.

Heavy or ~~oversized~~ oversize trash shall ~~mean~~ means any rubbish or trash generated upon the premises of a residential unit ~~which is~~ and of such size or

weight that it cannot be containerized pursuant to section 39-62 of this Code and is not subject to collection pursuant to section 39-64 of this Code including, but not limited to, major appliances and tree limbs having a diameter of three inches or more.

Houston Downtown Management District means the district created by Subchapter A of Chapter 376 of the Texas Local Government Code.

Litter means uncontrolled and improperly containerized garbage or trash on public or private property.

One-way container means a disposable bag made of plastic film or of any other synthetic or natural organic material that has sufficient strength and quality to securely contain a capacity of not more than 35 gallons.

Public street means ~~Public street shall mean~~ the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, which is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Recyclable material means material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste; however, recyclable material may become rubbish at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be rubbish with respect only to the party actually abandoning or disposing of the material.

Residential unit means any occupied ~~Residential unit/service unit shall mean any-~~ structure within the city limits of the city devoted to single-family residential use. Residential unit shall include, but not be limited to, houses, duplexes, condominiums, townhouses, townhomes, trailer homes, manufactured homes and patio homes. It shall also include ~~apartments in a multi-unit, arrangement/configuration/construction~~ apartment projects or communities of eight or fewer individual units. Residential unit shall not include ~~apartments in excess of apartment projects or communities containing more than eight individual units in a multi-unit arrangement/configuration/construction,~~ hotels, motels, boarding houses, or other similar rental units.

Rubbish or trash shall mean means abandoned, discarded or unwanted nonputrescible solid waste materials consisting of both combustible and noncombustible waste materials; combustible rubbish or trash shall include feathers, paper, rags, cartons, boxes (flattened and tied), wood, excelsior, nonmetallic furniture, rubber, plastics, yard trimmings, shrubs, leaves, and similar materials; noncombustible rubbish or trash shall include glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit); provided that, rubbish or trash shall not include bulk quantities of building materials or major automotive components, and the city shall not be required to pick up such materials.

Sponsorship agreement means a reimbursement agreement between the city and a civic or homeowner's association or other qualified entity for the purpose of partially offsetting the cost incurred by the association or qualifying entity in assuming the responsibility for basic garbage collection service to residential units eligible for such service pursuant to section 39-65 of this Code in certain defined areas of the city.

Solid waste means ~~Solid waste shall mean~~ "municipal solid waste" as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 325.5 of the Texas Department of Health, ~~Municipal Solid Waste Management Regulations 330.2 of the Texas Administrative Code~~ and any amendments thereto.

Trash. See rubbish or trash.

Yard waste means grass, shrub, or other plant clippings, leaves, and tree limbs meeting the requirements of section 39-64 of this Code.

* * *

Sec. 39-65. Eligibility for basic collection service.

The following residential units shall be eligible for basic collection service:

- (1) Units abutting a public street; and
- (2) Units within a development or subdivision containing private streets, permanent access easements or shared driveways, if at least one residential unit located within such development or subdivision is adjacent

to at least one public street and the development or subdivision contains no more than 20 units and provided further:

- a. Each automated service container or one-way container is placed at the curblineline or edge of paving on the public street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director;
- b. The adjacent public street contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five foot centers; and
- c. All units in the development or subdivision fully comply with each requirement of this item.

Any failure to comply with all conditions set forth in this item shall entitle the director to suspend basic collection service to the development or subdivision.

Sec. 39-66. Sponsorship agreements.

(a) The city shall enter into a sponsorship agreement, as defined in section 39-1 of this Code, only with a civic or homeowners association or other qualified entity that assumes responsibility for basic collection service available to those residential units eligible for such service pursuant to section 39-65 of this Code that are located within the geographical area to be served, provided the association or qualified entity is authorized to bind all residential units within the geographical area covered by the sponsorship agreement. Only those sponsorship agreements that are consistent with the provisions of this section and are in a form approved by the city attorney shall be approved.

(b) Sponsorship agreements shall be approved by the director, provided that any agreement that requires payment by the city in any one year of an aggregate amount in excess of the city council approval requirement limitation amount established pursuant to article II, section 19a of the City Charter shall be approved by the city council.

(c) A sponsorship agreement shall be administered on an all or none basis and shall apply to all units in the development or community. A residential development or community that is not eligible for basic collection service pursuant to section 39-65 of this Code shall not be eligible for a sponsorship agreement.

(d) No reimbursement payments shall be authorized by the director or the city council except pursuant to the terms of a properly executed sponsorship agreement. Reimbursements shall be made on a monthly basis. The amount of reimbursement for each residential unit included in a sponsorship agreement may be established annually as of July 1 of each year by the city council. If the city council does not, for any reason, establish an amount by July 1 of any year, the amount of reimbursement for the following fiscal year shall be that amount which was in effect during the prior fiscal year, and such amount shall remain in effect through June 30 of the following year.

(f) All sponsorship agreements shall terminate on June 30 of each and every year and shall expire unless the director receives from the association or qualified entity, at least sixty days prior to the termination date, written notice that the association or qualified entity wishes to extend the agreement for an additional year. If any sponsorship agreement is allowed to terminate and the association or qualified entity wishes to resume the agreement, a new agreement must be executed.

Sec. 39- 67. Placement for regular basic collection, etc service.

(a) Except as provided otherwise specifically permitted in subsection (b); or (f) of this section, basic collection services service shall be limited to items automated service containers or one-way containers placed at the curbline of a public street in front of or adjacent to the property upon which the waste was generated. garbage or trash was generated.

(b) The director shall determine the street on which containers shall be placed for collection from a residential unit located on a corner lot.

(c) If vehicle parking is permitted on both sides of a narrow, one-way or dead-end public street on which residential units abut, the director may require that, on collection day:

- (1) The parking of vehicles be restricted to one side of the street;
- (2) Containers be placed for collection on only one side of the street; or
- (3) The requirements of items (1) and (2) of this subsection both be met.

(d) All items shall be contained or bundled as provided in this chapter. Regular Basic collection services service shall be provided on the basis of a schedule established and promulgated by the director, which shall normally include one pickup per week on routes receiving automated collection service and two pickups per week on

~~routes receiving conventional collection service. Service.~~ Basic collection service shall also be limited to materials authorized under rules established by the director, as provided in section 39-50 of this Code.

(e) It shall be unlawful to place or to allow to remain any materials at the curblines for basic collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for basic collection service at that location. Basic collection service shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblines on a designated collection day after department collection service personnel have passed the site for that day, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site.

