

AGENDA - COUNCIL MEETING - TUESDAY - SEPTEMBER 28, 2010 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

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

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - SEPTEMBER 29, 2010 - 9:00 A. M.

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

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** relating to the Retail Electric Rates of CenterPoint Energy Houston Electric, LLC to determine just and reasonable rates to be observed within the City of Houston, Texas

MAYOR'S REPORT - Principles for potential implementation of Proposition No. 1

CONSENT AGENDA NUMBERS 2 through 26

MISCELLANEOUS - NUMBERS 2 through 4

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION**:

- Position 1 - **MS. PENNY BUTLER**, reappointment, for a term to expire 2/1/2011
- Position 2 - **MR. J. HOWARD RAMBIN III**, reappointment, for a term to expire 2/1/2012
- Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2011
- Position 4 - **MS. RUTH R. HURST**, reappointment, for a term to expire 2/1/2012
- Position 5 - **MR. T. RAY PURSER**, appointment, for a term to expire 2/1/2011
- Position 6 - **MR. DANIEL SULLENBARGER**, reappointment, for a term to expire 2/1/2012
- Position 7 - **MS. ADRIANA TAMEZ**, reappointment, for a term to expire 2/1/2011
- Position 8 - **MR. MATT DELNICK**, appointment, for a term to expire 2/1/2012
- Position 9 - **MS. MARIE D. ARCOS**, reappointment, for a term to expire 2/1/2011
- Position 10 - **MR. ROBERT C. BOUCHER**, reappointment, for a term to expire 2/1/2012
- Position 11 - **MR. ASHOK DHINGRA**, appointment, for a term to expire 2/1/2011
- Position 12 - **MR. WALTER W. HAMBRICK, JR.**, appointment, for a term to expire 2/1/2012
- Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2011
- Position 14 - **MR. DONALD J. SMITH**, appointment, for a term to expire 2/1/2012
- Position 15 - **MS. CHER MURPHY**, appointment, for a term to expire 2/1/2011
- Position 16 - **MS. EMILY A. MESSA**, appointment, for a term to expire 2/1/2012
- Position 17 - **MS. CARLA LENÁ WYATT**, reappointment, for a term to expire 2/1/2011
- Position 18 - **MR. JOSÉ GRIÑAN**, reappointment, for a term to expire 2/1/2012
- Position 19 - **MR. JOHN CANALES GORCZYNSKI**, appointment, for a term to expire 2/1/2011
- Position 20 - **MR. ROBERT W. GIBBS JR.**, reappointment, for a term to expire 2/1/2012
- Position 21 - **MS. HAI TRAN DUONG**, appointment, for a term to expire 2/1/2011
- Position 22 - **MS. SALLÉ S. MORSE**, reappointment, for a term to expire 2/1/2012
- Position 23 - **MS. SHONDRA E. WYGAL**, appointment, for a term to expire 2/1/2011
- Position 24 - **MR. CHRIS K. WILMOT**, reappointment, for a term to expire 2/1/2012
- Position 25 - **DR. WIL UECKER**, appointment, for a term to expire 2/1/2011
- Position 26 - **MR. REY DE LA REZA**, reappointment, for a term to expire 2/1/2012
- Position 27 - **MS. MIRANDA MALDONADO**, appointment, for a term to expire 2/1/2011
- Position 28 - **MS. PATRICIA HERRERA**, appointment, for a term to expire 2/1/2011
- Position 29 - **MR. DARRYL LAMBERT**, reappointment, for a term to expire 2/1/2011
- Position 30 - **MR. CHRISTOPHER R. PASSMORE**, appointment, for a term to expire 2/1/2012
- Position 31 - **MS. SUSAN J. CITA**, reappointment, for a term to expire 2/1/2011
- Position 32 - **MS. MARGARET ROBINSON**, reappointment, for a term to expire 2/1/2012
- Position 33 - **MR. HERBERT H. OCHIER**, appointment, for a term to expire 2/1/2011
- Position 34 - **MR. PATRICK CASTILLO**, appointment, for a term to expire 2/1/2012
- Position 35 - **MR. JAMES D. TATES**, appointment, for a term to expire 2/1/2011
- Position 36 - **MS. DIAMANTINA "TINA" ARAUJO**, reappointment, for a term to expire 2/1/2012
- Position 37 - **MR. KIRAN SHAH**, appointment, for a term to expire 2/1/2011

MISCELLANEOUS - continued

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **SPRING BRANCH MANAGEMENT DISTRICT**, for terms to expire June 1, 2013:
 - Position Eight - **MS. PATRICIA A. MADDOX**, reappointment
 - Position Nine - **MR. DAVID GUTIERREZ**, reappointment
 - Position Ten - **MR. HOWARD CHONG**, appointment
 - Position Eleven - **MR. RINO CASSINELLI**, reappointment
 - Position Twelve - **MS. MELANIE HOFF**, reappointment
 - Position Thirteen - **MR. JOHN W. H. CHIANG**, reappointment

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:
 - Position One - **MS. PEGGY R. (CHAVIS) GARRETT**, reappointment, for a term to expire 7/26/2011
 - Position Two - **MR. ALAN RUSSELL**, appointment, for a term to expire 7/26/2012
 - Position Four - **MR. JOSÉ RAMIREZ, JR.**, reappointment, for a term to expire 7/26/2012
 - Position Five - **MS. KRUPA PARIKH**, appointment, for a term to expire 7/26/2011
 - Position Six - **MS. KATHY LADELL WALTERS**, appointment, for a term to expire 7/26/2012
 - Position Seven - **MS. SHITAL R. PATEL**, appointment, for a term to expire 7/26/2011
 - Position Eight - **MS. KELLY CURTIS REAGAN**, reappointment, for a term to expire 7/26/2012
 - Position Ten - **MS. JANE CUMMINS**, reappointment, for a term to expire 7/26/2012
 - Position Eleven - **MS. ELLEN J. GOUDEAU**, reappointment, for a term to expire 7/26/2011
 - Position Twelve - **MS. LEAH MASTAGLIO**, reappointment, for a term to expire 7/26/2012
 - Alternate Position One - **MS. MARIA G. DELEON**, reappointment, for a term to expire 7/26/2011
 - Alternate Position Two - **MS. TINA WILLIAMS**, appointment, for a term to expire 7/26/2012
 - Alternate Position Three - **MR. KENNETH JAMES DEPEW**, appointment, for a term to expire 7/26/2011
 - Alternate Position Four - **MS. DEBORAH E. NOWINSKI**, appointment, for a term to expire 7/26/2012

ACCEPT WORK - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,163,227.92 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Central Park Subdivision Storm Sewer Facilities (Phase II) - 2.45% over the original contract amount - **DISTRICT I - RODRIGUEZ**

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,218,671.48 and acceptance of work on contract with **COLLINS CONSTRUCTION LLC** for Water Line Replacement in Colonial Gardens Area - 8.49% under the original contract amount - **DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 10

7. **DELL MARKETING LP** for Microsoft Enterprise License Agreement through the City's Master Agreement with Texas Department of Information Resources for the Information Technology Department - \$1,604,979.08 - Equipment Acquisition Consolidated Fund
8. ORDINANCE appropriating \$86,780.78 out of Water & Sewer System Consolidated Construction Fund for Emergency Rectification of the Pavement on Fulton Street for the Public Works & Engineering Department
 - a. **JIMERSON UNDERGROUND, INC** for Emergency Rectification of the Pavement on Fulton Street for Department of Public Works & Engineering - **DISTRICT H - GONZALEZ**
9. ORDINANCE appropriating \$65,588.25 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of Potable Water Line for Public Works & Engineering Department
 - a. **REYTEC CONSTRUCTION RESOURCES, INC** for Emergency Repair of Potable Water Line for Department of Public Works & Engineering - **DISTRICT B - JOHNSON**
10. **AZTECA SYSTEMS, INC** for Software Application and Maintenance Support Services for the Work-Order Management System (Cityworks) for the Department of Public Works & Engineering \$110,000.00 - Enterprise Fund

ORDINANCES - NUMBERS 11 through 26

11. ORDINANCE **AMENDING CHAPTERS 5 and 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding amusement redemption machines and game rooms; providing a penalty; containing findings and other provisions relating to the foregoing subject; providing for severability
12. ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Developer Participation Contracts; making findings and containing provisions related to the subject; providing for severability
13. ORDINANCE authorizing the sale of a 22,659-square-foot subsurface pipeline easement (Parcel SY10-050A) and a 80,790-square-foot temporary construction easement (Parcel SY10-050B), both located within the Southeast Water Purification Plant, out of the W.H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042, Houston, Harris County, Texas, to Monument Pipeline, LP, in consideration of its payment of \$49,079.00 and other consideration to the City - **DISTRICT E - SULLIVAN**
14. ORDINANCE approving the Lease Agreement of the City Water Plant No. D-158 between the **NORTH FORT BEND WATER AUTHORITY** and the City of Houston - Revenue
15. ORDINANCE providing for the assessment, levying and collection of Ad Valorem Taxes for the City of Houston, Texas for the Year 2010

ORDINANCES - continued

16. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on: proposed amendments to the Strategic Partnership Agreements between the City of Houston and **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 4, FAULKEY GULLY MUNICIPAL UTILITY DISTRICT, HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 109, MILLS ROAD MUNICIPAL UTILITY DISTRICT** and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 142, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 44** and **HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 91** and on proposals for the City of Houston to annex for limited purposes certain territory located within such districts in Harris and Fort Bend Counties; proposed amendments to Strategic Partnership Agreements between the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT, CHIMNEY HILL MUNICIPAL UTILITY DISTRICT, CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2, CY-CHAMP PUBLIC UTILITY DISTRICT, HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 248, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 285, NORTH BELT UTILITY DISTRICT** and **PONDEROSA FOREST UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris and Fort Bend Counties; proposed Strategic Partnership Agreements between the City of Houston and **EL DORADO UTILITY DISTRICT, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 64, HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82, HARRIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 132, KLEINWOOD MUNICIPAL UTILITY DISTRICT, LOUETTA NORTH PUBLIC UTILITY DISTRICT, NORTH GREEN MUNICIPAL UTILITY DISTRICT, NORTHGATE CROSSING MUNICIPAL UTILITY DISTRICT NO. 1, WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9** and **WOODCREEK MUNICIPAL UTILITY DISTRICT** and on proposals for the City of Houston to annex for limited purpose certain territory located within and in the vicinity of such districts in Harris County; proposals for the City of Houston to impose the City of Houston's sales and use tax in such territory; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability
HEARING DATES - WEDNESDAY - 9:00 A.M. - OCTOBER 27, 2010 and NOVEMBER 3, 2010
17. ORDINANCE approving and authorizing Amendment No. 2 to an Agreement for Professional Services between the City of Houston and the **GREATER HOUSTON PARTNERSHIP, INC** \$221,250.00 - Enterprise Funds
18. ORDINANCE amending Ordinance No. 2007-0482 (Passed by City Council on April 18, 2007) to increase the maximum contract amount; approving and authorizing first amendment to an agreement between the City of Houston and **GARRISON ENTERPRISES, INC** for Software Product License and Software Product Support Service for the Houston Department of Health & Human Services - \$182,300.00 - Health Special Revenue Fund
19. ORDINANCE approving and authorizing Interlocal Agreement between the City of Houston and **GREATER EAST END MANAGEMENT DISTRICT** for Graffiti Abatement Services; providing a maximum contract amount - 2 Years with three one-year options - \$1,685,780.00 - General, Enterprise and Other Funds
20. ORDINANCE approving and authorizing contract between the City and **BLUE CROSS AND BLUE SHIELD OF TEXAS** for Wellness and Weight Maintenance Program for City employees, retirees, and eligible dependents - \$150,000.00 - Health Benefits Fund

ORDINANCES - continued

21. ORDINANCE awarding contract to **SELRICO COMMUNICATIONS, LLC** for Communication Technician Services for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$5,000,000.00 - Central Service Revolving Fund
22. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Janitorial, Porter, Window-washing, Recycling and Associated Services; providing a maximum contract amount - 3 Years with two one-year options - \$21,192,625.54 - General, Enterprise, Park Special Revenue, Building Inspection and Houston Transtar Funds
23. ORDINANCE approving and authorizing Lease Purchase Agreement between the City of Houston and **IBM CREDIT, LLC** from the State of Texas Procurement and Support Services Contract for the Department of Public Works & Engineering; authorizing the Director of the Department of Public Works & Engineering to execute all documents pertaining to such agreement
24. ORDINANCE appropriating \$125,096.00 out of Drainage Improvement Commercial Paper Series F Fund to Interlocal Agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** (Approved by Ordinance No. 2007-0722) for Construction of the Whiteheather Storm Sewer Outfall Project - **DISTRICT D - ADAMS**
25. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer System Consolidated Construction Fund; amending Ordinance No. 98-575 (Passed July 15, 1998) to increase the maximum contract amount; approving and authorizing fifth amendment to contract between the City of Houston and **ITRON, INC**, approved by the same ordinance for a Radio Automated Water Meter Reading System - \$1,858,563.58 - Enterprise Fund
26. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Cambridge Paving Project (from Holly Hall to IH-610); authorizing the acquisition by donation, purchase, or eminent proceedings of five parcels of land required for street purposes; said parcels to be acquired in Easement Title and situated in the P. W. Rose Survey, A-645, in Harris County, Texas; such property being more specifically situated and located out of Lot 2 Block 8; Lots 1 and 4, Block 16; Lots 1 and 4, Block 17, Knights Main Addition, a subdivision in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees **DISTRICT D - ADAMS**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

