

**AGENDA - COUNCIL MEETING - TUESDAY - MARCH 11, 2014 - 1:30 P. M.**  
**COUNCIL CHAMBER - SECOND FLOOR - CITY HALL**  
**901 BAGBY - HOUSTON, TEXAS**

**INVOCATION AND PLEDGE OF ALLEGIANCE** - Council Member Christie

**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

**NOTE: If a translator is required, please advise when reserving time to speak**

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

**RECONVENE**

**WEDNESDAY - MARCH 12, 2014 - 9:00 A. M.**

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

**HEARING - 9:00 A.M.**

1. **PUBLIC HEARING** on a proposal for the City of Houston to annex certain territory in the vicinity of Aldine Westfield southeast of Richey Road, in Harris County, Texas - **DISTRICT B - DAVIS**

**MAYOR'S REPORT**

**CONSENT AGENDA NUMBERS 2 through 30**

**MISCELLANEOUS** - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the appointment of **MR. PATRICK WALSH** as Director of the **PLANNING & DEVELOPMENT DEPARTMENT**
3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following individuals to the **BOARD OF DIRECTORS OF THE GREATER EAST END MANAGEMENT DISTRICT**, for terms to expire June 1, 2017:
  - Position One - **MARY MARGARET HANSEN**, reappointment
  - Position Two - **REX MORAN**, reappointment
  - Position Three - **SALLY LEHR**, appointment
  - Position Four - **DONALD ROZUM**, appointment
  - Position Five - **DOMENIC LAURENZO**, appointment
  - Position Six - **KAREN S. NIEMEIER**, appointment

**PROPERTY** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from SLS Realty, Inc., declining the acceptance of, rejecting, and refusing the dedication of: 1) a ±819-square-foot common area easement; 2) a ±3,803-square-foot common area easement; and 3) a ±399-square-foot common area easement, all located within the residue of Lots 3, 4 and 5, Block 71, W.R. Baker Addition (unrecorded), out of the Obedience Smith Survey, A-696, Parcels SY13-085A, SY13-085B and SY13-085C - **DISTRICT C - COHEN**

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 8A

5. **NILFISK-ADVANCE, INC** for Scrubbers and Burnishers through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for the Houston Airport System \$69,878.00 - Enterprise Fund
6. **LEVEL INFRASTRUCTURE, LLC** to provide Structural Remediation at the Police Department's Training Academy for the General Services Department - \$89,900.00 and contingencies for a total amount not to exceed \$98,890.00 - In House Renovation Revolving Fund
7. **TIMES CONSTRUCTION, INC** for construction of a New Bulkhead for the Department of Public Works & Engineering - \$196,575.00 - Enterprise Fund
8. ORDINANCE appropriating \$283,996.00 out of Equipment Acquisition Consolidated Fund for purchase of Computers and Installation Services for Various Departments
  - a. APPROVE spending authority in an amount not to exceed \$283,996.00 to **HEWLETT-PACKARD COMPANY** to purchase Computers and Installation Services through the Texas Department of Information Resources for Various Departments

**RESOLUTIONS AND ORDINANCES** - NUMBERS 9 through 30

9. RESOLUTION confirming support for the proposed development as affordable rental housing of approximately eleven properties, each located in the City of Houston, Texas, or its extraterritorial jurisdiction, and the submittal of applications for housing tax credits for such developments
  - a. **AVENUE TERRACES**, 4300 Irvington Blvd. - **DISTRICT H - GONZALEZ**
  - b. **BELLFORT PARK**, 4135 Bellfort - **DISTRICT K - GREEN**
  - c. **CLEME MANOR**, 5300 Coke - **DISTRICT B - DAVIS**
  - d. **CYPRESS CREEK at WAYSIDE**, NW Corner S. Wayside & Beltway 8 - **DISTRICT D - BOYKINS**
  - e. **NHH at REED**, 2620 Reed Road - **DISTRICT D - BOYKINS**
  - f. **PALM PARQUE**, 5330 Griggs Road - **DISTRICT D - BOYKINS**
  - g. **RUSHCREEK OAKS RANCH**, 1100 block of Hugh St. - **DISTRICT B - DAVIS**
  - h. **SELINSKY STREET**, 6013 Selinsky - **DISTRICT D - BOYKINS**
  - i. **VILLAGE ON HARVEST TIME**, SE Corner Imperial Valley & Harvest Time - **DISTRICT B - DAVIS**
  - j. **WOMEN'S HOME PHASE II**, 7600 Hammerly - **DISTRICT A - STARDIG**
  - k. **TIDWELL LAKES RANCH**, 14500 block of Tidwell
10. RESOLUTION confirming no objection to the proposed development as affordable rental housing of approximately ten properties, each located in the City of Houston, Texas, or its extraterritorial jurisdiction, and the submittal of applications for housing tax credits for such developments
  - a. **CATALON**, Queenston Blvd. & Coventry Park
  - b. **EAST END LOFTS**, 3300 Harrisburg - **DISTRICT H - GONZALEZ**
  - c. **FORESTWOOD LODGE**, 6501 Purple Sage
  - d. **GREENS at BRENTFORD**, SW Corner Beechnut & Brentford
  - e. **HURSTBOURNE CROSSING**, NW Corner Oates & Interstate 10 - **DISTRICT I - GALLEGOS**
  - f. **LAFAYETTE PARK**, 10500 block of Synott - **DISTRICT F - NGUYEN**
  - g. **LODGE at HUFFMEISTER**, approximately 12423 Huffmeister
  - h. **MONARCH**, 8500 S. Sam Houston Pkwy East - **DISTRICT D - BOYKINS**
  - i. **PADDOCK at the BAYOU**, Beltway 8 & Old Chocolate Bayou - **DISTRICT D - BOYKINS**
  - j. **SEMINOLE RIDGE**, W. Bellfort east of Synott - **DISTRICT F - NGUYEN**
- 10-1 ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of animals
11. ORDINANCE **AMENDING SECTION 47-75.2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the qualifications of members of the City of Houston Water Adjustment Board
12. 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
13. ORDINANCE relating to employment terms and conditions of classified Fire Fighters of the City of Houston; ratifying the 2014 Interim Agreements between the City of Houston and the **HOUSTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION, also known as the INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO-CLC, LOCAL UNION 341**, containing provisions relating to wages of classified fire fighters and containing other provisions relating to the foregoing subject; suspending the operation of certain ordinances
14. ORDINANCE approving an Oil and Gas Lease with **BALLARD EXPLORATION COMPANY INC** as Lessee for prospecting for and producing oil and gas from the City's Herman Brown Park **DISTRICT I - GALLEGOS**

**RESOLUTIONS AND ORDINANCES** - continued

15. ORDINANCE relating to the retail electric rates of **ENTERGY TEXAS, INC** within the City of Houston, Texas; denying the rate increase request of Entergy Texas, Inc.; setting just and reasonable rates; requiring filing of tariffs; declaring an effective date; containing findings and other provisions relating to the foregoing subject - **DISTRICT E - MARTIN**
16. ORDINANCE appropriating \$2,658,987.90 out of Police Consolidated Construction Fund; approving and authorizing Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the purpose of completing the Design Phase of the proposed Law Enforcement Central Processing Center to be utilized by the City of Houston and Harris County; providing a maximum contract amount
17. ORDINANCE approving and authorizing submission of an application for grant assistance to the **STATE OF TEXAS through the OFFICE OF THE GOVERNOR'S CRIMINAL JUSTICE DIVISION** for the FY 2015 Fugitive Apprehension/Crime Reduction Program; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program
18. ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, UNDERWRITERS AT LLOYDS, NATIONAL FIRE & MARINE INSURANCE, AXIS SURPLUS INSURANCE COMPANY, ARCH SPECIALTY INSURANCE COMPANY, RSUI INDEMNITY COMPANY, ESSEX INSURANCE COMPANY, WESTPORT INSURANCE CORPORATION, GREAT LAKES REINSURANCE (UK) PLC, LIBERTY MUTUAL FIRE INSURANCE COMPANY, LIBERTY SURPLUS INSURANCE CORPORATION, IRONHORSE EUROPE LIMITED, STEADFAST INSURANCE COMPANY, TOKYO MARINE AMERICA INSURANCE COMPANY, HISCOX INSURANCE COMPANY, INC**, which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy - \$11,006,403.27 - Property and Casualty Fund
19. ORDINANCE accepting the proposal from **UNDERWRITERS AT LLOYDS**, approving and authorizing the purchase of Terrorism Insurance for the proposed City-Wide Insurance Policy for all scheduled City of Houston locations - \$668,539.95 - Property and Casualty Fund
20. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services for the General Services Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,458,300.00
21. ORDINANCE approving and authorizing Amendment No. 3 to Subaward Agreement between the City of Houston and the **UNIVERSITY OF TEXAS AT AUSTIN** to revise the statement of work and extend the period of performance for research services pertaining to a National Institute of Justice Grant Award for a project titled Strategic Approaches to Sexual Assault Kit Evidence
22. ORDINANCE approving and authorizing second amendment to agreement for Professional Auditing Services between the City and **DELOITTE & TOUCHE LLP** for the Finance Department
23. ORDINANCE awarding contract to **YAMAHA GOLF-CAR COMPANY** for Golf Cart Leasing Services for Various Departments; providing a maximum contract amount - 30 Months with one 30-month option - \$2,136,380.00 - General and Special Revenue Funds
24. ORDINANCE approving and authorizing contract between the City of Houston and **PRA GOVERNMENT SERVICES, LLC d/b/a MUNISERVICES** to conduct Compliance Reviews of certain telecommunications providers and other franchise fee payment review services; providing a maximum contract amount

**RESOLUTIONS AND ORDINANCES** - continued

25. ORDINANCE establishing the north side of the 1600 block of Cherryhurst Street within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN**
26. ORDINANCE establishing the north and south sides of the 1800 block of Haver Street within the City of Houston as a special minimum lot size block pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - COHEN**
27. ORDINANCE altering and establishing prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty
28. ORDINANCE appropriating \$1,406,473.00 out of Parks Consolidated Construction Fund awarding construction contract to **TIMES CONSTRUCTION, INC** for Hermann Square Park; 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 materials testing services, inspection services, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT I - GALLEGOS**
29. ORDINANCE appropriating \$346,333.00 out of Water & Sewer System Consolidated Construction Fund for the City of Houston's share of the Blackhawk Regional Wastewater Treatment Facility Improvement Project Package B and disbursement to **GULF COAST WASTE DISPOSAL AUTHORITY** - **DISTRICT E - MARTIN**
30. ORDINANCES granting to the following listed as A through E, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions and making certain findings related thereto  
**FIRST READING**
  - A. **COREY PETERS dba AFFORDABLE ENVIRONMENTAL SERVICE**, a Texas Sole Proprietorship
  - B. **AMIR BENJAMIN dba JAYCO VACUUM SERVICES**, a Texas Sole Proprietorship
  - C. **DANIEL RODRIGUEZ dba A-HAWK GREASE TRAP**, a Texas Sole Proprietorship
  - D. **ADAM HUMBERTO BELMONT dba BETOS HYDRO SANITATION**, a Texas Sole Proprietorship
  - E. **C4 ENVIRONMENTAL SERVICES, LLC**, a Texas Limited Liability Company

**END OF CONSENT AGENDA**

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

**NON CONSENT AGENDA** - NUMBER 31

**MISCELLANEOUS**

31. **SET A PUBLIC HEARING DATE** on the removal of park designation from a portion of Levy Park  
**DISTRICT C - COHEN**  
**HEARING DATE - 9:00 A. M. - WEDNESDAY - APRIL 9, 2014**

**MATTERS HELD** - NUMBERS 32 through 35

32. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Director Department of Public Works & Engineering for approval of the 2014 Operations and Maintenance Budget for the **LAKE HOUSTON FACILITY** project operated by the Coastal Water Authority - \$2,401,165.00 - Enterprise Fund

**TAGGED BY COUNCIL MEMBER PENNINGTON**

This was Item 6 on Agenda of March 5, 2014

33. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Director Department of Public Works & Engineering for approval of the 2014 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** - \$3,417,314.00 Enterprise Fund - **TAGGED BY COUNCIL MEMBER PENNINGTON**

This was Item 8 on Agenda of March 5, 2014

34. MOTION by Council Member Gonzalez/Seconded by Council Member Bradford to adopt recommendation from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Sepulveda, Terra Associates, on behalf of Kady Real Estate Investments, Ltd., (David Danburg, President), for abandonment and sale of a 15-foot-wide alley, from 5th Street ±350 feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1, Parcels SY13-089 and AY14-070

**DISTRICT C - COHEN** - **TAGGED BY COUNCIL MEMBER COHEN**

This was Item 11 on Agenda of March 5, 2014

35. ORDINANCE approving and authorizing Amendment No. 1 to Airport Use and Lease Agreement at William P. Hobby Airport between the City of Houston and **SOUTHWEST AIRLINES CO.**

**DISTRICT I - GALLEGOS** - **TAGGED BY COUNCIL MEMBER PENNINGTON**

This was Item 21 on Agenda of March 5, 2014

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Martin first

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2<sup>nd</sup> FLOOR - TUESDAY  
MARCH 11, 2014 – 2:00 PM**

**NON-AGENDA**

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<b>1MIN</b>	<b>1MIN</b>	<b>1MIN</b>
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DR. ALKEBU MOTAPA - 5022 Cosby - 77021 - 713-741-5150 – Houston Texans Grace Elected Honorable Representative Nelson Mandela Thank you

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<b>3MIN</b>	<b>3MIN</b>	<b>3MIN</b>
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MR. JOHN CIESLEWICZ – 1250 DuBarry – 77018 – 713-906-1725 – Inter Office Memo

MR. ARNOLDO SAUCEDO – 7216 Ave O – 77011 – 832-714-8589 – Need a water meter

MR. JEMEL MUSE – 3810 Main – 77002 – 832-887-7240 – Endangering kids life in School – Need inspected

MR. WILLIAM BEAL – (did not wish to give address and ph. Number) – Superman the Movie: Starring Christopher Reeves

MR. JOSEPH BALLARD – 6302 Rocky Nook – Humble – TX – 77396 – 281-850-0388 – Stray dogs

MR. GRIFF GRIFFIN – 5327 Winding Way – 77091 – 713-503-8064 – St. Patrick’s Day Parade

MS. MICHELLE Harris – 12731 Braewood Glen Ln. – 77072 – 832-876-0339 – Unemployment in our Community

MR. EBRAHIM ULU – 5750 Gulfton St. – 77081 – 713-367-8303 – Taxi Industry

MS. PAULA PAUST – 130507 Kingsride Ln. – 77079 – 731-328-1955 – Women’s Home Project in Spring Branch

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<b>1MIN</b>	<b>1MIN</b>	<b>1MIN</b>
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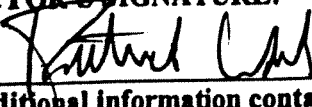
MR. DAN MORGAN – 1614 Prairie Grove – 77077 – 979-248-2886 – Bike Safety

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Mafia -C/Councilmembers – C/Controller – C/Mayor – C/Re-elections – Disqualifications – C/Candidates – D/Orders – To surrender

MR. KITESSA TURI – 6220 Alder Dr. – 77081 – 713-664-4266 – Taxi Industry

<b>SUBJECT:</b> An ordinance directing the development of a service plan and calling public hearings for the general purpose annexation of certain territory in the vicinity of Aldine Westfield and Richey Road	<b>Category #</b>	<b>Page 1 of 2</b>	<b>Agenda Item #</b> <u>16</u>
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<b>FROM (Department or other point of origin):</b> Planning and Development Department	<b>Origination Date</b> February 5, 2014	<b>Agenda Date</b> <del>February 12, 2014</del> <del>MAR 05 2014</del>
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<b>DIRECTOR'S SIGNATURE:</b> 	<b>Council District affected:</b> B	<b>Agenda Date</b> MAR 12 2014
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<b>For additional information contact:</b> Nicole Smothers Phone: 713-837-7856	<b>Date and identification of prior authorizing Council action:</b> N/A
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**RECOMMENDATION: (Summary)**

That Council approve an ordinance directing the development of a service plan and calling public hearings for the general purpose annexation of certain territory in the vicinity of Aldine Westfield and Richey Road.

*Hearing March 5 & 12, 2014 - 9 AM*

<b>Amount and Source of Funding:</b> N/A	<b>Finance Budget:</b>
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**SPECIFIC EXPLANATION:**

The City has received a petition from Sicom Business Park USA, LLC requesting that the city annex for general purposes property that is located on Aldine Westfield southeast of Richey Road. The area to be annexed consists of approximately 4.9095 acres of land owned entirely by the petitioners.

The area being considered for annexation will include one lot on which a single manufacturing plant will be constructed that houses a high end machine shop. Upon full build-out, the anticipated taxable value of the property to be annexed will be approximately \$3,000,000. There are no residents in the area to be annexed.

This matter was heard by the Budget and Fiscal Affairs Committee on February 4, 2014, and no quorum was present, so no action was taken.

The suggested hearing dates are March 5, 2014 and March 12, 2014 in City Council chambers. The annexation process is expected to be completed in May, 2014. Attached is the annexation process timeline.

Attachment

Copy: Marta Crinejo, Agenda Director  
David Feldman, City Attorney  
Sameera Mahendru, Assistant City Attorney  
Anna Russell, City Secretary

**REQUIRED AUTHORIZATION**

<b>Finance Director:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>
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### **Sicom Annexation schedule:**

- February 4:** Annexation on the Agenda of the appropriate City Council Committee (BFA). (Formerly a requirement under Article I, § 2-b of the City Charter, this requirement has been repealed).
- February 12:** Ordinance calling public hearings and directing the Department of Planning and Development to prepare a service plan. LGC § 43.065(a). This item can be tagged until February 19.
- February 14:** The proposed service plan must be placed in the City Secretary's Office for public inspection. LGC §§ 43.065(b) and 43.056(j). The service plan must conform to LGC §§ 43.056(b)-(o) and 43.065(b).
- February 21:** First publication of: the notices of the availability to the public of the service plan prepared by the Department of Planning and the notices of the first hearings on the proposed annexation. The notice of public hearing must be published after the 20<sup>th</sup> day but before the 10<sup>th</sup> day before the first hearing and again after the 20<sup>th</sup> day but before the 10<sup>th</sup> day before the second hearing. LGC § 43.063(c). PD should post notice of the hearings on the City's Internet website. LGC § 43.063(c). PD should also send notice by certified mail to any railroad in the area proposed for annexation. LGC § 43.063(c).
- February 28:** Second publication of: the notices of the availability to the public of the service plan prepared by the Department of Planning and the notices of the first hearings on the proposed annexation.
- March 5:** First public hearing on the proposed annexation in City Council Chambers. City Council will conduct two public hearings on the annexation ordinance on or after the 40<sup>th</sup> day but not later than the 20<sup>th</sup> day before the first reading of the annexation ordinance. LGC § 43.063(a). PD must have copies of the service plan available to the public at the hearing and make a verbal explanation of the service plan to the City Council and the members of the public in attendance. LGC §§ 43.065(b) and 43.056(j).
- March 12:** Second public hearing on the proposed annexation. The hearing will be conducted in City Council Chambers.
- April 2:** First Reading of the Annexation Ordinance. After the first reading of the annexation ordinance, the Legal Department must make arrangements to have the ordinance published at least 30 days before the scheduled second reading of the annexation ordinance. Article I, § 2-b of the City Charter. This item cannot be tagged.
- April 5:** Publication of the ordinance as revised by City Council following the First Reading.
- May 7:** Second reading of the Annexation Ordinance. City Council passes the annexation ordinance. The annexation Ordinance also adopts a service plan. This item cannot be tagged.

# General Purpose Annexation

## Legend

- Major Streets
- Northwood MUD 1
- Proposed Annexation
- Limited Purpose City Limit
- Full Purpose City Limit
- Houston ETJ

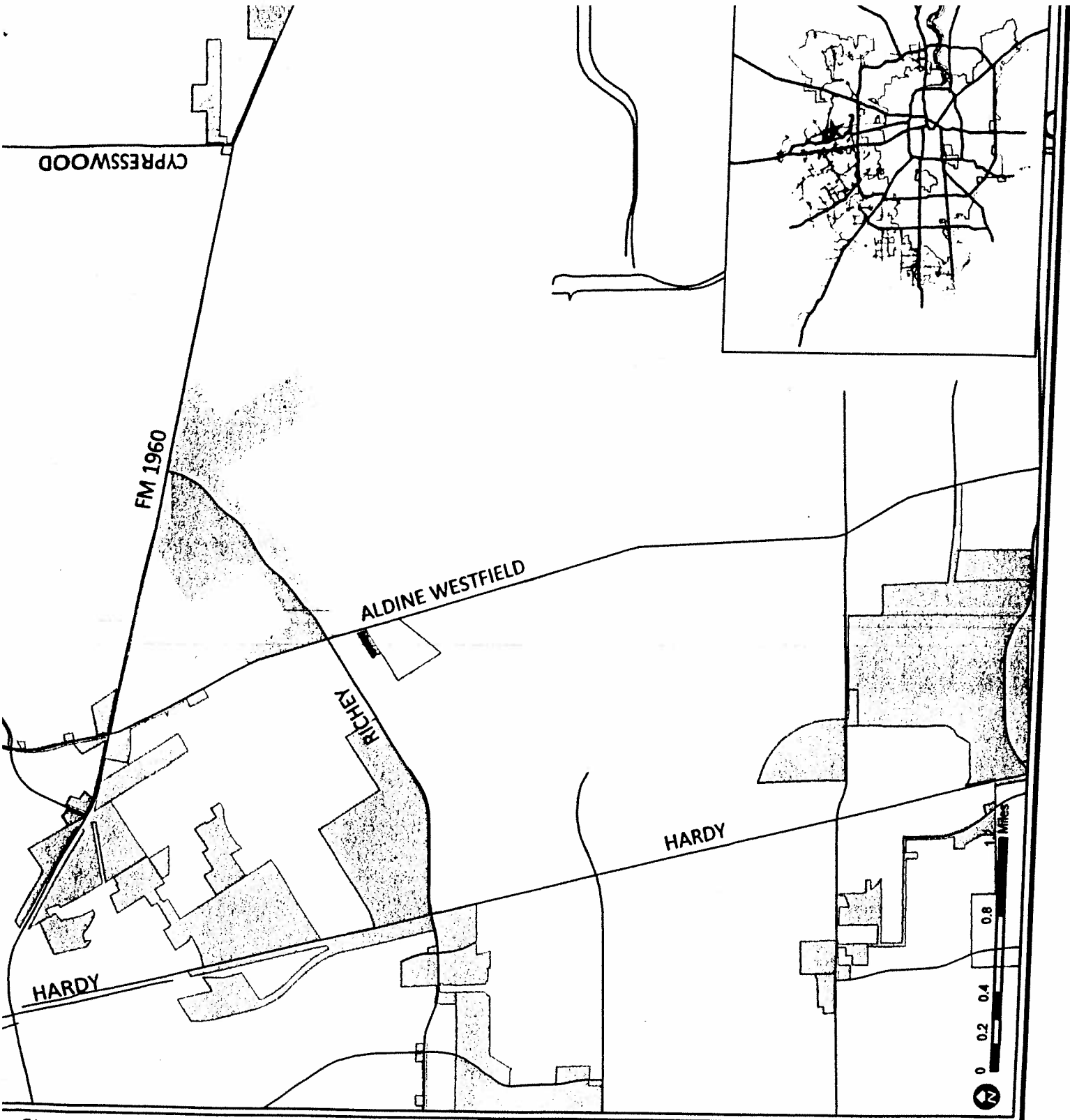
Source: City of Houston GIS Database

Date: January 2014

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.



**PLANNING &  
DEVELOPMENT  
DEPARTMENT**





# CITY OF HOUSTON

Office of the Mayor

Annise D. Parker

Mayor

P.O. Box 1562  
Houston, Texas 77251-1562

Telephone – Dial 311  
[www.houstontx.gov](http://www.houstontx.gov)

2  
MAR 12 2014

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 3-6-14  
date

COUNCIL MEMBER: \_\_\_\_\_

February 26, 2014

The Honorable City Council  
City of Houston, Texas

Dear Council Members:

Pursuant to Section 2-292 of the city of Houston Code of Ordinances, I am pleased to appoint Mr. Patrick Walsh as Director of the Planning and Development Department, subject to Council confirmation. His resume is attached.

Since November 14, 2013 Mr. Walsh has served as Interim Director and has used his dedication and determination to support and further the great work of the Planning Department. His past experience both in public service and in the private sector will be an asset to the City of Houston. Patrick has shown himself to be a capable and energetic leader.

In my nationwide search for a new director of this department, I had hoped to find the right person here in Houston. I am very pleased to find that is the case.

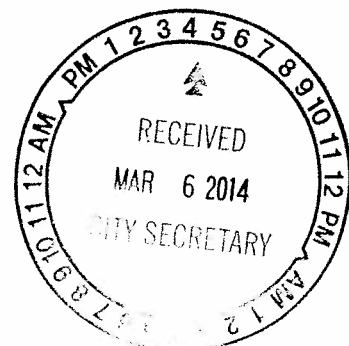
Mr. Walsh will be available to meet with each of you prior to his confirmation, which I expect to be placed on the March 12, 2014 agenda.

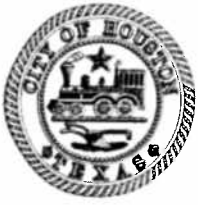
I hope you will join me in supporting his confirmation.

Regards,

*Annise D. Parker*

Annise D. Parker  
Mayor





ANNISE D. PARKER  
MAYOR

OFFICE OF THE MAYOR  
CITY OF HOUSTON  
TEXAS

3

MAR 12 2014

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 2-24-14  
date

COUNCIL MEMBER: \_\_\_\_\_

February 13, 2014

The Honorable City Council  
City of Houston

Dear Council Members:

Pursuant to Chapter 3807 of the Texas Special District Local Laws Code, I am nominating the following individuals for appointment or reappointment to the Board of Directors of the Greater East End Management District, as recommended by the District Board of Directors, subject to Council confirmation.

Mary Margaret Hansen, reappointment to Position One, for a term to expire June 1, 2017;  
Rex Moran, reappointment to Position Two, for a term to expire June 1, 2017;  
Sally Lehr, appointment to Position Three, for a term to expire June 1, 2017;  
Donald Rozum, appointment to Position Four, for a term to expire June 1, 2017;  
Domenic Lorenzo, appointment to Position Five, for a term to expire June 1, 2017; and  
Karen S. Niemeier, appointment to Position Six, for a term to expire June 1, 2017.