~~(f) The director may~~ (b) On routes served by conventional collection service, the director shall, in lieu of collection at the curblines or edge of paving of a public street, authorize basic collection services service from the curblines or edge of paving of an alley if a majority of the residents having property abutting the alley prefer collection from the alley and if the alley meets each of the following criteria with respect to the portions of the alley that will be used by department equipment:

- (1) The alley must have a paved surface at least 16 feet in width;
- (2) The alley must have no overhang or projection lower than a height of 13 feet six inches above the pavement;
- (3) The alley must have a minimum turning radius of 35 feet at each place where the alley intersects a public street; ~~and~~
- (4) The alley must have no obstruction (parked vehicle, fixed object, or whatever) that would prevent, hinder or impede the free passage of department equipment for collection service; ~~and~~.
- (5) The director may require that all containers be placed on one side of the alley.

~~The director shall not be obliged to offer alley pickup service on routes served by automated collection service.~~

~~(e) It shall be unlawful to place or to allow to remain any materials at the curblines for regular city collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for collection service at that location. Collection services shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblines on a~~

~~designated collection day after department collection service personnel have passed the site for that day on their route, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site. It shall be unlawful to allow collection containers or recycling containers to remain at the curblane, where the use of these containers is authorized, following 10:00 p.m. of the day upon which the waste or recyclables are collected by the department.~~

Sec. 39-66 68. Billing.

Billing of extra capacity collection services fees shall be made in advance to the water customers of the city who have requested extra capacity solid waste collection services concurrently with the monthly or bimonthly water bills issued by the city to such customers. Persons requesting extra capacity solid waste collection services who are not water customers of the city shall be billed for advance payment of the appropriate extra capacity collection fees for the services requested.

Sec. 39-67 69. Accounting.

(a) All extra capacity solid waste collection fees collected shall be deposited in the city's general fund and recorded in a separate revenue code. All such amounts, together with all interest earned thereon, if any, shall be used solely for the purposes set forth in subsection (b).

(b) The extra capacity solid waste collection fees collected pursuant to this article shall be used for the sole benefit of the city's solid waste management system.

(c) The department shall establish adequate financial and accounting controls to ensure that extra capacity solid waste collection fees are utilized solely for the purposes authorized. The records of the fund or account into which extra capacity solid waste collection fees are deposited shall be open for public inspection, and copies may be purchased during ordinary business hours.

* * *

Sec. 39-77. Heavy/oversize trash collection.

(a) Heavy and oversize trash shall be collected on the basis of a schedule established and promulgated by the director. Service shall be limited to residential units, and the service provided under section 39-49 of this Code to nonresidential units shall not include collection of heavy or oversize trash.

(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than ~~a total of two department truck loads or~~ forty eight cubic yards of material, ~~whichever is less~~, shall be collected from any one residential unit on any scheduled collection day.

(c) Service shall be limited to items that are placed at the curblin in an unobstructed location, such that automated department equipment may reach and pick up the items. Without limitation, service will not be provided if the items are obstructed by fire hydrants, trees or vegetation, parked cars or other objects that prevent the automated function of the department's equipment.

(d) It shall be unlawful to place or to allow to remain any materials at the curblin for heavy or oversize collection service prior to 6:00 p.m. of the Friday next preceding a day upon which the collection service for the site is scheduled by the director.

(e) When any property is found in violation of subsection (d) of this section, such fact shall be prima facie evidence that the current record owner or occupant of the property committed such offense. It is a defense to prosecution under subsection (d) of this section that the property owner or occupant can name and identify the person who committed the offense.

(f) All persons have an affirmative duty to comply with all provisions of this section, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

(g) No heavy or oversize trash collection service shall be provided to residential units eligible for collection pursuant to item 2 of section 39-65 of this Code.

* * *

City of Houston, Texas, Ordinance No. 2007-_____

AN ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SOLID WASTE COLLECTION IN THE CITY; REPEALING ORDINANCE NO. 85-842 RELATING TO SOLID WASTE SPONSORSHIP AGREEMENTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, in 2006, the Mayor's Solid Waste Task Force ("Task Force") was appointed by Mayor Bill White to study various issues relating to the City's Solid Waste Management Department and its services; and

WHEREAS, on April 2, 2007, in a special meeting of the City Council, the Task Force presented its final report and recommendations for changes to the City's solid waste operations; and

WHEREAS, the Task Force recommended certain revisions to Chapter 39 of the Code of Ordinances, Houston, Texas, to address issues such as eligibility for basic garbage collection service provided by the City, sponsorship agreements in lieu of garbage collection by the City and other operational matters; and

WHEREAS, the City Council agrees with the Task Force recommendations as they relate to the suggested revisions to Chapter 39 and now wishes to effect such revisions to the City Code; **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 Section 39-1 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 39-1. Definitions.

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

Alley means a public right-of-way that is used only for secondary access to individual properties that have their primary access from an adjacent public street or an approved common or compensating open space or courtyard that has direct access to a public street.

Automated service container means a rolling, molded plastic container, equipped with a lid, capable of holding not more than 90 gallons, and designed and intended to be collected by means of a garbage collection vehicle designed to be operated by a single individual.

Basic collection service means the collection of residential garbage or trash by the city effected by the use of a garbage truck manufactured or configured to permit the driver to collect the garbage and rubbish from automated service containers placed at the edge of the public street curblin or edge of paving by means of a mechanical device operated by the driver without the necessity of leaving the cab of the truck. The term also includes the collection of garbage or trash in one-way containers pursuant to section 39-62(c)(3) of this Code.

Bulk container means any container used for the collection and/or disposal of solid waste that is designated and intended:

- a. To be transported from the premises where it is used by mechanical means with its contents to the dumpsite; or
- b. To be emptied by mechanical means upon the premises where it is used into a waste transport vehicle.

Without limitation, the term includes the 'dumpster' type containers that are commonly used in multifamily residential, commercial, industrial and public locations. Provided, that the term shall not include the rolling automated service containers that are furnished by the city and private collection contractors to residents where basic collection service equipment is utilized.

Bulk container service provider means the owner of the bulk container, provided that if a person other than the owner is contractually or otherwise obligated to transport the bulk container and/or its contents for disposition, then it shall mean the person providing such service.

Central business district means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northeasterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

*Curblin*e means an imaginary line drawn along the edge of the pavement on either side of a public street; the curblin

e shall include the area three feet beyond said imaginary line on the residence side of the line.

Department means the department of solid waste management.

Director means the director of the department of solid waste management or the director's duly authorized representative.