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

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

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

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

**CITY COUNCIL CHAMBER - CITY HALL 2nd FLOOR - TUESDAY
SEPTEMBER 28, 2010 - 2:00 PM**

AGENDA

3MIN

3MIN

3MIN

NON-AGENDA

3MIN

3MIN

3MIN

MS. KIM KOSSIE – 1722 Tribble - 77338 – 832-419-7457 – Mobilizing our listening audience to meet the need of our city

MR. RAY HILL – Post Office Box 3624 – 77253 – 713-523-6969 – Remaining relevant

MS. CONNIE DESMORE – 22715 Imperial Valley - 77073 – 832-483-3592 – Bias and Prejudice

MS. KHALIAH HUNTER – 17210 Imperial Valley – 77073 – 832-276-1218 – Faulty equipment in HPD car

MS. SHEILA SIMEON – Post Office Box 8263 – 77288 – 832-410-1910 – Police harassment and HPD complaints

MS. MARILYN SCOTT – 702 E. 32 ½ - 77022 – 832-208-2606 – HPD complaint

MS. KIM SHAW – 6363 W. Airport – 77035 – 713-729-8269 – Complaint against Houston Housing Authority

MR. BARRY ROSSETTE – 5015 Fannin – 77004 – 832-483-3231 – Tall grass problem next to child care

MR. CLAUDE BROWN – 3018 Hohl – 77093-6922 – 832-885-9182 – Noise

PREVIOUS

1MIN

1MIN

1MIN

MS. MARY TAYLOR - 1403 Fashion Hill Dr. - 77088 - 281-445-0682 – Joe Turner Parks/Recreation Director 26.82 Acres Stuebner Airline Park

MS. TERRY REIS – 1810 Woodland Park Dr. – 77077 – 281-497-4466 – Sewer odor in home

MR. OLIVER KINCHEN – 4516 Maxie – 77007 – 281-447-0049 – No Action taken yet. Problem has increased greatly

PRESIDENT JOSEPH CHARLES - Post Office Box 524373 - 77052-4373 – Impostor Councilman Illegal Immigrants James G. Rodriguez vs. S. R. Gibbs – Statement

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: AN ORDINANCE RELATING TO THE RETAIL ELECTRIC RATES OF CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC; SETTING A HEARING TO DETERMINE JUST AND REASONABLE RATES TO BE OBSERVED WITHIN THE CITY OF HOUSTON

Category #

Page 1 of 1

Agenda Item#

1 ~~22~~

FROM: (Department or other point of origin):

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

Origination Date

September 8, 2010

Agenda Date

SEP 29 2010

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina Paez Phone: 713-837-9630
Alisa Talley Phone: 713-837-0849

Date and identification of prior authorizing Council Action:

Ordinance No. 2010-0610, passed July 28, 2010

RECOMMENDATION: (Summary)

Adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC; setting a hearing to determine just and reasonable rates to be observed within the city of Houston.

Amount of Funding: N/A

FIN Budget:

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

SPECIFIC EXPLANATION:

The Administration & Regulatory Affairs Department (ARA) recommends that Council adopt an ordinance relating to the retail electric rates of CenterPoint Energy Houston Electric, LLC ("CenterPoint"); setting a public hearing for September 29, 2010 to determine just and reasonable rates to be observed within the city of Houston. CenterPoint operates the power transmission and distribution systems in the Houston metropolitan area. The City of Houston exercises original jurisdiction over the rates, operations and services of CenterPoint under the provisions of the Public Utility Regulatory Act ("PURA") for customers inside city limits.

On June 30, 2010, CenterPoint filed a Statement of Intent to Change Rates ("Statement of Intent") within its service territory, including the city of Houston. The proposed rate change will impact approximately 2.1 million customers in CenterPoint's service area, including approximately 880,000 Houston customers— 760,000 residential, 119,000 commercial and 1,000 industrial customers.

CenterPoint initially requested an increase of approximately \$94 million in its transmission and distribution utility rates, which included a \$76 million increase for service to retail electric customers. However, on August 4, 2010, CenterPoint amended its requested increase for retail electric customer rates to \$92 million, resulting in a total increase of approximately \$110 million. If CenterPoint's proposed rates are adopted, the average residential customer using 1,000 kWh per month would experience an approximate 5% increase — \$5.41 per month increase (versus the initial \$5.53 proposed increase) — assuming an existing retail rate of \$0.1115 per kWh. Residential customers will experience an increase, while decreases are proposed for certain rate classes of commercial and industrial customers. The Company is also requesting a \$7 million increase in revenue requirement for street lights which would impact the City of Houston.

On July 28, 2010 City Council approved Ordinance No. 2010-0610 suspending the new rates for 90 days beyond the proposed August 4, 2010 effective date to November 2, 2010. The suspension of the rates was approved to allow the City to engage a team of experts to review the rate case, request information from the Company related to the proposed rate change, and assist in the preparation of the final rate recommendation to City Council. During the suspension period, the City also held public meetings (August 17 and August 24) for CenterPoint in-city customers to allow ratepayers the opportunity to voice quality of service concerns and/or objections to the proposed rate change.

During the proposed Public Hearing on September 29, 2010, ARA and the City's rate consultants will present a summary of findings and rate recommendations. CenterPoint and Intervenor will also have the opportunity to present their respective positions. Customer concerns raised at the public meetings and written comments will be summarized. A proposed electric rate ordinance incorporating the findings and recommendations will be presented to City Council for approval on October 6, 2010.

REQUIRED AUTHORIZATION

ARA Director:



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

2
SEP 29 2010

September 24, 2010

The Honorable City Council
City of Houston

Dear Council Members:

Pursuant to Section 39-32 of the City of Houston Code of Ordinances, I am nominating the following individuals for appointment or reappointment to the Houston Clean City Commission, subject to Council confirmation:

Ms. Penny Butler, reappointment to Position One, for a term to expire February 1, 2011;
Mr. J. Howard Ramin, III, reappointment to Position Two, for a term to expire February 1, 2012;
Mr. Donald L. Poarch, reappointment to Position Three, for a term to expire February 1, 2011;
Ms. Ruth R. Hurst, reappointment to Position Four, for a term to expire February 1, 2012;
Mr. T. Ray Purser, appointment to Position Five, for a term to expire February 1, 2011;
Mr. Daniel Sullenbarger, reappointment to Position Six, for a term to expire February 1, 2012;
Ms. Adriana Tamez, reappointment to Position Seven, for a term to expire February 1, 2011;
Mr. Matt Delnick, appointment to Position Eight, for a term to expire February 1, 2012;
Ms. Marie D. Arcos, reappointment to Position Nine, for a term to expire February 1, 2011;
Mr. Robert C. Boucher, reappointment to Position Ten, for a term to expire February 1, 2012;
Mr. Ashok Dhingra, appointment to Position Eleven, for a term to expire February 1, 2011;
Mr. Walter W. Hambrick, Jr., appointment to Position Twelve, for a term to expire February 1, 2012;
Ms. Charlotte Ann Haynes, reappointment to Position Thirteen, for a term to expire February 1, 2011;
Mr. Donald J. Smith, appointment to Position Fourteen, for a term to expire February 1, 2012;
Ms. Cher Murphy, appointment to Position Fifteen, for a term to expire February 1, 2011;
Ms. Emily A. Messa, appointment to Position Sixteen, for a term to expire February 1, 2012;
Ms. Carla Lená Wyatt, reappointment to Position Seventeen, for a term to expire February 1, 2011;
Mr. José Griñan, reappointment to Position Eighteen, for a term to expire February 1, 2012;
Mr. John Canales Gorczynski, appointment to Position Nineteen, for a term to expire February 1, 2011;
Mr. Robert W. Gibbs, Jr., reappointment to Position Twenty, for a term to expire February 1, 2012;
Ms. Hai Tran Duong, appointment to Position Twenty-One, for a term to expire February 1, 2011;
Ms. Sallé S. Morse, reappointment to Position Twenty-Two, for a term to expire February 1, 2012;
Ms. Shondra E. Wygal, appointment to Position Twenty-Three, for a term to expire February 1, 2011;
Mr. Chris K. Wilmot, reappointment to Position Twenty-Four, for a term to expire February 1, 2012;
Dr. Wil Uecker, appointment to Position Twenty-Five, for a term to expire February 1, 2011;

Mr. Rey De La Reza, reappointment to Position Twenty-Six, for a term to expire February 1, 2012;
Ms. Miranda Maldonado, appointment to Position Twenty-Seven, for a term to expire February 1, 2011;
Ms. Patricia Herrera, appointment to Position Twenty-Eight, for a term to expire February 1, 2012;
Mr. Darryl Lambert, reappointment to Position Twenty-Nine, for a term to expire February 1, 2011;
Mr. Christopher R. Passmore, appointment to Position Thirty, for a term to expire February 1, 2012;
Ms. Susan J. Cita, reappointment to Position Thirty-One for a term to expire February 1, 2011;
Ms. Margaret Robinson, reappointment to Position Thirty-Two, for a term to expire February 1, 2012;
Mr. Herbert H. Ochier, appointment to Position Thirty-Three, for a term to expire February 1, 2011;
Mr. Patrick Castillo, appointment to Position Thirty-Four, for a term to expire February 1, 2012;
Mr. James D. Bates, appointment to Position Thirty-Five, for a term to expire February 1, 2011;
Ms. Diamantina "Tina" Araujo, reappointment to Position Thirty-Six for a term to expire February 1, 2012;
and
Mr. Kiran Shah, appointment to Position Thirty-Seven, for a term to expire February 1, 2011;

Résumés of nominees are attached for your review.

Sincerely,



Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Ms. Robin Blut, Executive Director, Keep Houston Beautiful



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

3

SEP 29 2010

COPY TO EACH MEMBER OF COUNCIL:

CITY SECRETARY: 9-16-10
date

COUNCIL MEMBER: _____

September 15, 2010

The Honorable City Council
City of Houston

Pursuant to Chapter 3830, Texas Special District Local Laws Code, I am nominating the following individuals for appointment or reappointment to the Spring Branch Management District, upon the recommendation of the District's Board of Directors, subject to Council confirmation:

Ms. Patricia A. Maddox, reappointment to Position Eight, for a term to expire June 1, 2013;
Mr. David Gutierrez, reappointment to Position Nine, for a term to expire June 1, 2013;
Mr. Howard Chong, appointment to Position Ten, for a term to expire June 1, 2013;
Mr. Rino Cassinelli, reappointment to Position Eleven, for a term to expire June 1, 2013;
Ms. Melanie Hoff, reappointment to Position Twelve, for a term to expire June 1, 2013; and
Mr. John W. H. Chiang, reappointment to Position Thirteen, for a term to expire June 1, 2013.

Résumés of the appointees are attached for your review.

Sincerely,

Annise D. Parker
Mayor

AP:JC:jsk

Attachments

cc: Mr. David Hawes, Executive Director, Spring Branch Management District
Mr. Timothy 'Tim' P. Austin, Attorney for the District, Spring Branch Management District

RECEIVED
SEP 16 2010
CITY SECRETARY



ANNISE D. PARKER
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

4

SEP 29 2010

September 23, 2010

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to Sections 2-381 and 2-382 of the City of Houston Code of Ordinances, I am appointing or reappointing the following individuals to the Houston Commission on Disabilities, subject to confirmation by City Council:

Ms. Peggy R. (Chavis) Garrett, reappointment to Position One, for a term to expire July 26, 2011;
Mr. Alan Russell, appointment to Position Two, for a term to expire July 26, 2012;
Mr. José Ramirez, Jr. reappointment to Position Four, for a term to expire July 26, 2012;
Ms. Krupa Parikh, appointment to Position Five, for a term to expire July 26, 2011;
Ms. Kathy LaDell Walters, appointment to Position Six, for a term to expire July 26, 2012;
Ms. Shital R. Patel, appointment to Position Seven, for a term to expire July 26, 2011;
Ms. Kelly Curtis Reagan, reappointment to Position Eight, for a term to expire July 26, 2012;
Ms. Jane Cummins, reappointment to Position Ten, for a term to expire July 26, 2012;
Ms. Ellen J. Goudeau, reappointment to Position Eleven, for a term to expire July 26, 2011;
Ms. Leah Mastaglio, reappointment to Position Twelve, for a term to expire July 26, 2012;
Ms. Maria G. Deleon, reappointment to Alternate Position One, for a term to expire July 26, 2011;
Ms. Tina Williams, appointment to Alternate Position Two, for a term to expire July 26, 2012;
Mr. Kenneth James Depew, appointment to Alternate Position Three, for a term to expire July 26, 2011; and
Ms. Deborah E. Nowinski, appointment to Alternate Position Four, for a term to expire July 26, 2012.

The résumés of the appointees are attached for your review.