The résumés of the nominees are attached for your review.

Sincerely,

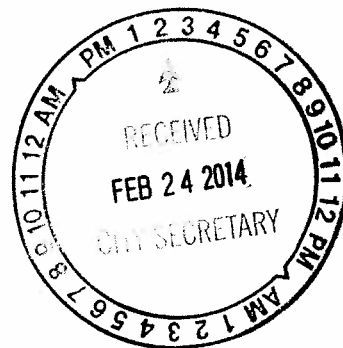
*Annise D. Parker*

Annise D. Parker  
Mayor

AP:JC:jsk

Attachments

cc: Ms. Diane Schenke, President, Greater East End Management District  
Ms. Jeanne H. McDonald, Attorney for the District, Greater East End Management District



**SUBJECT:** Request for a motion declining the acceptance of, rejecting, and refusing the dedication of: 1) a ±819-square-foot common area easement; 2) a ±3,803-square-foot common area easement; and 3) a ±399-square-foot common area easement, all located within the residue of Lots 3, 4, and 5, Block 71, W.R. Baker Addition (unrecorded), out of the Obedience Smith Survey A-696. **Parcels SY13-085A, SY13-085B, and SY13-085C**

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1 of 1

Agenda Item #

4

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

Origination Date

3/6/14

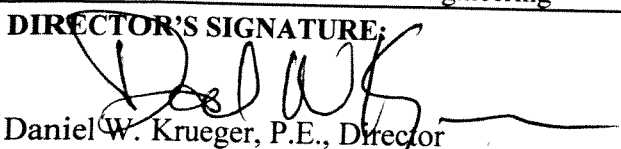
Agenda Date

MAR 12 2014

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE:**


Council District affected: C

  
Daniel W. Krueger, P.E., Director

Key Map 493P

**For additional information contact:**

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

  
Nancy P. Collins  
Senior Assistant Director-Real Estate

Phone: (832) 395-3130

**RECOMMENDATION: (Summary)** It is recommended City Council approve a motion declining the acceptance of, rejecting, and refusing the dedication of: 1) a ±819-square-foot common area easement; 2) a ±3,803-square-foot common area easement; and 3) a ±399-square-foot common area easement, all located within the residue of Lots 3, 4, and 5, Block 71, W.R. Baker Addition (unrecorded), out of the Obedience Smith Survey A-696. **Parcels SY13-085A, SY13-085B, and SY13-085C**

**Amount and**

**Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

SLS Realty, Inc. requested the abandonment and sale of: 1) a ±819-square-foot common area easement; 2) a ±3,803-square-foot common area easement; and 3) a ±399-square-foot common area easement, all located within the residue of Lots 3, 4, and 5, Block 71, W.R. Baker Addition (unrecorded), out of the Obedience Smith Survey A-696. The easements were never used for utility purposes. Further, the City has identified no future need for these easements. SLS Realty Inc., the underlying fee property owner, plans to sell the tract after the easements are abandoned. The Joint Referral Committee reviewed the request and determined the request could be processed as a non-acceptance.

Therefore, it is recommended City Council approve a motion declining the acceptance of, rejecting, and refusing the dedication of 1) a ±819-square-foot common area easement; 2) a ±3,803-square-foot common area easement; and 3) a ±399-square-foot common area easement, all located within the residue of Lots 3, 4, and 5, Block 71, W.R. Baker Addition (unrecorded), out of the Obedience Smith Survey A-696.

NPC:WSB:tp

c: Marta Crinejo  
David M. Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Patrick Walsh, P.E.

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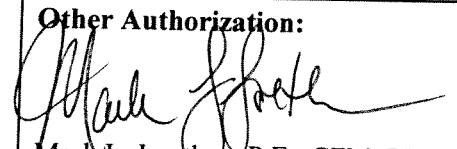
CUIC #20TP9375

**REQUIRED AUTHORIZATION**

**Finance Department:**

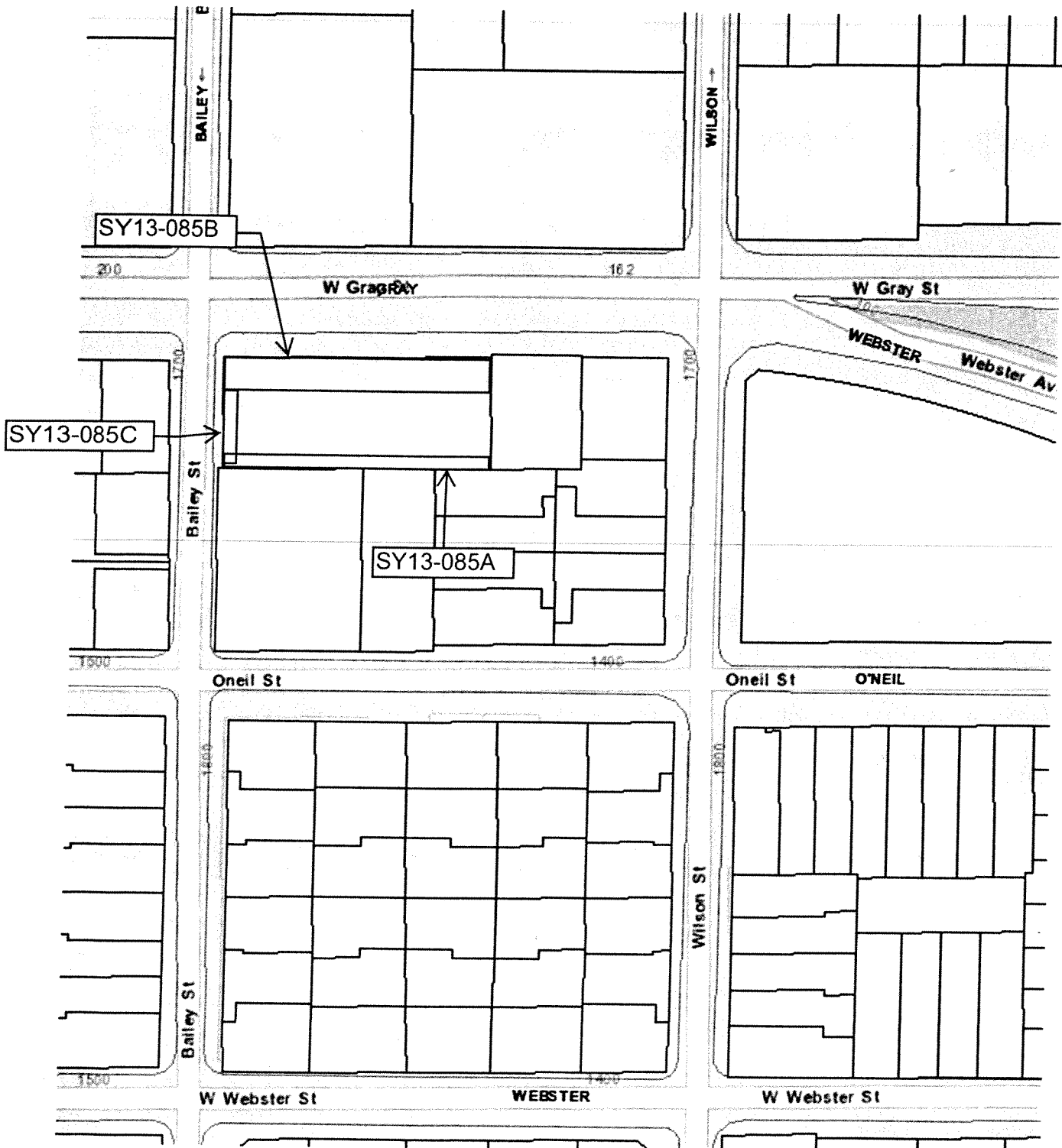
**Other Authorization:**

**Other Authorization:**

  
Mark L. Loethen, P.E., CFM, PTOE  
Deputy Director  
Planning and Development Services Division

## Parcel Map

Non-acceptance of: 1) a  $\pm 819$ -square-foot common area easement; 2) a  $\pm 3,803$ -square-foot common area easement; and 3) a  $\pm 399$ -square-foot common area easement, all located within the residue of Lots 3, 4, and 5, Block 71, W.R. Baker Addition (unrecorded), out of the Obedience Smith Survey A-696. **Parcels SY13-085A, SY13-085B, and SY13-085C**



# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 10026**

**Subject:** Purchase of Scrubbers and Burnishers for the Houston Airport System  
S40-E24942-H

Category #  
4

Page 1 of 1

Agenda Item

5

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

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

February 26, 2014

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
B

**For additional information contact:**

Justina J. Mann

Phone: (281) 230-8086

Ray DuRousseau

Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve the purchase of scrubbers and burnishers through the Houston-Galveston Area Council (H-GAC) in the amount of \$69,878.00 for the Houston Airport System.

Award Amount: \$69,878.00

**Finance Budget**

\$69,878.00 - HAS AIF Capital Outlay Fund (Fund 8012)

**SPECIFIC EXPLANATION:**

The Director of the Houston Airport System and the City Purchasing Agent recommend that City Council approve the purchase of scrubbers and burnishers through the Interlocal Agreement for Cooperative Purchasing with H-GAC in the amount of \$69,878.00 for the Houston Airport System and that authorization be given to issue a purchase order to the H-GAC contractor, Nilfisk-Advance, Inc. These riding floor burnishers and scrubbers will be used to strip wax, remove dirt and debris and to prepare the floors for waxing to create floor protection and shine at Terminals A, B, C, D, E and the Federal Inspection Station (FIS) facility at George Bush Intercontinental Airport.

This purchase consists of two riding scrubbers and two riding floor burnishers. The new scrubbers and burhishers will come with a 12-month warranty on workmanship and parts and the life expectancy is ten years. The new scrubbers and burnishers will be additions to the Department's inventory.

**Hire Houston First:**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the Department is utilizing an Interlocal or Cooperative Purchasing Agreement for this purchase.

Buyer: Jeff Meekins

PR Nos. 10174608 & 10178734

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

4

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9982**

**Subject:** Formal Bids Received to Provide Structural Remediation at the Police Department's Training Academy for the General Services Department on behalf of the Houston Police Department S50-C24829

**Category #**  
4

**Page 1 of 2**

**Agenda Item**

6

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

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

February 28, 2014

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE**

*[Signature of Calvin D. Wells]*

**Council District(s) affected**

B

**For additional information contact:**

Jacquelyn L. Nisby  
Ray DuRousseau

Phone: (832) 393-8023

Phone: (832) 393-8726

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

**RECOMMENDATION: (Summary)**

Approve an award to Level Infrastructure, LLC on its low bid in the amount of \$89,900.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$8,990.00 for a total amount not to exceed \$98,890.00 for structural remediation at the Police Training Academy for the General Services Department on behalf of the Houston Police Department.

Award Amount: \$98,890.00

**Finance Budget**

\$98,890.00 - GSD - In-House Renovation Revolving Fund (1003)

**SPECIFIC EXPLANATION:**

The Director of the General Services Department and the City Purchasing Agent recommend that City Council approve an award to Level Infrastructure, LLC on its low bid in the amount of \$89,900.00 and contingencies (10% for unforeseen changes within the scope of work) in the amount of \$8,990.00 for a total not to exceed \$98,890.00 for structural remediation at the Police Training Academy for the General Services Department on behalf of the Houston Police Department and that authorization be given to issue purchase orders as necessary.

The indoor range at the Police Training Academy suffered severe settlement damage as a result of the recent drought. The repairs required a two prong approach. Phase I of the repair project included stabilization of the building, which was completed in October 2013 by an outside contractor and Phase I also included the complete demolition of the office area, including the walls, ceilings and floor. Phase II is structural remediation, which includes rebuilding the office area and constructing interior walls with reinforced concrete masonry units (CMUs). The office rebuild, with the exception of the CMU walls, will be performed by the General Services Department's In-house Renovation Group. The rebuild of the CMU walls is being out sourced to the recommended contractor as this is a specialized trade.

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

	<u>Company</u>	<u>Total Amount</u>
1.	Level Infrastructure, LLC	\$89,900.00
2.	E. Contractors USA, LLC	\$92,271.00

The scope of work requires the construction contractor to provide all tools, materials, equipment, labor, permits, supervision and transportation necessary to construct interior walls with reinforced CMUs at the Police Training Academy's Indoor Shooting Range, located at 1700 Aldine Westfield. Materials and

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:



<b>Date:</b> 2/28/2014	<b>Subject:</b> Formal Bids Received to Provide Structural Remediation at the Police Department's Training Academy for the General Services Department on behalf of the Houston Police Department S50-C24829	<b>Originator's Initials</b> AL	Page 2 of 2
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workmanship shall be warranted for one-year and the contractor shall have 45 calendar days to complete the work on this project upon receipt of the notice to proceed.

**Hire Houston First:**

The proposed contract requires compliance with the City's Hire Houston First ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor does not meet the requirements of Hire Houston First. The Hire Houston First bid respondent, E Contractors USA, LLC withdrew its bid.

Buyer: Art Lopez

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 9983

Subject: Formal Bids Received for the Construction of a New Bulkhead for the Public Works and Engineering Department  
S50-C24822

Category #  
4

Page 1 of 2

Agenda Item

7

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

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

February 19, 2014

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
E

**For additional information contact:**

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

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

**RECOMMENDATION: (Summary)**

Approve an award to Times Construction, Inc. on its low bid in the amount of \$196,575.00 for the construction of a new bulkhead for the Public Works and Engineering Department.

Award Amount: \$196,575.00

**Finance Budget**

\$196,575.00 - Water & Sewer Operating Fund (8300)

**SPECIFIC EXPLANATION:**

The Director of the Public Works and Engineering Department and the City Purchasing Agent recommend that City Council approve an award to Times Construction, Inc. on its low bid in the amount of \$196,575.00 for the construction of a new bulkhead for the Public Works and Engineering Department and that authorization be given to issue a purchase order. The new bulkhead will prevent accumulation of debris and halt further erosion thereby stabilizing the shoreline of this property.

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

<u>Company</u>	<u>Total Amount</u>
1. Times Construction, Inc.	\$196,575.00
2. BRH Garver Construction, LP	\$213,109.00

The scope of work requires the construction contractor to provide all tools, materials, equipment, labor, permits, supervision and transportation necessary to construct/install a 185'X12" bulkhead on the Lake Houston shoreline at 22627 West Shorewood Loop, Huffman, TX. Prior to constructing the bulkhead, the contractor shall be required to remove and properly dispose of all tree stumps and debris in the construction area. The contractor shall also be required to furnish and install approximately eight (8) tandem axle truckloads of ¾" gravel behind the bulkhead, construct a 185'X18"X12" concrete cap over the newly installed bulkhead and dredge approximately 2,500 cubic yards of materials from the shoreline along the newly installed bulkhead and properly dispose of the spoils off site. Materials and workmanship are warranted for one-year and the life expectancy is thirty-five years. The contractor shall have 60 calendar days to complete this project after receipt of the notice-to-proceed.

**Hire Houston First:**

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

6

Date: 2/19/2014	Subject: Formal Bids Received for the Construction of a New Bulkhead for the Public Works and Engineering Department S50-C24822	Originator's Initials AL	Page 2 of 2
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**Pay or Play Program:**

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the Contractor provides health benefits to eligible employees in compliance with City policy.

Buyer: Arturo Lopez

**REQUEST FOR COUNCIL ACTION**

**RCA# 10036**

**TO:** Mayor via City Secretary

**Subject:** Approve an Appropriating Ordinance and Approve Spending Authority to Purchase Computers and Installation Services for Various Departments  
S17-H24950

**Category #**  
4 & 5

**Page 1 of 1**

**Agenda Item**

*8-8A*

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

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

March 05, 2014

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**Council District(s) affected**  
All

**For additional information contact:**

Charles T. Thompson      Phone: (832) 393-0082  
Joyce Hays                      Phone: (832) 393-8723

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

**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing the appropriation of \$283,996.00 out of the Equipment Acquisition Consolidated Fund (1800) and approve spending authority to purchase computers and installation services in the total amount not to exceed \$283,996.00 through the Texas Department of Information Resources for various departments.

Estimated Spending Authority: \$283,996.00

**Finance Budget**

*[Signature]*

\$283,996.00 - Equipment Acquisition Consolidated Fund (1800)

**SPECIFIC EXPLANATION:**

The Chief Information Officer of Houston Information Technology Services Department and the City Purchasing Agent recommend that City Council approve an ordinance authorizing the appropriation of \$283,996.00 out of the Equipment Acquisition Consolidated Fund (1800) and approve the purchase of computers and installation services in the total amount not to exceed \$283,996.00 through the Texas Department of Information Resources (DIR) for various departments and that authorization be given to issue purchase orders, as necessary, to the DIR contractor, Hewlett-Packard Company.

This purchase will consist of desktop personal computers (PC) and installation services to replace PCs in various departments that are currently operating on Microsoft Windows XP and due to memory capacity are unable to support the new operating system (OS). The City's Enterprise License Agreement with Microsoft does not require the purchase of licenses for the new OS. Security updates and technical support for Microsoft Windows XP will end on April 8, 2014 and it is important that the City migrate to a modern OS with enhanced security. If the computers that are operating on Microsoft Windows XP remain on the City's network after support ends the entire network will be vulnerable to security risks and viruses. Citywide there are 1,954 PCs that are currently operating on Windows XP. The Houston Airport System, City Controller's Office and Police Department have already made arrangements to ensure that all of their systems are on a new OS that Microsoft supports.

**Hire Houston First:**

This procurement is exempt from the City's Hire Houston First Ordinance. Bids/proposals were not solicited because the department is utilizing an Interlocal Purchasing Agreement for this purchase.

**M/WBE Participation:**

The contracts between the Texas Department of Information Resources and its vendors do not require an M/WBE goal; however, The Hewlett Packard Company has designated the below company as their certified M/WBE subcontractor.

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Dollar Amount</u>	<u>Percentage</u>
Criner-Daniels & Associates, Inc.	Hardware Reseller	\$22,000.00	7.7%

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

HCD14-18

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

14 - Support Res.

**SUBJECT:** Approval of a Resolution of Support for eleven applicants for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA).

Category #

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1 of 2

Agenda Item #

**FROM:**

Neal Rackleff, Director  
Housing and Community Development Department

Origination Date  
3/3/14

Agenda Date

MAR 12 2014

**DIRECTOR'S SIGNATURE:**

*(For NEAL RACKLEFF)*  
For additional information contact: Steve Tinnermon

Phone: 713-868-8448

Council Districts affected:

A, B, D, H, K

Date and identification of prior authorizing  
Council action: N/A

**RECOMMENDATION:** Approval of a Resolution of Support for eleven applicants for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA).

**Amount of Funding:**

None

Finance Budget:

**SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☒ Other

No Funding Required

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of Resolutions of Support for eleven (11) applicants and their developments to the Texas Housing Tax Credit (HTC) program. The developments are:

Project Name	Project Address	Developer	Council District
Avenue Terraces	4300 Irvington Blvd.	Avenue CDC	H
Belfort Park	4135 Belfort	Odyssey Residential	K
Cleme Manor	5300 Coke	NHP Foundation	B
Cypress Creek at Wayside	NW corner S. Wayside & Beltway 8	Bonner Carrington	D
NHH at Reed	2620 Reed Road	New Hope Housing	D
Palm Parque	5330 Griggs Road	ReWard 3 <sup>rd</sup> Ward	D
Rushcreek Oaks Ranch	1100 block of Hugh St.	Hettig-Kahn	B
Selinsky Street	6013 Selinsky	ReWard 3 <sup>rd</sup> Ward	D
Village on Harvest Time	SE Corner Imperial Valley & Harvest Time	Itex	B
Women's Home Phase II	7600 Hammerly	Covenant Development	A
Tidwell Lakes Ranch	14500 block of Tidwell	Hettig-Kahn	ETJ

Even though numerous HTC applications have been submitted to TDHCA, the amount of available HTCs is very limited. Only two to four developments are typically funded each year in Houston.

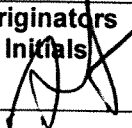
In 2013 the Texas Legislature dramatically changed the HTC program to give cities the unprecedented discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing body of each municipality may choose to provide (1) a Resolution of Support for 17 points, (2) a Resolution of No Objection for 14 points, or (3) no resolution at all for zero points for proposed HTC sites within its jurisdiction. Since this is the second highest category of points in the state's competitive process for awarding HTCs, cities can now significantly impact which HTC proposals may be approved within their boundaries.

## REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

<b>Date</b> 3/3/14	<b>Subject:</b> Approval of a Resolution of Support for eleven applicants for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA).	<b>Originators Initials</b> 	<b>Page</b> 2 of 2
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TDHCA has given cities very little time to review the applications and issue the respective resolutions. TDHCA requires these resolutions by April 1, 2014. HCDD did not have information available to review until late January 2014. HCDD then asked the applicants to provide their requests for these resolutions by February 10, 2014. In order to meet the state mandated schedule, HCDD reviewed these proposed resolutions before the Housing and Community Affairs Committee on March 4, 2014. It will not be known which, if any, of these projects will receive HTCs until the end of July 2014 when awards are announced at the TDHCA board meeting.

Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the Mayor's priority to solve chronic homelessness, (b) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization and (c) community feedback regarding the significant unmet need for large families, we recommend that proposed projects receive a Resolution of Support if they include one of the following elements:

- Permanent Supportive Housing (PSH) units for the homeless;
- Location in the Community Revitalization Areas established by the City to further achieve comprehensive revitalization in targeted communities; or
- Four or more bedroom units that provide housing to large families.

Any proposed project that does not include one of the aforementioned will receive a Resolution of No Objection. Each of the eleven previously described projects received by HCDD qualify for a Resolution of Support under these criteria.

The details of these resolutions were presented to the Housing and Community Affairs Committee on March 4, 2014.

Cc: City Secretary  
Finance Department  
Legal Department  
Mayor's Office

# Housing and Community Development Department Summary of Applications for Resolutions of Support

Project Name	Project Address	Developer	# of units	Council District	CRA?	PSH?	4 BR units?	Resolution
Avenue Terraces	4300 Irvington	Avenue CDC/Mary Lawler	48	H	Yes	No	No	Support
Belfort Park (demo/reconstruct)	4135 Belfort	Odyssey Residential Construction	78	K	No	Yes	No	Support
Cleme Manor	5300 Coke Street	NHP Foundation	284	B	Yes	No	Yes	Support
Cypress Creek at Wayside	NWC of S. Wayside & Beltway 8	Bonner Carrington/Stuart Shaw	180	D	No	No	Yes	Support
NHH at Reed	2620 Reed	New Hope/Joy Horak-Brown	140	D	No	Yes	No	Support
Palm Parque	5330 Griggs Road	Reward 3rd Ward/David Punch	30	D	Yes	Yes	No	Support
Rushcreek Oaks Ranch	1100 block Hugh	Hettig-Kahn/Barry Kahn	84	B	No	No	Yes	Support
Selinsky Street	6013 Selinsky	Reward 3rd Ward/David Punch	30	D	Yes	Yes	No	Support
Village on Harvest Time	SEC Imperial Valley & Harvest Time	Itex/Ike Akbari	120	B	No	No	Yes	Support
Women's Home	7600 Hammerly	Covenant Development/S. Fairfield	84	A	No	Yes	No	Support
Tidwell Lakes Ranch	14500 block of Tidwell	Hettig-Kahn/Barry Kahn	89	ETJ	No	No	Yes	Support (received)*
Auden Village	NWC FM 529 & Greenhouse	Mark-Dana/David Koogler	156	A/ETJ/LPA	No	No	No	No Objection if requested*
Catalon	Queenston & Coventry Park	Mgroup/Mark Musemeche	142	ETJ	No	No	No	No Objection if requested*
East End Lofts (Eado Lofts)	3300 Harrisburg	Mark-Dana/David Koogler	109	H	No	No	No	No Objection
Forestwood Lodge	6501 Purple Sage	Blazer/Chris Richardson	170	ETJ	No	No	No	No Objection (received)*
Greens at Brentford	SWC Beechnut & Brentford	Les Kilday	150	ETJ	No	No	No	No Objection (received)*
Hurstbourne Crossing	NWC Oates & I-10	Dischinger Dev.	120	I	No	No	No	No Objection
Lafayette Park	10500 block of Synott	William Henson	104	F	No	No	No	No Objection
Lodge at Huffmeister	Huffmeister & Shaft	Blazer/Chris Richardson	170	ETJ	No	No	No	No Objection if requested*
Monarch	8500 S. Sam Houston Pkwy East	Mgroup/Mark Musemeche	156	D	No	No	No	No Objection
Paddock at the Bayou	Beltway 8 & Old Choc Bayou	Dischinger Dev.	120	D	No	No	No	No Objection
Seminole Ridge	W. Belfort east of Synott	Pierne Affordable Development	120	F	No	No	No	No Objection

## Time Line to meet TDHCA 4/1/2014 deadline:

4/1/2014	Resolutions due to TDHCA
3/26/2014	City Council if tagged
3/19/2014	No City Council meeting
3/12/2014	City Council
3/4/2014	Housing Committee
3/3/2014	Materials due to Agenda Office for 3/12/14 council meeting
2/28/2014	Materials due for Housing Committee posting
2/10/2014	Requests for support resolution due to HCDD
1/29/2014	HCDD published instructions for applications for resolutions
1/16/2014	Pre-applications (with self-scoring) due to TDHCA

## Resolutions:

17 points = Support

14 points = No Objection

## \*NOTE:

Resolutions will be provided only if requested by the County Commissioner in whose precinct the property is located

TO: Mayor via City Secretary

**REQUEST FOR COUNCIL ACTION**

14 – No Objection

**SUBJECT:** Approval of a Resolution of No Objection for ten applicants for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA).

Category #

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1 of 2

Agenda Item #

10

**FROM:**

Neal Rackleff, Director  
Housing and Community Development Department

**Origination Date**  
3/3/14

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE:****Council Districts affected:**

D, F, H, I

**For additional information contact:** Stephen Tinnermon  
Phone: 713-868-8448

**Date and identification of prior authorizing  
Council action:** N/A

**RECOMMENDATION:** Approval of a Resolution of No Objection for ten applicants for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA).