Garbage means abandoned, discarded or unwanted putrescible animal and vegetable materials resulting from the handling, preparation, cooking and consumption of food, including such materials from food markets, food storage facilities, food handling, and the sale of produce and other food products.

Heavy or oversize trash means any rubbish or trash generated upon the premises of a residential unit and of such size or weight that it cannot be containerized pursuant to section 39-62 of this Code and is not subject to collection pursuant to section 39-64 of this Code including, but not limited to, major appliances and tree limbs having a diameter of three inches or more.

Houston Downtown Management District means the district created by Subchapter A of Chapter 376 of the Texas Local Government Code.

Litter means uncontrolled and improperly containerized garbage or trash on public or private property.

One-way container means a disposable bag made of plastic film or of any other synthetic or natural organic material that has

sufficient strength and quality to securely contain a capacity of not more than 35 gallons.

Public street means the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is open to the public for vehicular traffic, which is the responsibility of the city or other similar public agency to maintain, and over which the city has legislative jurisdiction under its police power.

Recyclable material means material that has been recovered or diverted from the nonhazardous waste stream for purposes of reuse, recycling, or reclamation, a substantial portion of which is consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable material is not solid waste; however, recyclable material may become rubbish at such time, if any, as it is abandoned or disposed of rather than recycled, whereupon it will be rubbish with respect only to the party actually abandoning or disposing of the material.

Residential unit means any occupied structure within the city limits of the city devoted to single-family residential use. Residential unit shall include, but not be limited to, houses, duplexes, condominiums, townhouses, townhomes, trailer homes, manufactured homes and patio homes. The term shall also include each apartment in an apartment project or community containing eight or fewer individual units. Residential unit shall not include apartment projects or communities containing more than eight individual units, hotels, motels, boarding houses, or other similar rental units.

Rubbish or trash means abandoned, discarded or unwanted nonputrescible solid waste materials consisting of both combustible and noncombustible waste materials; combustible rubbish or trash shall include feathers, paper, rags, cartons, boxes (flattened and tied), wood, excelsior, nonmetallic furniture, rubber, plastics, yard trimmings, shrubs, leaves, and similar materials; noncombustible rubbish or trash shall include glass, crockery, tin cans, aluminum cans, metal furniture, and like materials which will not burn at ordinary incinerator temperatures (1,600 degrees Fahrenheit to 1,800 degrees Fahrenheit); provided that, rubbish or trash shall not include bulk quantities of building materials or major automotive components, and the city shall not be required to pick up such materials.

Sponsorship agreement means a reimbursement agreement between the city and a civic or homeowner's association or other qualified entity for the purpose of partially offsetting the cost incurred by the association or qualifying entity in assuming the responsibility for all garbage collection services to residential units eligible for such services pursuant to section 39-65 of this Code in certain defined areas of the city.

Solid waste means 'municipal solid waste' as that term is defined in the Texas Solid Waste Disposal Act; waste resulting from the construction or demolition of any structure; and any other type of solid waste as defined in Section 330.2 of the Texas Administrative Code and any amendments thereto.

Trash. See *rubbish* or *trash*.

Yard waste means grass, shrub, or other plant clippings, leaves, and tree limbs meeting the requirements of section 39-64 of this Code."

Section 3. That Sections 39-65 through 39-67 of the Code of Ordinances, Houston, Texas, are hereby redesignated as Sections 39-67 through 39-69 thereof, and new Sections 39-65 and 39-66 are added to read as follows:

"Sec. 39-65. Eligibility for basic collection service.

The following residential units shall be eligible for basic collection service:

- (1) Except as provided in item (2) of this section, units abutting a public street; and
- (2) Units within a development or subdivision containing private streets, permanent access easements or shared driveways, if at least one residential unit located within such development or subdivision is adjacent to at least one public street and the development or subdivision contains no more than 20 units and provided further:
 - a. Each automated service container or one-way container is placed at the curblin e or edge of paving on the public

street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director;

- b. The adjacent public street contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five foot centers; and
- c. All units in the development or subdivision fully comply with each requirement of this item.

Any failure to comply with all conditions set forth in this item shall entitle the director to suspend basic collection service to the development or subdivision.

Sec. 39-66. Sponsorship agreements.

(a) The city shall enter into a sponsorship agreement, as defined in section 39-1 of this Code, only with a civic or homeowners association or other qualified entity that assumes responsibility for collection service available to those residential units eligible for such service pursuant to section 39-65 of this Code that are located within the geographical area to be served, provided the association or qualified entity is authorized to bind all residential units within the geographical area covered by the sponsorship agreement. Only those sponsorship agreements that are consistent with the provisions of this section and are in a form approved by the city attorney shall be approved.

(b) Sponsorship agreements shall be approved by the director, provided that any agreement that requires payment by the city in any one year of an aggregate amount in excess of the city council approval requirement limitation amount established pursuant to article II, section 19a of the City Charter shall be approved by the city council.

(c) A sponsorship agreement shall be administered on an all or none basis and shall apply to all units in the development or community. A residential development or community that is not eligible for basic collection service pursuant to section 39-65 of this Code shall not be eligible for a sponsorship agreement.

(d) No reimbursement payments shall be authorized by the director or the city council except pursuant to the terms of a properly executed sponsorship agreement. Reimbursements shall be made on a monthly basis. The amount of reimbursement for each residential unit included in a sponsorship agreement may be established annually as of July 1 of each year by the city council. If the city council does not, for any reason, establish an amount by July 1 of any year, the amount of reimbursement for the following fiscal year shall be that amount which was in effect during the prior fiscal year, and such amount shall remain in effect through June 30 of the following year.

(e) All sponsorship agreements shall terminate on June 30 of each and every year and shall expire unless the director receives from the association or qualified entity, at least sixty days prior to the termination date, written notice that the association or qualified entity wishes to extend the agreement for an additional year. If any sponsorship agreement is allowed to terminate and the association or qualified entity wishes to resume the agreement, a new agreement must be executed."

Section 4. That newly redesignated Section 39-67 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 39-67. Placement for basic collection service.

(a) Except as otherwise specifically permitted in subsection (b), (c) or (f) of this section or section 39-65(2) of this Code, basic collection service shall be limited to automated service containers or one-way containers placed at the curblin of a public street in front of the property upon which the garbage or trash was generated.

(b) The director shall determine the street on which containers shall be placed for collection from a residential unit located on a corner lot.