Sincerely,

Annise D. Parker
Mayor

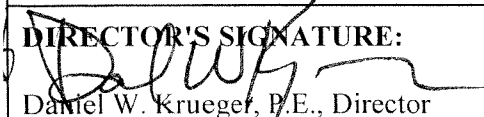



AP:JC:jsk

Attachments

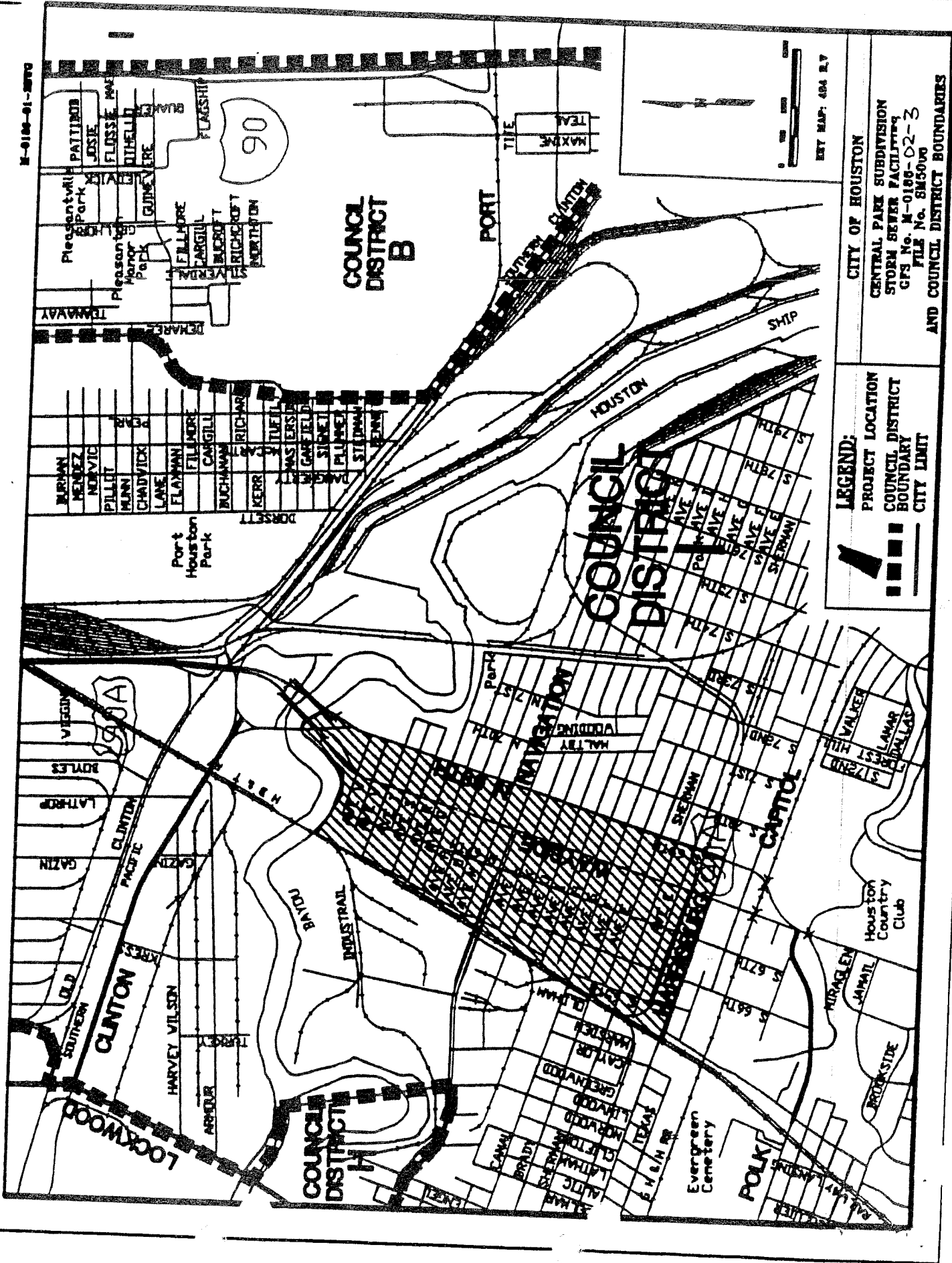
cc: Mr. Jeff Anderson, Executive Director, Houston Commission on Disabilities
Ms. Ana Calvo, Chair, Houston Commission on Disabilities

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Central Park Subdivision Storm Sewer Facilities (Phase II); WBS No. M-000186-0002-4.	Category #1, 7	Page 1 of 2	Agenda Item # 5
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/23/10		Agenda Date SEP 29 2010
DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: I 		
For additional information contact: J. Timothy Lincoln, P.E. Senior Assistant Director  Phone: (832) 395-2355	Date and identification of prior authorizing Council action: Ord. # 2006-721 dated:06/28/2006		
RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$8,163,227.92 or 2.45% over the original Contract Amount, accept the Work and authorize final payment.			
Amount and Source of Funding: No additional funding required. Total (original) appropriation of \$9,045,000.00 with \$7,113,217.00 from Drainage Improvements Commercial Paper Series F, Fund No. 49R; and \$1,931,783.00 from the Water and Sewer Consolidated Construction Fund No. 755 (\$1,271,498.00 from R-000500-0048-4 and \$660,285.00 from S-000500-0048-4).			
PROJECT NOTICE/JUSTIFICATION: This project was part of the Storm Drainage Capital Improvement Plan (CIP) and was required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.			
DESCRIPTION/SCOPE: This project consisted of replacement of existing storm drainage system, including upgrade to the existing water lines and sanitary sewers, and reconstruction of the existing street pavement. Burk Klienpeter, Inc. designed the project with 540 calendar days allowed for construction. The project was awarded to Reytec Construction Resources, Inc. with an original Contract Amount of \$7,968,152.87.			
LOCATION: The project area is generally bounded by Buffalo Bayou on the north, Canal on the south, S. Wayside on the east and Terminal Street on the west. The project is located in Key Map Grids 494 R,V.			
CONTRACT COMPLETION AND COST: The Contractor, Reytec Construction Resources, Inc., has completed the work under subject Contract. The project was completed with an extension of 8 days approved by Change Orders No. 6 and 7. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Orders No. 1 thru 7 is \$8,163,227.92, an increase of \$195,075.05 or 2.45% over the original Contract Amount.			
The increased cost is a result of Change Orders No. 2 thru 7 and difference between planned and measured quantities. This increase is primarily the result of overrun in Bid Item No. 20 -7" Reinforced Concrete Pavement, which was necessary to complete the project.			
M/WBE PARTICIPATION: The M/WBE goal established for this project was 17.00%. According to Affirmative Action and Contract Compliance Division, the participation was 17.83%. Contractor's M/WBE performance evaluation was rated Satisfactory.			
DRM:JTL:JLS:EK:ha			
Z:\E&C Construction\East Sector\PROJECTS\M-000186-0002-4 Central Park\closeout\RCA\RCA\RCA - Closeout.doc			
cc: Velma Laws		Craig Foster Martyr Stein File No.: SM5006-02/21.0	
REQUIRED AUTHORIZATION			20HA97 NDT
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

E-0186-01-2870



CITY OF HOUSTON

CENTRAL PARK SUBDIVISION
STORM SEWER FACILITIES
GFS No. M-0186-02-3
FILE No. 8M500W

AND COUNCIL DISTRICT BOUNDARIES

LEGEND:

PROJECT LOCATION
COUNCIL DISTRICT
BOUNDARY
CITY LIMIT

EST MAP: 484 R.V

DRAWN BY: M. J. 79

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Accept Work for Water Line Replacement in Colonial Gardens Area.
WBS. No. S-000035-00N3-4.

Page 1 of 1

Agenda Item #

6

FROM (Department or other point of origin):

Department of Public Works and Engineering

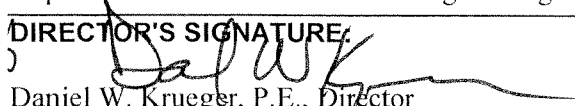
Origination Date

9-23-10

Agenda Date

SEP 29 2010

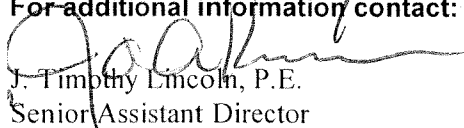
DIRECTOR'S SIGNATURE:


Daniel W. Krueger, P.E., Director

Council Districts affected:

H

For additional information contact:


J. Timothy Lincoln, P.E.
Senior Assistant Director

Phone: (832) 395-2355

Date and Identification of prior authorizing Council Action:

Ord. #2009-245 dated 03/25/2009

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,218,671.48, which is 8.49% under the original Contract Amount, accept the Work and authorize the final payment.

Amount and Source of Funding: No additional appropriation required.

(Original appropriation of \$1,586,270.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

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

DESCRIPTION/SCOPE: The project consisted of 20,628 linear feet of 8-inch and 1,689 linear feet of 12-inch water lines, including valves, fittings, connections, fire hydrants and appurtenances. SCL Engineering designed the project with 300 calendar days allowed for construction. The project was awarded to Collins Construction, LLC. with an original Contract Amount of \$1,331,798.81.

LOCATION: The project area is generally bound by E. Crosstimbers on the north, Bennington on the south, Cochran on the east, and Roswell on the west. The project is located in the Key Map Grids 453-L, M, Q & R.

CONTRACT COMPLETION AND COST: The Contractor, Collins Construction LLC. has completed the Work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,218,671.48, a decrease of \$113,127.33 or 8.49% under the original Contract Amount.

The decreased cost is primarily due to the work not requiring use of major Unit Price Items associated with water line installation.

M/WBE PARTICIPATION: The M/W/SBE goal for this project was 22.00%. According to Affirmative Action and Compliance Division, the actual participation was 24.15%. The contractor achieved an "Outstanding" rating for M/W/SBE compliance.

DWK:DRM:JTL, JLS:SA:mq
Z:\E&C Construction\East Sector\PROJECTS\S-000035-00N3-4 Col. Gdns\Closeout\RCA\RCA_Closeout-revised.DOC

c: File No. S-000035-00N3-4 - Closeout


REQUIRED AUTHORIZATION

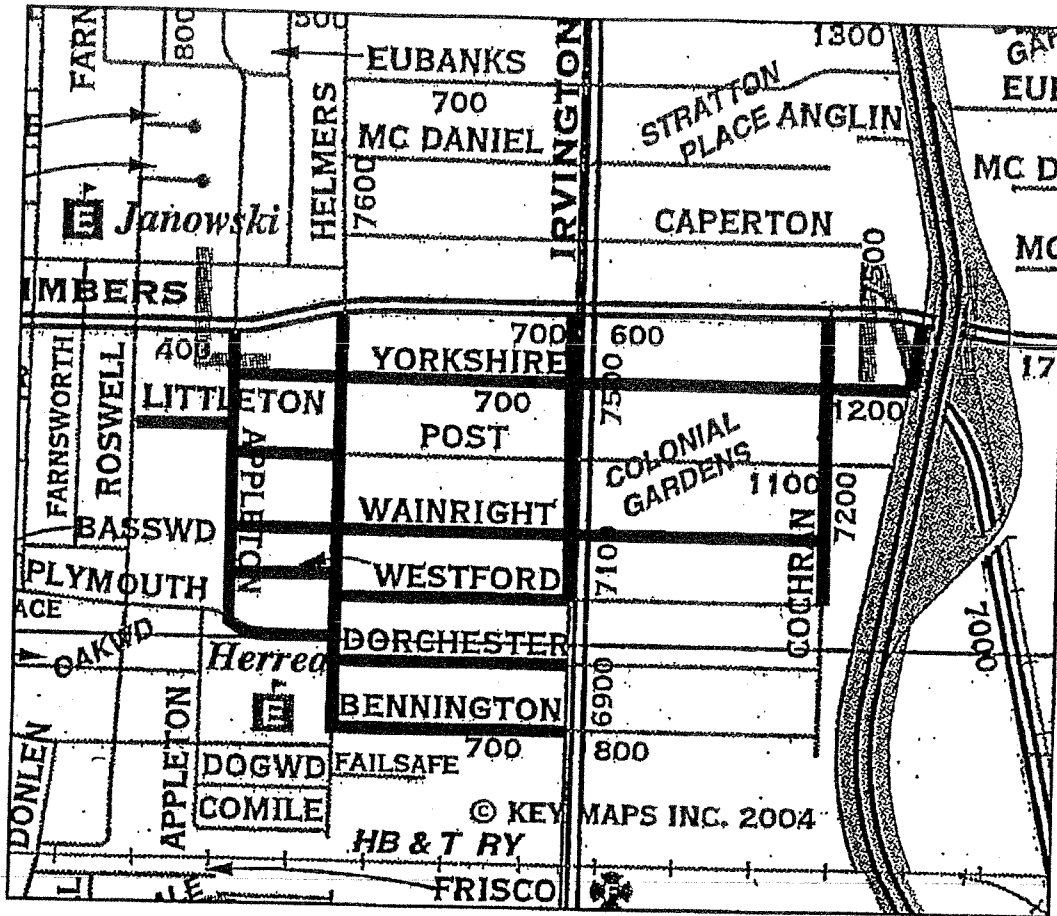
NDT CUIC ID# 20MZQ179

Finance Department:

Other Authorization:

Other Authorization:


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



VICINITY MAP

KEY MAP NO: 453 L, M, Q, R
 GIMS MAP NO: 5360 D, 5460 C

STREET NAME	FROM	TO	PROP SIZE (INCH)	LENGTH (FEET)
YORKSHIRE	APPLETON	COCHRAN	8	4419
LITTLETON	ROSWELL	APPLETON	8	580
POST	APPLETON	HELMERS	8	877
WAINRIGHT	APPLETON	COCHRAN	8	3469
WESTFORD	APPLETON	HELMERS	8	890
WESTFORD	HELMERS	IRVINGTON	8	1342
PLYMOUTH	APPLETON	HELMERS	8	722
DORCHESTER	HELMERS	IRVINGTON	8	1347
BENNINGTON	HELMERS	IRVINGTON	8	1344
APPLETON	PLYMOUTH	EAST CROSSTIMBERS	8	1800
HELMERS	BENNINGTON	EAST CROSSTIMBERS	8	2830
IRVINGTON	WESTFORD	EAST CROSSTIMBERS	12	1656
COCHRAN	WESTFORD	EAST CROSSTIMBERS	8	1656
TOTAL				22,281

CITY OF HOUSTON
 WBS S-000035-00N3-4
 WATER LINE REPLACEMENT
 COLONIAL GARDENS AREA
 Edward Gonzalez
 DISTRICT H- ~~ABRAN GARCIA~~

SCL
 ENGINEERING
 HOUSTON, TEXAS

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8869

Subject: Approve the Purchase of a Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources/S17-H23764

Category #
1, 4, & 5

Page 1 of 1

Agenda Item

7

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

Origination Date
September 20, 2010

Agenda Date
SEP 29 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Gary Morris Phone: (832) 393-0065
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:
Ord. 2010-665 passed 8/18/10

RECOMMENDATION: (Summary)

Approve the purchase of a Microsoft Enterprise License Agreement in the total amount of \$1,604,979.08 through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department.