**Amount of Funding:**

None

**Finance Budget:**

**SOURCE OF FUNDING:** ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☒ Other

No Funding Required

**SPECIFIC EXPLANATION:**

The Housing and Community Development Department (HCDD) recommends approval of Resolutions of No Objection for ten applicants and their developments to the Texas Housing Tax Credit (HTC) program. The developments are:

<u>Project Name</u>	<u>Project Address</u>	<u>Developer</u>	<u>Council District</u>
Catalon	Queenston Blvd. & Coventry Park	MGroup	ETJ
East End Lofts	3300 Harrisburg	Mark-Dana Corp	H
Forestwood Lodge	6501 Purple Sage	Blazer Building	ETJ
Greens at Brentford	SW corner Beechnut & Brentford	Kilday Operating LLC	ETJ
Hurstbourne Crossing	NW corner Oates & Interstate 10	Dischinger Development	I
Lafayette Park	10500 block of Synott	William Henson	F
Lodge at Huffmeister	Approximately 12423 Huffmeister	Blazer Building	ETJ
Monarch	8500 S. Sam Houston Pkwy East	MGroup	D
Paddock at the Bayou	Beltway 8 & Old Chocolate Bayou	Dischinger Development	D
Seminole Ridge	W. Belfort east of Synott	Picerne Affordable Development	F

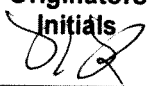
Even though numerous applications have been submitted to TDHCA, the amount of available HTCs is very limited. Only two to four developments are typically funded each year in Houston.

In 2013 the Texas Legislature dramatically changed the HTC program to give cities the unprecedented discretion to determine whether or not applicants will receive a significant number of points in the competitive 9% tax credit program. The governing body of each municipality may choose to provide (1) a Resolution of Support for 17 points, (2) a Resolution of No Objection for 14 points, or (3) no resolution at all for zero points for proposed HTC sites within its jurisdiction. Since this is the second highest category of points in the state's competitive process for awarding HTCs, cities can now significantly impact which HTC proposals may be approved within their boundaries.

TDHCA has given cities very little time to review the applications and issue the respective resolutions. TDHCA requires these resolutions by April 1, 2014. HCDD did not have information available to review until late January 2014. HCDD then asked the applicants to provide their requests for these resolutions by February 10, 2014. In order to meet the state mandated schedule, HCDD reviewed these proposed resolutions before the Housing and Community Affairs Committee on March 4, 2014. It will not be known which, if any, of these projects will receive HTCs until the end of July 2014 when awards are announced at the TDHCA board meeting.

**REQUIRED AUTHORIZATION****Finance Director:****Other Authorization:****Other Authorization:**



<b>Date</b> 3/3/14	<b>Subject:</b> Approval of a Resolution of No Objection for ten applicants for competitive 9% housing tax credits (HTCs) allocated by the Texas Department of Housing and Community Affairs (TDHCA).	<b>Originators</b> <b>Initials</b> 	<b>Page</b> <b>2 of 2</b>
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Only preliminary information is available regarding the applications. Therefore, HCDD has not underwritten these projects for financial viability, but rather reviewed them to determine only if they meet the overall community development policy objectives of the City. Given (a) the Mayor's priority to solve chronic homelessness, (b) the intense planning process in which HCDD engaged to develop community revitalization areas and outreach areas where the second round of disaster recovery funds from the State would jumpstart neighborhood revitalization and (c) community feedback regarding the significant unmet need for large families, we recommend that proposed projects receive a Resolution of Support if they include one of the following elements:

- Permanent Supportive Housing (PSH) units for the homeless;
- Location in the Community Revitalization Areas established by the City to further achieve comprehensive revitalization in targeted communities; or
- Four or more bedroom units that provide housing to large families.

Any proposed project that does not include one of the aforementioned elements will receive a Resolution of No Objection. The ten previously described projects received by HCDD qualify for a Resolution of No Objection under these criteria.

The details of these resolutions were presented to the Housing and Community Affairs Committee on March 4, 2014.

Cc: City Secretary  
Finance Department  
Legal Department  
Mayor's Office

**Housing and Community Development Department  
Summary of Applications for Resolutions of Support**

Project Name	Project Address	Developer	# of units	Council District	CRA?	PSH?	4 BR units?	Resolution
Avenue Terraces	4300 Irvington	Avenue CDC/Mary Lawler	48	H	Yes	No	No	Support
Belfort Park (demo/reconstruct)	4135 Belfort	Odyssey Residential Construction	78	K	No	Yes	No	Support
Cleme Manor	5300 Coke Street	NHP Foundation	284	B	Yes	No	Yes	Support
Cypress Creek at Wayside	NWC of S. Wayside & Beltway 8	Bonner Carrington/Stuart Shaw	180	D	No	No	Yes	Support
NHH at Reed	2620 Reed	New Hope/Joy Horak-Brown	140	D	No	Yes	No	Support
Palm Parque	5330 Griggs Road	Reward 3rd Ward/David Punch	30	D	Yes	Yes	No	Support
Rushcreek Oaks Ranch	1100 block Hugh	Hettig-Kahn/Barry Kahn	84	B	No	No	Yes	Support
Selinsky Street	6013 Selinsky	Reward 3rd Ward/David Punch	30	D	Yes	Yes	No	Support
Village on Harvest Time	SEC Imperial Valley & Harvest Time	Itex/Ike Akbari	120	B	No	No	Yes	Support
Women's Home	7600 Hammerly	Covenant Development/S. Fairfield	84	A	No	Yes	No	Support
Tidwell Lakes Ranch	14500 block of Tidwell	Hettig-Kahn/Barry Kahn	89	ETJ	No	No	Yes	Support (received)*
Auden Village	NWC FM 529 & Greenhouse	Mark-Dana/David Koogler	156	A/ETJ/LPA	No	No	No	No Objection if requested*
Catalon	Queenston & Coventry Park	Mgroup/Mark Musemeche	142	ETJ	No	No	No	No Objection if requested*
East End Lofts (Eado Lofts)	3300 Harrisburg	Mark-Dana/David Koogler	109	H	No	No	No	No Objection
Forestwood Lodge	6501 Purple Sage	Blazer/Chris Richardson	170	ETJ	No	No	No	No Objection (received)*
Greens at Brentford	SWC Beechnut & Brentford	Les Kilday	150	ETJ	No	No	No	No Objection (received)*
Hurstbourne Crossing	NWC Oates & I-10	Dischinger Dev.	120	I	No	No	No	No Objection
Lafayette Park	10500 block of Synott	William Henson	104	F	No	No	No	No Objection
Lodge at Huffmeister	Huffmeister & Shaft	Blazer/Chris Richardson	170	ETJ	No	No	No	No Objection if requested*
Monarch	8500 S. Sam Houston Pkwy East	Mgroup/Mark Musemeche	156	D	No	No	No	No Objection
Paddock at the Bayou	Beltway 8 & Old Choc Bayou	Dischinger Dev.	120	D	No	No	No	No Objection
Seminole Ridge	W. Belfort east of Synott	Picerne Affordable Development	120	F	No	No	No	No Objection

**Time Line to meet TDHCA 4/1/2014 deadline:**

4/1/2014 Resolutions due to TDHCA  
3/26/2014 City Council if tagged  
3/19/2014 No City Council meeting  
3/12/2014 City Council  
3/4/2014 Housing Committee  
3/3/2014 Materials due to Agenda Office for 3/12/14 council meeting  
2/28/2014 Materials due for Housing Committee posting  
2/10/2014 Requests for support resolution due to HCDD  
1/29/2014 HCDD published instructions for applications for resolutions  
1/16/2014 Pre-applications (with self-scoring) due to TDHCA

**Resolutions:**


17 points = Support  
14 points = No Objection

**\*NOTE:**

Resolutions will be provided only if requested by the County Commissioner in whose precinct the property is located

<b>REQUEST FOR COUNCIL ACTION</b>			
<b>TO:</b> Mayor via City Secretary		<b>RCA#</b>	
<b>Subject:</b> Approve an Ordinance Amending Chapter 6 of the Code of Ordinances, Related to the Regulation of Animals.	Category #	Page 1 of 1	Agenda Item  <div style="text-align: right; font-size: 1.5em; font-family: cursive;">10-1</div>
<b>FROM (Department or other point of origin):</b> Tina Paez, Director Administration & Regulatory Affairs Department	<b>Origination Date</b>  March 4, 2014	<b>Agenda Date</b>  <div style="font-size: 1.5em; font-family: cursive;">MAR 12 2011</div>	
<div style="display: flex; align-items: center;"> <div style="margin-right: 20px;"> </div> <div> <b><u>DIRECTOR'S SIGNATURE</u></b> </div> </div>	<b>Council District(s) affected</b> All		
<b>For additional information contact:</b> Chris Newport <b>Phone:</b> (832) 393-8503 Greg Damianoff <b>Phone:</b> (713) 229-7321	<b>Date and Identification of prior authorizing Council Action:</b>		
<b><u>RECOMMENDATION: (Summary)</u></b> Approve an ordinance to revise Chapter 6 of the Code of Ordinance related to the regulation of animals in the City of Houston.			
Maximum Contract Award Amount: N/A			<b>Finance Budget</b>
<b><u>SOURCE OF FUNDING:</u></b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund			
<input type="checkbox"/> Other (Specify)			
<b><u>SPECIFIC EXPLANATION:</u></b> <p>The Director of the Administration &amp; Regulatory Affairs Department ("ARA") recommends that City Council approve an ordinance to implement recommended revisions to Chapter 6 of the Code of Ordinances ("Chapter 6").</p> <p>The BARC Division of ARA has recommended revisions and administrative updates to several areas of Chapter 6, as detailed in the attached chart. The recommendations amount to a comprehensive rewrite of Chapter 6.</p> <p>The recommended revisions represent the outcome of a rigorous stakeholder engagement process. BARC's final recommendations to City Council include material input from a broad range of external stakeholders interested in or affected by animal regulations. The initial recommendations were also improved following guidance from the Houston Police, Municipal Courts, and Legal Departments, as well as the Department of Neighborhoods and the Office of Emergency Management.</p> <p>Generally, the recommended revisions to Chapter 6 will:</p> <ul style="list-style-type: none"> <li>Clarify the points at which BARC assumes and relinquishes ownership of an animal</li> <li>Update obsolete or unclear definitions and references</li> <li>Eliminate or update unnecessary regulations</li> <li>Reduce unnecessary impoundment of animals at BARC that pose no risk to public health or safety</li> <li>Implement additional incentives to comply with the City's pet licensing requirement and to reduce the population of fertile pets in Houston</li> <li>Transform the outdated and ineffective Kennel License system</li> <li>Improve the toolset available to effect positive and persistent animal control outcomes</li> </ul> <p>This comprehensive update to Houston's animal control regulations will improve animal control, live release, and responsible ownership outcomes. Consistent stakeholder feedback has played a significant role materially improving the quality of these recommendations.</p> <p>BARC presented its recommendations to the Quality of Life Committee on February 26, 2014.</p>			
<b>REQUIRED AUTHORIZATION</b>			
Finance Department:	Other Authorization:	Other Authorization:	

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

<b>SUBJECT:</b> Amendment to Chapter 47 of the Code of Ordinances relating to the Water Adjustment Board.		<b>Page</b> 1 of 1	<b>Agenda Item</b> # 11
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> 3/4/2014	<b>Agenda Date</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All	
<b>For additional information contact:</b> David M. Feldman Phone: 832-393-6412		<b>Date and identification of prior authorizing Council action:</b>	
<b>RECOMMENDATION: (Summary)</b> Amend the Code of Ordinances provision relating to the qualification of one of the members of the Water Adjustment Board.			
<b>Amount and Source of Funding:</b> N/A			
<b>SPECIFIC EXPLANATION:</b>  The amendment to Chapter 47 will enable an experienced plumber with a journeyman plumber's license to serve as a member of the Water Adjustment Board.  The current code requirement (that the plumber board member hold a master plumber's license) is unnecessarily stringent and creates difficulties in filling the position on the board.			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

**Sec. 47-75.2. Water adjustment board.**

(a) There is hereby created a water adjustment board. The water adjustment board shall consist of three members appointed by the mayor and approved by city council, each to serve a term of three years unless removed earlier by the mayor. At least one member of the board shall hold or have held a ~~master~~ journeyman plumber's license and shall have been eligible in the past five years to take the Texas State Board of Plumbing Examiners' master plumber examination.

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** An Ordinance electing to continue eligibility to participate in tax abatements and adopting guidelines and criteria for tax abatements.

Category #

Page 1 of 1

Agenda Item# 12

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

Andy Icken, Chief Development Officer  
Mayor's Office


**Origination Date**

March 4, 2014

**Agenda Date**

MAR 12 2014

**SIGNATURE:**



**Council Districts affected:**

All

**For additional information contact:**

Gwen Tillotson

Phone: 832-393-0937

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

Ordinance 2011-1167 dated 12/14/2011

**RECOMMENDATION: (Summary)** Approve an Ordinance electing to continue eligibility to participate in tax abatements and adopting guidelines and criteria for tax abatements.

**Amount of Funding:**

No City funding required

**P&D 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 (Tax Code: Sec. 312.002 (C)) also provides that cities' tax abatement guidelines and criteria expire after two years. The City's current tax abatement guidelines and criteria expired on December 13, 2013. The City desires to continue its eligibility to enter into tax abatements.

The Office of Economic Development is recommending an expansion of the tax abatement program to address development and economic revitalization challenges stemming from deteriorating and distressed structures that have been deemed dangerous by the Department of Neighborhoods (DON). Generally, the amendment would allow property owners to apply for tax abatement on new improvements located on a demolished site or major renovations of an existing deteriorating structure. The current tax abatement ordinance will be modified to include the following provisions:

- Defines deteriorated/demolished properties as a property that has received an order from the DON or other agency to require some restorative or demolition action;
- Qualifies property to include buildings (commercial, multi-family), structures and residential facilities with structures that comprise 4 or fewer dwelling units per structure that will be redeveloped as part of unified plan on contiguous property containing at least one existing block;
- Establishes the term not to exceed 10 years;
- Establishes an abatement rate up to 90% in distressed areas as defined as a state Texas Enterprise Zone (census tracts that are 20% or higher poverty rate) and up to 50% in other areas;
- Requires the property owner to apply for a building permit on the new construction to be obtained not more than one year after the tax abatement application has been filed;
  - This qualification was included to discourage a builder/developer from demolishing property and not developing on the property for an extended period of time.

The modifications are reflected in sections: 44-121; 44-123 (e); 44-127(e)(6); 44-127 (g)(3); 44-127(i)(1); 44-123; 44-132; and 44-123

The proposed tax abatement amended guidelines were presented to the Budget and Fiscal Affairs Committee on March 4, 2014.

cc: City Attorney  
Agenda Director  
City Secretary  
Director of Finance

**F&A Director:**

**Other Authorization:**

**Other Authorization:**

City of Houston, Texas, Ordinance No. ~~2011~~2014 - \_\_\_\_\_

**AN 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; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

\* \* \* \* \*

**WHEREAS**, a municipality that desires to become eligible to participate in tax abatement must, pursuant to Section 312.002(a) of the Texas Tax Code, establish guidelines and criteria governing tax abatement agreements and elect to become eligible to participate in tax abatement; and

**WHEREAS**, Section 312.002(c) of the Texas Tax Code provides that the guidelines and criteria adopted by a municipality are effective for two years from the date adopted; and

**WHEREAS**, City Council last adopted tax abatement guidelines and criteria on ~~September 16, 2009, December 14, 2011,~~ by approving Ordinance No. ~~2009-858~~2011-~~1167~~, which tax abatement guidelines and criteria became effective on ~~September 16, 2009~~December 14, 2011, and expired on ~~September 15, 2011, December 13, 2013,~~ as provided in ~~Section~~section ~~44-138~~137 of the Code of Ordinances, Houston, Texas; and

**WHEREAS**, City Council desires to become eligible to participate in tax abatement by adopting new tax abatement guidelines and criteria, to be codified in Article IV of Chapter 44 of the City Code;

**WHEREAS**, in determining whether to grant a tax abatement, the City can account for whether the proposed project furthers public purposes such as promoting purchasing from local businesses, promotion of Minority and Women Owned Business Enterprises, employee health benefits and environmental compliance; **NOW, THEREFORE,**

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

**Section 1.** That the findings and recitals contained in the preamble of this Ordinance are found to be true and correct and are adopted as part of this Ordinance for all purposes.

**Section 2.** That the City Council elects for the City to become eligible to participate in tax abatement.

**Section 3.** That the City Council adopts and ratifies revised guidelines and criteria for tax abatement to be codified as Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas, which shall replace the expired version of the same Article, and shall read as follows:

#### **ARTICLE IV. TAX ABATEMENT**

##### **Sec. 44-120. - Preamble—General policy.**

(a) The City of Houston Tax Abatement Program is created to encourage new development and the growth of existing development and to stimulate new job growth and investment in the city. The tax abatement program and other forms of economic development incentives are available to many types of businesses to address the city's economic development needs and objectives stated in this general policy and pursuant to the provisions of this article.

The city's principal economic development tools should be maintenance of the city's natural competitive advantages and provision of detailed information concerning the city's advantages compared to those of other sites for potential relocation of all or substantial portions of various businesses. For a wide variety of businesses and professional firms, Houston rarely should be at a cost disadvantage relative to large



urban centers, particularly those outside of Texas.

The city and its metropolitan area offer significant competitive advantages and cost savings to businesses seeking to locate or expand in our region. These advantages include:

- (1) A large, growing workforce with abundant skills appropriate for all levels of an organization;
- (2) An affordable cost of living, which makes Houston attractive for workers and makes our personnel costs more competitive than most major urban areas;
- (3) An abundance of buildable sites and relatively low cost of occupancy compared to other major urban centers in the United States, especially those outside of Texas; and
- (4) A superb transportation infrastructure, including the Port of Houston, the Houston Airport System, and central locations for distribution by truck, rail, and water.

The city, however, will from time to time consider appropriate economic incentives for the relocation, expansion or retention of businesses, whether intellectual capital or fixed asset-based, to the extent these incentives would be the critical element that would govern a decision to relocate or expand a business here. Incentives might include tax abatements, as described in these guidelines and criteria, or another appropriate form of incentive, such as expedited permitting for a development project or investment in infrastructure that would be useful in developing a particular site, which could include investments enhancing transportation, water and sewer services or other public infrastructure. Such improvements benefit not only the affected business but also the larger community.

Incentives other than tax abatement might be funded through accelerated capital improvements plan action or special district financing such as tax increment financing, special assessment financing, or in-city municipal utility districts. The city could also consider beneficial land exchanges, right-of-way abandonment, or below-market financing or leases on public property that could provide mutual benefit to the city and the proposed development. Any offer of such an incentive would be reviewed case-by-case to determine eligibility and compliance with all applicable laws.

To assist the city in obtaining an equitable portion of state economic development funds, the city will consider applications for tax abatements that trigger some level of State economic development assistance. The Houston region contributes about one-quarter of the funds to the State of Texas' general revenues. In turn, a proportionate

share of the state's economic development budget is attributable to the Houston region. If allocated over time equitably among the regions of the state in proportion to the employment and financial contributions to state revenues, these funds should provide funding for economic incentives for corporate relocations and expansions in our region, when combined with the other substantial advantages for economic growth in our region.

It is the goal of the city that local taxing jurisdictions in our region should not use ad valorem tax abatement to compete against each other for business relocations or expansions. It should be recognized that the attraction of new businesses to any part of our region strengthens our overall region and the people in it.

Officials at the city, at the most senior level, will meet at any time with the person who is ultimately responsible for making a decision to relocate or to expand to address specific economic or other issues that would be decisive in corporate location. The city would negotiate in a business-like manner on a case-by-case basis. There is no "standard" tax abatement, and no entity or individuals other than designated city officials are authorized to negotiate with respect to any tax abatement proposal or incentive that might be available on a case-by-case basis.

Typically, city officials would want to see pro forma financial information to assist in making judgments concerning the role of property tax costs in the economics of the relocation. The city understands that for many businesses some incremental amount of ad valorem taxes would not represent a substantial percentage of the cost of goods sold. Other incentives, as referenced above, may be discussed with city officials.

(b) Tax abatements may be used in special situations, subject to the guidelines and criteria described herein. Examples of special situations include:

- (1) The location of a high-employment facility in a particularly distressed or neglected part of the city, where increased job opportunities could contribute significantly to a reduction in crime or cascading redevelopment of other sites, which would more than offset the loss of the tax benefit;
- (2) A substantial equity investment in real estate development serving an important public purpose, such as providing affordable housing that could lead to redevelopment of a blighted area or attracting additional development; or
- (3) A case in which a company could not and would not remain, expand or locate in Houston, because of another viable option that took into account all significant costs. Any representation by the company would need to be supported by credible economic analysis in a direct communication between the mayor or other appropriate senior official and the private

sector decision maker; or

- (4) The property, if abated, will be reasonably likely to contribute to the retention or expansion of primary employment or to attract major investment that would be a benefit to the property and that would contribute to the economic development of the city.

(c) Subject to this general policy, when tax abatements are available, they would be offered as described in the guidelines and criteria set forth in this article, with the following general limits and guidelines:

- (1) For typical commercial and industrial abatements, the city would negotiate an abatement scale and duration based primarily on investment level, rather than jobs. Each project would be evaluated and the incentive tailored to an analysis based on factors such as industry competitive disadvantages, quantifiable economic impacts, and furthering other public purposes in unique ways. Applicants would be required to submit economic impact analysis from reliable modeling tools. Depending on an analysis of such factors and data, the city would evaluate the appropriate level and duration of abatement;
- (2) Reduced investment requirements and flexible abatement scales could be available for tax abatements within state enterprise zones, or eligible new markets tax credits census tracts, bank finance districts, and other non-city incentives that require local matching. This aspect of the program would emphasize encouraging access to other local, state and federal incentives to leverage the city abatement incentive;
- (3) The city will give more favorable consideration to applicants committing to community benefits, such as the city's Minority and Women/Disadvantaged Business Enterprise Program, local purchasing, construction and permanent employment job opportunities within a defined area, and employee health care benefits; and
- (4) An enhanced abatement up to 90% for no more than 10 years and up to 90% may be considered for:
  - a. Targeted industry clusters specifically targeted for future growth such as aviation, biotechnology, information technology, aerospace, energy, or other industries that the city from time to time determines to have particular impact on the regional economy;
  - b. New or expanding businesses (for example, retail, industrial, commercial) in neighborhood areas targeted for revitalization (for

example, Houston Hope areas or other distressed or neglected parts of the city); and

- c. Transit-oriented development within 1,500 feet of transportation corridors, such as existing and planned Metro rail stops, multi-modal centers, and bus transfer stations.

#### **Sec. 44-121. - Definitions.**

As used in this article, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

*Abatement* means the full or partial exemption from ad valorem taxes of certain real and/or personal property in a reinvestment zone.

*Abatement recipient* means the owner of real or tangible personal property located on the real property, the lessee of real or personal property, or both, as applicable, who receive an abatement pursuant to this article.

*Agreement* means a contractual agreement authorized by the city council between an abatement recipient and the city for the purpose of a tax abatement.

*Base year value* means the assessed value of eligible property on January 1 preceding the execution of the agreement plus the agreed upon value of eligible property improvements made after January 1, but before the execution of the agreement.

*Brownfield facility* means real property or tangible personal property located on the real property used as an authorized facility as provided in sections 44-129 and 44-130 of this Code.

*Competitive siting* means evidence that the applicant has studied competing locations for expansion, relocation, or new operations to evaluate operating cost differentials and incentives available, excluding, however, locations in taxing jurisdictions with which the city has an agreement not to compete for projects by offering financial incentives.

*Contract employee* means an individual who is not a permanent employee of the abatement recipient but who does work for the abatement recipient in the reinvestment zone on a contract basis, either on a full- or part-time basis.

*Deferred maintenance* means improvements necessary for continued operations that do not improve productivity or alter the process technology.

Deteriorated/demolished property means any real property located in a reinvestment zone designated pursuant to paragraphs (1), (2), or (3) of subsection 44-122(d) of this Code, and on which improvements subject to an order and any extensions granted by the Department of Neighborhoods were declared dangerous or demolished not more than one year before the date that a complete application for tax abatement is filed and pursuant to a permit for demolition issued by the city with which the owner complied, and on which the owner has filed with the city an application for a building permit to construct new improvements on the demolished property no later than one year after the date that a complete application for tax abatement was filed.

Deteriorated/demolished property redevelopment means a residential facility with structures containing four or fewer dwelling units per structure constructed as part of a unified plan on contiguous property comprising at least one existing block.

**Director** means the mayor, or the person designated by the mayor to administer these guidelines and criteria.

Dwelling unit means a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.

**Economic life** means the number of years a property improvement is expected to be in service in a facility.

**Eligible jurisdiction** means any county, municipality or college district that levies ad valorem taxes upon and provides services to property located within a proposed or existing reinvestment zone.

**Expansion** means the addition of buildings, structures, fixed machinery or equipment for purposes of increasing production capacity.

**Facility** means property improvements, completed or in the process of construction or expansion, that together comprise an integral whole.

**Full-time equivalent** means a job that is equivalent to 1,750 hours of work annually performed in the reinvestment zone by one or more contract employees or part-time employees.

**Manufacturing facility** means buildings and structures, including fixed machinery and equipment, the primary purpose of which is or will be the manufacture of tangible goods or materials or the processing of such goods or materials by physical or chemical change.

*Mixed-use facility* means a facility used or to be used for more than one of the types of facilities defined in this section.

*Modernization* means the replacement and upgrading of existing facilities that increase the productive input or output, extend the economic life of a facility, update the technology or substantially lowers the unit cost of the operation of a facility. Modernization may result from the construction, alteration or installation of buildings, structures or fixed machinery or equipment, but construction, alteration or installation for the purpose of reconditioning, refurbishing or repairing to meet local, state, or federal regulations shall not be considered modernization.

*New facility* means improvements on property previously undeveloped that is placed into service by means other than or in conjunction with expansion or modernization.

Order means an order issued by the city pursuant to article IX of chapter 10 of this Code requiring the improvements on property to be demolished.

*Other basic industry facility* means buildings and structures, including fixed machinery and equipment not elsewhere described, that meet the economic development objectives of the general policy stated in section 44-120 of this Code.

Owner shall mean means the person or entity responsible for paying property taxes on taxable real property or tangible personal property located on the real property or an interest therein including one or more leasehold interests.

*Part-time employee* means an individual who works for, and is an employee of, the abatement recipient in the reinvestment zone, but is not a permanent employee.