(c) If vehicle parking is permitted on both sides of a narrow, one-way or dead-end public street on which residential units abut, the director may require that, on collection day:

- (1) The parking of vehicles be restricted to one side of the street;
- (2) Containers be placed for collection on only one side of the street; or

- (3) The requirements of items (1) and (2) of this subsection both be met.

(d) All items shall be contained or bundled as provided in this chapter. Basic collection service shall be provided on the basis of a schedule established and promulgated by the director, which shall normally include one pickup per week. Basic collection service shall also be limited to materials authorized under rules established by the director, as provided in section 39-50 of this Code.

(e) It shall be unlawful to place or to allow to remain any materials at the curblin for basic collection service by the department prior to 6:00 p.m. of the day preceding a day designated by the director for basic collection service at that location. Basic collection service shall commence at 7:00 a.m. on the day designated by the director. It shall be unlawful to place or allow to remain any materials at the curblin on a designated collection day after department collection service personnel have passed the site for that day, and the department shall not have any obligation to return to collect items not present at the curb when the department vehicle serviced the site.

(f) The director may, in lieu of collection at the curblin or edge of paving of a public street, authorize basic collection service from the curblin or edge of paving of an alley if a majority of the residents having property abutting the alley prefer collection from the alley and if the alley meets each of the following criteria with respect to the portions of the alley that will be used by department equipment:

- (1) The alley must have a paved surface at least 16 feet in width;
- (2) The alley must have no overhang or projection lower than a height of 13 feet six inches above the pavement;
- (3) The alley must have a minimum turning radius of 35 feet at each place where the alley intersects a public street;
- (4) The alley must have no obstruction (parked vehicle, fixed object, or whatever) that would prevent, hinder or impede the free passage of department equipment for collection service; and
- (5) The director may require that all containers be placed on one side of the alley."

Section 5. That Subsection (b) of Section 39-77 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) Service shall be limited to materials authorized under rules established by the director as provided in section 39-50 of this Code, and no more than eight cubic yards of material shall be collected from any one residential unit on any scheduled collection day."

Section 6. That Section 39-77 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Subsection (g) that reads as follows:

"(g) No heavy or oversize trash collection service shall be provided to residential units eligible for collection pursuant to item 2 of section 39-65 of this Code."

Section 7. That City of Houston Ordinance No. 85-842, passed June 11, 1985, and subsequently amended by Ordinance No. 2005-1061, passed September 20, 2005, establishing certain policies and procedures for solid waste disposal related to the participation of the city in agreements related to garbage collection, is hereby repealed.

Section 8. All sponsorship agreements in effect on the date of passage of this Ordinance shall remain in effect until the expiration of the term set forth in such agreements. Thereafter, the execution of sponsorship agreements shall be governed solely by the sponsorship provisions of Chapter 39 of the Code of Ordinances, Houston, Texas, as adopted in Sections 2 through 6 of this Ordinance; provided that (i) residential units previously ineligible for garbage collection service by the City that become eligible for such service pursuant to the provisions adopted in Section 3 of this Ordinance shall be eligible to execute a sponsorship agreement in lieu of such service upon the effective date of this Ordinance; and (ii) the term of a sponsorship agreement for any residential unit

made ineligible for City garbage collection service may be extended by the director until the last day of December 2007.

Section 9. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their 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 10. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect at 12:01 a.m. on the sixtieth day next following the date of its passage and approval by the Mayor.

PASSED AND APPROVED this ___ day of _____, 2007.

Mayor of the City of Houston



Prepared by Legal Dept.

RDC:asw 05/01/2007

Senior Assistant City Attorney

Requested by Thomas M. "Buck" Buchanan, Director, Department of Solid Waste Management

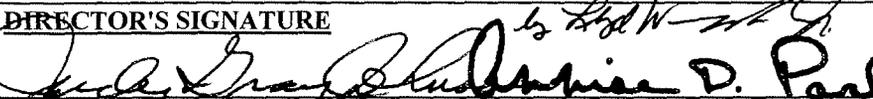
L.D. File No. 0420600101003

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

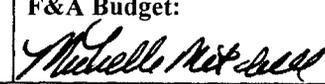
Subject: The general appropriations ordinance authorizing FY2007 expenditures.	Category #	Page 1 of 1	Agenda Item <div style="border: 2px solid black; padding: 5px; display: inline-block; font-size: 2em; font-weight: bold;">58 #6</div>
--	-------------------	--------------------	---

FROM (Department or other point of origin): Judy Gray Johnson Director, Finance & Administration Department	Origination Date: April 16, 2007	Agenda Date MAY 09 2007 MAY 02 2007
--	--	---

DIRECTOR'S SIGNATURE 	Council District(s) affected: All
---	--

For additional information contact: Judy Gray Johnson 713-221-0125 Annise Parker 713-247-3098	Date and Identification of prior authorizing Council Action: #2006-0710(Interim Spending Plan Appropriation) #2006-0711(Adoption of the FY2007 Budget)
---	---

RECOMMENDATION: (Summary) City Council approves the general appropriations ordinance authorizing FY2007 expenditures

Amount of Funding: SEE ATTACHMENTS (Exhibit A & B)	F&A Budget: 
---	---

SOURCE OF FUNDING: [X] General Fund [] Grant Fund [X] Enterprise Fund [X] Other – Special Revenue
FY2007 Budget Resources

SPECIFIC EXPLANATION:

The City begins each fiscal year operating on an interim spending plan, until such time as the General Appropriations Ordinance or annual certification is brought forward and approved by City Council. The FY2007 interim-spending plan was adopted by City Council along with the annual budget in June 2006, using FY06 spending estimates.

The annual certification process requires the City Controller to certify the level of funding that the Controller's Office analysis indicates will be available for the current year. The amounts for each City fund for FY07 are shown on Exhibit A. This action will establish the General Fund appropriation at **\$1,686,019,338**. This is \$8.6 million more than the original budget for General Fund expenditures. City Council approval of the budget transfers and appropriations ordinance is requested.

General Fund:

- A budget transfer from the General Fund ending fund balance to the Police Department and Fire Department budgets in the amounts of \$3 million and \$2 million, respectively, and \$3.6 million to the Departments for IT expenditures relating to installation of cabling and lines for the NIP system which was higher than expected.

Parks Special Revenue Fund:

- A budget transfer of \$100,000 from the ending fund balance for transfer to the Parks Capital Fund for the proposed construction of the Sharpstown Golf Cart Barn.