Award Amount: \$1,604,979.08

Finance Budget

\$1,604,979.08 - FY 11 Equipment Acquisition Consolidated Fund (Fund 1800) WBS V-1800-2011-03-02 (Appr. Ord. No. 2010-665 Approved 8-18-2010)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of a Microsoft Enterprise License Agreement in the total amount of 1,604,979.08 through the City's Master Agreement with the Texas Department of Information Resources (DIR) for the Information Technology Department (ITD) and that authorization be given to issue purchase orders to DIR's Go-Direct Vendor, Dell Marketing, LP.

This purchase will allow the Department to continue to enter into an Enterprise agreement for 2,234 desktop and laptop computers that will be purchased and deployed citywide in FY11. This is the second phase of a multiyear approach that will allow the City to spread the Capital Investment over a five-year period rather than immediately convert the City's existing fleet of 14,000 desktops and laptops. This approach enables the City to implement new tools that will reduce the labor required to support personal computers and upgrade the quality of the City's Intranet, Choice.net.

This procurement builds on the citywide Exchange (E-Mail) upgrade and the Active Directory implementation. Additionally, the Enterprise Software License agreement will enable the City to move Microsoft desktop software from unsupported platforms and provide a mechanism to a secure, robust and up-to-date computing environment capable of supporting external and internal user needs.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

CS

MD

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8841

Subject: Emergency Rectification of the Pavement on Fulton Street for the Public Works & Engineering Department
S12-E23725

Category #
1 & 4

Page 1 of 1

Agenda Item

8 + 8A

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

Origination Date
September 13, 2010

Agenda Date
SEP 29 2010

DIRECTOR'S SIGNATURE

M.D.
Calvin D. Wells

Council District(s) affected
H

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$86,780.78 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and approve payment to Jimerson Underground, Inc. in the total amount of \$86,780.78 for emergency rectification of the pavement on Fulton Street for the Public Works & Engineering Department.

Payment Amount: \$86,780.78

Finance Budget

\$86,780.78 - Water and Sewer System Consolidated Construction Fund (8500) WBS R-000019-0063-4-01

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$86,780.78 from the Water and Sewer System Consolidated Construction Fund (Fund 8500). It is further recommended that City Council approve payment to Jimerson Underground, Inc. in the amount of \$86,780.78 for emergency rectification of the pavement on Fulton Street (between Sue and Gale Streets) for the Public Works & Engineering Department.

On February 8, 2010, during the Metro rail utility line relocation, subsurface voids were discovered beneath the roadway along the 5100 block of Fulton Street (between Sue and Gale Streets). It was determined that the subsurface voids severely undermined the roadway's integrity and posed an immediate safety hazard to the citizens traversing the area. The Strategic Purchasing Division issued a purchase order to address the emergency.

The scope of work required the contractor to provide all labor, supervision, permits, insurance, bonds, materials, equipment, traffic control and transportation necessary to excavate the affected area, rectify and fill the subsurface voids, restore the street pavement to its original condition, and remove all debris and excess project materials.

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

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

Long

ACT

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8842

Subject: Emergency Repair of Potable Water Line for the Public Works & Engineering Department
E23727

Category #
4

Page 1 of 1

Agenda Item

909A

FROM (Department or other point of origin):

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

Origination Date

August 09, 2010

Agenda Date

SEP 29 2010

DIRECTOR'S SIGNATURE

MS Calvin D. Wells

Council District(s) affected

B

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$65,588.25 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500) and approve payment to Reytec Construction Resources, Inc. in the total amount of \$65,588.25 for the emergency repair of potable water line for the Public Works & Engineering Department.

Payment Amount: \$65,588.25

Finance Budget

\$65,588.25 - Water and Sewer System Consolidated Construction Fund (Fund 8500) WBS 8-000019-0056-4

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$65,588.25 out of the Water & Sewer System Consolidated Construction Fund (Fund 8500). It is further recommended that City Council approve payment to Reytec Construction Resources, Inc. in the total amount of \$65,588.25 for the emergency repair of a 36" potable water line for the Public Works & Engineering Department.

On January 14, 2010, the 36" potable drinking water line located at the 610 Loop and Homestead Road ruptured, flooding the intersection and allowing soil to enter the sewer systems and deteriorate the roadway's sub-base material. The breach of this large diameter pipe posed an immediate danger to public property and to the safety and health of citizens traversing the area. The Strategic Purchasing Division issued an emergency purchase order to address this emergency.

The scope of work required the contractor to provide all labor, materials, equipment, permits, insurance, bonds, supervision and transportation necessary to repair the 36" potable water line onsite. The contractor's responsibility included, but was not limited to, mobilizing and providing traffic control; protecting and securing existing trees and plants; removing and replacing concrete esplanades, curbs and pavement; trenching, excavating, welding and repairing the ruptured large diameter pipe; and restoring the disturbed property. The work included removal of all debris and excess project materials upon completion.

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

Buyer: Martin L. King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MT
D

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8848

Subject: Approve the Sole Source Purchase of Software Application and Maintenance Support Services for the Work-Order Management System (Cityworks) for the Public Works & Engineering Department S11-E23734

Category #
4

Page 1 of 1

Agenda Item

10

FROM (Department or other point of origin):

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

Origination Date

August 23, 2010

Agenda Date

SEP 29 2010

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

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

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve the sole source purchase of software application and maintenance support services for the work-order management system (Cityworks) in the total amount of \$110,000.00 for the Public Works & Engineering Department.

Award Amount: \$110,000.00

Finance Budget

\$110,000.00 - Water & Sewer System Operating Fund (8300)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the sole source purchase of software application and maintenance support services for the work-order management system (Cityworks) in the total amount of \$110,000.00 for the Public Works & Engineering Department (PWE) and that authorization be given to issue a purchase order to Azteca Systems, Inc.

The scope of work requires the contractor to provide software application and maintenance support for the Cityworks system. The Cityworks system is used by PWE to manage and track all PWE work-orders and customer requests for a variety of municipal maintenance projects throughout the City to include: water, wastewater, street and traffic projects. The Cityworks system is located at 611 Walker (2nd Floor datacenter) and is utilized by more than 500 users within the City network and 50 wireless users. The Cityworks system is one of the core systems used and is crucial to PWE's overall operations.

Azteca Systems, Inc. is the sole proprietary owner, developer; manufacturer, supplier, and distributor of the Enterprise-GIS Asset Maintenance Management application that is used to manage the Cityworks system and has no authorized third-party maintenance providers.

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

Pay or Play Program

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

Buyer: Gloria Jordan-King

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:
An Ordinance Amending Chapters 5 and 44 of the Code of City Ordinances Relating to Game Rooms with Amusement Redemption Machines.

Category #

Page 1 of 1

Agenda Item#

11

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

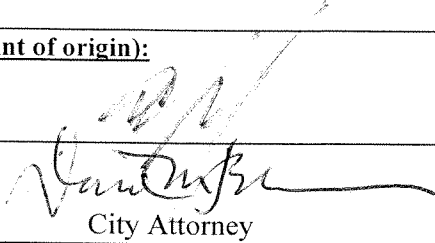
Origination Date

9/23/10

Agenda Date

SEP 29 2010

DIRECTOR'S SIGNATURE:



City Attorney

Council Districts affected:

All

For additional information contact: Bertrand Pourteau, Legal Department, 832-393-6454; Larry Schenk, Legal Department, 832-393-6447.

Date and identification of prior authorizing Council Action: Ord. No. 08-188, 3/5/08; Ord. No. 08-1145, 12/10/08; Ord. No. 09-867, 9/23/09

RECOMMENDATION: (Summary)

Approve an Ordinance amending Chapter 5 of the Code of Ordinances relating to game rooms and Chapter 44 relating to amusement redemption machines, to remove the requirement for window tinting and to apply certain configuration requirements only to locations with more than four amusement redemption machines.

Amount of Funding: N/A

FIN Budget:

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

SPECIFIC EXPLANATION:

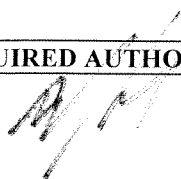
The provisions of Division 3, Article V of Chapter 5 of the Code of Ordinances regulate game rooms containing amusement redemption machines, which are a type of coin-operated machine that gives users the opportunity to receive something of value in return for playing a game of chance. The most prevalent form of such a machine is commonly referred to as an 8-liner. The Houston Police Department, the City Administrative and Regulatory Affairs Department, and the City Legal Department recommend City Council approve an ordinance amending Chapter 5 to require game room facilities with four or less amusement redemption machines to display the machines where they can be clearly seen from at least one window in front of the building, but visibility from two or more windows will not be required. The proposed amendments to Chapter 44 reflect the proposed amendments to the Chapter 5 game room requirements. Houston Police Department crime statistics support focusing the more stringent regulations on facilities with a greater number of amusement redemption machines.

These amendments will also settle pending litigation between the City and owners of amusement redemption machines. In Cause no. 932,726, styled *14711 South Main, Inc., et al., v. the City of Houston*, pending in the County Civil Court at Law Number One of Harris County, Texas, a number of persons have filed suit challenging the constitutionality of numerous provisions of the Game Room Ordinance, as well as the constitutionality of several provisions of Houston's Coin-Operated Machine Ordinance (§§ 44-82 to 44-91). These plaintiffs will agree to a judgment in Houston's favor in the lawsuit if Council adopts the recommended amendments, which will settle the lawsuit at no cost to the City.

REQUIRED AUTHORIZATION

FIN Director:

ARA Director



Chief of Police



DIVISION 3. GAME ROOMS AND WITH-AMUSEMENT REDEMPTION MACHINES

Sec. 5-181. Definitions.

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

Amusement redemption machine means a recreational machine that provides the user with an opportunity to receive something of value other than a right to replay and in which credits, or the equivalent thereof, are accumulated when: a particular configuration of like symbols is displayed in a random fashion by the machine; symbols or numbers are matched to a randomly selected symbol or number determined by the machine; a combination of cards is arrived at and valued in a traditional hierarchy for purposes of poker; or a combination of cards is arrived at and points assigned for purposes of blackjack.

Game room means a building, facility, or other place that contains ~~one or more~~ than four amusement redemption machines.

Game room owner means an individual who has an ownership interest in a game room.

Sec. 5-182. Unrestricted access by law enforcement officer.

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room, a portion of a game room, or an amusement redemption machine, to provide any law enforcement officer; with immediate unrestricted access during business hours to all areas of a ~~the~~ game room and to all amusement redemption machines ~~located in the game room~~.

Sec. 5-183. Inspection by law enforcement officer.

(a) Any law enforcement officer may inspect a game room or an amusement redemption machine located in the city to determine whether the game room or amusement redemption machine complies with this division and state law.

(b) An owner, manager, or employee of a game room or other person who does not allow a law enforcement officer to inspect a game room or amusement redemption machine commits an offense.

Sec. 5-184. Game room sign required.

(a) A game room owner shall mark each entrance to a game room with a sign that:

- (1) States "GAME ROOM" in four inch or larger block letters; and
 - (2) Is legible and visible at all times from a distance of 25 feet.
- (b) Any signage required by this section shall be in conformance with the Sign Code.

Sec. 5-185. Egress doors.

It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, or over a building, facility, or other place that contains amusement redemption machines, to provide during business hours egress doors that are readily openable from the egress side without the use of a key or special knowledge or effort ~~during business hours~~, in conformance with the Construction Code and Fire Code.

Sec. 5-186. Transparent, uncovered windows required.

(a) Any building, facility, or other place that contains four or fewer amusement redemption machines must have at least one window in the front of the building meeting the criteria set forth in sections 5-186(e)(2), 5-186(e)(3), and 5-186(e)(4) allowing a clear and unobstructed view of all amusement redemption machines.

~~(a)~~ It shall be the duty of any owner, manager, or employee of a game room, or other person exercising control over a game room or a portion of a game room, to provide transparent glass in each game room window.

~~(b)~~ It shall be unlawful for any person to cover ~~or tint~~ a game room window or otherwise block or obscure the view of any amusement redemption machine through a game room window.

~~(c)~~ It shall be unlawful for any person to exhibit or display, or to permit to be exhibited or displayed, for commercial use any five or more amusement redemption machines unless such ~~device is~~ machines are located in a game room building or structure with not fewer ~~less~~ than two windows or transparent walls or panels of glass or other material that permit a clear, unobstructed view of both the interior of the game room and each amusement redemption machine located therein, by a person outside the building or structure standing in an area open to and accessible by a member of the public at all times the game room is in operation.

~~(d)~~ It shall be unlawful for any person to exhibit or display, or to permit to be exhibited or displayed, for commercial use any amusement redemption machine in a game room unless the required transparent walls or windows of the game room:

- (1) Are located on at least two sides of the game room, and each amusement redemption machine located therein is visible through such walls or windows; and
- (2) At the lowest point are not more than four feet above the adjacent sidewalk or ground level; and
- (3) At the highest point are at least eight feet higher than the adjacent sidewalk or ground level; and
- (4) Are at least four feet wide.

Sec. 44-85. Display and issuance of decal evidencing payment; penalties for noncompliance.

(a) The decal issued by the director to evidence payment of the tax levied herein shall be securely attached with its own adhesive to be a fixed, noninterchangeable part of the coin-operated machine so as to be easily seen by the public. This decal shall be of such a nature that the word "void" will appear if one attempts to remove it.