*Permanent employee* means an individual who works for and is an employee of the abatement recipient, works a minimum of 35 hours in a seven-day period, and reports to work in the reinvestment zone. The term does not include a contract employee, seasonal employee or part-time employee.

*Regional distribution center facility* means buildings and structures, including fixed machinery and equipment, used or to be used primarily to receive, store, service or distribute goods or materials owned by the facility operator, where a majority of the goods or services are distributed to points at least 100 miles from any part of Harris County, unless there is no facility in Harris County that receives, services or distributes such goods and services to businesses and residents of Harris County.

*Regional entertainment facility* means buildings and structures, including fixed machinery and equipment, used or to be used to provide entertainment through the admission of the general public, where the majority of users reside at least 100 miles

from any part of Harris County, unless there is no facility providing the same or similar entertainment in Harris County.

*Regional service facility* means buildings and structures, including fixed machinery and equipment, used or to be used to service goods, where a majority of the goods being serviced originate at least 100 miles from any part of Harris County, unless there is no facility in Harris County where businesses and residents of the county can obtain such service.

*Research and development facility* means buildings and structures, including machinery and equipment, used or to be used primarily for research or experimentation to improve or develop current technology in bio-medicine, electronics or pre-commercial emerging industries.

*Research facility* means buildings and structures, including fixed machinery and equipment, used or to be used primarily for research or experimentation to improve or develop the production processes therefor.

*Residential facility* means one or more buildings and structures, including machinery and equipment, used or to be used primarily for living, sleeping, cooking and eating, that are intended to be used or occupied as dwelling places, whether or not attached.

*Retail facility* means buildings and structures, including machinery and equipment, used or to be used primarily for the sale of goods or the service of foods to consumers.

*Target area* means an area that qualifies for Texas Enterprise Zones designation pursuant to the Texas Enterprise Zone Act.

*Texas Enterprise Zone Act* means Chapter 2303 of the Texas Government Code, as amended from time to time.

*TCEQ* means the Texas Commission on Environmental Quality or other agency of the state of Texas that administers the voluntary cleanup program authorized in subchapter S, Chapter 361, Texas Health & Safety Code.

#### **Sec. 44-122. - Reinvestment zones.**

(a) Tax abatement shall only be allowed in a reinvestment zone.

(b) Reinvestment zones in the city for the purpose of tax abatement shall be considered for designation by city council upon the recommendation of the director subject to the criteria of this section. The city council shall approve the creation of

reinvestment zones on a zone-by-zone basis after a public hearing before the city council. Following the public hearing, the city council may consider the ordinance creating a new reinvestment zone in the proposed area.

(c) The city council shall not adopt an ordinance designating a reinvestment zone until it has held a public hearing at which interested persons are entitled to speak and present evidence for or against the designation. Notice of the hearing shall be given not later than the seventh day before the date of the hearing by:

- (1) Publication in a newspaper of general circulation in the city; and
- (2) Delivery in writing to the presiding officer of each eligible jurisdiction.

The notice shall contain the location, time, and place of the public hearing and a description of the proposed boundaries of the reinvestment zone.

(d) To be designated as a reinvestment zone an area must:

- (1) Substantially impair or arrest the sound growth of the city, retard the provision of housing accommodations or constitute an economic or social liability and be a menace to the public health, safety, morals, or welfare in its present condition and use by reasons of the presence of:
  - a. A substantial number of substandard, slum, deteriorated, or deteriorating structures;
  - b. The predominance of defective or inadequate sidewalks or streets;
  - c. Faulty size, adequacy, accessibility or usefulness of lots;
  - d. Unsanitary or unsafe conditions;
  - e. The deterioration of site or other improvements;
  - f. Tax or special assessment delinquency exceeding the fair value of the land;
  - g. Defective or unusual conditions of title;
  - h. Conditions that endanger life or property by fire or other cause; or
  - i. Any combination of these factors or conditions;
- (2) Be predominantly open or undeveloped and, because of obsolete platting,



deterioration of structures or site improvements or other factors, substantially impair or arrest the sound growth of the city;

- (3) Be designated a local or state-federal enterprise zone under the Texas Enterprise Zone Act;
- (4) Be located wholly within an eligible area under Section 119 of the Housing and Community Development Act of 1974, as identified from time to time by city council; or
- (5) Be reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the city.

(e) The goals and objectives expressed above and the standards and restrictions expressed in Chapter 312 of the Texas Tax Code, as amended, are not exhaustive and shall be supplemented by such further and additional goals, objectives, rules, standards and restrictions as the city council may from time to time impose.

(f) The designation of a reinvestment zone hereunder shall expire five years after the date of its designation and may be renewed for periods not to exceed five years. The expiration of a designation, however, shall not affect existing agreements entered into pursuant to sections 44-128, 44-130, or 44-133 of this Code.

#### **Sec. 44-123. - Abatement application.**

(a) Any present or potential owner in the city may request tax abatement by filing a written request with the director.

(b) The application shall consist of a ~~completed~~complete application form accompanied by a \$1,000.00 nonrefundable application fee and:

- (1) A general description of the new improvements to be undertaken;
- (2) A descriptive list of the improvements for which abatement is requested;
- (3) A list of the kind, number and location of all proposed improvements of the property;
- (4) A map and legal description of the property;
- (5) A time schedule for undertaking and completing the proposed improvements;

- (6) Financial information (i) demonstrating the role of property tax costs in the economics of the proposed improvements; (ii) stating concisely the amounts and sources of financing for the proposed improvements, including all sources and terms of debt and equity financing; and (iii) demonstrating the overall financial impact of the proposed improvements on the local and regional economy, using reliable economic forecast modeling tools in such form as approved by the director;
- (7) If the applicant is considering a location outside the city for the proposed improvements, evidence of abatement or other financial incentive from other local state or federal governmental entities; and
- (8) A statement describing how the proposed improvements are consistent with the general policy stated in section 44-120 of this Code.

(c) The complete application for an economic development abatement shall consist of a ~~completed application accompanied by~~ must also include:

- (1) A certification of the current number of permanent, part-time, and contract employees of the applicant, by category, at the time of the application;
- (2) If the applicant is considering a location outside the city for the project, information regarding the project's competitive siting, including written evaluation of competing locations for expansion, relocation, or new operations, including identification of specific sites in those locations;
- (3) For a project located in a leased facility, the name and address of the lessor and, if executed, a copy of the lease; and
- (4) For modernization, a statement of the assessed value of the existing facility for the tax year immediately preceding the application year, separately stated for real and tangible personal property; and

(d) The complete application for a brownfield development abatement shall consist of a ~~completed~~ complete application form accompanied by:

- (1) A description of the intended use of the proposed brownfield facility; and
- (2) A copy of a voluntary cleanup agreement with the TCEQ for the proposed brownfield facility or a certificate of completion for the property issued by TCEQ for the proposed brownfield facility; ~~and~~.

~~(e)~~ (e) The complete application for a deteriorated/demolished property abatement shall consist of a complete application form accompanied by a \$1,000.00

nonrefundable application; and:

(1) The information required by paragraphs (1) through (5) of subsection 44-123(b) of this Code;

(2) A copy of the order;

(3) A copy of the demolition permit issued by the city for the demolition of the improvements subject to the order;

(4) Photographs showing the current conditions of the deteriorated/demolished property.

(f) The application form may require such financial and other information as the director deems appropriate for evaluation of the financial capacity and other factors of the applicant.

(fg) The city shall not enter into an agreement if it finds that the request for the abatement was filed after the commencement of construction, alteration, or installation of improvements related to a proposed modernization, expansion or new facility. An applicant is ineligible for abatement if a decision to commence a modernization, expansion or new facility in the city has been formally announced on or before an application for abatement has been filed with the city.

(gh) Upon receipt of a complete application for abatement, the director shall notify in writing the presiding officer of the governing body of each eligible jurisdiction of the abatement application, which notice shall include a copy of the application.

#### **Sec. 44-124. - Cost/benefit analysis.**

After receipt of a complete application for abatement, the director shall prepare a cost/benefit impact analysis setting out the impact of the proposed tax abatement. The cost/benefit impact analysis shall include, but need not be limited to, an estimate of the economic effect of the abatement of taxes, the benefit to the city and the property to be included in the zone and any other pertinent measures of the project's overall projected effects on the city's revenue stream both during and after the abatement period.

#### **Sec. 44-125. - Variances.**

Requests for a variance from any of the provisions of these guidelines and criteria shall be made in writing to the director; provided however, the total duration of an abatement shall in no instance exceed ten years, or such other limitation on duration as provided by applicable law. A request for a variance shall include a complete description of the circumstances explaining why the applicant should be granted a

variance and how the grant of abatement is consistent with the general policy of section 44-120. If the city council finds that the application meets the economic development objectives of these guidelines, then the city council may approve a request for variance by a majority vote of the city council members present.

**Sec. 44-126. - Public hearing and approval.**

(a) Prior to entering into an agreement, the city council may, at its option, hold a public hearing at which interested persons shall be entitled to speak and present written materials for or against the approval of the agreement. Notice of the public hearing shall be published in a local daily newspaper of general circulation not later than the seventh day before the date of the hearing. Notice of the public hearing may be given, posted or published in other places or by other means as the director deems appropriate, including giving notice to civic associations in the area surrounding the proposed zone.

(b) In order to enter into an agreement, the city council must find that the terms of the proposed agreement meet the applicable criteria of this article and that:

- (1) There will be no substantial potential adverse effect on the provision of city services or the tax base; and
- (2) The planned use of the property will not constitute a hazard to public safety, health or morals.

**Sec. 44-127. - Economic development abatement authorized.**

(a) *Authorized facility.* A facility is eligible for economic development abatement if it is a manufacturing facility, mixed-use facility, regional distribution center facility, regional service facility, regional entertainment facility, research facility, research and development facility, residential facility, retail facility, or other basic industry facility.

(b) *Creation of new value.* Abatement shall only be granted for the additional value of eligible property improvements made subsequent to and listed in an agreement, subject to such limitations as the city council may require.

(c) *New and existing facilities.* Abatement may be granted for new facilities or the expansion of existing facilities. Improvements to existing facilities for purposes of modernization may receive abatement if proven to be essential to the entity's or facility's economic survival.

(d) *Eligible property.* The following types of property shall be eligible for abatement:

- (1) Buildings;

- (2) Structures;
- (3) Fixed machinery and equipment;
- (4) Site improvements;
- (5) Office space and related fixed improvements necessary to the operation and administration of the facility; and
- (6) Tangible personal property.

(e) *Ineligible property.* The following types of property shall be ineligible for abatement:

- (1) Land;
- (2) Inventory;
- (3) Supplies;
- (4) Tools;
- (5) Vehicles, vessels and aircraft;

~~(6) Reserved.~~

~~(6) Property receiving a historic site exemption as provided in section 44-29 of this Code;~~

- (7) Deferred maintenance investments;
- (8) Improvements for the generation or transmission of electrical energy not wholly consumed by a new facility or expansion;
- (9) Any improvements, including those to produce, store or distribute natural gas, fluids or gases, that are not integral to the operation of the facility;
- (10) Property owned or used by the State of Texas or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the State of Texas; and
- (11) Property that is owned or leased at any time during the term of an abatement agreement by a member of city council or by a member of the city planning commission.

(f) *Value and term of the abatement.* Abatement may be granted effective upon the January 1 valuation date immediately following the effective date of the agreement or such later date upon which the parties may agree. On or before reaching the agreed date, the parties may agree, by mutual consent, to terminate the agreement, subject to approval by the city council. Projects (other than modernizations) that meet these guidelines and criteria are eligible for abatement on the value of the new properties in an amount and for a duration based on an analysis of factors such as industry competitive disadvantages, quantifiable economic impacts, and furthering other public purposes in unique ways. Depending on an analysis of such factors and data, the director will evaluate and make a recommendation for approval by the city council of the appropriate amount and duration of abatement. In no case, however, shall the period of abatement exceed ten years.

If a modernization project includes facility replacement, the value upon which abatement shall be determined shall be the value of the new unit(s) less the value of the old unit(s).

(g) *Economic qualifications.* Except as provided in subsections (h) and (i) of this section, to be eligible for abatement, the planned improvement shall:

- (1) Provide an economic benefit to the city, taking all relevant factors into consideration, including:
  - a. Size of the abatement;
  - b. Income from sales tax and franchise fees generated by the planned improvement; and
  - c. Any additional expense to the city in providing city services as a result of the improvement;
- (2) Be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements;
- (3) Be reasonably expected to increase the value of the real or tangible personal property in the amount of \$1,000,000.00 for deteriorated/demolished property redevelopment or \$5,000,000 for other development, including commercial, upon completion of construction; and
- (4) Be expected to either:
  - a. Prevent the loss of permanent employment, retain or create permanent employment for at least 25 people on a permanent basis in the designated zone beginning three years after the

effective date of abatement and continuing through the remaining term of the agreement; or

- b. Result in an abatement equivalent to a maximum investment of \$500,000.00 per job created or retained.

(h) *Economic qualifications in enterprise zone.* If the property includes property described under the provisions of section 44-127 of this Code and (i) is located in an area designated as an enterprise zone and the city has not created a reinvestment zone or (ii) is an authorized facility that meets the criteria established for a qualified business pursuant to the Texas Enterprise Zone Act, to be eligible for tax abatement the planned improvement shall:

- (1) Be reasonably expected to increase the value of the property by a minimum amount of \$500,000.00 upon completion of construction;
- (2) Be expected to create additional permanent employment for at least five people on a permanent basis who are residents of the enterprise zone or who are economically disadvantaged as that term is defined in the Texas Enterprise Zone Act;
- (3) Not be expected to solely or primarily have the effect of transferring employment from one part of the city to another; and
- (4) Be necessary because capacity cannot be provided efficiently utilizing existing improved property when reasonable allowance is made for necessary improvements.

(i) *Research and development projects.* If the planned improvement is for a research and development facility, to be eligible for tax abatement the planned improvement shall:

- (1) Be reasonably expected to increase the value of the property by a minimum amount of ~~\$500~~1,000,000.00 upon the completion of construction; and
- (2) Be expected to create permanent employment for at least five people on a permanent basis in the designated zone, provided that this employment qualification shall take effect two years after the effective date of abatement and continue through the term of the agreement. The abatement period shall not exceed five years from the effective date of abatement, and the percentage of value to be abated shall be 100 percent throughout the abatement period.

(j) *Taxability.* From the date of execution of the abatement agreement to the end of the abatement period, taxes shall be payable as follows:

- (1) The value of ineligible property as provided in section 44-127(e) of this Code shall be fully taxable;
- (2) The base year value of existing eligible property as determined each year shall be fully taxable; and
- (3) The additional value of new eligible property shall be taxable in the manner described in section 44-127(f) of this Code.

**Sec. 44-128. - Agreement for economic development abatement.**

Upon designation of a reinvestment zone, the city may enter into an agreement that shall include:

- (1) Estimated value to be abated and the base year value;
- (2) Percent of value to be abated each year as provided in this article;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility, nature of construction, time schedule, map, property description and improvement list as provided in this article;
- (5) Contractual obligations regarding the event of default, violation of terms or conditions, delinquent taxes, recapture of all previously abated taxes, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;
- (6) Amount of investment and total permanent employees to be retained or created and total full-time equivalent jobs to be retained or created;
- (7) A requirement that the abatement recipient, on or before January 1 of each year the tax abatement agreement is in effect, provide the director a ~~sworn statement~~ affidavit that includes a delineation of the number of permanent employees, contract employees and part-time employees of the abatement recipient as of the immediately preceding December 1, who report to work in the reinvestment zone at each site covered by the agreement;
- (8) A requirement that the abatement recipient annually file the appropriate form with the appropriate county appraisal district to qualify for the



abatement;

- (9) A provision that contract employees and part-time employees may be used to comply with the abatement recipient's contractual obligation to create/retain jobs on a full-time equivalency basis for any number of jobs; provided that full-time equivalent jobs shall only be used to satisfy the abatement recipient's contractual obligation if the abatement recipient maintains a minimum of 25 permanent employees who work on the project within the reinvestment zone;
- (10) A requirement that property in a reinvestment zone that is owned or leased at any time during the term of an abatement agreement by a member of the city council or by a member of the city planning commission is ineligible for and excluded from tax abatement;
- (11) A requirement that the chief financial officer of the abatement recipient, on or before January 1 of each year that the agreement is in effect, provide the director ~~a sworn statement~~ an affidavit that the recipient is and has been in compliance in the prior year with all agreement provisions;
- (12) A requirement that the chief financial officer of the abatement recipient who cannot make the ~~sworn statement~~ affidavit required by item (11) of this section on any January 1 shall provide the director with a written statement identifying any provision of the agreement with which the abatement recipient is or has not been in full compliance;
- (13) A provision that failure by the chief financial officer of an abatement recipient to timely provide the director with either the ~~sworn statement~~ affidavit required by item (11) of this section or the statement required by item (12) of this section will result in automatic default under the agreement for which no notice of default or opportunity to cure shall be required; and
- (14) A provision that the city may amend the agreement in lieu of termination pursuant to section 44-134(d) of this article.

**Sec. 44-129. - Brownfield development abatement authorized.**

(a) *Creation.* A property tax abatement program is hereby created for brownfield development abatements to be administered in accordance with Chapter 312 of the Texas Tax Code, as amended from time to time.

(b) *Authorized facility.* A facility shall be eligible for brownfield development abatement if it is real property or tangible personal property located on real property:

- (1) That is located in a reinvestment zone;
- (2) That is not an improvement project financed by tax increment bonds; and
- (3) That is the subject of a voluntary cleanup agreement under Section 361.606 of the Texas Health & Safety Code.

(c) *Eligible property.* The following types of property are eligible for brownfield development abatement:

- (1) Land;
- (2) Buildings;
- (3) Structures;
- (4) Fixed machinery and equipment;
- (5) Site improvements; and
- (6) Tangible personal property located on the real property.

(d) *Ineligible property.* The following types of property are ineligible for brownfield development abatement:

- (1) Property that is owned or used by the State of Texas or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the State of Texas; and
- (2) Property that is owned or leased at any time during the term of an abatement agreement by a member of city council or by a member of the city planning commission.

Year Abated	Percentage of Value Abated
1	100%
2	75%
3	50%
4	25%

(e) *Value and term of the abatement.* Abatement shall be granted effective upon

the January 1 valuation date immediately following the date the owner of the brownfield facility receives a certificate of completion for the property under Section 361.609 of the Texas Health and Safety Code. A brownfield facility is eligible for abatement according to the following sliding scale:

Provided, however that no abatement shall be given in a year in which the use of the brownfield facility is changed from the use specified in the certificate of completion and the city council determines that the new use may result in an increased risk to human health or the environment.

(f) *Taxability.* From the date of execution of the abatement agreement to the end of the abatement period, the value of eligible property shall be taxable in the manner described in subsection (e) of this section.

**Sec. 44-130. - Agreement for brownfield development abatement.**

Upon designation of a reinvestment zone, the city may enter into an agreement with the owner of the brownfield facility. The agreement shall include:

- (1) The estimated value to be abated;
- (2) The percent of value to be abated each year as provided in this article;
- (3) The commencement date and the termination date of abatement;
- (4) The proposed use of the facility as indicated on the certificate of completion issued pursuant to section 361.609 of the Texas Health and Safety Code, a map showing the location of the brownfield facility, and a property description of eligible improvements;
- (5) Contractual obligations regarding the event of default, violation of terms or conditions, delinquent taxes, recapture, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;
- (6) A requirement that the owner of the eligible property subject to abatement annually file with the appraisal district the appropriate form for qualifying for the abatement;
- (7) A requirement that property that is owned or leased at any time during the term of an abatement agreement by a member of the city council or by a member of the city planning commission is ineligible for and excluded from tax abatement;

- (8) A requirement that the chief financial officer of the abatement recipient, on or before January 1 of each year that the agreement is in effect, provide the director a sworn statement that the recipient is and has been in full compliance with all agreement provisions;
- (9) A requirement that the chief financial officer of the abatement recipient who cannot make the sworn statement required by item (8) of this section on any January 1 shall provide the director with a written statement identifying any provision of the agreement with which the abatement recipient is not in compliance;
- (10) A provision that failure by the chief financial officer of an abatement recipient to timely provide the director with either the sworn statement required by item (8) of this section or the statement required by item (9) of this section will result in automatic default under the agreement for which no notice of default or opportunity to cure shall be required; and
- (11) A provision that the city may amend the agreement in the event of default or in lieu of termination pursuant to section 44-134(d) of this article.

**Sec. 44-131. - Leadership in Energy and Environmental Design (LEED®) tax abatement.**

If the owner of a new or refurbished commercial facility has registered with the U.S. Green Building Council ("USGBC") seeking LEED Certification, then the Economic Development Division of the City of Houston or a successor may recommend approval by the City Council of a partial tax abatement for the incremental investment associated with obtaining such certification. The agreement shall be effective up to 10 years, at a percentage based upon the level of certification actually obtained after completion of construction or refurbishment:

(a) LEED Certification Level and "Imputed LEED-Related Value Increment:"

(1)	Basic "Certified" Level	1.0%
(2)	Silver Level	2.5%
(3)	Gold Level	5.0%
(4)	Platinum Level	10%

(b) The minimum value increase requirement derived from the "Imputed LEED-Related Value Increment" to meet eligibility test is \$100,000.

(c) This type of tax abatement may be a stand-alone abatement or part of a standard economic development tax abatement . When an applicant seeks only a LEED Certification tax abatement, no job creation target will be required in order to qualify. The investment requirement will be at least \$1 million for a commercial structure with Platinum LEED Certification, and at least \$10 million for a commercial structure with Basic Certification (assumes percentages from preceding table and minimum value increase of \$100,000).

(d) The applicant must register with USGBC seeking LEED Certification prior to submitting its application to the city.

(e) The application for a LEED Certification tax abatement must be submitted to the city prior to commencing construction or refurbishment of the applicable development.

(f) The agreement shall become effective in the year the application is approved by the city council and may remain in effect up to 10 years. The tax abatement benefit (i.e., partial exemption of value from ad valorem taxes) shall not commence until construction or refurbishment of the project is completed and LEED Certification is obtained by the applicant. The value of the tax abatement shall be calculated on the appraised value after LEED Certification is obtained.

Sec. 44-132. - Deteriorated/demolished property abatement authorized.

(a) Creation. A property tax abatement program is hereby created for deteriorated/demolished properties that meet the requirements of this section.

(b) Authorized facility. A facility shall be eligible for abatement if:

(1) It is located on deteriorated/blighted property as defined in section 44-121 of this Code;

(2) It is not an improvement project financed by tax increment bonds;

(3) It is constructed pursuant to and in compliance with a valid building permit issued by the city;

(4) Construction has not commenced prior to the application for abatement;  
and

(5) It is not a facility eligible for economic development abatement pursuant to section 44-127 of this Code.

(c) Eligible property. The following types of property are eligible for

deteriorated/demolished property abatement:

- (1) Buildings;
- (2) Structures;
- (3) Fixed machinery and equipment; and
- (4) Site improvements.

(d) Ineligible property. The following types of property are ineligible for deteriorated/demolished property abatement:

- (1) Land;
- (2) The value of improvements on deteriorated/demolished properties prior to demolition;
- (3) Residential facilities containing four or fewer dwelling units per structure other than a deteriorated/demolished property redevelopment;
- (4) Modernization;
- (5) Inventory;
- (6) Supplies;
- (7) Tools;
- (8) Vehicles, vessels and aircraft;
- (9) Deferred maintenance investments;
- (10) Property that is owned or used by the State of Texas or its political subdivisions or by an organization owned, operated or directed by a political subdivision of the State of Texas; and
- (11) Property that is owned or leased at any time during the term of an abatement agreement by a member of city council or by a member of the city planning commission;
- (12) Property receiving a historic site exemption as provided in section 44-29 of this Code.

(e) Value and term of the abatement. Abatement shall be granted effective upon the January 1 valuation date following the year in which the owner receives a final certificate of occupancy for the improvements constructed on the property. Absent extraordinary conditions as determined by the director in the exercise of his or her professional judgment, the amount of abatement shall not exceed 90% for properties located in a target area and shall not exceed 50% for properties located outside of a target area.

(f) Economic qualifications. To be eligible for abatement, the planned new improvement shall:

(1) Provide an economic benefit to the city, taking all relevant factors into consideration, including the impact of the new improvements on the neighborhood in which the property is located; and

(2) Be reasonably expected to increase the value of the real deteriorated/demolished property by the lesser of \$1,000,000 or 1.5 x the value of the demolished improvements on the deteriorated/demolished property.

(f) Taxability. From the date of execution of the abatement agreement to the end of the abatement period, the value of eligible property shall be taxable in the manner described in subsection (j) of section 44-127 of this Code.

### **Sec. 44-133. - Agreement for deteriorated/demolished property abatement.**

Upon designation of a reinvestment zone, the city may enter into an agreement with the owner of the facility to be constructed on the deteriorated/demolished property. The agreement shall include:

(1) The estimated value to be abated;

(2) The percent of value to be abated each year as provided in this article;

(3) The commencement date and the termination date of abatement;

(4) Contractual obligations regarding the event of default, violation of terms or conditions, delinquent taxes, recapture, administration, and assignment as provided in this article and other provisions that may be required for uniformity or by state law;

(5) A requirement that the owner of the eligible property subject to abatement annually file with the appropriate county appraisal district the appropriate form for qualifying for the abatement;

- (6) A requirement that property that is owned or leased at any time during the term of an abatement agreement by a member of the city council or by a member of the city planning commission is ineligible for and excluded from tax abatement; and
- (7) A provision that the city may amend the agreement in the event of default or in lieu of termination pursuant to section 44-134(d) of this article.

**Sec. 44-134. - Default; recapture.**

(a) *Event of Default.* The abatement recipient shall be in default under the agreement if any of the following occur at any time during the term of the agreement:

- (1) A facility is completed and begins producing or providing the product or service delineated in the agreement, but subsequently discontinues producing or providing the product or service for any reason excepting fire, explosion, or other casualty or accident or natural disaster;
- (2) The abatement recipient fails to comply timely with job creation or investment requirements pursuant to the agreement;
- (3) The abatement recipient fails to comply timely with any material term of the agreement;
- (4) The abatement recipient fails to timely file any required report or statement or to timely give any required notice pursuant to the agreement; or
- (5) Employees or designated representatives of the city determine pursuant to an inspection under section 44-134 of this Code that the abatement recipient has not complied with the agreement.