Combined Utility System General Purpose Fund:

- A budget transfer of \$30 million from the ending fund balance for transfer to the Combined Utility Systems Operating Fund. The bond ordinance allows funds on hand that are transferred to the operating fund to be considered the equivalent of revenues for use in the bond coverage calculations. This transfer will mitigate the impact of lower than budgeted revenues in FY07.

cc: Agenda Office
Legal Department

F&A Director:	Other Authorization:	Other Authorization:
--------------------------	-----------------------------	-----------------------------

Exhibit A

PROPOSED APPROPRIATIONS BY FUND

FUNDS	FY2007	FY2007	APPROPRIATION ADJUSTMENTS	PROPOSED
	ADOPTED BUDGET EXPENDITURES	CURRENT BUDGET EXPENDITURES		FY2007 GENERAL APPROPRIATION ORD 2007-XXX
General Fund, Enterprise & Special Revenue Funds				
General Fund	1,677,419,338	1,677,419,338	8,600,000 (1)	1,686,019,338
Aviation	442,307,500	442,307,500		442,307,500
Convention & Entertainment Facilities	83,010,790	83,010,790		83,010,790
Public Works & Engineering/Public Utilities - 701	636,723,843	636,723,843		636,723,843
Combined Utility System Operating - 702	256,413,813	256,413,813		256,413,813
Storm Water Fund	39,382,865	37,004,000		37,004,000
Houston Emergency Center	21,177,431	19,872,000		19,872,000
Cable Television	2,221,633	2,155,000		2,155,000
Courts Building Security Fund	1,443,459	1,443,459		1,443,459
Municipal Courts Technology Fee	3,789,240	3,789,240		3,789,240
Parks Special Revenue	6,782,880	6,782,880	100,000 (2)	6,882,880
Building Inspection	40,285,957	40,285,957		40,285,957
Sign Administration	4,147,181	4,147,181		4,147,181
Asset Forfeiture	9,128,000	9,128,000		9,128,000
Auto Dealers	4,421,085	4,421,085		4,421,085
Child Safety Fund	3,145,000	3,145,000		3,145,000
Police Special Services	16,281,468	16,281,468		16,281,468
Supplemental Environmental Protection	256,000	256,000		256,000
Mobility Response Team	1,738,870	1,738,870		1,738,870
Houston TranStar Center	1,887,145	1,887,145		1,887,145
CIP Salary Recovery	33,705,792	33,705,792		33,705,792
Total	3,285,669,290	3,281,918,361	8,700,000	3,290,618,361
Enterprise Related Funds				
Airport System Capital Outlay	12,147,999	12,147,999		12,147,999
Combined Utility System General Purpose Fund - 708	81,090,110	81,090,110	30,000,000 (3)	111,090,110
Total	93,238,109	93,238,109	30,000,000	123,238,109
From the above fund appropriations, the following funds are allocated:				
Internal Service Funds				
Health Benefits	249,330,071	249,330,071		249,330,071
Long-term Disability	2,312,079	2,312,079		2,312,079
Total	251,642,150	251,642,150	0	251,642,150
*Central Service Revolving	241,504,266	241,504,266		246,304,266
In-House Renovation	2,540,000	2,540,000		2,540,000
*Fleet Management	25,558,096	25,558,096		31,258,096
Property & Casualty	29,617,176	29,617,176		29,617,176
Workers' Compensation	24,482,110	24,482,110		20,637,000
Total	323,701,648	323,701,648	0	330,356,538

Notes:

- (1) The General Fund requires an increase of \$8.6 million. Of this, \$5 million is for transfers to the Police and Fire Departments; and \$3.6 million to the Departments for IT expenditures relating to installation of cabling and lines for the NIP system which was higher than expected.
- (2) The Parks Special revenue Fund increase of \$100,000 will be used for the proposed construction of the Sharpstown Golf Cart Barn.
- (3) The CUS bond ordinance allows funds to be passed from the general purpose fund back through the revenue fund for use in the bond coverage calculation - to meet the bond coverage tests
- *The Central Service Revolving Fund's increase of \$4.8 million is due to an increase in IT services delivered to the departments in the amount of \$1.8 million and the increase of \$3 million to HR to cover higher temp utilization on the HPD Jail Attendant initiatives, Health Department increased grant activity and IT for the SAP implementation project
- *The Fleet Management Fund's increase is due to overage in fuel of \$4.6million and Vehicle Repairs & Maintenance of \$1.1 million.

Exhibit B

FY2007 Summary of Appropriations by Fund

General Fund, Enterprise Funds and Special Revenue Fund	
General Fund	\$1,686,019,338
Aviation	442,307,500
Convention & Entertainment Facilities	83,010,790
Public Works & Engineering/Public Utilities - 701	636,723,843
Combined Utility System Operating - 702	256,413,813
Storm Water Fund	37,004,000
Houston Emergency Center	19,872,000
Cable Television	2,155,000
Courts Building Security Fund	1,443,459
Municipal Courts Technology Fee	3,789,240
Parks Special Revenue	6,882,880
Building Inspection	40,285,957
Sign Administration	4,147,181
Asset Forfeiture	9,128,000
Auto Dealers	4,421,085
Child Safety Fund	3,145,000
Police Special Services	16,281,468
Supplemental Environmental Protection	256,000
Mobility Response Team	1,738,870
Houston TranStar Center	1,887,145
CIP Salary Recovery	33,705,792
Airport System Capital Outlay	12,147,999
Combined Utility System General Purpose Fund - 708	111,090,110

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

Subject: An ordinance declaring the City of Houston's intention to be reimbursed and to appropriate \$3,500,000 for dangerous building demolition and to appropriate \$3,500,000 from the Dangerous Building Demolition Fund for the cost of demolition of dangerous buildings	Category #	Page 1 of 1	Agenda Item <div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center;">58A</div> 16A
--	-------------------	--------------------	---

FROM (Department or other point of origin): Judy Gray Johnson Director, Finance & Administration Department	Origination Date: April 25, 2007	Agenda Date MAY 09 2007 MAY 02 2007
--	--	---

DIRECTOR'S SIGNATURE <i>Judy Gray Johnson</i> <i>Annise D. Parker</i>	Council District(s) affected: All
---	--

For additional information contact: Judy Gray Johnson 713-221-0125 Annise Parker 713-247-3098	Date and Identification of prior authorizing Council Action:
---	---

RECOMMENDATION: (Summary) To declare the City of Houston's intention to be reimbursed and to appropriate \$3,500,000 for dangerous building demolition and to appropriate \$3,500,000 from the Dangerous Building Demolition Fund for the cost of demolition of dangerous buildings

Amount of Funding: \$3,500,000	F&A Budget: <i>Michelle Stoddell</i>
--	--

SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other – Special Revenue
 FY2007 Budget Resources