(b) During the period commencing on October 1 and ending on December 31 of each year, owners shall pay the occupation tax, register the machines taxed, and thereby receive a decal for each coin-operated machine to be within the city on January 1; ~~provided that in the instance of a machine that is also an~~ For amusement redemption machines as defined in Section 5-181 of this Code, no more than four decals may be issued for such machines at one location unless the building, facility, or other place where the machines is-are located meets the requirements of Article VI of Chapter 5 of this Code and has a game room permit issued under section 5-171 of this Code. ~~Any failure of a building to meet all requirements set forth in the said Article VI shall be grounds for denial of a decal for any amusement redemption machine located therein.~~ Prior to moving a registered machine to a new location, the owner shall submit in person a change of street address location form to the director.

(c) If, during each calendar year, an owner desires to register machines in addition to the machines registered during the period from October 1 through December 31, decals for such machines shall be issued upon registration of the machines and payment of the tax applicable to the calendar quarter in which such decals are obtained.

(d) It shall be unlawful for an owner or operator to exhibit or display, or to permit to be exhibited or displayed for commercial use any coin-operated machine which:

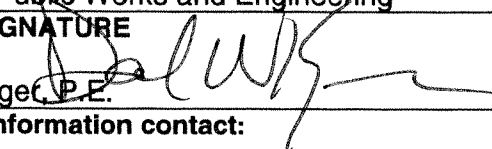

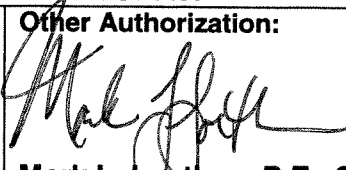
- (1) Does not have properly attached thereto a decal evidencing payment of the applicable occupation tax;
- (2) Is located at any address or location other than the location listed for such machine as shown in the records of the city; or
- (3) Has affixed to it a decal other than the decal issued for such machine as shown in the records of the city.

Any violation of this subsection shall also subject the owner of a machine to the imposition of the civil penalty prescribed by subsection (e) of this section.

(e) The owner of a coin-operated machine on which the tax has not been paid shall forfeit to the city as a penalty the sum of \$250.00. The penalty, if not paid, shall be

recovered in a suit by the city attorney in a court of competent jurisdiction. A penalty assessed under this subsection is in addition to any other remedy authorized under this division.

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

SUBJECT: Ordinance amending Chapter 47 of the Code of Ordinances relating to Developer Participation Contracts and Development Assistance Contracts		Page 1 of 1	Agenda Item # 12
FROM (Department or other point of origin): Department of Public Works and Engineering		Origination Date 9/20/10	Agenda Date SEP 29 2010
DIRECTOR'S SIGNATURE Daniel W. Krueger, P.E. 		Council District affected: All	
For additional information contact: Mark L. Loethen, P.E., CFM, PTOE 713-837-0724 		Date and identification of prior authorizing Council action: 4/9/2008 Ord. No. 2008-0307 3/3/2010 Ord. No. 2010-0184	
RECOMMENDATION: (Summary) Adopt an ordinance amending Chapter 47 to authorize the Director of the Public Works and Engineering Department to execute individual Developer Participation Contracts and Development Assistance Contracts.			
Amount and Source of Funding: No Funding Required			
SPECIFIC EXPLANATION: The Developer Participation Contract program is codified in Section 47-164 of the Code of Ordinances. The program provides an incentive for the development of single family homes inside the City by offering a reimbursement to developers for part of the cost to build water, wastewater, and in some cases, drainage infrastructure that will serve new houses. In April 2008, Council approved program changes that authorized the Director of the Public Works & Engineering Department to enter into standard-form contracts for 70%, 50% or 30% reimbursement, based on specific program criteria for each level. All Developer Participation Contracts require that developers begin construction within 18 months and that all water, wastewater and drainage infrastructure be complete and a percentage of the houses be complete before the City reimburses their costs. In March 2010, Council approved program changes that authorized additional extensions of the Developer Participation Contracts and a separate form Development Assistance Contract allowing developers to re-enter stalled developments and complete them. In the pursuit of efficiency and swift turn around of these agreements, the April 2008 council action allowed the Director of Public Works and Engineering to execute these agreements in their standard form. The intent of the March 2010 action was to allow the Director of Public Works and Engineering to execute the additional contracts in their standard form as well. The ordinance as passed requires execution by the Mayor for all agreements. In order to expedite these agreements and minimize the interest the developers must pay on their funding, the Department of Public Works and Engineering requests that Council approve an ordinance allowing the Director of Public Works and Engineering to execute both the Developer Participation Contracts and the Development Assistance Contracts in their standard form. The agreements will also be verified by Legal and countersigned by the City Controller as required by Charter.			
REQUIRED AUTHORIZATION 20UPA67			
Finance Department	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services	

Sec. 47-164. Construction by developers under developer contract.

Subject to the availability of funds allocated for that purpose by city council, the city may share in the expense of construction of the main and other eligible costs by any of the following methods, as applicable, at the option of the developer:

- (1) *50 percent reimbursement:* Reimbursement to the developer is the sum of 50 percent of the construction cost for water and wastewater main, the balance of oversizing costs, plus design costs for a total reimbursement that does not exceed the maximum contract amount not requiring council approval under the Houston City Charter; or
- (2) *30 percent reimbursement:* Reimbursement to the developer for 30 percent of the construction cost for water and wastewater main plus the balance of oversizing costs; or
- (3) *70 percent reimbursement:*
 - a. For new low or moderate cost single family homes sold to home owners by fee simple deed (single family residences located within the city limits having initial purchase prices as certified by the developer that do not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University), reimbursement to the developer for the following eligible costs:
 - (i) 70 percent of water and wastewater main construction costs plus the costs of inspection and construction management,
 - (ii) 100 percent of related design cost,
 - (iii) All oversizing costs not reimbursed under provision (i) above,
 - (iv) Up to a \$3,000.00 per lot reimbursement of storm sewer drainage cost, and
 - (v) The developer's interest cost up to the market interest rate the city's financial advisor determines the city would pay if it issued bonds on the city's water and sewer system on the date the developer contract is countersigned by the city controller.

- b. For all other new single-family homes sold to home owners by fee simple deed, reimbursement to the developer for the following eligible costs:
- (i) 70 percent of water and sanitary sewer main construction costs,
 - (ii) 100 percent of related design costs,
 - (iii) All oversizing construction costs not reimbursed under provision (i) above, and
 - (iv) The developer's interest cost up to the market interest rate the city's financial advisor determines the city would pay if it issued bonds on the city's water and sewer system on the date the developer contract is countersigned by the city controller.

Reimbursement under this item is not available for off-site main. In addition, the developer must give notice to the department of the commencement of construction of the project and award the construction contract in a manner consistent with the procedures of Chapter 252 of the Texas Local Government Code.

The city shall reimburse the developer for eligible costs upon the completion of at least 25 percent of the total number of housing units required under the terms of the developer contract.

- (4) a. A developer shall not be reimbursed for any eligible costs, including interest, and shall waive any right to claim such reimbursement if the developer fails to:
- (i)a. Obtain a fully executed developer contract prior to beginning construction of the facilities;
 - (ii)b. Begin actual construction of the facilities described in the developer contract within 18 months after the date of countersignature of the developer contract by the city controller; or
 - (iii)e. Complete construction of 100 percent of the facilities described in the developer contract (and 25 percent of the number of housing units required by a 70 percent developer reimbursement contract) within three years of the date the developer commences construction.

bi. The director may extend the contract term, including the time limits set out in subitems a(ii) (b) and (iii) of this item (4) (e) if the developer can show good cause for its delay. The director may extend the developer participation contract term, including the time limits set out in subitems a(ii) (b) and (iii) of this item (4) (e) for a period of three years ("initial extension") for the following reasons:

- (i)- Serious illness or death of developer or developer's immediate family.
- (ii)- Local, state ~~State~~, or federally ~~Federally~~ recognized housing sales slowdown caused by economic conditions, such as a depression or recession that affects housing sales in the Houston metropolitan area.

Thereafter, the director may authorize one subsequent extension for up to one more year if, in the director's reasonable judgment, the economic conditions described in subitem b(ii) of this item (4) section 4(ii) above continue to exist, and the developer has completed construction of the Project and at least 25% of the housing units, but has been unable to sell the housing units according to subsection 3(a) above. Provided however, the total contract term extension shall not exceed four years, unless approved by city council.

c.ii. In no case shall the city's ~~city~~ reimburse the contractor for an amount in excess of the amount set out in the developer contract, which must not ever exceed ~~\$1,000,000.00 per contract.~~

~~iii.~~ In no case shall the ~~City's~~ total combined payments under the original developer participation contract and the ~~developer~~ development assistance contract exceed the total amount set out in the original developer participation contract. In no case shall the city pay for anything under the ~~developer~~ development assistance contract that it has already paid for under the original developer participation contract. Funds appropriated for a ~~developer~~ development assistance contract shall not exceed the remaining funds under the original developer participation contract for the same development.

d. In no case shall the city reimburse the contractor for an amount in excess of the amount set out in the developer contract, which must not ever exceed \$1,000,000.00 per contract.

- (5) Contingent upon city council's having appropriated sufficient funds to pay for such contracts, the city council delegates to the director the authority to approve and ~~to the mayor the authority to execute~~ the following, using standard forms approved by city council:
 - a.(i) Developer participation contracts, and
 - b.(ii) Development assistance contracts with a successor developer for a project described in an original developer participation contract upon which the original developer has defaulted, or with the original developer when its default on the original developer participation contract is solely due to its failure to meet the construction or home sales deadlines set out herein.

When a developer participation contract application or a request for extension thereto or a development assistance contract application is administratively complete, but at least ten days prior to approval by director, the department shall provide the members of the city council notice of the scope and location of the proposed project as well as contact information for the developer.

- (6) The department shall charge each developer requesting a developer contract application fees as provided below. Provided, however, the department shall refund the application fee if the developer has submitted a complete application as required by the department and funds are not available within 30 days of the developer's application. No refund shall be given for any other reason.

- a. *Number of lots fee.*

40 or fewer	\$300.00
41 to 50	\$350.00
51 to 60	\$400.00
61 to 70	\$450.00
71 to 80	\$500.00
81 to 90	\$550.00
91 to 100	\$600.00

Correction 47-164 REDLINE 2010 August

101 to 110 \$650.00

111 to 120 \$700.00

121 to 130 \$750.00

131 to 140 \$800.00

More than 140 \$900.00

b. *For 30% and 50% developer contracts:* \$800.00

c. *For applications to extend the term of a developer contract:*
\$500.00

These application fees shall be adjusted by the department each year effective on the first of April. The adjustment shall be based on the percentage change in the U.S. Consumer Price Index for all Urban Consumers for the Houston-Galveston-Brazoria Texas Metropolitan Area rounded up to the next ten dollar increment.

- (7) In the event construction costs not reimbursed by the city are \$5,000.00 or more, such unreimbursed cost shall be subject to pro-rata reimbursement as provided in sections 47-168 through 47-170.
- (8) In the case of construction of water main, the department shall be responsible for chlorination required by state law prior to use by the city.
- (9) Except as provided in subsection (5) above, in the event a developer defaults under a developer participation or assistance contract, the developer shall be barred from any additional developer contract for a period of a year following the default.

SUBJECT: Ordinance authorizing the sale of a 22,659-square-foot subsurface pipeline easement and an 80,790-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042. Parcels SY10-050A and SY10-050B	Page <u>1</u> of <u>1</u>	Agenda Item # <div style="text-align: right; font-size: 2em; font-weight: bold;">13</div>
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/22/10	Agenda Date SEP 29 2010
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DIRECTOR'S SIGNATURE: Daniel W. Krueger, P.E., Director	Council District affected: E Key Map 577M
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director-Real Estate	Date and identification of prior authorizing Council Action: C.M. 2010-0087 (2/17/2010)
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RECOMMENDATION: (Summary) It is recommended City Council approve an Ordinance authorizing the sale of a 22,659-square-foot subsurface pipeline easement and an 80,790-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042. **Parcels SY10-050A and SY10-050B**

Amount and Source of Funding: Not Applicable

SPECIFIC EXPLANATION:
 By Council Motion 2010-0087, City Council authorized the sale to Monument Pipeline, LP (Monument), [NET General Partners, LLC (Jerry C. Dearing, Vice President), General Partner], of a 22,659-square-foot subsurface pipeline easement and an 80,790-square-foot temporary construction easement, all located within the Southeast Water Purification Plant (Plant), which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042. Monument must relocate its 16-inch natural gas pipeline from within the right-of-way of the proposed Genoa-Red Bluff Road widening project to 50 feet south of its current location within the 10-foot to 15-foot-wide pipeline easement to be sold and utilize the 40-foot-wide temporary construction easement to be sold. It was determined the pipeline will not affect operations at the Plant.

Monument has complied with the Motion requirements, has accepted the City's offer, and has rendered payment in full.

The City will abandon and sell to Monument:

Parcel SY10-050A	
22,659 square feet of subsurface pipeline easement	\$39,653.00 R
Valued at \$1.75 per square foot	
Parcel SY10-050B	
80,790 square feet of temporary construction easement	\$9,426.00 R
Valued at \$0.12 per square foot	
TOTAL SALE	<u>\$49,079.00</u>

Therefore, it is recommended City Council approve an Ordinance authorizing the sale of a 22,659-square-foot subsurface pipeline easement and an 80,790-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042.