(b) *Notice.*

- (1) If the director determines that an event of default has occurred, the director shall notify the abatement recipient in writing at the address stated in the agreement, and if the condition of default is not cured within 30 days from the date of the notice, then the city may take any one or more of the following actions set forth in subsection (d) of this section 44-134. Provided, however, that the city shall only be required to give a 30-day notice of default for failure to comply with job creation or investment requirements. The abatement recipient's failure to comply with job creation or investment requirements are "incurable defaults." Within such 30-day notice period, the abatement recipient shall be entitled to question the accuracy of the city's determination of the incurable default but shall not



be entitled to cure such default. After the 30-day notice period, if the city concludes that its determination of the incurable default is correct ("noticed incurable default"), then the city shall be entitled to pursue any one or more of the remedies set forth in subsection (d) of this section 44-134.

- (2) If the abatement recipient is in default under subsection (a) of this section, the abatement recipient shall notify the city within 30 days of the default and if the default is one that can be cured hereunder (and is not an incurable default), such default shall be cured within 30 days following the date of the notice of default. If the abatement recipient fails to cure such curable default within such 30-day period, then the city may pursue any one or more of the remedies listed in subsection (d) hereof.

(c) *Cure.* In curing an event of default based on any of the items set forth in subsection (a) of this section 44-134, and assuming such event of default is curable and is not an incurable default, the abatement recipient shall provide sufficient evidence to the director that the default has been cured within 30 days following the date of the notice of default. Sufficient evidence shall include the providing of the information not timely provided and/or providing evidence of the completion of the act(s) not timely performed. The city shall have the right to ask for additional information to confirm the adequate cure of any default.

(d) *City Remedies for Default.*

- (1) In the event of a noticed incurable default or a curable default which has not been cured after notice and an opportunity to cure, no tax abatement shall be allowed for the calendar year in which the default occurs (and thereafter) and the city shall have the right to pursue any one or more of the following remedies: terminate the agreement; terminate the abatement recipient's right to any future abatement under the agreement without terminating the agreement; pursue any and all remedies allowed under the abatement agreement; and pursue any and all remedies allowed under Texas law;
- (2) In addition to the foregoing, in the event of a noticed incurable default or a curable default which has not been cured after notice and an opportunity to cure, the city, in its sole discretion, may recover all or any part of the taxes abated at any time under the agreement. The abatement recipient shall pay all such taxes to the city within 30 days of the city's written demand therefore. Any taxes not paid timely shall bear interest at the rate of 12% annually; and
- (3) Notwithstanding the foregoing, the director and the city attorney are hereby authorized to negotiate and enter into amendments and revisions

to agreements under which there are noticed incurable defaults or curable defaults which have not been cured after notice and opportunity to cure. In the foregoing circumstances, the parties are also authorized to negotiate and enter into any other and further agreements they determine best protect the city's interests.

- (4) The city's right and authority to pursue any default and to recover abated taxes under this section shall survive the amendment, revision, expiration, or termination of any tax abatement agreement.

#### **Sec. 44-135. - Administration.**

(a) The chief appraiser of the county appraisal district shall annually determine the value of the real and personal property comprising the reinvestment zone. Each year, the abatement recipient shall furnish the city with any additional information applicable to the tax abatement that may be necessary for the administration of the abatement. Once the value of the real and personal property has been established, the chief appraiser shall notify the eligible jurisdictions of the amount of the assessment.

(b) The agreement shall stipulate that employees of the city and/or designated representatives will have full access to the reinvestment zone both during and after the expiration or termination of the term of the abatement agreement in order to inspect the facility and shall have full access to and all abatement recipient records related to the agreement to determine, by audit or otherwise, that the abatement recipient is (or has been) in full compliance with the agreement. All inspections will be made only after the giving of 24 hours' notice and will only be conducted in such a manner as to not unreasonably interfere with the construction and/or operation of the facility. All inspections will be made with one or more representatives of the company or individual and in accordance with safety standards.

#### **Sec. 44-136. - Assignment.**

An agreement may be assigned to a new owner or lessee of the facility with the written consent of the director, which consent shall not be unreasonably withheld. If the proposed assignee is an affiliated entity of the assignor, then the director may consent to an assignment if the assignor is in compliance with all terms of the agreement. Any assignment of the agreement shall not relieve the assignor of continuing liability under the agreement unless specifically agreed to in a writing signed by both the director and the city attorney. Any assignment shall provide that the assignee shall irrevocably and unconditionally assume all the duties and obligations of the assignor upon the same terms and conditions as set out in the agreement. Any assignment of an agreement shall be to an entity that contemplates the same improvements or repairs to the property, except to the extent such improvements or repairs have been completed. No assignment shall be approved if either the assignor or the assignee is indebted to the

city for ad valorem taxes or other obligations.

**Sec. 44-137. - Sunset provision.**

These guidelines and criteria for tax abatement are readopted and will expire on \_\_\_\_\_, ~~2013~~2016.<sup>1</sup> These guidelines and criteria shall apply to all applications subsequently considered by city council prior to the expiration date. At the expiration of these guidelines and criteria, all reinvestment zones and agreements created and entered into pursuant to these provisions shall be reviewed to determine whether the goals have been achieved. Based on that review, the guidelines and criteria shall be modified, renewed or eliminated. The expiration of these guidelines shall not affect the validity or enforceability (for the full term thereof) of any agreement entered into when these guidelines were in effect.”

**Section 3.** That if any provisions, 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 4.** That the provisions of this Ordinance shall apply to complete tax abatement applications filed after the effective date of this Ordinance.

**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;

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<sup>1</sup> Editor to insert month and day of effective date of ordinance.

therefore, this Ordinance shall be passed finally on such date and shall take effect on the date of its passage and approval by the Mayor.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_,  
20112014.

\_\_\_\_\_  
Mayor of the City of Houston

Prepared by Legal Department \_\_\_\_\_

MFC:mfc ~~October 4, 2011~~

~~\_\_\_\_\_~~ DRC:drc March 7, 2014


Assistant City Attorney

Requested by Andrew F. Icken, Chief Development Officer

L.D. File No. ~~03411000670010421300093001~~

G:\REAL ESTATE\TAX ABATEMENT\GUIDELINES RENEWAL\2014\Guidelines Comparison 2011 to 2014 for Council 3072014.docx

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

<b>SUBJECT:</b> EMPLOYMENT TERMS AND CONDITIONS, COMPENSATION, AND BENEFITS OF CLASSIFIED FIRE FIGHTERS OF THE CITY OF HOUSTON; RATIFYING THE 2014 INTERIM AGREEMENTS BETWEEN THE CITY OF HOUSTON AND THE HOUSTON PROFESSIONAL FIRE FIGHTERS ASSOCIATION		<b>Page</b> 1 of 2	<b>Agenda Item</b> # 13
<b>FROM (Department or other point of origin):</b>  Legal Department		<b>Origination Date</b> 3/7/2014	<b>Agenda Date</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b>  All	
<b>For additional information contact:</b> Natalie DeLuca, Sr. ACA <b>Phone:</b> (832) 393 6272		<b>Date and identification of prior authorizing Council action:</b> 2011-0548; 2012-1110	
<b>RECOMMENDATION: (Summary)</b> The Legal Department and the Fire Department recommend approval of the proposed 2014 amendments to the 2011 Agreement between the City of Houston and the Houston Professional Fire Fighters' Association, Local 341, International Association of Firefighters.			
<b>Amount and Source of Funding:</b>			
<b>SPECIFIC EXPLANATION:</b> The Legal Department and the Fire Department recommend approval of the proposed 2014 amendments ("Amendments") to the 2011 Collective Bargaining Agreement ("Agreement") between the City of Houston and the Houston Professional Firefighters' Association ("HPFFA"), Local 341, International Association of Firefighters. The Amendments will be voted on by classified members of the Fire Department on or before March 7, 2014.  The Amendments alter certain provisions of the Agreement so as to avoid impact on Fire Department services for the remainder of Fiscal Year ("FY") 2014. The Amendments provide that guaranteed holidays will not be granted for the remainder of FY 2014. Without this amendment, the Fire Department would be forced, pursuant to the Agreement to permit up to 10% of Emergency Response Division to exercise this guaranteed holiday on any given day. The Amendments provide that, beginning March 1, 2014, the City will exercise the right to defer term pay for firefighters separating from service. Without this Amendment, the Agreement would provide a voluntary election period permitting firefighters to elect a lump sum payment of all termination pay in lieu of termination pay deferral.  The Amendments also provide for some long term solutions to the circumstances leading to the threat of service impacts in FY 2014. This includes FY 14 implementation of a debit day credit program designed to promote high rates of firefighter attendance on debit days and to thereby avoid unnecessary overtime. Also, beginning July 1, 2014, the Amendments provide for implementation of a 5% guaranteed holiday cap, in lieu of the 10% cap existing in the Agreement. Finally, beginning with vacation scheduling for 2015, the Fire Department will eliminate the long standing practice of allowing a district vacation bank. The district bank practice assigns a certain number of vacation days to each district and permits firefighters in the district to schedule vacation for as many days as allotted by the bank, regardless of how many vacation days each firefighter in the district is personally entitled to. This Amendment eliminates usage of the district surplus,			
<b>REQUIRED AUTHORIZATION</b>			
<b>Other Authorization:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>	

**Date**  
3/7/2014

**SUBJECT:** EMPLOYMENT TERMS AND CONDITIONS,  
COMPENSATION, AND BENEFITS OF CLASSIFIED FIRE FIGHTERS OF THE CITY  
OF HOUSTON; RATIFYING THE 2014 INTERIM AGREEMENTS BETWEEN THE CITY  
OF HOUSTON AND THE HOUSTON PROFESSIONAL FIRE FIGHTERS  
ASSOCIATION

**Originator's  
Initials**

**Page**  
2 of 2

and permits each firefighter to schedule only as many vacation days as they will personally accrue in the calendar year, and no more.

Additionally, the 2011 Agreement provided Firefighters with the right to negotiate for additional wages in the third year of the Agreement if the City met certain financial benchmarks. Those benchmarks were achieved. Based on the foregoing, the Amendment provides that firefighters shall received a 2% base pay increase effective March 1, 2014. Additionally, the Amendement includes a provision whereby, on or before July 31, 2014, a total value of \$3.64 million shall be paid to firefighters on a per-capita basis as a one-time uniform allowance, separate and apart from uniform vouchers.

**Settlement Agreement  
Between  
HPFFA Local 341 and the City of Houston**

Under the July 1, 2011-June 30, 2014 Collective Bargaining Agreement, firefighters earned additional rights in FY14 if the City met certain financial benchmarks. Those benchmarks were achieved. Under those rights, the firefighters could have received additional wages and benefits valued by the City at \$5.46 million.

1. To stop any further brownouts, the firefighters have agreed to delay receipt of substantial benefits due in FY14 and make other non-required contract concessions in order to prevent further units being placed out of service.
2. Based on the foregoing, each firefighter shall receive a 2% base pay increase effective March 1, 2014.
3. On or before July 31, 2014, a total value of \$3.64 million shall be paid on a prorated basis, divided equally between all Members who were employed as of March 1, 2014 and through the date of the payment, as a one-time uniform allowance (to be paid in a separate check, not a voucher, to each firefighter) pursuant to an interim Agreement on Uniforms under Article 26. Nothing in such interim agreement shall affect any unused voucher balances for 2014.
4. The City agrees that the monies allocated in the foregoing items above were authorized by the contract for Firefighters for FY14, and that the payment of those additional base salary and uniform allowances will not be used as a basis for any argument against a base salary increase for the new collective bargaining agreement for 2014-2017.
5. In a further effort to avoid the brownout of additional units, the following contract changes will go into effect for the remainder of FY14:
  - (a) Guaranteed Holidays will not be granted through June 30, 2014.
  - (b) Debit / credit program will continue to be developed and will be implemented in the first full pay period following July 1, 2014.

6. Currently, seven EMS units have been removed from service effective February 25, 2014. Based upon the agreements contained herein, The City and the Firefighters are hopeful that staffing will allow, at least from time to time, one or more of those units back in service on a daily basis. The city agrees to return one or more of these units to service on a daily basis as staffing allows for the remainder of FY14. The city agrees that, for the remainder of FY14, all other units will remain in service provided that the 2 week average of unscheduled absences (sick, sick family, emergency vacation) does not exceed 35 members per day. Should this 2 week average exceed this number, the City reserves the right to remove additional units from service at its discretion, but maintaining the least impact to the public and the firefighters.
7. The termination pay provisions in Article 22 and the Interim Agreement dated January 23, 2012, allowing pay out over time, shall be exercised beginning March 1, 2014, for any members separating in the remainder of FY14. No member shall be permitted to elect lump sum during the remainder of FY14. Payment shall be pursuant to Article 22 and as amended by the Interim Agreement dated January 23, 2012. Additionally, nothing herein shall change the provisions in Article 35.
8. Both parties agree the Collective Bargaining Agreement currently being negotiated will include the elimination of the District Vacation Bank concept beginning with the vacation scheduling for 2015.
9. Effective July 1, 2014, the City will implement a 5% cap on guaranteed holiday, which has been agreed to by the Association as a term of the contract currently being negotiated.
10. The Association will dismiss without prejudice (withdraw) the lawsuit, Cause No. 2014-09540, but will retain its ability to return to the court to re-urge claims raised in the suit. The City will likewise retain its right to challenge claims, if any that the Association may in the future choose to urge or re-urge. Each party stipulates that this provision has been included to promote cooperation only and that it shall not serve to limit either party's ability to seek future judicial relief.



11. The parties will continue to negotiate in good faith on all terms of a new Collective Bargaining Agreement including additional base wages, incentives and other staffing proposals to avoid similar circumstances for the future Collective Bargaining Agreement. Both parties further agree to bargain through the collective bargaining process for terms that insure firefighters' safety and public safety, while reducing future unexpected overtime concerns.

12. The parties will complete formal amendment language on an expedited basis to facilitate ratification and approval.

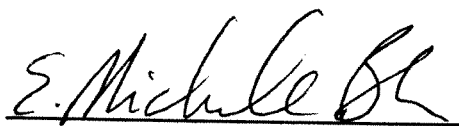
As a condition of settlement, the foregoing matters will be presented at a bargaining session on March 3, 2014, at 9:00am at 900 Bagby, Houston, Texas, whereupon interim agreements shall be signed subject to a vote of the membership of Local 341 to ratify this agreement. If the vote is passed and the firefighters accept the terms, thereafter, the City will request City Council action to ratify the same.

Date: 2/28/14



David Feldman

City Attorney, City of Houston



E. Michelle Bohreer

Attorney for Plaintiff, HPFFA,  
Local 341

2/28/14

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving and authorizing an Oil and Gas lease with Ballard Exploration Inc.

Page  
1 of 1

Agenda Item #

14

FROM: (Department or other point of origin):  
Office of the Mayor

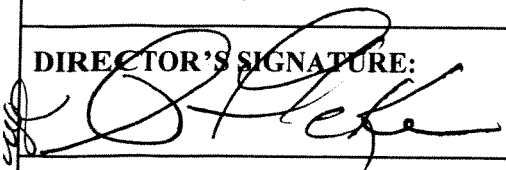
Origination Date:

3/6/14

Agenda Date:

MAR 12 2014

DIRECTOR'S SIGNATURE:



Council District affected: 1

For additional information contact:

Andy Icken 832-393-1064

Date and identification of prior authorizing Council Action: September 7, 2010, Ordinance 2010-714

**RECOMMENDATION: (Summary)** Adopt an Ordinance approving an Oil and Gas Lease with Ballard Exploration Inc for Herman Brown Park.

Amount and Source of Funding: N/A

**SPECIFIC EXPLANATION:**

It is recommended that City Council adopt an ordinance approving an Oil and Gas Lease covering Herman Brown Park, (approximately 770 mineral acres). The principal terms of the lease are:

- Payment of \$192,449 to the City upon signing of the lease
- 25 % royalty on produced minerals
- Lease term of three years and so long thereafter as minerals are produced
- No drilling operations will be from the surface of the City land – all wells into subsurface of City land will be directionally drilled from surface locations outside of City lands

In 2010, the City leased this acreage to Southern Star Exploration. Ballard Exploration acquired the lease and completed the seismic survey. Preliminary evaluation of the data by Ballard indicated a prospect may lie in the city acreage, but desires additional time for further evaluation of the data to determine if there is in fact a drillable prospect. Ballard offers the same terms as the original lease.

The terms of the Herman Brown Park deed expressly allow the mineral development of the subsurface under the park and provides that all income received by the City be invested in equipping, maintaining preserving and expanding the Park.

Section 253.005 of the Texas Local Government Code authorizes the City to enter into mineral lease on land it owns. Section 253.005 provides:

- Except as provided by Subsection (b) a municipality may lease oil, gas or mineral land that it owns, in the manner and on the terms that the governing body of the municipality determines, for the benefit to the municipality. A lease under this section is not a sale under the law governing the sale of municipal land.
- A municipality may not lease under this section a street, alley, or public square in the municipality.
- A well may not be drilled in the thickly settled part of the municipality or within 200 feet of a private residence.

**REQUIRED AUTHORIZATION**

Finance Budget:

Other Authorization:

Other Authorization:

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA#**

**Subject: AN ORDINANCE RELATING TO THE RETAIL ELECTRIC RATES OF ENTERGY TEXAS, INC. WITHIN THE CITY OF HOUSTON, TEXAS; DENYING THE RATE INCREASE REQUEST; SETTING JUST AND REASONABLE RATES**

**Category #**

**Page 1 of 2**

**Agenda Item**

*15*

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

Tina Paez, Director  
Administration & Regulatory Affairs Department

**Origination Date**

March 5, 2014

**Agenda Date**

**MAR 12 2014**

**DIRECTOR'S SIGNATURE**

*[Handwritten signature]*

**Council District(s) affected:**

E

**For additional information contact:**

Chris Newport  
Alisa Talley

**Phone:** (832) 393-8503  
**Phone:** (832) 393-8531

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

October 16, 2013 – Ordinance No. 2013-946

**RECOMMENDATION: (Summary)**

Adopt an ordinance relating to the retail electric rates of Entergy Texas, Inc. within the City of Houston, Texas; denying the rate increase request; setting just and reasonable rates pursuant to a settlement agreement with the Company.

**Amount of Funding:** N/A

**ARA Budget**

**SOURCE OF FUNDING:** N/A

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department (ARA) recommends that City Council adopt an ordinance relating to the retail electric rates of Entergy Texas, Inc. (Entergy) within the City of Houston, Texas; denying a rate increase and setting just and reasonable rates. Entergy provides electric service to approximately 419,000 Texas retail customers. According to the utility, Entergy serves approximately 1,800 customers in the Kingwood area — 1,500 residential and 300 commercial customers. The City of Houston exercises original jurisdiction over the rates, operations and services of Entergy under the provisions of the Public Utility Regulatory Act (PURA) for customers within city limits. Houston participates in Entergy proceedings, including contested rate case proceedings, as a member of the Steering Committee of Cities ("the Coalition"), a group of similarly situated cities with Entergy customers within their city limits.

On September 25, 2013, Entergy filed a Statement of Intent and Application for Authority to Change Rates and Reconcile Fuel Costs within its service territory, including the City of Houston. Entergy requested an annual base rate increase of \$38.6 million. The Company also requested two limited term riders: 1) a Rate Case Expense Rider to recover approximately \$3.125 million annually for three years; and, 2) a Rough Production Cost Equalization Adjustment Rider to recover approximately \$11.4 million over a one-year period.

The Company's combined request equates to a \$53.1 million, or 6.78%, overall increase during the first year. \$7.8 million of the total increase is allocated to the residential class. Including the surcharges, during the first year, the average residential customer would experience a \$1.89 increase to the monthly bill.

However, on October 16, 2013, City Council approved an ordinance suspending the requested rate increase for 90 days beyond the proposed October 30, 2013 effective date, to January 28, 2014. This jurisdictional deadline was later extended to March 26, 2014. During the suspension period, the City, in cooperation with the coalition cities, engaged utility rate consultants to review the utility's rate application and cost of service to determine just and reasonable rates. The coalition also entered into settlement negotiations with the company.

As a result of settlement discussions, the Company agreed to an annual base rate increase of \$18.5 million versus the \$38.6 million originally requested. The company will also implement the two limited term riders. However, both riders will be applied for a three year period to reduce the overall impact on customers. While the Rough Production Costs Equalization expenses remain unchanged, spreading the charges over three years reduces the monthly charges by two thirds. The rate case expenses decreased from the amount originally requested as a result of the settlement and the waiver of a final hearing and post trial procedures and appeals. Due to continued activities in this proceeding, rate case expenses are ongoing, however the

## **REQUIRED AUTHORIZATION**

**FIN Department:**

**Other Authorization:**

**Other Authorization:**

<b>Date:</b> 03/5/14	<b>Subject: AN ORDINANCE RELATING TO THE RETAIL ELECTRIC RATES OF ENTERGY TEXAS, INC. WITHIN THE CITY OF HOUSTON, TEXAS; DENYING THE RATE INCREASE REQUEST; SETTING JUST AND REASONABLE RATES.</b>	<b>Originator's Initials</b> CN/AT	<b>Page 2 of 2</b>
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total amount anticipated is \$5 million. The estimated \$5 million rate case expenses spread over three years would be \$1.7 million as opposed to the Company-requested \$3.125 million.

Separate and apart from Entergy's proposed base rates and surcharges, Entergy requested a special circumstances exception to the Public Utility Commission rules to charge customers an additional one time fuel charge of \$22.9 million through the company's reconcilable fuel charges. As part of the proposed settlement, Entergy would not collect any of its \$22.9 million dollar request and has agreed to further reduce the proposed reconcilable fuel charges by \$1.25 million

Under the proposed settlement, residential, small general service and lighting class customers will experience an overall rate decrease, while all other customers will experience a rate increase. The average residential customer will experience an overall \$0.01 monthly decrease versus Entergy's proposed \$1.89 increase. The table below outlines the proposed settlement base rate increase/decrease by customer class.

<b>PROPOSED SETTLEMENT BASE RATE BY CUSTOMER CLASS INCREASE/(DECREASE)</b>		
<b>Customer Class</b>	<b>Company Request</b>	<b>Proposed Settlement</b>
Residential	\$2,049,444	(\$2,212,094)
Small General Service	\$169,710	(\$280,630)
General Service	\$23,549,366	\$15,937,075
Large General Service	\$3,753,620	\$1,801,335
Large Industrial	\$9,255,883	\$3,508,964
Lighting Service	(\$175,150)	(\$254,652)
<b>Total Base Rate Increase</b>	<b>\$38,602,873</b>	<b>\$18,500,000</b>


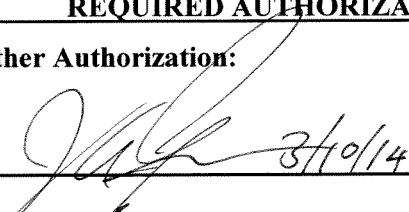
The following table outlines the typical monthly bill inclusive of surcharges and fuel charges:

<b>CUSTOMER BILL COMPARISON</b>				
<b>Customer Class</b>	<b>Typical Usage</b>	<b>Current</b>	<b>Entergy Proposed</b>	<b>Settlement Proposed</b>
Residential	1000 kWh	\$114.51	\$116.40	\$114.50
Small General Service	1000 kWh	\$114.35	\$114.98	\$112.85
General Service	50kW	\$1,096.71	\$1,206.09	\$1,167.06
	12,775kWh			
Large General Service	1000kW	\$29,630.63	\$31,134.95	\$30,334.54
	401,500kWh			
Large Industrial	10,000 kW	\$300,705.22	\$310,176.66	\$304,500.10
	5,840,000 kWh			

ARA recommends that City Council approve an ordinance: 1) denying the companies rate increase request; 2) setting just and reasonable rates pursuant to the proposed settlement; and 3) require Entergy to file its proposed tariffs reflecting rates consistent with the proposed settlement revenue requirements and adjustments outlined above. Due to the parallel case at the Public Utility Commission for environs customers and customers in cities ceding jurisdiction, Entergy may appeal the City's ordinance in order to ensure system-wide rates.


**TO: Mayor via City Secretary**

**REQUEST FOR COUNCIL ACTION**

<b>SUBJECT:</b> An Ordinance appropriating \$2,658,987.90 out of the Police Consolidated Construction Fund and approving an Interlocal Agreement between the City of Houston and Harris County for the purpose of designing the proposed law enforcement central processing center.		<b>Page</b> 1 of 1	<b>Agenda Item #</b> 16
<b>FROM: (Department or other point of origin):</b> Houston Police Department		<b>Origination Date:</b> March 6, 2014	<b>Agenda Date:</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police		<b>Council District affected:</b> All	
<b>For additional information contact:</b> Andy Icken, (832) 393-1064 Chief Development Officer		<b>Date and identification of prior authorizing Council Action:</b> Ordinance #2013-285, March 27, 2013	
<b>RECOMMENDATION:</b> Approve an Ordinance appropriating \$2,658,987.90 out of the Police Consolidated Construction Fund and approving an Interlocal Agreement between the City of Houston and Harris County for the purpose of designing the proposed law enforcement central processing center.			
<b>Amount and Source of Funding:</b>  <b>\$2,658,987.90 Police Consolidated Construction Fund (4504)</b>			
<b>SPECIFIC EXPLANATION:</b> <p>It is recommended that City Council approve an ordinance appropriating \$2,658,987.90 out of the Police Consolidated Construction Fund and approve an Interlocal Agreement between the City of Houston and Harris County for the purpose of designing a new proposed central processing center ("CPC"). It is further recommended that City Council appropriate the full amount of City's portion for this phase of the project; however, no funds will be paid to the County until invoices have been presented to the City and verified by the Finance Department.</p> <p>The City of Houston and Harris County each operate and maintain a law enforcement booking center for processing individuals arrested for suspicion of criminal conduct. The City and County believe it would be beneficial to combine their processing centers into one location to create a central processing center that would save money and provide better support and services. The City and County conducted an Initial Programming Study last Spring 2013 which determined the general size, shape and projected costs of the proposed central processing center.</p> <p>This Interlocal Agreement between the City of Houston and Harris County will establish the obligations of each party with respect to the design phase of this project. It is the intent of the City and the County to share the cost of designing and constructing the central processing center, with the City responsible for 30% of the cost of each phase and the County responsible for 70% of the cost. In consideration, the County will grant the City a thirty (30) year lease, with a ten (10) year renewal option, for a of a portion of the CPC.</p> <p>As the managing partner for this project, the County is responsible for vendor selection and project management. The County informed the City that the architectural firm of Pierce Goodwin Alexander and Linville, Inc. ("PGAL") has been selected as the design firm for this project.</p> <p>Funding for future phases of the project will require separate Council and County approvals and appropriations.</p>			
<b>REQUIRED AUTHORIZATION</b>			
<b>Finance Budget:</b>	<b>Other Authorization:</b>  3/10/14	<b>Other Authorization:</b>	

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of an ordinance allowing the Houston Police Department to apply for and accept Office of the Governor Criminal Justice Division funding for the FY15 Fugitive Apprehension/Crime Reduction Program.	<b>Category</b> #	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 17
<b>FROM: (Department or other point of origin):</b> Houston Police Department	<b>Origination Date</b> 3/6/14		<b>Agenda Date</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b>  Charles A. McClelland, Jr., Chief of Police	<b>Council Districts affected:</b> All		
<b>For additional information contact:</b> Joseph A. Fenninger, Deputy Director <i>JAF 2/26/14</i> Office #713-308-1700	<b>Date and identification of prior authorizing Council Action:</b> March 27, 2013, Ordinance #2013-260		

**RECOMMENDATION: (Summary)**

The Houston Police Department (HPD) recommends City Council approve an ordinance authorizing application for and acceptance of grant funds through the Office of the Governor Criminal Justice Division to fund the FY15 Fugitive Apprehension/Crime Reduction Program.