SPECIFIC EXPLANATION:

- The City declares its intent to reimburse the General Fund \$3.5 million upon issuance of Certificates of Obligation Series 2007, which will be received by the Dangerous Building Consolidated Fund for demolition costs December 2007
- An appropriation in the amount of \$3.5 million for the purpose of making a cash advance to a new Dangerous Building Demolition fund, within the Dangerous Building Consolidated Fund. This will provide interim financing for the demolition of dangerous buildings through December 2007.
- An appropriation of \$3.5 million from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings.

cc: Agenda Office
 Legal Department

F&A Director:	Other Authorization:	Other Authorization:
---------------	----------------------	----------------------

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance appropriating \$465,125.00 in tax increment revenue for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone) received from Harris County.	Category # 1	Page 1 of 1	Agenda Item # 59
--	---------------------	--------------------	-------------------------

FROM: (Department or other point of origin): Finance and Administration	Origination Date March 20, 2007	Agenda Date MAY 02 2007
---	---	--

DIRECTOR'S SIGNATURE: <i>Judy Gray Johnson</i>	Council Districts affected: "E" – CM Wiseman
--	---

For additional information contact: Robert Fiederlein Phone: (713) 837-9661 Julia Gee Phone: (713) 837-7828	Date and identification of prior authorizing Council Action:
--	---

RECOMMENDATION: (Summary)
An ordinance appropriating \$465,125.00 in tax increment revenue for Tax Increment Reinvestment Zone Number Ten (Lake Houston Zone) received from Harris County.

Amount of Funding: \$465,125.00	F & A Budget
--	--------------

Source of Funding:
\$465,125.00 TIRZ fund 7558 (see attached analysis).

Specific Explanation:
The appropriation of \$465,125.00 results from tax increment revenue (Tax Year 2005) received from Harris County.

- As set forth in the attached analysis:
- \$23,256.25 will be transferred to the General Fund 1000 for TIRZ Administrative costs.
 - \$441,868.75 for payment of project costs pursuant to Chapter 311 of the Texas Tax Code.

cc: Marty Stein, Agenda Director
Judy Gray Johnson, Director, Finance & Administration
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization: <i>[Signature]</i>	Other Authorization: <i>[Signature]</i>
--------------------------	---	---

CITY OF HOUSTON TAX INCREMENT REINVESTMENT ZONES
TAX INCREMENT CALCULATIONS FOR HARRIS COUNTY - TAX YEAR 2005

#	TIRZ	Fund # (SAP)	(A) County Payments Received	(B) Harris County Affordable Housing Fund (col A/3) ⁽²⁾	(C) Administrative Fee Transfer to General Fund 1000 (col A-B) x 5%	Harris County Net Increment due to Redevelopment Authority (col A-B-C)	Payee
1	Lamar Terrace (East and West)	7512		\$ -	\$ -	\$ -	St. George Place RA
2	Midtown (Original)	7550			-	\$ -	Midtown RA
3	Market Square ⁽³⁾ (Original)	7551	-		-	\$ -	Special Pay Instructions #1
4	Village Enclave	7552	N/A			N/A	
5	Memorial Heights	7553			-	\$ -	Memorial Heights RA
6	Eastside	7554	N/A			N/A	
7	OST/Alameda	7555	-		-	\$ -	OST Alameda RA
	Original				-		
	Annexed				-		
8	Gulfgate	7556	-		-	-	Gulfgate RA
	Original				-		
	Annexed				-		
9	South Post Oak	7557			- ⁽¹⁾	\$ -	South Post Oak RA
10	Lake Houston (Original)	7558	465,125.00		23,256.25	\$ 441,868.75	Special Pay Instructions #2
11	Greenspoint	7559			- ⁽¹⁾	\$ -	Greater Greenspoint RA
12	CityPark	7560	N/A			N/A	
13	Old Sixth Ward	7561		-	-	\$ -	Old Sixth Ward RA
14	Fourth Ward	7562	N/A			N/A	
15	East Downtown	7563	N/A			N/A	
16	Uptown	7564	N/A			N/A	
17	Memorial City	7565	N/A			N/A	
18	Fifth Ward	7566	N/A			N/A	
19	Upper Kirby	7567	N/A			N/A	
20	Southwest Houston	7568	N/A			N/A	
21	Hardy / Near Northside	7569	N/A			N/A	
22	Leland Woods	7570	N/A			N/A	
Total			\$ 465,125.00	\$ -	\$ 23,256.25	\$ 441,868.75	

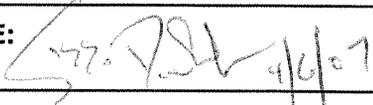
Notes:

(1) County does not contribute per the Interlocal Agreement.

(2) Directly paid to County per Ordinance 2001-307 (TIRZ #1) and Ordinance 2001-1163 (#13).

Special Pay Instructions #2

Payments are for project costs, developer reimbursements, and debt service; invoices to be submitted at a later date.

SUBJECT: Lease Agreement with Brays Oaks Towers, Ltd. at 10103 Fondren, Suite 100 for the Houston Public Library		Page 1 of 1	Agenda Item 6024
FROM (Department or other point of origin): Building Services Department		Origination Date 4-18-07	Agenda Date MAY 0 2 2007
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 		Council District affected: C MAY 0 9 2007	
For additional information contact: Jacquelyn L. Nisby 713-247-1814		Date and identification of prior authorizing council action:	

RECOMMENDATION: Approve and authorize a Lease Agreement with Brays Oaks Towers, Ltd., for the leased space at 10103 Fondren, Suite 100, for the Houston Public Library and allocate funds.

Amount and Source Of Funding: General Fund (1000): \$1,353,169.92 Initial Base Term	F&A Budget:
---	------------------------

SPECIFIC EXPLANATION: The Building Services Department recommends that City Council approve and authorize a Lease Agreement with Brays Oaks Towers, Ltd., for 10,409 square feet of leased space at 10103 Fondren, Suite 100, to operate the Frank Branch HPL Express for the Houston Public Library. During the design phase of the existing Frank Branch Library renovation, it was determined that the new flood plain maps place this location within the 100-year flood plain. To correct the deficiencies to comply with the Flood Control Ordinance would be cost-prohibitive. Therefore, HPL will utilize the leased space to operate an expanded HPL Express that will include a small book collection and a conference/training room. This HPL Express model will serve as the prototype for future Express libraries and is designed to service the needs of a mobile and changing population at a reasonable cost.