MSM:NPC:dob
 c: Jun Chang, P.E. Marlene Gafrick Daniel Menendez, P.E. Marty Stein

s:\dob\sy10-050.rc2.doc CUIC #20DOB050

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

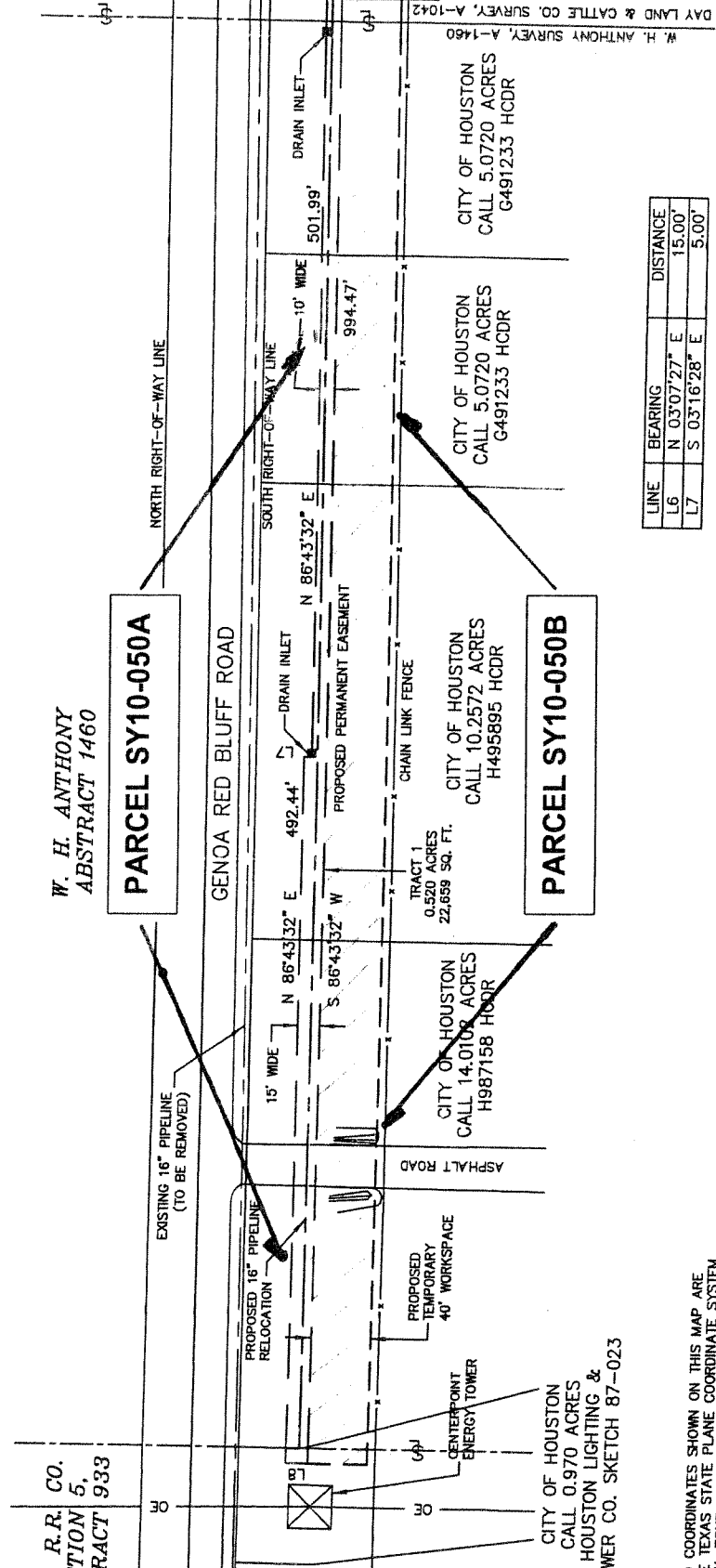
W. C. R.R. CO.
SECTION 5,
ABSTRACT 933

W. H. ANTHONY
ABSTRACT 1460

PARCEL SY10-050A

PARCEL SY10-050B

MATCHLINE SHEET 1



BEARINGS AND COORDINATES SHOWN ON THIS MAP ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD 83.

RECORDS RESEARCH WAS PROVIDED BY THE CLIENT REPRESENTATIVE AND NO ADDITIONAL RESEARCH WAS PERFORMED BY THE SURVEYOR.

THIS EXHIBIT MAP WAS PREPARED IN CONJUNCTION WITH A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

CITY OF HOUSTON
CALL 0.970 ACRES
HOUSTON LIGHTING &
POWER CO. SKETCH 87-023

CITY OF HOUSTON
CALL 10.2572 ACRES
H495895 HCDR

CITY OF HOUSTON
CALL 14.0108 ACRES
H987158 HCDR

CITY OF HOUSTON
CALL 0.520 ACRES
22,659 SQ. FT.

CITY OF HOUSTON
CALL 5.0720 ACRES
G491233 HCDR

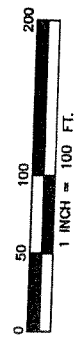
CITY OF HOUSTON
CALL 5.0720 ACRES
G491233 HCDR

LINE	BEARING	DISTANCE
L6	N 03°07'27" E	15.00'
L7	S 03°16'28" E	5.00'

**MONUMENT PIPELINE, LP
PROPOSED 16" PIPELINE RELOCATION
AND PERMANENT EASEMENT
HARRIS COUNTY, TEXAS**

EASEMENT AND LENGTH OF PIPE CROSSING TRACT

TRACT	OWNER	AREA	LENGTH OF PIPE
1	CITY OF HOUSTON	0.520 ACRES (22,659 SQ. FT.)	2,019.71 FEET/122.407 RODS
2	CLEAR LAKE WATER AUTH.	0.010 ACRES (450 SQ. FT.)	45.00 FEET/2.727 RODS



□ = APPROX. SURVEY ABSTRACT LINE
HCDR = HARRIS COUNTY DEED RECORDS

PERCHERON
SURVEYING, L.L.C.

15411 Vantage Parkway W.
Suite 205
Houston, Texas 77032
(281) 447-6230
DECEMBER 7, 2009

Sale of a ±22,659-square-foot subsurface pipeline easement and a ±80,788-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042. **Parcels SY10-050A and SY10-050B**

MOTION by Council Member Clutterbuck that the recommendation of the Director of the Department of Public Works and Engineering, reviewed and approved by the Joint Referral Committee, on request from Doug Moss, Percheron Acquisitions, LLC, 15411 Vantage Parkway East, Suite 205, Houston, Texas 77032, on behalf of Monument Pipeline, LP, [NET General Partners, LLC (Jerry C. Dearing, Vice President), General Partner], for the sale of a ±22,659-square-foot subsurface pipeline easement and a ±80,788-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042, Parcels SY10-050A and SY10-050B, be adopted as follows:

1. The City sell a ±22,659-square-foot subsurface pipeline easement and a ±80,788-square-foot temporary construction easement, all located within the Southeast Water Purification Plant, which consists of six fee-owned tracts of land totaling ±372.40 acres, all out of the W. H. Anthony Survey, A-1460, the W. C. Railroad Company Survey, A-933, and the Day Land & Cattle Company Survey, A-1042;
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;
3. The Legal Department be authorized to prepare the necessary transaction documents; and
4. Inasmuch as the value of the property interests is not expected to exceed \$1,000,000.00, that the value be established by Gary Brown, an independent appraiser appointed by the Director of Public Works and Engineering.


Seconded by Council Member Adams and carried.

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

Council Member Johnson absent due to being ill

PASSED AND ADOPTED this 17th day of February 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is February 23, 2010.


City Secretary


TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION

SUBJECT: Ordinance approving the Lease Agreement of the City Water Plant No. D-158 between the North Fort Bend Water Authority and City of Houston	Page 1 of 1	Agenda Item # 14
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9-25-10	Agenda Date SEP 29 2010
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MS

DIRECTOR'S SIGNATURE  Daniel W. Krueger, P.E.	Council District affected:
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For additional information contact:  Mark L. Loethen, P.E., CFM, PTOE 713-837-0724	Date and identification of prior authorizing Council action 3/8/2006 2006-0230; 1/28/2009 2009-0052; 1/28/2009 2009-0055
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RECOMMENDATION: (Summary)
Approve the Lease Agreement of the City Water Plant No. D-158 between the North Fort Bend Water Authority and City of Houston


Amount and Source of Funding: Revenue

SPECIFIC EXPLANATION:
The North Fort Bend Water Authority ("Authority") was created by the 79th Legislature (Senate Bill 1798) and the existing legislation was signed into law by the governor on June 17, 2005. The Authority was created for the purpose of reducing groundwater withdrawals and subsidence, acquiring or developing surface water and groundwater supplies, and distributing such water so as to promote regionalization of water treatment and distribution. Council approved the creation on March 8, 2006. The Authority and the City entered into a Water Supply Agreement by Council action on January 28, 2009 for the Authority to reserve 19.5 million gallons per day of treated surface water from the City of Houston, securing the reservation of the water by an immediate payment of \$48,369,094. Also Council approved amending Ordinance No. 2006-0230, which gave the City of Houston's Consent for the creation of Authority; deleting certain requirements relating to Bonds issued by Authority on January 28, 2009.

The Authority is constructing a water plant to receive surface water from the City to distribute within the Authority, but would like to receive water before the plant is complete. The City has an unused groundwater plant, D-158, near the end of its usable life, that was to be scheduled for demolition and land sale. For mutual benefit, the Authority and the City propose to enter into a Lease Agreement where the Authority will lease the D-158 water plant for approximately 2 years. The monthly rent amount is \$18,897.26, an amount based on the sum of one-twelfth (1/12) of the Current City Annual Depreciation for the items being leased and an administrative fee of fifteen percent (15%). This lease benefits both parties by meeting a temporary need for the Authority and providing the City with a source of revenue from an unused facility and accelerating the sale of surface water.

The Department of Public Works and Engineering recommends approval of the lease.

Cc: Marty Stein Jun Chang Susan Bandy

Finance Department	REQUIRED AUTHORIZATION	20UPA56
	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE, Acting Deputy Director Planning and Development Services	Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: Ordinance providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Tax Year 2010, with the adoption of an overall Property Tax Rate of \$.63875 on each \$100 of Taxable Value.

Category #

Page 1 of 1

Agenda Item#

15

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

September 22, 2009

Agenda Date

SEP 29 2010

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

All

For additional information contact:

Jack Alexander, Deputy Director
Sylvia Shaw, Division Manager

Phone: 713-837-9880

Phone: 713-221-0131

Date and identification of prior authorizing Council Action:

September 30, 2009 Ordinance No. 2009-922

RECOMMENDATION: (Summary) That City Council adopt an overall tax rate, based on the FY2011 Budget approved by City Council. It is recommended that City Council adopt a tax rate for Maintenance and Operations of \$.463362 on each \$100 of taxable value and a tax rate for the Interest and Sinking Fund of \$.175388 on each \$100 of taxable value.

Amount of Funding:

Not Applicable

Finance Budget:

SOURCE OF FUNDING:

General Fund Grant Fund Enterprise Fund
 Other (Specify)

SPECIFIC EXPLANATION:

The proposed overall tax rate of \$.63875 on each \$100 of taxable value must be apportioned between Maintenance and Operations (M&O) and Interest and Sinking Fund (I&S). The M&O rate is \$.463362 on each \$100 of taxable value and the I&S rate is \$.175388 on each \$100 of taxable value which, when combined, equal the total tax rate of \$.63875 on each \$100 of taxable value.

Therefore, it is recommended that City Council adopt a Tax Year 2010 tax rate for Maintenance and Operations of \$.463362 on each \$100 of taxable value and a tax rate for the Interest and Sinking Fund of \$.175388 on each \$100 of taxable value.

cc: David M Feldman, City Attorney
Marty Stein, Agenda Director

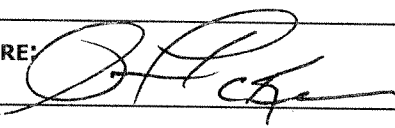
REQUIRED AUTHORIZATION

Other Authorization:

Other Authorization:

Other Authorization:

SUBJECT: Ordinance calling Hearings for Proposed Strategic Partnership Agreements with certain utility districts in the Houston area		Category #	Page 1 of 2	Agenda Item # 16
FROM (Department or other point of origin): Planning and Development		Origination Date September 16, 2010		Agenda Date SEP 29 2010
DIRECTOR'S SIGNATURE: <i>Margaret Wallace</i>		Council District affected:		
For additional information contact: Margaret Wallace Phone: 713-837-7826		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) It is recommended that City Council pass the Ordinance calling Hearings on proposed Strategic Partnership Agreements with certain utility districts in the Houston area.				
Amount and Source of Funding: N/A			Finance Budget:	
SPECIFIC EXPLANATION: In 1999, the State Legislature gave the City of Houston the right to enter into Strategic Partnership Agreements with utility districts. Such agreements allow the City to annex all or part of these districts for limited purposes. The City can then levy a sales tax and provide specified, limited services to the area. The City cannot levy a property tax in areas annexed for limited purposes. The hearings called by this ordinance are for agreements, or amendments to existing agreements, with the following Utility Districts: New Agreements: El Dorado UD Fort Bend County MUD No. 142 Harris County MUD No. 1 Harris County MUD No. 44 Harris County MUD No. 64 Harris County MUD No. 82 Harris County WCID No. 91 Harris County WCID No. 132 Kleinwood MUD Louetta North PUD North Green MUD Northgate Crossing MUD No. 1 West Harris County MUD No. 9 Woodcreek MUD Amendments to existing Agreements: Bridgestone MUD (2 nd Amendment) Chimney Hill MUD (1 st Amendment) Cinco Southwest MUD No. 2 (1 st Amendment) Cinco Southwest MUD No. 4 (2 nd Amendment) Cy-Champ PUD (3 rd Amendment) Faulkey Gully MUD (1 st Amendment) Harris County FWSD No. 61 (1 st Amendment) Harris County MUD No. 11 (1 st Amendment) Harris County MUD No. 285 (2 nd Amendment) Harris County MUD No. 248 (1 st Amendment) Harris County WCID No. 109 (1 st Amendment) Mills Road MUD (1 st Amendment) Mission Bend MUD No. 1 (2 nd Amendment) North Belt UD (2 nd Amendment) Ponderosa Forest UD (1 st Amendment)				
In each of these Districts the sales taxes collected in the areas will be divided evenly between the City and the District. The City is only annexing commercial property and undeveloped land intended for commercial use. There is no population located in these territories proposed to be annexed for limited purposes.				
The hearings will be held on October 27 and November 3, 2010 in City Council chambers.				
Cc: Marty Stein David Feldman Sameera Mahendru Michelle Mitchell				
REQUIRED AUTHORIZATION				
Finance Director:		Other Authorization:	Other Authorization:	

SUBJECT: Ordinance approving and authorizing Amendment No. 2 to an agreement between the City of Houston and the Greater Houston Partnership.		Category #	Page 1 of 1	AGENDA ITEM # 17
FROM (DEPARTMENT OR OTHER POINT OF ORIGIN): Mayor's Office		ORIGINATION DATE September 23, 2010		AGENDA DATE SEP 29 2010
DIRECTOR'S SIGNATURE: ANDY ICKEN 		COUNCIL DISTRICT AFFECTED: All		
FOR ADDITIONAL INFORMATION CONTACT:		DATE AND IDENTIFICATION OF PRIOR AUTHORIZING COUNCIL ACTION: ORDINANCE No. 2010-0505		

RECOMMENDATION: Approve an ordinance authorizing Amendment No. 2 to an agreement between the City of Houston and the Greater Houston Partnership.