**Amount of Funding:**

<b>CJD</b>	<b>City Match</b>	<b>City Match</b>	<b>Total</b>
<b>Funding</b>	<b>Funding</b>	<b>In-Kind</b>	<b>Funding</b>
\$48,429.00	\$0.00	\$ 0.00	\$48,429.00

**Finance Budget:**

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

☐ Other (Specify)

Criminal Justice Division/Amount Requested:

**SPECIFIC EXPLANATION:**

The Office of the Governor Criminal Justice Division provides state and federal funds to entities for implementing crime victim assistance programs and initiatives. The Houston Police Department North Division has made an application with the Criminal Justice Division seeking grant funding for the Fugitive Apprehension/Crime Reduction Program. City Council approval of the grant submission is a requirement to receive funding. The grant does not require matching funds.

**Fugitive Apprehension/Crime Reduction Program**

The North Division of the Houston Police Department is seeking \$48,429 to fund the overtime for six officers and one sergeant.

This grant will allow the North Division Warrant Execution Team to reduce the crime rate in the North Division's third and sixth districts by increasing the number of felony arrest for offenders and violent repeat offenders wanted for parole violation warrants, probation violation warrants, and active felony. This project seeks to deter the crimes committed by these individuals and decreases the recidivism rate in the City of Houston.

cc: David Feldman, City Attorney  
Marta Crinejo, Agenda Director

**REQUIRED AUTHORIZATION****Finance Director:****Other Authorization:****Other Authorization:**

# REQUEST FOR COUNCIL ACTION

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:** Ordinance Authorizing Purchase of General Property Insurance

**Category #**

**Page 1 of 2**

**Agenda Item#** 18

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

Tina Paez, Director  
Administration & Regulatory Affairs Department

**Origination Date**

March 3, 2014

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE:**

**Council Districts affected:**

All

**For additional information contact:**

Tina A. Paquet

Phone: (832) 393-8792

**Date and identification of prior authorizing**

**Council Action:** 3-20-13; Ordinance No. 2013-221

**RECOMMENDATION: (Summary)**

Authorize the purchase of a General Property Insurance Policy with the insurance carriers noted below.

**Amount of Funding** \$ 10,686,432.27 Policy Premium  
\$ 319,971.00 Contingency Premium  
\$ 11,006,403.27 Total Proposed Premium

**Budget:**

**SOURCE OF FUNDING:** [ ] General Fund [ ] Grant Fund [ ] Enterprise Fund [X] Other (Specify)  
Property / Casualty Fund: 1004

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department recommends that Council: (1) approve the proposed general property insurance policies recommended by the City's Insurance Broker of Record, John L. Wortham and Son, L.P. (Wortham); and (2) accept the individual proposals from the insurance carriers listed below that are participating in the layered property insurance program recommended by Wortham.

The solicitation and analysis of the City's property insurance program details are more fully discussed in the attached memorandum.

A Request for Proposal for General Property Insurance was issued and advertised on December 20, 2013 and December 27, 2013 for coverage effective April 1, 2014. Additionally, Wortham solicited proposals from 39 domestic and international insurance carriers of which 17 submitted proposals.

The recommended funding of \$11,006,403.27 includes premium of \$10,686,432.27 for the policy term and \$319,971.00 as contingent premium for coverage of properties added during the policy year.

No multi-year proposals were received. No individual insurance company submitted a proposal to provide coverage for the City's total property value. Therefore, Wortham structured a multi-layered property insurance policy consisting of a primary layer plus four excess layers. This is an amount included within the proposed policy premium. Terms of the proposed policy are:

**Term:** April 1, 2014 to April 1, 2015

**Insurance Carriers:** Westchester Fire Insurance Company; Underwriters at Lloyds; National Fire & Marine Insurance Company; Axis Surplus Insurance Company; Arch Specialty Insurance Company; RSUI Indemnity Company; Essex Insurance Company; Westport Insurance Corporation; Great Lakes Reinsurance (UK) PLC; Liberty Mutual Fire Insurance Company; Liberty Surplus Insurance Corporation; Ironshore Europe, Limited; Steadfast Insurance Company; Tokio Marine America Insurance Company; Hiscox Insurance Company, Inc.

**Total Premium Cost:** \$11,006,403.27 (\$10,686,432.27 Premium + \$319,971.00 Contingency Premium)

**Rate:** 9.85 cents per \$100 of insured property value

**Insured Property Value:** \$10,437,232,945 (Replacement Cost Basis)

**Insured Revenue Stream:** \$413,815,744 (Actual Loss Sustained Basis)

**Total Insured Value:** \$10,851,048,689

Finance Director:

Other Authorization:

Other Authorization:

Date: March 3, 2014

Type of Coverage: All Risk Coverage (excluding terrorism coverage), which includes flood and earthquake for buildings and contents, as well as Business Interruption coverage at scheduled Houston Airport System, Houston First Corporation leased facilities, and General Services Department locations.

Deductibles: \$2,500,000 per occurrence, except (1) 5% of values for flood at any location from a named storm, subject to a \$5,000,000 minimum and \$20,000,000 maximum, and (2) 3% of values for windstorm losses from a named storm, subject to a \$2,500,000 minimum and \$20,000,000 maximum.

Loss Limits: \$175,000,000

Flood Loss Limit: \$75,000,000 of which \$50,000,000 may apply to Flood Zone A (100-year flood plain).

The proposed coverage is structured to meet insurance requirements being enforced by the Federal Emergency Management Agency (FEMA) for eligibility of federal assistance resulting from damages caused by Tropical Storm Allison and Hurricane Ike.

#### Attachment

cc: Waynette Chan, Chief of Staff  
James Koski, Deputy Chief of Staff  
David Feldman, City Attorney  
Marta Crinejo, Agenda Director



## REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance Authorizing Purchase of Terrorism Insurance

Category #

Page 1 of 1

Agenda Item#

FROM: (Department or other point of origin):

Tina Paez, Director

Administration &amp; Regulatory Affairs Department

Origination Date

March 3, 2014

Agenda Date

MAR 12 2014

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina A. Paquet

Phone: (832) 393-8792

Date and identification of prior authorizing Council Action: 3-20-13; Ordinance No. 2013-247

**RECOMMENDATION: (Summary)**

Approve an Ordinance authorizing purchase of Terrorism Insurance Policy from Underwriters at Lloyds

Amount of Funding: \$ 633,539.95 Policy Premium  
 \$ 35,000.00 Contingency Premium  
 \$ 668,539.95 Total Proposed Premium

Budget:

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

Property / Casualty Fund: 1004

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department recommends that Council: (1) approve the proposed City-wide terrorism insurance policy for all scheduled City of Houston locations; and (2) accept the proposal from Underwriters at Lloyds for terrorism coverage, providing a \$100.0M aggregate loss limit (including a \$25.0M aggregate sub-limit for nuclear, chemical, biological and radiation coverage), with a \$1.0M deductible on all claims except a 48- hour waiting period deductible on business interruption. The recommended funding of \$668,539.95 includes premium of \$35,000 as contingency for properties added during the policy year. The policy period is April 1, 2014 to April 1, 2015.

A Request for Proposals (RFP) for general property insurance was issued and advertised on December 20, 2013 and December 27, 2013. A proposal for terrorism coverage was presented as an option in the general property insurance RFP. The City's Insurance Broker of Record, John L. Wortham and Son, L.P., solicited proposals from 39 domestic and international insurance carriers of which one submitted proposals, Underwriters at Lloyds.

The proposed policy and conditions are the same as the expiring terrorism policy. Coverage also includes business interruption for loss of insured revenue stream at scheduled Houston Airport System, leased Houston First Corporation facilities, and General Services Department locations. The insured value of scheduled facilities, including business interruption, is \$10,851,048,689. The proposed annual premium of \$633,539.95 is inclusive of city-wide coverage for all scheduled locations.

The proposed coverage applies to both foreign and domestic terrorist acts as part of an effort to coerce the civilian population of the United States, influence the policy of, or affect the conduct of the United States government by coercion. Terrorism also includes any act, which is verified or recognized by the United States Government as an act of Terrorism.

Attachment

cc: Waynette Chan, Chief of Staff  
 James Koski, Deputy Chief of Staff  
 David Feldman, City Attorney  
 Marta Crinejo, Agenda Director

Finance Director:

Other Authorization:

Other Authorization:

<b>SUBJECT :</b> A Professional Services Contract with the Houston Arts Alliance for administration of the City's Civic Art Program on behalf of the General Services Department		<b>Page</b> 1 of 2	<b>Agenda Item</b> 20
<b>FROM (Department or other point of origin):</b> General Services Department		<b>Origination Date</b> 4/6/14	<b>Agenda Date</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>Scott Minnix</i> 3/5/14		<b>Council District(s) affected:</b> All	
<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JL Nisby</i> Phone: 832-393-8023		<b>Date and identification of prior authorizing Council action:</b>	

**RECOMMENDATION:** Approve and authorize a professional services contract between the City of Houston and Houston Arts Alliance (HAA), a Texas nonprofit corporation, for administration of the City's Civic Art Program

**Amount and Source Of Funding:**

Maximum contract amount: \$3,458,300.00 – 5 years

**Finance Budget:**

**SPECIFIC EXPLANATION:** The City's Civic Art Ordinance requires that 1.75% of design and construction appropriations of eligible CIP projects be set aside for Civic Art Program purposes, which include the design, acquisition and/or construction of new art projects and the restoration of the City Collection of civic art and other works of art located on properties managed by the General Services Department (GSD). Civic art projects are not funded out of the General Fund.

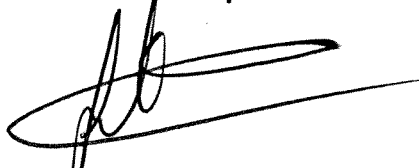
**SCOPE OF CONTRACT AND FEE:** The proposed contract with HAA is for a term of three-years with two, one-year renewal options, and provides for basic civic art and conservation project administration services. HAA will assist in selecting appropriate locations for art pieces and managing the projects, including: overseeing the artist selection panel, negotiating artist contracts where appropriate, purchasing art on behalf of the City, managing construction/installation, and closing out projects. HAA will also assess the City's art collection, propose restoration/conservation treatment of pieces requiring professional treatment, oversee professional conservator selection and negotiate conservator contracts. HAA will provide these services through Letter of Authorizations (LOA) issued by GSD, on a project-by-project basis. HAA will be paid an amount not to exceed 17% of artist or conservator costs as agreed upon in the LOA.

HAA and GSD presented the City's Civic Art program and past accomplishments to the Quality of Life Committee on February 26, 2014. GSD recommends that City Council approve and authorize a professional services contract with HAA and delegate authority to the director to approve supplemental allocations up to the maximum contract amount of \$3,458,300.00. The funding will be made available by supplemental allocations from various departmental civic art budgets, up to the maximum contract amount.

**PROJECT LOCATIONS:** Citywide

**REQUIRED AUTHORIZATION**

CUIC #25DSGN97

**General Services Department:**

Richard A. Vella  
Chief of Design & Construction Division

<b>DATE</b>	<b>SUBJECT:</b> A Professional Services Contract with the Houston Arts Alliance for administration of the City's Civic Art Program on behalf of the General Services Department	<b>Originator's Initial</b> VN	<b>Page</b> 2 of 2
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**M/WBE INFORMATION:** An M/WBE goal of 11% has been established for this contract. HAA will submit a list of proposed certified sub-contractors on a project-by-project basis, as authorized by a LOA.

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

SDM:JLN:RAV:CRC:VTN:vtn

c: Marta Crinajo, Minnette Boesel, Jacquelyn L. Nisby, Morris Scott, Martha Leyva, File

**REQUEST FOR COUNCIL ACTION****TO:** Mayor via City Secretary**Subject:** Ordinance approving an amendment extending the period of performance under the Subaward Agreement with the University of Texas at Austin

Category #

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Agenda Item

21

**FROM (Department or other point of origin):****Origination Date****Agenda Date**

Charles A. McClelland Jr., Chief of Police

February 26, 2014

MAR 12 2014

**DIRECTOR'S SIGNATURE****Council District(s) affected**  
All**For additional information contact:**Joseph A. Fenninger  
CFO & Deputy Director

Phone: (713) 308-1700

**Date and Identification of prior authorizing Council Action:**Ordinance 2011-0667, passed August 3, 2011  
Ordinance 2012-49, passed January 18, 2012  
Ordinance 2013-203, passed March 6, 2013**RECOMMENDATION: (Summary)**

Approve an ordinance authorizing an amendment to the Subaward Agreement between the City of Houston and the University of Texas at Austin to extend the period of performance from March 31, 2014 to October 31, 2014 for research of Phase III of the Strategic Approaches to Sexual Assault Kit Evidence: Action Research Project.

**AMOUNT AND SOURCE OF FUNDING:** No Additional Spending Authority Required**Finance Budget****SPECIFIC EXPLANATION:**

The Chief of the Houston Police Department recommends that City Council approve an ordinance authorizing Amendment No. 3 to the Subaward Agreement between the City of Houston and the University of Texas at Austin (UT), to extend UT's period of performance from March 31, 2014 to October 31, 2014.

HPD was awarded grant funds from the U.S. Department of Justice, Office of Justice Programs, to fund a three phase research project titled "Strategic Approaches to Sexual Assault Kit (SAK) Evidence: An Action Research Project." The research focuses on the impediments to expeditious processing of sexual assault kits, which is a nationwide issue, and seeks to develop innovative approaches to responding to victims of sexual assault.

The Houston Police Department serves as the pass-through agency for funding partners involved in the research project. The University of Texas (UT) is a sub-grantee for all three phases of this research project. City Council approved the original subaward agreement with UT for funding of Phase I on August 3, 2011; Amendment No. 1 for funding of Phase II on January 18, 2012; and Amendment No. 2 for Phase III funding on March 6, 2013. Phase III was expected to be completed on March 31, 2014. UT has expressed to HPD that additional time be given to complete Phase III of the research project, and that the period of performance be extended to October 31, 2014. No additional spending authority is required or sought for this extension.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

# REQUEST FOR COUNCIL ACTION

**TO:** Mayor via City Secretary

**SUBJECT:** Ordinance approving and authorizing a Second Amendment to the Agreement for Professional Auditing Services between the City of Houston and Deloitte & Touche LLP to extend its term to December 31, 2014.

Page 1 of 1

Agenda Item

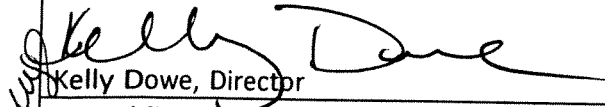
22

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

**Origination Date:**  
March 4, 2014

**Agenda Date**  
MAR 12 2014

**DIRECTOR'S SIGNATURE:**

  
Kelly Dowe, Director

**Council District(s) affected:**

All

**For additional information contact:**  
Kelly Dowe  
832.393.0951  
Arif Rasheed  
832.393.9013

**Date and Identification of prior authorizing Council Action:**  
Ordinance 2009-0465, May 27, 2009  
Ordinance 2013-1151, December 11, 2013

**RECOMMENDATION (Summary):** Ordinance approving and authorizing a Second Amendment to the Agreement for Professional Auditing Services between the City of Houston and Deloitte & Touche LLP to extend its term to December 31, 2014.

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

**SPECIFIC EXPLANATION:**

On May 27, 2009, City Council approved a contract with Deloitte & Touche LLP for professional auditing services, Ordinance 2009-0465. On December 11, 2013, City Council approved First Amendment to the agreement extending the contract term for 90 days. The current contract, Contract Number 4600009534, is due to expire March 31, 2014.

On January 7, 2014, City Council approved a contract with McConnell & Jones/Banks, Finley, White & Co., a Joint Venture Partnership (M&J/BFW) for Professional Auditing Services. With the change in auditors, the new audit firm cannot be utilized for special services until after the FY 2014 audited financial statements are issued sometime in November/December 2014. Special services requested of the auditor include advising and assisting the City of Houston in connection with the preparation of various official statements relating to Bond and Note Offerings.

The Finance Director recommends that the City Council approve an ordinance authorizing contract amendment extending the Deloitte & Touche LLP contract term until December 31, 2014. This request is for Deloitte & Touche LLP to provide special services under this contract until M&J/BFW, the new auditors audit and report on City's FY 2014 financial statements. No additional funds are needed for the contract extension.

Finance Director:

Other Authorization:

Other Authorization:

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA# 9917**

**Subject:** Approve an Ordinance Awarding a Contract for Golf Cart Leasing Services for Various Departments  
S30-L24674

Category #  
4

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Agenda Item

*23*

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

Calvin D. Wells  
City Purchasing Agent  
Finance Department

**Origination Date**

December 23, 2013

**Agenda Date**

**MAR 12 2014**

**DIRECTOR'S SIGNATURE**

*Calvin D. Wells*

**For additional information contact:**

Luci Correa

Phone: (832) 395-7057

Joyce Hays

Phone: (832) 393-8723

**Council District(s) affected**  
All

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

**RECOMMENDATION: (Summary)**

Approve an ordinance awarding a contract to Yamaha Golf-Car Company on its low bid in an amount not to exceed \$2,136,380.00 for golf cart leasing services for the Parks and Recreation Department and the Mayor's Office of Special Events.

Maximum Contract Amount: \$2,136,380.00

**Finance Budget**

\$2,088,550.00 - Parks Golf Special Fund (2104)

\$ 47,830.00 - General Fund (1000)

\$2,136,380.00 - Total

**SPECIFIC EXPLANATION:**

The Director of the Parks and Recreation Department and the City Purchasing Agent recommends that City Council approve an ordinance awarding a thirty-month contract, with one thirty-month option, to Yamaha Golf-Car Company on its low bid in an amount not to exceed \$2,136,380.00 for golf cart leasing services for the Parks and Recreation Department and the Mayor's Office of Special Events. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

	<b><u>COMPANY</u></b>	<b><u>TOTAL AMOUNT</u></b>
1.	Yamaha Golf-Car Company	\$2,136,380.00
2.	Conroe Golf Cars	\$2,360,933.00

The scope of work requires the contractor to furnish golf carts, personnel carriers, and electric-and gasoline-powered utility vehicles on a long- and short-term lease basis. The contractor is also required to provide all labor, materials, parts, tools and transportation necessary to repair and perform preventative maintenance on the lease equipment, as well as, provide replacement equipment should the preventative maintenance or repairs take more than 24 hours to complete.

The long-term lease of golf carts and utility vehicles consists of eighty-five (85) electric golf carts, three (3) electric utility vehicles and two (2) range pickers for the Memorial Park Golf Course; eighty-five (80) electric golf carts and two (2) electric utility vehicles for the Sharpstown Park Golf Course; seventy (70) electric golf carts, one (1) electric utility vehicle and one (1) range picker for the Gus Wortham Golf Course; fifty-five (55) electric golf carts and two (2) gasoline-powered utility vehicles for the Brock Park Golf Course; two (2) electric golf carts and one (1) gasoline-powered range vehicle for the F. M. Law Park Junior Golf Course; two (2) electric-powered personnel carriers for Miller Outdoor Theatre; and five (5) gasoline- powered utility vehicles for the Department's Hermann and Memorial Park Maintenance Sections. The contract also includes short-term lease rental of golf carts and utility vehicles, as needed, for special events held citywide.

**REQUIRED AUTHORIZATION**

Finance Department:

Other Authorization:

Other Authorization:

Date: 12/23/2013	Subject: Approve an Ordinance Awarding a Contract for Golf Cart Leasing Services for Various Departments S30-L24674	Originator's Initials RM	Page 2 of 2
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This contract also provides additional rental of golf carts, as needed, for golf tournaments and will generate approximately \$1,200,000.00 in annual revenue for the City of Houston.

**M/WBE Subcontracting:**

This invitation to bid was issued as a goal-oriented contract with a 7% M/WBE participation level. After reviewing the documentation submitted by Yamaha Golf-Car Company wherein they showed that there is one certified M/WBE capable of providing golf cart leasing services; The Office of Business Opportunity concurred that this vendor has made a Good Faith Effort to meet the goal and approved an M/WBE goal of .5%.

Yamaha Golf-Car Company has designated the below-named company as its certified M/WBE subcontractor.

<u>Name</u>	<u>Type of Work</u>	<u>Percentage</u>	<u>Amount</u>
LPC Personnel, Inc.	Personnel	.5%	\$10,681.90

**Pay or Play Program**

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

**Hire Houston First:**

The proposed contract requires compliance with the City's 'Hire Houston First' ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor does not meet the requirements of Hire Houston First; no Hire Houston First firms were within three percent.

**ESTIMATED SPENDING AUTHORITY**

Department	FY 14	Out Years	Total
Parks and Recreation	\$157,679.00	\$1,938,701.00	\$2,096,380.00
Mayor's Office of Special Events	\$ 00.00	\$ 40,000.00	\$ 40,000.00
<b>Total</b>	<b>\$157,679.00</b>	<b>\$1,978,701.00</b>	<b>\$2,136,380.00</b>

Buyer: Richard Morris

# REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

**SUBJECT:** An Ordinance Approving and Authorizing a Contract Between The City Of Houston and PRA Government Services, LLC dba MuniServices to Conduct Compliance Reviews Of Certain Telecommunications Providers and Other Franchise Fee Payment Review Services.

Category #

Page 1 of 1

Agenda Item#

24

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

Tina Paez, Director

Administration & Regulatory Affairs Department

Origination Date

1/27/2014

Agenda Date

MAR 12 2014

**DIRECTOR'S SIGNATURE:**

Council Districts affected:

ALL

**For additional information contact:**

Juan Olguin JFO

Phone: 832-393-8528

Christopher Newport

Phone: 832-393-8501

Date and identification of prior authorizing

Council Action: None

**RECOMMENDATION: (Summary)**

Adopt an ordinance approving a contract between the City of Houston and PRA Government Services, LLC dba MuniServices to conduct compliance reviews of certain telecommunications providers and other franchise fee payment review services.

**Amount of Funding:**

FY14: \$100,000

FY15: \$200,000

FY16: \$200,000 FY17: \$100,000

**FIN Budget:**

**SOURCE OF FUNDING:**

☒ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

**SPECIFIC EXPLANATION:**

The Administration & Regulatory Affairs Department recommends that City Council approve an ordinance to award a contract to PRA Government Services, LLC dba MuniServices for performance of access line payment reviews of certain Certificated Telecommunications Providers (CTPs) as allowed by Chapter 283 of the Local Government Code.

Chapter 283 of the Texas Local Government Code provides for a uniform system of compensation administered by the Texas Public Utility Commission (PUCT) for use of municipal rights of way. The PUCT grants statewide franchises to CTPs who in turn report their access line counts to the PUCT and tender the corresponding access line payments to the appropriate municipality quarterly. Chapter 283 and the PUCT Rules provide for periodic municipal review of each CTP's access line payments.

A Request for Qualification was issued on May 7, 2013. Although 102 Suppliers downloaded the bid, Statements of Qualifications were received from two vendors. A committee of three persons evaluated the proposals and conducted interviews of each firm. PRA Government Services, LLC dba MuniServices was the selected consultant. PRA Government Services, LLC dba MuniServices has extensive experience in conducting compliance reviews including franchise fees and access lines fees reviews. The contract allows for PRA Government Services, LLC dba MuniServices to also conduct other franchise fee payment review services as requested by the Administration & Regulatory Affairs Department.

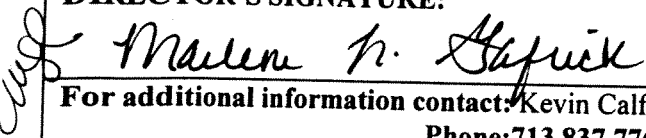
Funding for franchise fee payment reviews is included annually in the General Government budget in the amount of \$200,000. It is anticipated 10 CTP payment reviews can be completed for the requested authorization. Should actual costs be less, additional CTP or other franchise-type fee payment reviews will be requested as can be accommodated under the remaining contract ceiling.