The proposed Lease Agreement provides for a ten-year lease term at the monthly payment schedule below, with two five-year renewal options at the current market rental rate.

Year	Rent Per Sq. Ft.	Monthly Payment	Yearly Payment
1-2	\$11.00	\$ 9,541.58	\$114,498.96
3-4	\$12.00	\$10,409.00	\$124,908.00
5-6	\$13.00	\$11,276.42	\$135,317.04
7-8	\$14.00	\$12,143.83	\$145,725.96
9-10	\$15.00	\$13,011.25	\$156,135.00

HPL will, at its expense, build-out the leased premises for its required use, with the Landlord's written approval. The new lease term will commence on the Rental Commencement Date, which shall begin five calendar months from the latest of (a) the date the lease is countersigned by the City Controller; or (b) the date the Landlord delivers the leased premises to the Tenant. Due to the timeline for construction of the HPL Express, no funds for this Lease Agreement will be expended until FY08.

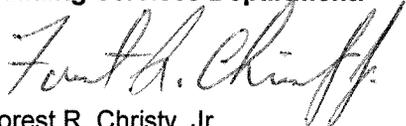
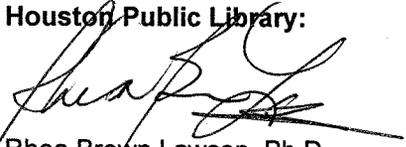
The landlord will provide maintenance and utilities, and HPL will pay for janitorial services and utilities that are separately metered to the leased premises on its behalf.

IZD:BC:JLN:RB:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby and John Middleton

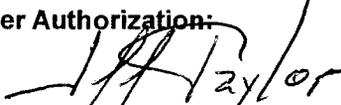
REQUIRED AUTHORIZATION

CUIC ID# 25 RB 14

Building Services Department:  Forest R. Christy, Jr. Director, Real Estate Division	Houston Public Library:  Rhea Brown Lawson, Ph.D. Director
---	---

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-00G4-4		Page 1 of <u>2</u>	Agenda Item # <div style="border: 1px solid black; padding: 5px; display: inline-block;"> 61 39 </div>										
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 4-26-07	Agenda Date MAY 0 2 2007 MAY 0 9 2007										
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., DEE, Director		Council District affected: All											
For additional information contact: Roger B. Whitney, P.E. Senior Assistant Director Phone: (713) 641-9198		Date and identification of prior authorizing Council action: N/A											
RECOMMENDATION: (Summary) Accept low bid, award construction contract, and appropriate funds.													
Amount and Source of Funding: \$1,735,374.00 from Water and Sewer System Consolidated Construction Fund No. 8500.			F&A Budget:										
SPECIFIC EXPLANATION: <p>PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Sewer Rehabilitation Program and is required to renew/replace various deteriorated neighborhood collection systems on an emergency basis throughout the City.</p> <p>DESCRIPTION/SCOPE: This project consists of sanitary sewer rehabilitation by point repair method. The Contract duration for this project is 540 calendar days.</p> <p>LOCATION: The project area is generally bounded by the City Limits.</p> <p>BIDS: Four (4) bids were received for this project on January 25, 2007, as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Bidder</u></th> <th style="text-align: center;"><u>Bid Amount</u></th> </tr> </thead> <tbody> <tr> <td>1. Underground Technologies, Inc.</td> <td style="text-align: right;">\$1,591,862.70</td> </tr> <tr> <td>2. PM Construction and Rehab, LP</td> <td style="text-align: right;">\$1,597,847.15</td> </tr> <tr> <td>3. Reliance Construction Services, L.P.</td> <td style="text-align: right;">\$1,759,187.82</td> </tr> <tr> <td>2. Troy Construction Services, L.L.P.</td> <td style="text-align: right;">\$2,201,079.33</td> </tr> </tbody> </table>				<u>Bidder</u>	<u>Bid Amount</u>	1. Underground Technologies, Inc.	\$1,591,862.70	2. PM Construction and Rehab, LP	\$1,597,847.15	3. Reliance Construction Services, L.P.	\$1,759,187.82	2. Troy Construction Services, L.L.P.	\$2,201,079.33
<u>Bidder</u>	<u>Bid Amount</u>												
1. Underground Technologies, Inc.	\$1,591,862.70												
2. PM Construction and Rehab, LP	\$1,597,847.15												
3. Reliance Construction Services, L.P.	\$1,759,187.82												
2. Troy Construction Services, L.L.P.	\$2,201,079.33												
File/Project No. WW 4235-31		REQUIRED AUTHORIZATION											
F&A Director: 		Other Authorization:	Other Authorization:  Jeff Taylor, Deputy Director Public Utilities Division										

Date	Subject: Contract Award for Wastewater Collection System Rehabilitation and Renewal WBS# R-000266-00G4-4	Originator's Initials	Page <u>2</u> of <u>2</u>
-------------	--	------------------------------	-------------------------------------

AWARD: It is recommended that this construction contract be awarded to Underground Technologies, Inc., with a low bid of \$1,591,862.70 and that Addendum No. 1, dated 12/19/2006, Addendum No. 2, dated 12/20/06 and Addendum No. 3, dated 01/03/07 be made part of this contract.

PROJECT COST: The total cost of this project is \$1,735,374.00 to be appropriated as follows:

- Bid Amount \$1,591,862.70
- Contingencies \$79,593.14
- Project Management \$15,918.16
- Engineering Testing Services \$48,000.00

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

M/WDBE PARTICIPATION: The low bidder has submitted the following proposed M/WBE participation of 15% and SBE participation of 5% to satisfy the goal for this project.

<u>MWBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Petro Amigos Supply, Inc.	Supplier	\$60,000.00	3.77%
Paradigm Outsourcing Services	Outsourcing	\$76,000.00	4.77%
Municipal Marketing Systems, Inc.	Sanitary Sewer Rehab.	\$140,000.00	8.79%
	TOTAL	\$276,000.00	17.33%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
Standard Cement Materials, Inc.	Manhole Wall Seals & Supplier	\$80,000.00	5.03%
	TOTAL	\$80,000.00	5.03%

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

MSM:JT:RBW:JGM:FOS:jsc

cc: Marty Stein
Susan Bandy, CPA
John Sakolosky, P.E.
Velma Laws
Craig Foster
Michael Ho, P.E.
Carol Ellinger, P.E.
File No. WW 4235-31

62

MAY 09 2007

MOTION NO. 2007 0426

MOTION by Council Member Green that the following item be postponed for one week:

Item 42 - Ordinance adopting guidelines and criteria, making certain elections regarding eligibility, and Amending Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas relating to Tax Abatement

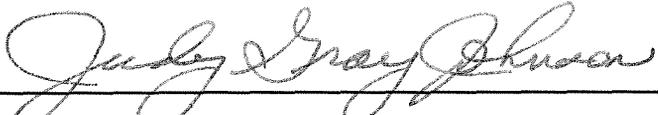
Seconded by Council Member Khan and carried.