AMOUNT OF FUNDING: \$221,250 Additional Funds (three months) \$1,327,500 New Maximum Amount	FINANCE BUDGET:
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SOURCE OF FUNDING	\$110,625	Houston Airport System (HAS) Revenue Fund (8001)
	\$110,625	Civic Center Facility Revenue Fund (8601)

SPECIFIC EXPLANATIONS: The Mayor's Office asks the City Council to approve Amendment No. 2 to the Greater Houston Partnership (GHP) agreement to allow for continued time for both the Convention & Entertainment Facilities Department (CEFD) and the Houston Airport System (HAS) to review current services and establish new program services for the FY 2011 agreement. In order to better conform to FAA rules and regulations, HAS has determined that it must enter into a separate contract with the GHP and is in the process of preparing such a contract for City Council consideration during the next three months. A second contract with the GHP will also be presented at that time covering services other than those provided to HAS. The GHP is supported by funding from the City of Houston, Harris County and many of the city's private corporations. GHP has worked since 1991 to promote Houston as the location of choice for conducting business, with a focus on increasing Houston's economic prosperity. GHP's Economic Development Division, that includes its World Trade group, works to solicit site consultants and corporations to look to Houston for both expansions and relocations, to increase investment efforts and job creation in Houston and to provide various professional services to further augment the City's economic development efforts. The collateral impact of these GHP activities, plus the direct effect of publicizing and promoting Houston in GHP publications, web sites and other communications media, will promote and encourage tourism for the Houston area and is expected to enhance the City's ability to market its convention facilities.


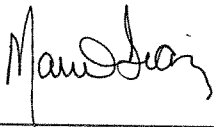
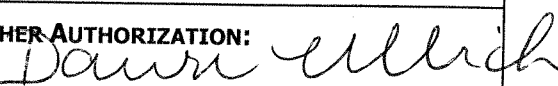

The Partnership makes its research capabilities available on a systematic basis to CEDF, HAS and the Greater Houston Convention and Visitors Bureau to facilitate the creation of professional, sophisticated marketing reports that include economic and demographic data, which are used for air service development efforts and as sales and marketing tools to sell the benefits and capabilities of the City to various convention, corporate meeting and sports related groups that represent potential clients for the George R. Brown Convention Center.

The GHP actively participates and coordinates activities with the Houston Minority Business Council as part of a joint effort to promote minority businesses in the Houston area. This effort will continue under the amendment to support the employment of minority firms that provide professional and other services. The Partnership efforts in this regard will continue to include the deliverables agreed upon by the Partnership and the Houston Minority Business Council.

As part of the scope of services included in this contract, GHP will continue to organize and conduct a comprehensive program designed to stimulate international infrastructure and trade development including; air route and air cargo development, commercial services support for international institutions in Houston, international business development, international publicity, promotional events supporting air carriers and travel, and outbound trade missions to regions determined by HAS.

GHP is currently meeting a 15% contract M/WBE goal and will continue to provide the City with quarterly reports on their performance during the contract extension. The GHP provides health benefits to its employees in compliance with the Pay or lay ordinance.

REQUIRED AUTHORIZATION

FINANCE DEPARTMENT:	OTHER AUTHORIZATION:  Mario C. Diaz, Director of Aviation 	OTHER AUTHORIZATION:  Dawn Ullrich, Director Convention & Entertainment Facilities Department 
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance authorizing the first amendment to the contract with Garrison Enterprises, Inc. for software product license and software product support service and increasing the maximum contract amount	Category # 9	Page 1 of 1	Agenda Item # 18
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FROM (Department or other point of origin): Houston Department of Health and Human Services	Origination Date 9/20/10	Agenda Date SEP 29 2010
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DIRECTOR'S SIGNATURE: <i>Celma Jara-Ridge</i>	Council District affected: ALL
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For additional information contact: Kathy Barton Telephone: 832-393-5045; 713-826-5801	Date and identification of prior authorizing Council action: 4-18-07; 07-0482
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RECOMMENDATION: (Summary)
Approval of an ordinance authorizing the first amendment to the contract with Garrison Enterprises, Inc. for software product license and software product support service and increasing the maximum contract amount

Amount of Funding: New Maximum Contract Amount: \$465,633.36 Total Funding Increase: \$182,300.00 Health Special Revenue Fund (2002)	Finance Department:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund Other (Specify)

SPECIFIC EXPLANATION:
The Houston Department of Health and Human Services (HDHHS) requests City Council approval of an ordinance authorizing the first amendment to the contract with Garrison Enterprises, Inc. for software product license and software product support service. The contract became effective March 20, 2007 and the license granted under the contract is perpetual and remains in effect until the City discontinues use of the software products. The agreement was effective from March 20, 2007 for one year with five automatic one-year renewals. The amendment will provide for the implementation of the Digital Health Department (DHD) system in five additional areas of HDHHS and increase the funding under this agreement by \$182,300.00.

The contractor is a sole source provider of the DHD system. The system is web-based and facilitates all activities performed in the Bureau of Consumer Health, including the collection and processing of food permit applications and renewals, inspections of food establishments by sanitarians using tablet PCs, and other monitoring activities. Based on the effectiveness of the service for Consumer Health, this contract will be expanded to provide for the implementation of the DHS for the following HDHHS programs:

Bureau/Program	Implementation Cost	2 year Maintenance Cost
Swimming Pools	\$44,900.00	\$25,800.00
Bureau of Community and Children's Environmental Health	\$39,900.00	\$29,800.00
- Lead		
- Emergency Medical Services (Ambulances)		
- Indoor Air		
Credit card payment processing	\$41,900.00	N/A

The Council Committee on Technology Initiatives and Human Services reviewed this item favorably at its meeting on September 13, 2010 but was unable to vote due to a lack of quorum.

cc: Finance Department
Legal Department
Agenda Director

REQUIRED AUTHORIZATION		
Finance Department	Other Authorization:	Other Authorization:

SUBJECT: Contract between the City of Houston and Blue Cross and Blue Shield of Texas for a Wellness and Weight Maintenance Program for City employees, retirees, and eligible dependents	Category #	Page 1 of 2	Agenda Item# 20
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FROM: (Department or other point of origin): Human Resources Department	Origination Date: September 15, 2010	Agenda Date: SEP 29 2010
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Ms. Small Reed
DIRECTOR'S SIGNATURE:

DIRECTOR'S SIGNATURE:	Council District affected: ALL
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For additional information contact: Candy Clarke Aldridge Gerri R. Walker <i>GRW</i>	Phone: 713-837-9333 713-837-9360	Date and identification of prior authorizing Council action:
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RECOMMENDATION:(Summary)
Adopt an ordinance approving a contract with Blue Cross and Blue Shield of Texas for a Wellness and Weight Maintenance Program for City employees, retirees, and eligible dependents.

Amount of Funding: \$150,000	Finance Budget:
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SOURCE OF FUNDING: General Fund Grant Fund Enterprise Fund

Other (Specify) HEALTH BENEFITS FUND: 9000

SPECIFIC EXPLANATION:

The Human Resources Department recommends that Council adopt an ordinance and approve a contract with Blue Cross and Blue Shield of Texas for a Wellness and Weight Maintenance Program for City employees, retirees, and eligible dependents. The program will focus on Metabolic Syndrome, which is characterized by a cluster of conditions driven by unhealthy diet and unhealthy behaviors. Metabolic Syndrome places people at high risk of developing cardiovascular disease, diabetes, cancer and other debilitating illnesses that health experts have determined are major healthcare cost-drivers. For the City's healthcare program, diabetes, obesity, hypertension, end stage renal disease, and coronary artery disease top the list of fourteen (14) diseases among the city's population and account for 37.7 percent of dollars paid on those fourteen (14) diseases.

Metabolic Syndrome is identified as the presence of three of five factors in the chart below.

The Progression of Metabolic Syndrome

Controllable Causes	METABOLIC SYNDROME INDICATIONS	Complications	Severe Conditions/Events
Poor Diet Inactivity Stress	1. Abdominal obesity 2. High Triglycerides, a type of fat found in the blood 3. Low HDL Cholesterol (good cholesterol)	Hypertension Coronary Artery Disease Diabetes Vascular Disease High Cholesterol Osteoarthritis Overweight/obesity	Heart Attack Heart Failure Aortic Aneurysm Stroke Kidney Failure Vision Loss Nerve Damage/Amputation
Uncontrollable Causes Aging Genetics	4. Elevated Blood Pressure 5. Glucose Intolerance	Sleep Apnea Gastroesophageal Reflux Disease (GERD) Intraocular Pressure Chronic Liver Disease	Cancer Knee & Hip Replacement Liver Failure

Health risks from Metabolic Syndrome can be reduced through intense nutritional education and cognitive behavioral practices that teach employees to make healthier choices by gaining control of their health through knowledge learned.

REQUIRED AUTHORIZATION

Finance Director: <i>Michelle Mitchell</i>	Other Authorization:	Other Authorization:
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THE PROGRAM

This Wellness and Weight Maintenance Program centers on lifestyle lessons and techniques that promote healthier eating, with particular emphasis on decreasing sugar intake and practicing portion control. These practices regularly result in improvement to weight, body mass index, waist circumference, triglycerides, cholesterol, blood glucose and blood pressure.

Class sessions are for 10 weeks and can be delivered in a group or online setting. A health coach monitors weekly progress, with concentration on dietary habits, exercise and other factors. Classes give attention to clinical health improvement by addressing habits around eating, hunger and hydration. Classes also cover topics that include stress management, health education, and psychological and emotional fulfillment.

Eligibility and Benchmarks

1. Health plan participants complete an application and self-report their biometrics and physical measurements.
2. Licensed technicians perform Baseline Assessments before the program begins.
3. The Health Coach weekly conducts the class and monitors participants' weight and food diaries.
4. Post Assessment and physical measurements are completed at the end of the 10-week program.
5. Final Assessment is performed 12 months after the class ends and compared to the Baseline Assessment.

Pilot Programs

Human Resources facilitated a Pilot Metabolic Syndrome Classes in 2009 and 2010. The chart below shows some outcomes that confirm that the City benefits from the Wellness and Weight Maintenance Program.

Pilot Programs Outcomes

Attributes	Class A – 6/2009 – 11/2009	Class B - 2/2010 -4/2010
Class Size	48	37
Total Weight Loss	661 lbs.	588 lbs.
Risk Factors	65.6% (21 of 32) of employees reduced their risk factors from 3 or more to less than three risk factors. One employee cut all risk factors.	59% (13 of 22) of employees reduced their risk factors from 3 or more to less than 3 risk factors.
High Blood Pressure	32% (9 of 28) of employees eliminated high blood pressure.	56.5% (13 of 23) of employees eliminated high blood pressure.
Medications	37.7% (17 of 45) of employees stopped taking a medication, began taking fewer medications or lower dosages.	50% (15 of 30) of employees stopped taking a medication, began taking fewer medications or lower dosages.
Headaches and migraines	35% (7 of 20) of employees reported a reduction of headaches and migraines.	42% (11 of 26) of employees reported a reduction of headaches and migraines.
Joint/Back Pain	50% (11 of 22) of employees reported a reduction of joint and back pain.	61.5% (16 of 26) of employees reported a reduction of joint and back pain.

Cost impact on the Health Plan

Participants in the first class reduced their consumption of outpatient and inpatient professional services by 51%, resulting in annualized savings of \$41,810. These costs were primarily attributed to 24 employees annually costing the plan an average of \$1,742 or \$145 per member per month. Based on City employees' and retirees' claims experience, Blue Cross and Blue Shield of Texas (BCBSTX) estimates 21% of that population has Metabolic Syndrome. Through education of that population and their ongoing adherence to behavioral and lifestyle changes emphasized during the tabolic syndrome program, BCBSTX estimates the plan could annually avoid health-care costs of about \$883,000.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8731

Subject: Approve an Ordinance Awarding a Contract for Communications Technician Services for the Information Technology Department
S37-L23638

Category #
1 & 4

Page 1 of 2

Agenda Item

21

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

Origination Date
September 02, 2010

Agenda Date
SEP 29 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Wayne Grant Phone: (832) 393-0049
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to Selrico Communications, LLC, on its low bid in an amount not to exceed \$5,000,000.00 for communications technician services for the Information Technology Department.