**REQUIRED AUTHORIZATION**

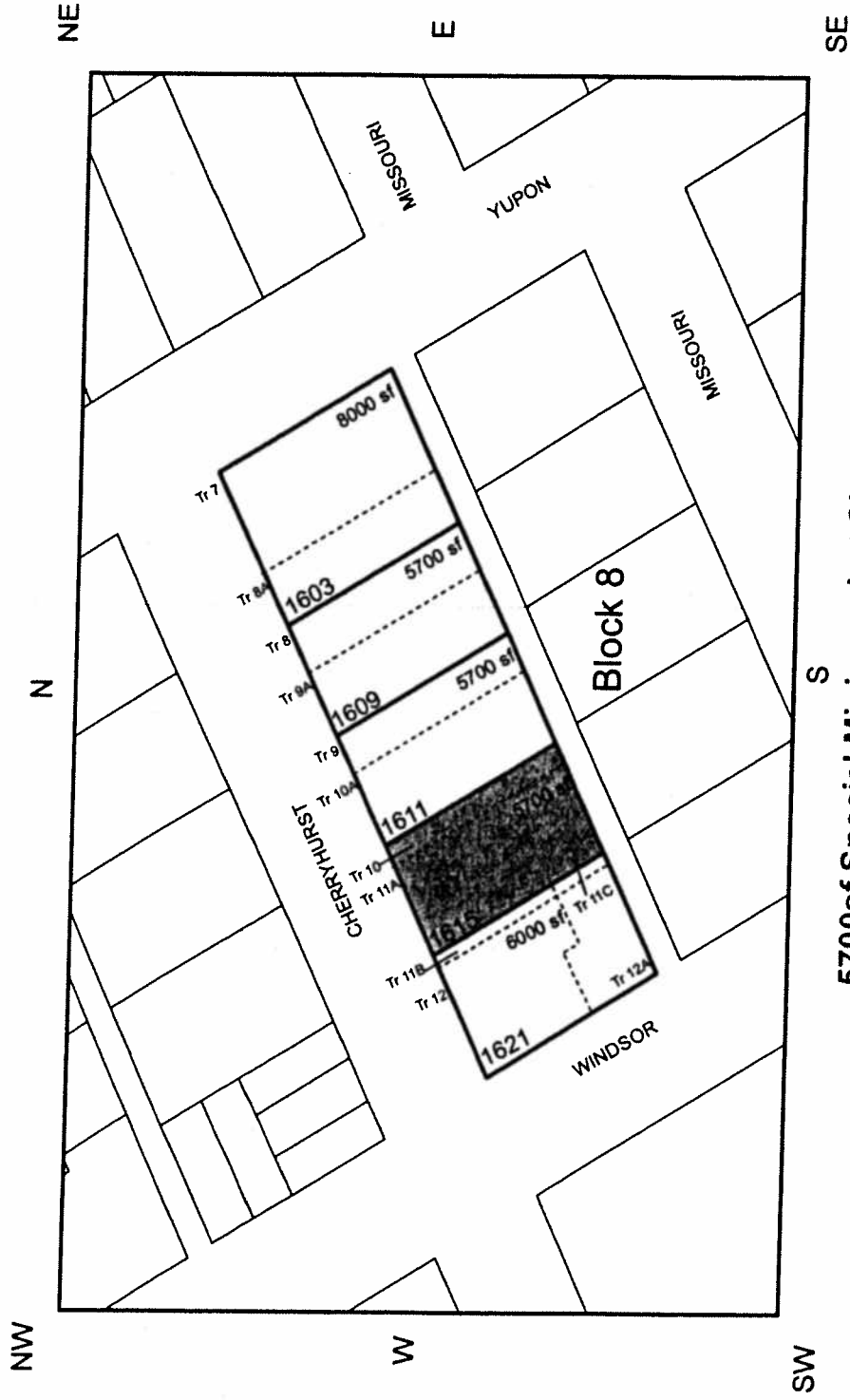
FIN Director:



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

<b>SUBJECT:</b> Ordinance designating the 1600 block of Cherryhurst Street, North side, between Windsor and Yupon Streets as a Special Minimum Lot Size Block		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item #</b> 25
<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department		<b>Origination Date</b> November 15, 2013		<b>Agenda Date</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> C		
<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION:</b> (Summary) Approval of an ordinance designating the 1600 block of Cherryhurst Street, north side, between Windsor and Yupon Streets as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances.				
<b>Amount and Source of Funding:</b>			<b>Finance Budget:</b>	
<b>SPECIFIC EXPLANATION:</b> In accordance with Section 42-197 of the Code of Ordinances, the property owner of TR1B, Block 7, of the Cherryhurst Subdivision initiated an application for the designation of a special minimum lot size block. The application includes written evidence of support from the owners of 71% of the block. Notification was mailed to the 7 property owners indicating that the special minimum lot size block application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.  It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 6,000 square feet.  MLG:nbs  Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area  xc: Marta Crinejo, Agenda Director Anna Russell, City Secretary David M. Feldman, City Attorney Deborah McAbee, Land Use Division, Legal Department				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>

# CHERRYHURST SUBDIVISION



5700sf Special Minimum Lot Size Block

MAP/SKETCH

SMLSB No. 351

# CHERRYHURST SUBDIVISION



## 5700sf Special Minimum Lot Size Block MAP/SKETCH

SMLSB No. 351

- ☐ Properties that meet the 5,700sf Special Minimum Lot Size
- ☒ Properties less than the 5,700sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

**Special Minimum Lot Size Block No. 351**  
**Planning Commission Approval**

Planning Commission Evaluation:

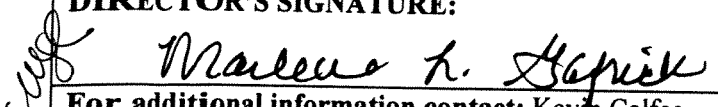
Satisfies	Does Not Satisfy	Criteria
X		<p><i>SMLSB includes all property within at least one block face and no more than two opposing block faces;</i></p> <p><b>The application is for the 1600 block of Cherryhurst Street, south side.</b></p>
X		<p><i>At least 60% of the proposed SMLSB is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i></p> <p><b>100% of the proposed application area is developed with not more than two SF residential units per property.</b></p>
X		<p><i>Demonstrated sufficient evidence of support;</i></p> <p><b>Petition signed by owners of 82% of the SMLSB.</b></p>
X		<p><i>Establishment of the SMLSB will further the goal of preserving the lot size character of the area; and,</i></p> <p><b>A minimum lot size of 5,700 sq ft exists on five (5) lots in the blockface.</b></p>
X		<p><i>The proposed SMLSB has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan or scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i></p> <p><b>The subdivisions were platted in 1923. Most of the houses originate from the 1930's. The establishment of a 5,700 square foot minimum lot size will preserve the lot size character of the area.</b></p>
<p><i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i></p> <p><b>Five (5) out of five (5) lots (representing 100% of the application area) are at least 5,700 square feet in size.</b></p>		

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

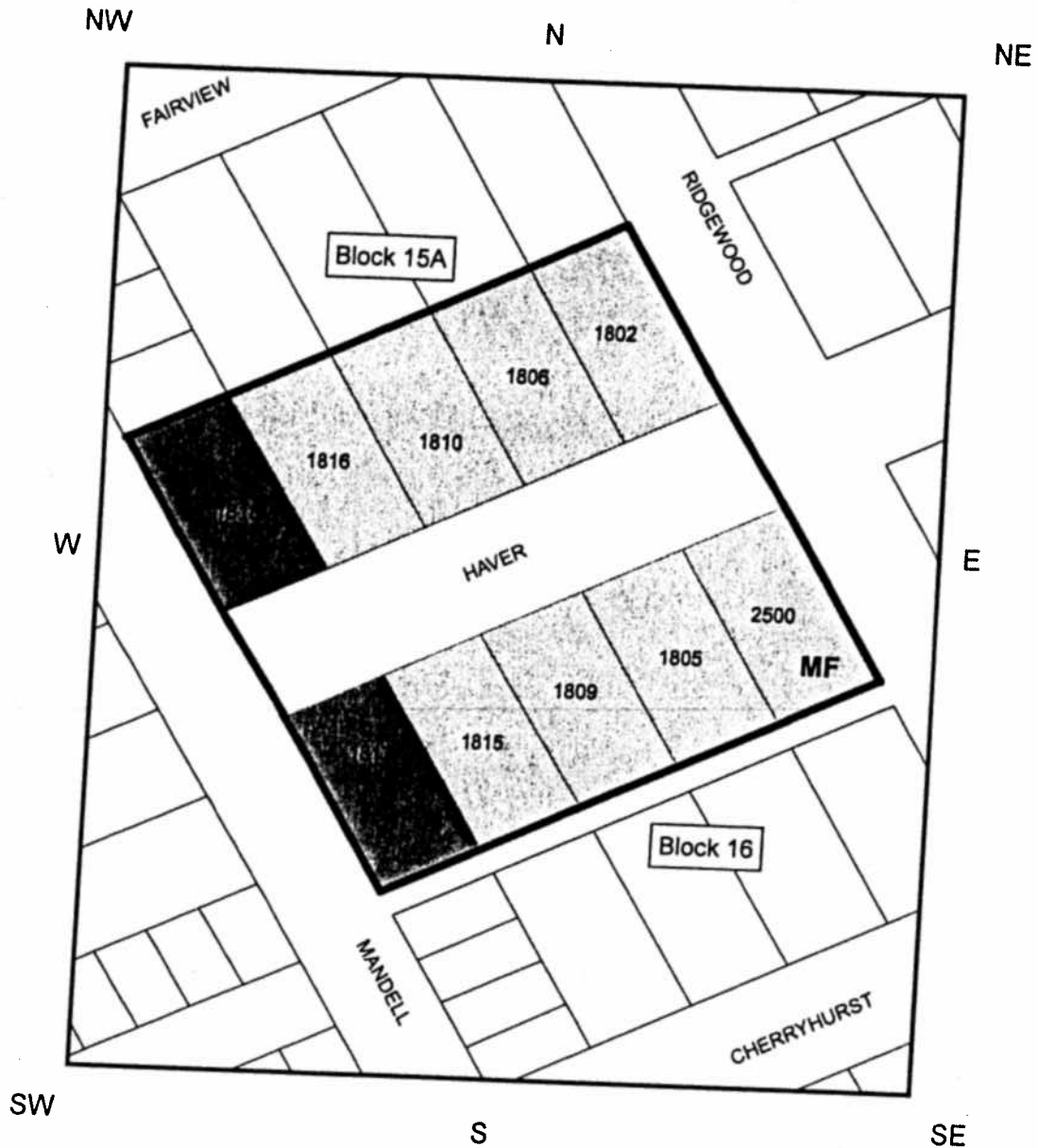
Mark A. Kilkenney 9/19/13  
 Mark A. Kilkenney, Chair Date  
 or

\_\_\_\_\_  
 Sonny Garza, Date  
 Vice-Chair

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

<b>SUBJECT:</b> Ordinance designating the 1800 block of Haver Street, north and south sides, between Ridgewood and Mandell Streets as a Special Minimum Lot Size Block		<b>Category #</b>	<b>Page</b> 1 of ____	<b>Agenda Item #</b> 26
<b>FROM (Department or other point of origin):</b> Marlene L. Gafrick, Director Planning and Development Department		<b>Origination Date</b> November 15, 2013		<b>Agenda Date</b> MAR 12 2014
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> C		
<b>For additional information contact:</b> Kevin Calfee Phone: 713.837.7768		<b>Date and identification of prior authorizing Council action:</b> N/A		
<b>RECOMMENDATION: (Summary)</b> Approval of an ordinance designating the 1800 block of Haver Street, north and south sides, between Ridgewood and Mandell Streets as a Special Minimum Lot Size Block, pursuant to Chapter 42 of the Code of Ordinances.				
<b>Amount and Source of Funding:</b>			<b>Finance Budget:</b>	
<p><b>SPECIFIC EXPLANATION:</b> In accordance with Section 42-197 of the Code of Ordinances, the property owner of Lot 5, Block 15A, of the Cherryhurst Subdivision initiated an application for the designation of a special minimum lot size block. The application includes written evidence of support from the owners of 80% of the area. Notification was mailed to ten (10) property owners indicating that the special minimum lot size block application had been made. The notification further stated that written protest could be filed with the Planning and Development Department within thirty days of mailing. Since no protests were filed, no action was required by the Houston Planning Commission.</p> <p>It is recommended that the City Council adopt an ordinance establishing a Special Minimum Lot Size of 5,000 sf.</p> <p>MLG:kw</p> <p>Attachments: Planning Director's Approval, Special Minimum Lot Size Application, Evidence of support, Map of the area</p> <p>xc: Marta Crinejo, Agenda Director Anna Russell, City Secretary David M. Feldman, City Attorney Deborah McAbee, Land Use Division, Legal Department</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Director:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>



# Cherryhurst Subdivision



5000sf Special Minimum Lot Size

MAP/SKETCH

SMLSA No. 354

-  Properties that meet the 5,000sf Special Minimum Lot Size
-  Properties less than the 5,000sf Special Minimum Lot Size
- MF Multi Family
- COM Commercial
- VAC Vacant
- EXC Excluded

## Special Minimum Lot Size Block No. 354

### Planning Director's Approval

#### Planning Director Evaluation:

Satisfies	Does Not Satisfy	Criteria
X		<i>SMLSB includes all property within at least one block face and no more than two opposing block faces;</i>  <b>The application is for the 1800 block of Haver Street, north and south sides.</b>
X		<i>At least 60% of the proposed SMLSB is developed with or is restricted to not more than two single-family residential (SFR) units per lot;</i>  <b>90% of the proposed application area is developed with not more than two SF residential units per property.</b>
X		<i>Demonstrated sufficient evidence of support;</i>  <b>Petition signed by owners of 80% of the SMLSB.</b>
X		<i>Establishment of the SMLSB will further the goal of preserving the lot size character of the area; and,</i>  <b>A minimum lot size of 5,000 sq ft exists on eight (8) lots in the blockface.</b>
X		<i>The proposed SMLSB has a lot size character that can be preserved by the establishment of a special minimum lot size, taking into account the age of the neighborhood, the age of structures in the neighborhood, existing evidence of a common plan and scheme of development, and such other factors that the director, commission or city council, respectively as appropriate, may determine relevant to the area.</i>  <b>The subdivision was platted in 1923. The houses originate from the 1920's. The establishment of a 5,000 square foot minimum lot size will preserve the lot size character of the area.</b>
<i>The minimum lot size for this application was determined by finding the current lot size that represents a minimum standard for at least 70% of the application area.</i>		
<b>Eight (8) out of ten (10) lots (representing 80% of the application area) are at least 5,000 square feet in size.</b>		

**The Special Minimum Lot Size Block meets the criteria.**

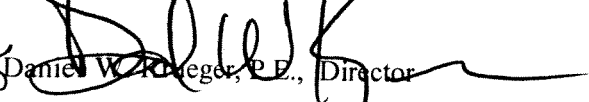
*Marlene L. Gafrick* 11/14/13  
Marlene L. Gafrick, Director Date

**SUBJECT:** Approval and adoption of the City of Houston Regular Speed Zone Ordinance.Page  
1 of 1Agenda Item  
# 27**FROM (Traffic Operations Division):**  
Department of Public Works and Engineering**Origination Date**

3/6/14

**Agenda Date**

MAR 12 2014

**DIRECTOR'S SIGNATURE:**  
Daniel W. Kueger, P.E., Director**Council District affected:** All**For additional information contact:**Khang Nguyen Phone: (832) 395-3008  
Traffic Operations Division**Date and identification of prior authorizing Council action:**Ordinance #2011-380  
Adopted 5-18-2011**RECOMMENDATION: (Summary)** Approve and adopt a new Regular Speed Zone Ordinance.**Amount and Source of Funding:** NA**SPECIFIC EXPLANATION:**

Houston City Council adopts the City's Regular Speed Zone Ordinance on a periodic basis to establish the limits and directions for regular speed zones throughout the city. This ordinance was most recently adopted on 5/18/2011 (Ordinance #2011-380). Attached is a listing of those changes requested by the Public Works and Engineering Department. Changes have become necessary due to completion of new roadway segments and the alteration of speed limits on roadways following engineering investigations.

Table 1 lists new Regular Speed Zones which have been or will be installed, removed or changed. The reasons for these are:

- 1) Corrects previous speed limit description (Calhoun S., Chimney Rock Rd., S. Shaver Rd.)
- 2) Establishes / extends speed limits on newly constructed roadway segments where signs have been installed as part of the project (Buffalo Speedway, Willowbend Blvd.).
- 3) Changes the speed limit value as a result of a traffic engineering investigation that recommends the change (Genoa Red Bluff Rd., Space Center Blvd., W. Lake Houston Pkwy., Woodland Hills Dr.).

Table 2 is a listing of all Regular Speed Zones and includes the installations and/or changes shown in table 1.

It is recommended that City Council approve the Regular Speed Zones dated February 11, 2014.

Attachment(s)


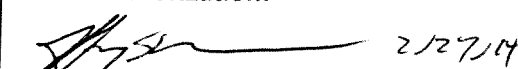
xc: Marta Crinejo, Agenda Director  
Jeffrey Weatherford, P.E., PTOE  
Khang Nguyen, P.E., PTOE

LT5 # 9573

REQUIRED AUTHORIZATION

CUIC ID #20JSW88

Finance Department

**Other Authorization:**
  
Khang Nguyen, P.E., PTOE  
Assistant Director  
Traffic Operations Division
**Other Authorization:**
  
Jeffrey Weatherford, P.E., PTOE  
Deputy Director  
Traffic Operations Division



**TABLE 1**  
**CITY OF HOUSTON**  
**DEPARTMENT OF PUBLIC WORKS AND ENGINEERING**  
**TRAFFIC ENGINEERING BRANCH**  
**REGULAR SPEED ZONES CHANGES**

<u>STREET:</u>	<u>ZONE LIMITS:</u>	<u>EXISTING SPEED:</u>	<u>PROPOSED SPEED:</u>	<u>CMD:</u>	<u>REASON:</u>
BUFFALO SPEEDWAY	FROM THE CENTERLINE OF W. HOLCOMBE TO THE CENTERLINE OF W. BELLFORT	35MPH	REMOVED	K	2
BUFFALO SPEEDWAY	FROM THE CENTERLINE OF W. HOLCOMBE TO THE CENTERLINE OF WILLOWBEND	NEW	35MPH	K	2
CALHOUN	FROM THE CENTERLINE OF GRIGGS TO A POINT 2656 FT NORTH OF WHEELER	35MPH	REMOVED	D	1
CALHOUN	FROM THE CENTERLINE OF GRIGGS TO THE CENTERLINE OF WHEELER	NEW	35MPH	D	1
CHIMNEY ROCK	FROM THE CENTERLINE OF MEMORIAL DR TO THE CENTERLINE OF SPRING BRANCH CREEK	35MPH	REMOVED	G	1
CHIMNEY ROCK	FROM THE CENTERLINE OF MEMORIAL DR TO THE CENTERLINE OF THE KATY FREEWAY	NEW	35MPH	G	1
GENOA-RED BLUFF	FROM THE CENTERLINE OF GALVESTON RD TO THE SOUTH CITY LIMITS OF PASADENA	40MPH	REMOVED	E	3
GENOA-RED BLUFF	FROM THE CENTERLINE OF GALVESTON RD TO THE CENTERLINE OF THE SOUTH SAM HOUSTON PKWY	NEW	40MPH	E	3
GENOA-RED BLUFF	FROM THE CENTERLINE OF THE SOUTH SAM HOUSTON PKWY TO THE CITY LIMITS OF PASADENA	NEW	45MPH	E	3
S. SHAVER RD	FROM THE CENTERLINE OF GALVESTON RD TO THE EAST CITY LIMIT	40MPH	REMOVED	E	1
SPACE CENTER BLVD	FROM A POINT 1343 FT SOUTH OF W. LINKAGE RD TO THE CENTERLINE OF GENOA RED BLUFF ROAD	40MPH	REMOVED	E	3

**TABLE 1  
CITY OF HOUSTON  
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING  
TRAFFIC ENGINEERING BRANCH  
REGULAR SPEED ZONES CHANGES**

<u>STREET:</u>	<u>ZONE LIMITS:</u>	<u>EXISTING SPEED:</u>	<u>PROPOSED SPEED:</u>	<u>CMD:</u>	<u>REASON:</u>
SPACE CENTER BLVD	FROM THE CENTERLINE OF GENOA RED BLUFF RD TO 750 FT NORTH OF VILLAGE DALE AVE	NEW	45MPH	E	3
SPACE CENTER BLVD	FROM 750 FT NORTH OF VILLAGE DALE AVE TO THE CENTERLINE OF WEST LINKAGE RD	NEW	40MPH	E	3
SPACE CENTER BLVD	FROM THE CENTERLINE OF WEST LINKAGE RD TO THE CENTERLINE OF EAST LINKAGE RD	NEW	45MPH	E	3
SPACE CENTER BLVD	FROM THE CENTERLINE OF EAST LINKAGE RD TO THE CENTERLINE OF NASA ROAD 1	NEW	35MPH	E	3
W. LAKE HOUSTON PKWY	FROM THE CENTERLINE OF GARDENWOOD DRIVE TO THE CENTERLINE OF THE SAN JACINTO RIVER	40MPH	REMOVED	E	3
W. LAKE HOUSTON PKWY	FROM THE CENTERLINE OF GARDENWOOD DRIVE TO THE CENTERLINE OF KINGWOOD DR	NEW	40MPH	E	3
W. LAKE HOUSTON PKWY	FROM THE CENTERLINE OF KINGWOOD DR TO THE HOUSTON CITY LIMITS	NEW	45MPH	E	3
WILLOWBEND BLVD	FROM THE CENTERLINE OF STELLA LINK TO THE CENTERLINE OF W. BELLFORT	35MPH	REMOVED	K	2
WILLOWBEND BLVD	FROM THE CENTERLINE OF BUFFALO SPEEDWAY TO THE CENTERLINE OF W. BELLFORT	NEW	35MPH	K	2
WOODLAND HILLS DRIVE	FROM THE CENTERLINE OF NORTHPARK DR TO END OF STREET AT RIVER GROVE PARK	35MPH	REMOVED	E	3
WOODLAND HILLS DRIVE	FROM THE CENTERLINE OF NORTHPARK DR TO THE CENTERLINE OF KINGWOOD DR	35MPH	40MPH	E	3

TABLE 1  
CITY OF HOUSTON  
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING  
TRAFFIC ENGINEERING BRANCH  
REGULAR SPEED ZONES CHANGES

<u>STREET:</u>	<u>ZONE LIMITS:</u>	<u>EXISTING SPEED:</u>	<u>PROPOSED SPEED:</u>	<u>CMD:</u>	<u>REASON:</u>
WOODLAND HILLS DRIVE	FROM THE CENTERLINE OF KINGWOOD DR TO THE CENTERLINE OF HAMBLER RD	35MPH	35MPH	E	3

<b>SUBJECT:</b> Award Construction Contract Times Construction, Inc. Hermann Square Park WBS No. F-000715-0001-4	<b>Page</b> 1 of 2	<b>Agenda Item</b> 28
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<b>FROM (Department or other point of origin):</b> General Services Department	<b>Origination Date</b>	<b>Agenda Date</b>
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<b>DIRECTOR'S SIGNATURE:</b> Scott Minnix <i>2/13/14</i> <i>Scott Minnix</i>	<b>Council District(s) affected:</b> 1
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<b>For additional information contact:</b> Jacquelyn L. Nisby <i>JN</i> <b>Phone:</b> 832-393-8023	<b>Date and identification of prior authorizing Council action:</b>
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<b>RECOMMENDATION:</b> Award construction contract and appropriate funds for the project.
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<b>Amount and Source of Funding:</b> \$1,406,473.00 Parks Consolidated Construction Fund (4502)	<b>Finance Budget:</b>
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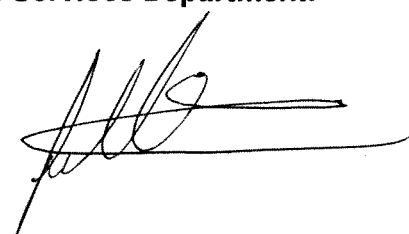
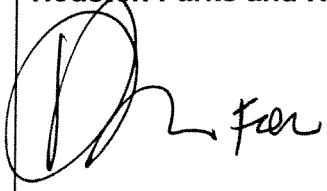
**SPECIFIC EXPLANATION:** The General Services Department (GSD) recommends that City Council award a construction contract to Times Construction, Inc. on the proposal amount of \$1,227,000.00 to provide construction services for Hermann Square Park for the Houston Parks and Recreation Department (HPARD). An 8.8% contingency is being requested to address the increased potential for unforeseen conditions that may impact the restoration of the 75 year-old reflection pond.

**PROJECT LOCATION:** 900 Smith (493L)

**PROJECT DESCRIPTION:** The scope of work consists of demolition and removal of existing reflection pool fountain mechanical system, duct system, and mechanical vault; removal and replacement of reflection pool finish; fountain basin repair, and fountain waterproofing; construction of a new fountain mechanical vault, new fountain mechanical system including return line, new piping, new scuppers, and new drainage to sanitary sewer; removal, restoration, cleaning and re-placement of historic stone veneer and coping; installation of pool lighting; installation of additional tree uplighting; installation of a new water meter; removal and re-installation of concrete pavers where disturbed by construction; replacement of existing turfgrass; and installation of planting and irrigation upgrade.

The contract duration for this project is 160 calendar days from the issuance of the Notice to Proceed for construction. Construction is anticipated to begin on May 7, 2014, after the International Festival. James Patterson Associates, Inc. dba White Oak Studio is the design consultant for this project.

**PROPOSALS:** On September 20 and September 27, 2013, GSD advertised a Request for Competitive Sealed Proposals (CSP) for construction services for Hermann Square Park. The CSP contained selection criteria that ranked respondents on experience, references, schedule and contractor responsibility. The Statements of Qualifications were due on October 10, 2013, and three firms responded. GSD evaluated the respondents and all three firms received sufficient points and were requested to submit proposals. The three firms submitted proposals on December 5, 2013. Times Construction, Inc. submitted the lowest proposal and offers the best value for the City based on the advertised criteria.

REQUIRED AUTHORIZATION		CUIC ID # 25PARK223
<b>General Services Department:</b>   Richard A. Vella Chief of Design & Construction Division	<b>Houston Parks and Recreation Department:</b>   Joe Turner Director	

<b>Date:</b>	<b>SUBJECT:</b> Award Construction Contract Times Construction, Inc. Hermann Square Park WBS No. F-000715-0001-4	<b>Originator's Initials</b>  DE	<b>Page</b> 2 of 2
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## PROPOSALS (cont'd)

The three proposers are ranked as follows:

### Proposer

1. Times Construction, Inc.
2. Jerdon Enterprise, L.P.
3. The Gonzalez Group, LP

**AWARD:** It is recommended that City Council award the construction contract to Times Construction, Inc. and appropriate funds for the project, including additional appropriations of \$20,000.00 for engineering and materials testing services under an existing contract with Tolunay-Wong Engineers, Inc., and \$30,000.00 for inspection services under an existing contract with Brian Smith Construction Inspection, Inc.