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

PASSED AND ADOPTED this 2nd day of May, 2007.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is May 8, 2007.

City Secretary

SUBJECT: Approval of an ordinance electing to become eligible to participate in tax abatement and adopting guidelines and criteria for tax abatements.		Category #	Page 1 of 1	Agenda Item #7
FROM (Department or other point of origin): Department of Finance and Administration		Origination Date: April 13, 2007	Agenda Date MAY 25 2007	
DIRECTOR'S SIGNATURE: 		Council District Affected: All	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> #25 62 MAY 09 2007 </div>	
For additional information contact: Tom Mesa Phone: 713- 837-9857		Date and identification of prior authorizing Council action: MAY 09 2007		

RECOMMENDATION: (Summary) : Approval of an ordinance electing to become eligible to participate in tax abatement and adopting guidelines and criteria for tax abatements.

Amount of Funding: Not Applicable	F&A Budget:
---	------------------------

Source of Funding: General Fund Grant Fund Enterprise Fund

Other (Specify)

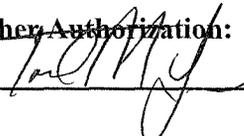
SPECIFIC EXPLANATION:

State law requires cities to adopt tax abatement guidelines and criteria before entering into tax abatement agreements, and each approved abatement agreement must meet those guidelines. State law also provides that cities' tax abatement guidelines and criteria expire after two years. The City's former tax abatement guidelines and criteria expired April 2, 2005. The City now desires to become eligible to enter into tax abatement agreements in accordance with the proposed new guidelines and criteria.

The proposed guidelines differ from the former guidelines in the following ways:

- 1) A preamble to the guidelines sets forth a general economic development policy for the limited circumstances under which the city would consider various types of economic development assistance, including tax abatement.
- 2) The general policy also sets priorities for facility or industry types and locations that would be considered for tax abatement. The city would favor industries that have particular impact on the regional economy, and facilities to be located in targeted revitalization areas and transit corridors or that qualify for leveraging other state or federal dollars. All abatement applicants would be required to obtain participation from a local jurisdiction, such as Harris County.
- 3) The general policy also steers away from setting forth a "standard" abatement amount or duration. Rather, applications would be judged case by case, and an abatement amount and duration would be negotiated based on demonstrated need and merit from objective detailed economic and financial pro forma information. As such, the guidelines eliminate the myriad types of applications and agreements and associated "standard scales" available under the former guidelines. The result is simplified guidelines that make available one type of economic development abatement for any facility/industry type, with the specific abatement terms to be negotiated case by case in accordance with the standards set forth in the general policy. A distinct qualification and scale for brownfield development abatements remains unchanged from the former guidelines, as state law provides the criteria and terms of such brownfield development abatements.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization: 	Other Authorization:
--------------------------	--	-----------------------------

63

MAY 09 2007

MOTION NO. 2007 0429

MOTION by Council Member Wiseman that the following item be postponed
for one week:

Item 44 - Ordinance approving and authorizing an amendment to the
City of Houston's Citizen Participation Plan

Seconded by Council Member Alvarado and carried.

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

PASSED AND ADOPTED this 2nd day of May, 2007.

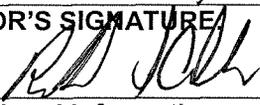
Pursuant to Article VI, Section 6 of the City Charter, the
effective date of the foregoing motion is May 8, 2007.

City Secretary

HCD07-107

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

06-Macedonia RCA

SUBJECT: An ordinance amending the City of Houston's Citizen Participation Plan.		Category # 63	Page 1 of 2	Agenda Item # 44.30
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 3/22/07	Agenda Date APR 25 2007	
DIRECTOR'S SIGNATURE: 		Council District affected: ALL Districts MAY 02 2007 MAY 09 2007		
For additional information contact: Paulette Wagner Phone: 713-868-8441		Date and identification of prior authorizing Council action:		

RECOMMENDATION: (Summary)

The Department recommends approval of an Ordinance to amend the Citizen Participation Plan in order to comply with the federal regulations amended as of February 9, 2006.

Amount of Funding: N/A

F&A Budget:


SOURCE OF FUNDING General Fund Grant Fund Enterprise Fund

Other (Specify)

SPECIFIC EXPLANATION:

The City of Houston is required to have a Citizen Participation Plan (CPP) by the U.S. Department of Housing and Urban Development (HUD). This plan outlines the structure through which residents and neighborhood-based organizations, including Community Housing Development Organizations (CHDOs), Community-Based Development Organizations (CBDOs) and Community Development Corporations (CDCs) can be involved and have input in HUD-funded programs. The CPP emphasizes the involvement of low and moderate-income residents in the planning and budgetary process. The revised Citizen Participation Plan provides additional information about the role of the Housing and Community Development Department (HCDD) in ensuring that citizens have every opportunity to participate in the planning process. In addition, the CPP outlines the process through which the public can access general information, receive technical assistance, provide comments on critical issues and receive responses to questions raised.

The first CPP for Houston was approved by City Council in 1970. The Plan was subsequently amended in 1978, 1989 and in 1997 to comply with revised HUD regulations regarding the Consolidated Plan. HCDD is recommending that the CPP be amended to reflect the establishment of American Dream Down Payment Initiative and revised HUD regulations amended as of February 9, 2006. The public was notified of the revised CPP through a public notice in the Houston Chronicle, La Voz de Houston, Southern Chinese Daily News and the Houston Defender. The public was invited to submit comments during the thirty-day review period, which extended from March 24, 2007 through April 22, 2007.

REQUIRED AUTHORIZATION

F&A Director:	Other Authorization:	Other Authorization:
--------------------------	-----------------------------	-----------------------------

Date 3/223/07	Subject: An ordinance amending the City of Houston's Citizen Participation Plan.	Originator's Initials <i>RSC</i>	Page <u>2</u> of <u>2</u>

The Citizen Participation Plan was presented to the Housing and Community Development Committee on Tuesday, April 10, 2007. Therefore, the Department is requesting approval of the revised Citizen Participation Plan.

Approval is recommended.

RSC:RFW

cc: City Secretary
Mayor's Office
Finance & Administration
Legal Department