### **FUNDING SUMMARY:**

\$ 1,227,000.00	Construction Contract
\$ 108,000.00	8.8% Contingency
<b>\$ 1,335,000.00</b>	<b>Total Contract Services</b>
\$ 20,000.00	Engineering and Materials Testing Services
\$ 30,000.00	Inspection Services
\$ 21,473.00	Civic Art (1.75%)
<b>\$ 1,406,473.00</b>	<b>Total Funding</b>

**M/WBE PARTICIPATION:** GSD has determined that there are limited subcontracting opportunities because of the specialized nature of this project. Based on this information and the 4% M/WBE goal assessed by GSD, the Office of Business Opportunity has approved the goal. The contractor has identified the following certified firm to provide services for one component of the contract which exceeds the 4% M/WBE goal:

<u>FIRM (WBE)</u>	<u>SCOPE</u>	<u>AMOUNT</u>	<u>% of CONTRACT</u>
Arc Light Electrical	Electrical Work	\$ 277,500.00	23%

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

**HIRE HOUSTON FIRST:** The proposed contract requires compliance with the City's "Hire Houston First" Ordinance that promotes economic opportunity for Houston businesses and supports job creation. In this case, the proposed contractor meets the requirements of Hire Houston First.

SM:RAV:JLN:LJ:DE:de

c: Marta Crinejo, Jacquelyn L. Nisby, Mark Ross, Marsha Murray, Chris Gonzales, Luci Correa, Minnette Boesel, Calvin Curtis, Morris Scott, Morgan Porter, Martha Leyva, File 712

KIC

**SUBJECT:** Appropriation of Funds for the City of Houston's Share of the Blackhawk Regional Wastewater Treatment Facility Improvement Project Package B and disbursement to Gulf Coast Waste Disposal Authority ("GCWDA") WBS No. R-000265-0137-4

Page  
1 of 1

Agenda Item #

29

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

Department of Public Works and Engineering

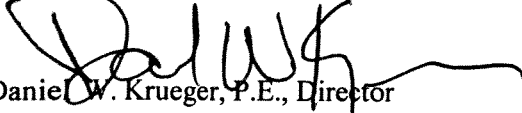
**Origination Date**

3/6/14

**Agenda Date**

MAR 12 2014

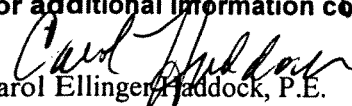
**DIRECTOR'S SIGNATURE:**

  
Daniel W. Krueger, P.E., Director

**Council District affected:**

E NS  
164

**For additional information contact:**

  
Carol Ellinger Haddock, P.E.  
Senior Assistant Director

Phone: (832) 395-2686

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

Ordinance No. 2013-228; March 20, 2013  
1978-2378; December 30, 1978

**RECOMMENDATION: (Summary)**

Approve an ordinance appropriating funds for the City of Houston's share of the Blackhawk Regional Wastewater Treatment Facility Improvement Project Package B and approving disbursement.

**Amount and Source of Funding:**

\$346,333.00 from Water and Sewer System Consolidated Construction Fund 8500

U.P. 2/21/2014

**PREVIOUS HISTORY:**

The City of Houston is a co-participant in the Blackhawk Regional Wastewater Treatment Facility as the result of annexing Harris County MUD #142 on December 30, 1978, Ordinance No. 1978-2378. Gulf Coast Waste Disposal Authority manages the regional facility for the participants.

City Council approved Ordinance No. 2013-228 on March 20, 2013, appropriating the City's share of capital improvements for package A of the rehabilitation project.

**DESCRIPTION/SCOPE:**

Package B is the second phase of the rehabilitation project. It includes a new headworks structure for the treatment plant along with the replacement of the two mechanical bar screens, washer compactor, conveyor, control panel, slide gates and weir gates. Replacement of the electrical and control systems, associated with the headworks structure, will also be performed in this phase.

**PROJECT NOTICE/ JUSTIFICATION:**

Under the original contract, GCWDA provided a written report from its consulting engineer of the proposed work and estimated costs of design and construction. According to the preliminary engineering report prepared by Klotz Associates in January 2012, the walls and chambers of the influent/headworks structure have extensive damage and corrosion. The estimate of the City of Houston's share for Package B is \$346,333.00, based on the City's 16.1838% ownership of capacity in the treatment facility.

It is recommended that \$346,333.00 be appropriated for this phase of the rehabilitation and disbursement of the funds be approved.

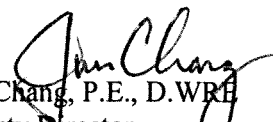
LTS No. 7088

REQUIRED AUTHORIZATION

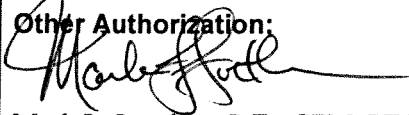
CUIC #20IPB071

Finance Department

**Other Authorization:**

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

**Other Authorization:**

  
Mark L. Loethen, P.E., CFM, PTOE  
Deputy Director  
Planning & Development Services Division

# **REQUEST FOR COUNCIL ACTION**

**TO:** Mayor via City Secretary

**RCA #**

**SUBJECT:**

Ordinances granting Commercial Solid Waste Operator Franchises

**Category #**

**Page 1 of 1**

**Agenda Item#**

**30 - A - E**

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

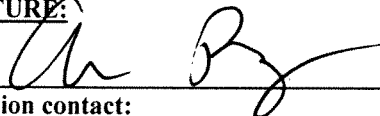
Tina Paez, Director  
Administration & Regulatory Affairs

**Origination Date**  
3/4/2014

**Agenda Date**

**MAR 12 2014**

**DIRECTOR'S SIGNATURE:**



**Council Districts affected:**

ALL

**For additional information contact:**

Juan Olguin *JO*  
Naelah Yahya

Phone: (832) 393- 8528

Phone: (832) 393- 8530

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

**RECOMMENDATION: (Summary)**

Approve ordinances granting Commercial Solid Waste Operator Franchises

**Amount of Funding:**  
REVENUE

**FIN Budget:**

**SOURCE OF FUNDING:**

[ ] General Fund    [ ] Grant Fund    [ ] Enterprise Fund    [ ] Other (Specify)

**SPECIFIC EXPLANATION:**

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

1. COREY PETERS DBA AFFORDABLE ENVIRONMENTAL SERVICE
2. AMIR BENJAMIN DBA JAYCO VACUUM SERVICES
3. DANIEL RODRIGUEZ DBA A-HAWK GREASE TRAP
4. ADAM HUMBERTO BELMONT DBA BETOS HYDRO AND SANITATION
5. C4 ENVIRONMENTAL SERVICES, LLC

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise term is 10 years from the effective date.

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

**REQUIRED AUTHORIZATION**

**Finance Director:**

# REQUEST FOR COUNCIL ACTION

**TO:** Mayor via City Secretary

**SUBJECT:** Motion establishing a date for a public hearing on the removal of park designation from a portion of Levy Park

Category #

Page 1 of 1

Agenda Item

31

**FROM (Department or other point of origin):**  
Houston Parks and Recreation Department

**Origination Date:**  
March 4, 2014

**Agenda Date**  
MAR 12 2014

**DIRECTOR'S SIGNATURE:**

**Council District(s) affected:**

C

**For additional information contact:**

Luci Correa, 832-395-7057

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

March 6, 2013 Ordinance No. 2013-187  
October 23, 2013 Ordinance No. 2013-951

**RECOMMENDATION (Summary):** Approve a Motion establishing a date for a public hearing on the removal of park designation from a portion of Levy Park.

*Suggested DATE - 9am 4-9-14*

**Amount and Source of Funding:**

No funding required

**Finance Budget:**

## SPECIFIC EXPLANATION:

On March 6, 2013 City Council approved an Ordinance to remove the park designation from a 2.1748-acre portion of Levy Park located at 3801 Eastside. The Houston Parks and Recreation Department (HPARD) is requesting City Council approve the removal of park designation from two additional tracts, which combined total 0.2244 acres: a 0.198-acre tract and approximately 0.0264 acres out of a 2.2012-acre tract. The 2.2012-acre tract includes the 2.1748 acres that was the subject of the prior Council action which removed park designation from a portion of Levy Park. Removing park designation from this additional 0.0264 acres will enlarge the tract to an appropriate size for the project. The additional acreage will be conveyed to the Upper Kirby Redevelopment Authority (UKRA) pursuant to a purchase and sale agreement previously approved by City Council on October 23, 2013.

The purchase and sale agreement allowed for the transfer of a tract of land from the UKRA to HPARD for the expansion of the park from 5.521 acres to 6.0001 acres. The added park land reconfigures the park to make room for the construction of new improvements and makes the park more accessible to neighboring residents by providing park access from Eastside and Wakeforest Streets. Currently, the park is only directly accessible from Eastside Street. New park development includes the construction of a playground, a dog park, a community garden, and other new park facilities. In addition, the redesign of the Park will make room for the construction of mixed use, office, retail and residential development bordering the north and south boundaries of the park. UKRA will fund the redevelopment of Levy Park. HPARD has worked with UKRA in designing this project to minimize impacts to natural and cultural resources within the Park and supports this action.

Pursuant to Chapter 26 of the Texas Parks and Wildlife Code, HPARD is requesting City Council hold a public hearing on the removal of the park designation on April 9, 2014.

Finance Director:

Other Authorization:

Other Authorization:

35



32

MAR 12 2014

MOTION NO. 2014

MOTION by Council Member Gonzalez that the recommendation of the Director of the Department of Public Works and Engineering, for approval of the 2014 Operations and Maintenance Budget for the Lake Houston Facility project operated by the Coastal Water Authority, be adopted, and the 2014 Budget in the amount of \$2,401,165.00, is hereby approved by the City Council.

Seconded by Council Member Bradford

On 3/5/2014 the above motion was tagged by Council Member Pennington.

mla

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

**SUBJECT:**

Approval of the Coastal Water Authority 2014 Operations and Maintenance Budget for the Lake Houston Facility

Category  
#Page  
1 ofAgenda Item  
#

32 #6

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

Origination Date

Agenda Date

Department of Public Works and Engineering

2/27/14

MAR 12 2014

MAR 05 2014

**DIRECTOR'S SIGNATURE**

Daniel W. Krueger, P.E., Director

Council District affected:

All

**For additional information contact:**Yvonne Forrest  
Sr. Assistant Director  
Phone: 832-395-2847**Date and identification of prior authorizing**Council action: February 13, 2013  
C.M. #2013-0117**RECOMMENDATION: (Summary)**

Approve by Council Motion the Coastal Water Authority 2014 Lake Houston Facility Operations and Maintenance Budget.

FOR Budget see BACK up for #6 ON NET

**Amount of Funding: \$2,401,165**

\$1,200,582.50 for FY14 (Jan. 2014 - Jun. 2014)

\$1,200,582.50 for FY15 (Jul. 2014 - Dec. 2014)

Finance Department

FOR 8/5/14

CWA-Lake Houston Fiscal Year 2014: January 1, 2014 - December 30, 2014

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

Water &amp; Sewer System Operating Fund #8300

SS 22114

**SPECIFIC EXPLANATION:**

The Coastal Water Authority (CWA) entered a contract on October 25, 1995 with City of Houston (City) to operate and maintain the Lake Houston canal and pump station and to perform grounds maintenance along and below the dam. A first amendment to this contract was approved by City Ordinance #2003-1137 on November 25, 2003 (Contract), which allowed the City to add Lake Houston, Lake Houston Dam and the assignment of certain activities associated with these facilities. This five-year contract is automatically renewed for an additional five years unless terminated by either party. The City of Houston shall continue to own these facilities and will have control over all facility decisions except those of a routine operation and maintenance nature.

The Contract stipulates under Article 1, Section H that that CWA must prepare and submit to the City an annual operating budget for approval. The proposed 2014 budget is \$2,401,165. This budget reflects a funding decrease of \$101,817 (4%) compared to the 2013 budget. The decrease is a result of lower electricity rates and cost reduction in pre-treatment chemicals, medical insurance and legal services.

Payments made to the Coastal Water Authority for the Lake Houston facility are based on actual monthly O&M expenditures.

It is recommended that City Council approve the CWA 2014 Operations & Maintenance Budget for the Lake Houston Facility in the amount of \$2,401,165.

**REQUIRED AUTHORIZATION**

20JAM003

Finance Department:

Other Authorization:

Other Authorization:

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

33

MAR 12 2014

MOTION NO. 2014

MOTION by Council Member Gonzalez that the recommendation of the Director of the Department of Public Works and Engineering, for approval of the 2014 Operations and Maintenance Budget for the Trinity River Authority, be adopted, and the 2014 Budget in the amount of \$3,417,314.00, is hereby approved by the City Council.


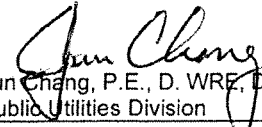
Seconded by Council Member Bradford

On 3/5/2014 the above motion was tagged by Council Member Pennington.

mla

TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Approval of the 2014 Operations and Maintenance Budget for the Trinity River Authority		<b>Category #</b>	<b>Page</b> 1 of 1	<b>Agenda Item</b> # 33 8
<b>FROM (Department or other point of origin):</b>  Department of Public Works and Engineering		<b>Origination Date</b> 2/27/14	<b>Agenda Date</b> MAR 12 2014 <del>MAR 05 2014</del>	
<b>DIRECTOR'S SIGNATURE</b> Daniel W. Krueger, P.E., Director		<b>Council District affected:</b> All		
<b>For additional information contact:</b> Yvonne Forrest Sr. Assistant Director Phone: 832-395-2847		<b>Date and identification of prior authorizing Council action:</b> February 13, 2013 C.M. # 2013-0119		
<b>RECOMMENDATION: (Summary)</b> <i>FOR Budget see BACKUP FOR ITEM 8 ON NET 3-5-14</i> Approve by Council Motion the 2014 Trinity River Authority Operations and Maintenance Budget.				
<b>Amount of Funding:</b> \$3,417,314 \$1,993,433.19 for FY14 (December – June) \$1,423,880.81 for FY15 (July – November) (TRA Fiscal Year 2014: December 1, 2013 – November 30, 2014)			<b>Finance Department:</b>	
<b>SOURCE OF FUNDING:</b> <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Fund <input checked="" type="checkbox"/> Enterprise Fund <input type="checkbox"/> Other (Specify)      Water & Sewer System Operating Fund #8300 <i>88 22114</i>				
<b>SPECIFIC EXPLANATION:</b> <p>The Trinity River Authority (TRA) is a conservation and reclamation district created by the 54<sup>th</sup> Legislature in 1955. In September 1964, the City of Houston entered into a contract with the TRA for the construction, operation and maintenance of Lake Livingston. Under the terms of the contract, Lake Livingston is managed for the benefit of City of Houston and Trinity River Authority with Houston having surface water rights to 806 million gallons per day (mgd) and the Trinity River Authority having surface water rights to 314 mgd. Houston's Lake Livingston surface water rights are about 43% of its total water rights of approximately 1.9 billion gallons per day.</p> <p>The 1964 contract provides that operation and maintenance costs, along with the debt service on construction bonds, will be paid by the City of Houston. Section 9.16 of the contract requires that TRA shall submit to the city annually a budget covering these cost categories. The City has the right to approve or disapprove such budgets. The funds are allocated in the approved PWE budget.</p> <p>The proposed TRA 2014 budget is \$3,417,314.00. The budget reflects a funding decrease of \$244,696.00 (7%) compared with the 2013 budget. Payments made to the Trinity River Authority are based upon documented actual monthly O&amp;M expenditures.</p> <p>It is recommended that City Council approve the 2014 Trinity River Authority Operations and Maintenance Budget in the amount of \$3,417,314.00.</p>				
<b>REQUIRED AUTHORIZATION</b> <b>20JAM002</b>				
<b>Finance Department:</b>	<b>Other Authorization:</b>	<b>Other Authorization:</b>  Jun Chang, P.E., D. WRE, Deputy Director Public Utilities Division		

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

**SUBJECT:** Request for the abandonment and sale of a 15-foot-wide alley, from 5th Street  $\pm$ 350 feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1. **Parcels SY13-089 and AY14-070**

Page  
1 of 2

Agenda Item #

34

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

Origination Date

2/27/14

Agenda Date

MAR 05 2014

Department of Public Works and Engineering

**DIRECTOR'S SIGNATURE:**

Council District affected: C

MAR 12 2014

Daniel W. Krueger, P.E., Director

Key Map: 492D

**For additional information contact:**

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

Nancy P. Collins Phone: (832) 395-3130  
Senior Assistant Director-Real Estate

**RECOMMENDATION: (Summary)** It is recommended City Council approve a Motion authorizing the abandonment and sale of a 15-foot-wide alley, from 5th Street  $\pm$ 350 feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1. **Parcels SY13-089 and AY14-070**

**Amount and**

**Source of Funding:** Not Applicable

**SPECIFIC EXPLANATION:**

David Sepulveda, Terra Associates, 21445 North Loop West, Suite 450, Houston, Texas, 77008, on behalf of Kady Real Estate Investments, Ltd., (David Danburg, President), requested the abandonment and sale of a 15-foot-wide alley, from 5th Street  $\pm$ 350 feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1. The applicant plans to utilize the subject area for development of a multi-family residential property.

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

1. The City abandon and sell a 15-foot-wide alley, from 5th Street  $\pm$ 350 feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1;
2. The applicant be required to furnish the Department of Public Works and Engineering with a durable, reproducible (Mylar) survey plat and field notes of the affected property;

p:\bam\sy13-089.rc1.doc

CUIC #20BAM9379

**REQUIRED AUTHORIZATION**

**Finance Department:**

**Other Authorization:**

**Other Authorization:**

Mark L. Loethen, P.E., CFM, PTOE

Deputy Director  
Planning and Development Services Division

<b>Date:</b>	<b>Subject:</b> Request for the abandonment and sale of a 15-foot-wide alley, from 5th Street ±350 feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1. <b>Parcels SY13-089 and AY14-070</b>	<b>Originator's Initials</b>	<b>Page</b> <b><u>2</u> of <u>2</u></b>
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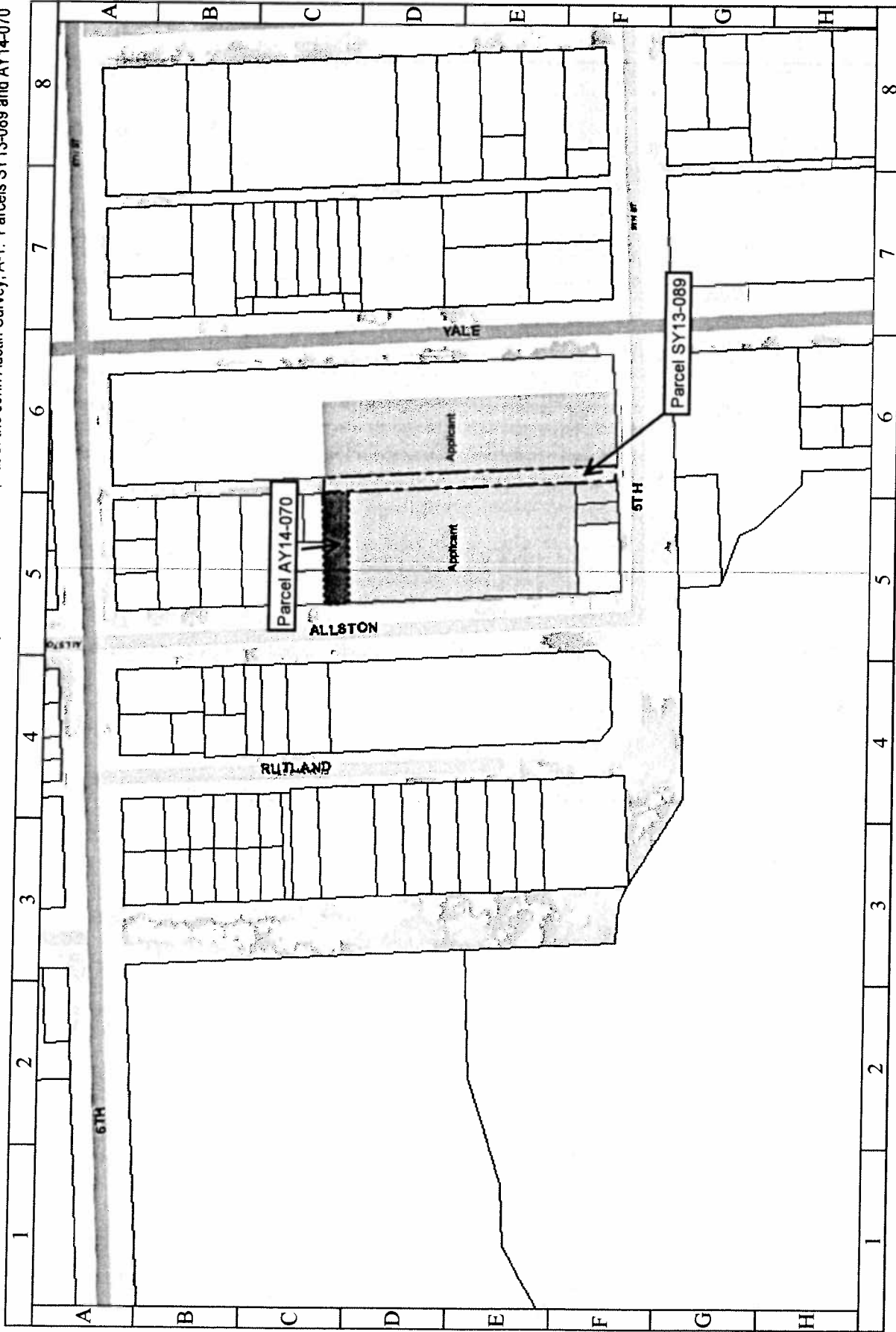
3. The applicant be required to (a) cut, plug, and abandon the 8-inch sanitary sewer line in the subject alley, from manhole #II129047 in 5th Street north approximately 390 feet to the northern property line of Reserve A, (b) construct an 8-inch sanitary sewer line in a 25-foot-wide alley easement to be conveyed to the City along and within the southern property line of Reserve A to Allston Street, then south in Allston Street approximately 315 feet to the existing 8-inch sanitary sewer in 5th Street, (c) relocate any existing service connections to the proposed 8-inch sanitary sewer line in Allston Street, and (d) complete all of the foregoing items at no cost to the City and under the proper permits;
4. The applicant be required to prepare drawings that show all public utilities (sanitary sewer) that are to be abandoned, relocated, and/or constructed as part of this project and submit a drawing to the Office of the City Engineer for plan review and approval. A copy of the Motion shall be attached to the plan set when it is submitted for plan review;
5. The applicant be required to obtain a letter of no objection from each of the privately owned utility companies for the alley being abandoned and sold;
6. The Legal Department be authorized to prepare the necessary transaction documents; and
7. Inasmuch as the value of the City's property interest is not expected to exceed \$1,000,000.00, that the value be established by an independent appraiser appointed by the Director of Public Works and Engineering

DWK:NPC:bam

c: Jun Chang, P.E., D.WRE  
Marta Crinejo  
David Feldman  
Terry A. Garrison  
Daniel Menendez, P.E.  
Patrick Walsh, P.E.  
Jeffrey Weatherford, P.E., PTOE

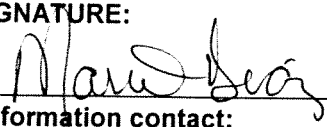
PARCEL MAP

Abandonment and sale of a 15-foot-wide alley, from 5th Street  $\pm 350$  feet north to the northern property line of Reserve A, in exchange for conveyance to the City of a 25-foot-wide alley easement along the northern property line of Reserve A, located within Block 292, Houston Heights and Danburg Estates Subdivisions, out of the John Austin Survey, A-1. Parcels SY13-089 and AY14-070



TO: Mayor via City Secretary

## REQUEST FOR COUNCIL ACTION

<b>SUBJECT:</b> Amendment No. 1 to the Airport Use and Lease Agreement with Southwest Airlines Co. at William P. Hobby Airport (HOU)		<b>Category #</b>	<b>Page</b> 1 35	<b>Agenda Item</b> # 2
<b>FROM (Department or other point of origin):</b> Houston Airport System		<b>Origination Date</b> November 14, 2013	<b>Agenda Date</b> MAR 12 2014 <del>MAR 05 2014</del>	
<b>DIRECTOR'S SIGNATURE:</b> 		<b>Council District affected:</b> I		
<b>For additional information contact:</b> Kathy Elek <i>Kae</i> Phone: (281) 233-1826 Ian N. Wadsworth <i>INW</i> <i>IS</i> (281) 233-1682		<b>Date and identification of prior authorizing Council action:</b> February 13, 2013 (O) 2013-0129		
<b>AMOUNT &amp; SOURCE OF FUNDING:</b> N/A		<b>Prior appropriations:</b>		
<b>RECOMMENDATION: (Summary)</b> Enact an ordinance approving and authorizing the execution of Amendment No. 1 to the Airport Use and Lease Agreement with Southwest Airlines Co. at William P. Hobby Airport (HOU).				
<b>SPECIFIC EXPLANATION:</b> <p>The Airport Use and Lease Agreement (Agreement) between Southwest Airlines Co. and the City was approved on February 13, 2013. Subsequently a Houston Airport System Competition Plan Update (Plan) was filed with the Federal Aviation Administration (FAA) for approval. The FAA has required certain modifications to the Agreement and has indicated conditional approval of the Plan subject to an amendment to the Agreement being executed by the parties and approved by City Council. The amended terms are summarized below:</p> <p><b>Terms &amp; Conditions:</b></p> <p><u>Gate Use:</u></p> <p>The FAA desired to clarify that it is the City who shall control the gates at HOU. Southwest is granted preferential use of their assigned gates. When one or more of such gates are not in use by Southwest, the City will allow other scheduled and nonscheduled airlines to use the gates for loading and unloading.</p> <p><u>Passenger Facility Charges (PFCs):</u></p> <p>The FAA desired to clarify the PFC language and required the language to be modified without changing the intent of the language. In recognition of the City's stated intent to control airport costs, Southwest acknowledges the City's right to decide whether to levy and use PFCs for any lawful purpose at the City's discretion, pursuant to 14 CFR Part 158. The acknowledgement does not affect the City's obligation to consult with Southwest and to follow other procedures as required pursuant to 14 CFR Part 158.</p> <p>All other terms and conditions of the Agreement remain unchanged.</p>				
<b>REQUIRED AUTHORIZATION</b>				
<b>Finance Department:</b>		<b>Other Authorization:</b>		<b>Other Authorization:</b>