Maximum Contract Amount: \$5,000,000.00

Finance Budget

\$5,000,000.00 - Central Service Revolving Fund (1002)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to Selrico Communications, LLC, on its low bid in an amount not to exceed \$5,000,000.00 for communications technician services for the Information Technology Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

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

<u>Company</u>	<u>Total Amount</u>
1. Selrico Communications, LLC	\$ 5,000,000.00
2. Integrated Network Solutions, Inc.	\$ 5,752,773.47
3. DC Services L.L.C.	\$ 6,580,711.07
4. GB Tech	\$ 6,802,699.72
5. Rightway Connections of Texas, Inc.	\$ 10,180,241.00
6. Function One Consulting	\$ 14,266,932.09
7. Hi Tech South Communications, Inc.	\$ 2,257,814,002.56
8. DYKON Computer Help Center, Inc.	\$ 5,097,996,406.16

The scope of work requires the contractor to provide all technical expertise, supervision, labor, tools, testing equipment, specialized equipment and incidental parts and materials for the provision of cabling and infrastructure deployment services for City of Houston departments. The contractor will also be required to provide on-site staff that will be based at 611 Walker in downtown Houston, and remotely dispatched staff that will be available on a demand basis for moves, adds, changes, repairs or cabling projects as needed. Contractor shall be solely responsible for arranging, scheduling and supervising the training of its personnel at its expense. The City will provide all required cable, connectors, termination blocks and other communications hardware required for the accomplishment of the work by the contractor.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MT

Date: 9/2/2010	Subject: Approve an Ordinance Awarding a Contract for Communications Technician Services for the Information Technology Department S37-L23638	Originator's Initials JH	Page 2 of 2
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M/WBE Subcontracting

This Invitation to Bid was issued as a goal-oriented contract with an 11% M/WBE participation level. Selrico Communications, LLC has designated the below-named company as its certified M/WBE subcontractor.

Subcontractor	Type of Work	Amount	Percent
T. Gray Utility & Rehab Co., LLC	Boring & Trenching Equipment	\$900,000.00	18%

This contract will be monitored by the Affirmative Action Division.

PAY OR PLAY

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: Joyce Hays

Estimated Spending Authority

Department	FY11	Out Years	Total
Information Technology Department	\$810,000.00	\$4,190,000.00	\$5,000,000.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8860

Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Janitorial, Porter, Window-Washing, Recycling and Associated Services for Various Departments
S46 - L23659

Category #
4

Page 1 of 2

Agenda Item

22

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

Origination Date
September 13, 2010

Agenda Date
SEP 29 2010

DIRECTOR'S SIGNATURE
Calvin D. Wells

Council District(s) affected
All

For additional information contact:
Jacquelyn L. Nisby Phone: (832) 393-8023
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to McLemore Building Maintenance, Inc. in an amount not to exceed \$21,192,625.54 for janitorial, porter, window-washing, recycling and associated services for various departments.

Maximum Contract Amount: \$21,192,625.54

Finance Budget

- \$19,793,129.76 - General Fund (1000)
- \$ 104,732.27 - Park Special Revenue Fund (2100)
- \$ 1,759.85 - Building Inspection Fund (2301)
- \$ 253,582.28 - Houston Transtar Fund (2402)
- \$ 995,249.16 - HAS Revenue Fund (8001)
- \$ 44,172.22 - Water & Sewer System Operating Fund (8300)
-
- \$21,192,625.54 - Total Amount

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to McLemore Building Maintenance, Inc. on its best value bid in an amount not to exceed \$21,192,625.54 for janitorial, porter, window-washing, recycling and associated services for various departments. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractors to provide all equipment, labor, materials, supplies, supervision, and transportation necessary to provide janitorial, porter, window-washing, recycling and other required services at 160 City facilities. The services include, but are not limited to, sweeping, mopping, waxing, vacuuming, carpet cleaning, window and power-washing and trash removal and recycling. The number of facilities to be serviced are included in the table below.

# of facilities	Department
106	* General Services
21	Houston Airport System
18	Public Works & Engineering
15	Houston Parks

* Note – The General Services Department also manages COH facilities for the Library, Police, Health and Human Services, Public Works & Engineering and Fire Departments

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MD

Date: 9/13/2010	Subject: Approve an Ordinance Awarding a Contract to the Best Value Respondent for Janitorial, Porter, Window-Washing, Recycling and Associated Services for Various Departments S46 - L23659	Originator's Initials EA	Page 2 of 2
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The Best Value Bid was advertised in accordance with the requirements of the State bid laws. Seventy-five prospective bidders downloaded the solicitation document from the Strategic Purchasing Division website. Bids were received from McLemore Building Maintenance, Inc., ADVVACS, UBM Enterprise, GCA Service Group, A.M.E. Services, Inc., Advance Enterprise Inc., Tersey Janitorial Services (partial bid), and American Facility Services (non-responsive). The Evaluation Committee consisted of five (5) evaluators. The proposals were evaluated based upon the following criteria:

- Cost
- Expertise / Experience / Qualifications
- Financial Strength of Offeror
- M/WBE Participation
- Conformance to BVB Requirements

McLemore Building Maintenance, Inc. received the highest overall score.

M/WBE Subcontractor:

This Best Value Bid was issued as a goal-oriented contract with a 20% M/WBE participation level. McLemore Building Maintenance, Inc. has designated the below named companies as its certified M/WBE subcontractors:

Subcontract Name	Type of Services	Total # Amount	Pct
National Cleaning Concepts	Janitorial	\$ 2,115,852.00	10%
JE Specialties	Janitorial	\$ 5,214,315.70	25%
Executive Building Systems	Janitorial	\$ 911,727.20	4%
Cervantes Building Maintenance	Janitorial	\$ 4,734,913.10	22%
Flores Window Cleaning Services	Window -washing	\$ 350,000.00	2%
Total		\$ 13,326,808.00	63%

This award will be monitored by the Affirmative Action Division.

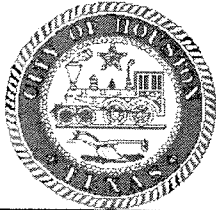
Pay or Play Program

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

Buyer: Eric Alexander

Estimated Spending Authority

Department	FY11	Out Years	Amount
General Services	\$2,818,045.58	\$16,344,562.39	\$19,162,607.97
Houston Airport System	\$149,287.00	\$845,962.16	\$995,249.16
Public Works & Engineering	\$65,799.62	\$328,998.09	\$394,797.71
Parks	\$69,455.37	\$570,515.33	\$639,970.70
Total	\$3,102,587.57	\$18,090,037.97	\$21,192,625.54



EVALUATION POINT SUMMARY

CITY OF HOUSTON,
STRATEGIC PURCHASING
DIVISION
P.O. Box 1562
Houston, Texas 77251-1562
(832)393-8704

Best Value Bid L23659

Sr. Procurement Specialist

Eric Alexander

**Program: Janitorial, Porter, Window-washing, Recycling and Associated Service
for Various Departments**

	EVALUATION CRITERIA*					POINT TOTAL
	A	B	C	D	E	
MAXIMUM POINTS ALLOWED *(SEE CATEGORY BELOW)	200	125	75	75	25	500

OFFERORS	EVAL. I SCORE	EVAL. II SCORE	EVAL. III SCORE	EVAL. IV SCORE	EVAL. V SCORE	TOTAL SCORE AS TEAM
McLemore Building Maintenance	96	89	89	95	96	465
ADVACS	56	56	56	56	56	280
UBM Enterprise	89	77	77	84	85	412
GCA Service Group	90	79	84	76	90	419
A.M.E. Services, Inc.	88	79	79	81	86	413
Advance Enterprise Inc.	18	18	18	29	34	117

I hereby attest that the points awarded to each Offeror were scored in accordance with the established criteria and represent my best judgment of the Offerors' Proposed Bid.

EVALUATION TEAM MEMBERS:

A - I	B - II	C - III	D - IV	E - V
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EVALUATION TEAM CHAIRMAN:

(SIGNATURE)

Eric S. Alexander

(PRINT/TYPE NAME)

Sr. Procurement Specialist

(TITLE)

City of Houston, Strategic Purchasing Division

(OFFICE PROGRAM)

832-393-8704

(TELEPHONE NO.)

(DATE)

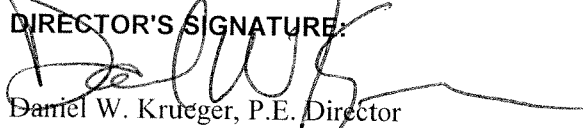
- *A: Cost of Best Value Bid Response:
- *B: Expertise/Experience/Qualifications:
- *C: Financial Strength of Vendor
- *D: MWBE Participation:
- *E: Conformance to RFP Requirements:

Selection Criteria	Cost (40)					Experience Expert (25)					Financial Strength (15)					MBWE (15)					Conformance (5)					Grand Total
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	
McLemore Building Maintenance	40	40	40	40	40	25	18	18	24	25	15	15	15	15	15	12	12	12	12	12	5	4	4	4	4	465
ADVACS	35	35	35	35	35	0	0	0	0	0	2	2	2	2	2	15	15	15	15	15	4	4	4	4	4	280
UBM Enterprise	32	32	32	32	32	22	10	10	17	18	15	15	15	15	15	15	15	15	15	15	5	5	5	5	5	412
GCA Service Group	31	31	31	31	31	25	14	19	11	25	15	15	15	15	15	15	15	15	15	15	4	4	4	4	4	419
A.M.E. Services, Inc.	31	31	31	31	31	23	14	14	16	21	15	15	15	15	15	15	15	15	15	15	4	4	4	4	4	413
Advance Enterprise Inc.	15	15	15	15	15	0	0	0	11	16	0	0	0	0	0	0	0	0	0	0	3	3	3	3	3	117

Company	Total Amount
McLemore Building Maintenance	\$21,192,625.54
ADVACS	\$24,372,401.90
UBM Enterprise	\$26,282,007.20
GCA Service Group	\$27,069,487.08
A.M.E. Services, Inc.	\$27,361,044.90
Advance Enterprise Inc.	\$56,261,060.00
Tersey Janitorial Services	\$262,800.00 (partial bid
American Facility Services	Non-responsive

SUBJECT: Approve and Authorize a Lease-Purchase Master Agreement with IBM Credit LLC from the State of Texas Procurement and Support Services Contract for the Department of Public Works and Engineering	Page 1 of <u>1</u>	Agenda Item # 23
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9-16-10	Agenda Date SEP 8 9 2010
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E. Director	Council District affected: ALL
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For additional information contact: Robert Stigers David Guernsey Phone: (832) 395-2031 (832) 395-3640	Date and identification of prior authorizing Council action: Motion No. 2010-0539, dated July 14, 2010
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RECOMMENDATION: (Summary)
 Adopt ordinance approving the Lease/Purchase Master Agreement with IBM Credit LLC from the State of Texas Procurement and Support Services Contracts.


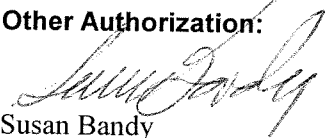
Amount and Source of Funding: No additional funding required.

SPECIFIC EXPLANATION:

On July 14, 2010, City Council passed Motion No. 2010-0539 approving a lease-purchase over a five year period of the hardware, software, extended maintenance support services with IBM Credit LLC, through the State of Texas Cooperative Purchasing Program. Council approved the authority to issue purchase orders to the State contract vendor as needed. Utility Customer Services will utilize the hardware for the operation of Water/Wastewater Billing System, located at 4200 Leeland.

IBM Credit LLC, however, requires the City to approve and authorize a Lease-Purchase Master Agreement from the State of Texas Procurement and Support Services through the State of Texas Cooperative Purchasing Program. Because this procurement is a tax-exempt credit transaction that requires representations and annual reports to the IRS that the City will protect its tax exempt status, it is necessary for Council to approve the lease-purchase agreement by ordinance and to delegate the authority to the Director of Public Works and Engineering to execute the many related documents on behalf of the City.

REQUIRED AUTHORIZATION **CUIC ID 20SB29**


Finance Department:	Other Authorization:  Ogilvie Gericke Chief Technical Officer	Other Authorization:  Susan Bandy Deputy Director
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TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Purchase of Hardware, Software and Extended Maintenance Support Services for the Public Works & Engineering Department	Page 1 of 2	Agenda Item # 6
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From: (Department or other point of origin): Public Works and Engineering Department	Origination Date 7/8/10	Agenda Date JUL 14 2010
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Director's Signature:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: all
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For additional information contact: Robert Stigers Phone: (832) 395-2031 David Guernsey Phone: (832) 395-3640	Date and identification of prior authorizing Council action:
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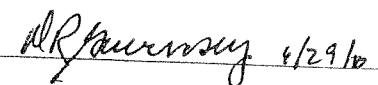
Recommendation: (Summary)
 Approve the purchase of hardware, software and extended maintenance support services in the total amount of \$3,435,524.00 from the State of Texas Procurement and Support Services Contracts for the Department of Public Works & Engineering
Award Amount, : \$3,435,524.00

\$3,435,524.00 - 8300 Water & Sewer System Operating Fund

SPECIFIC EXPLANATION:
 The Director of Public Works and Engineering recommends that City Council approves the lease of hardware, software and extended maintenance support services in the total amount of \$3,435,524.00, which includes contingency, from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program and that authorization be given to issue purchase orders to the State contract vendors IBM and Sirius Computer Solution. The hardware, software and extended maintenance support services are for the operation of Water/Wastewater Billing System.

The scope of work requires the contractor to provide all supervision, labor, transportation, supplies and services to de-install, remove, install and re-configure the IBM enterprise server, storage units and tape library hardware and software that has reached the end of its serviceable life and is no longer supported by IBM. Utility Customer Service, located at 4200 Leeland uses the system for Water/Wastewater billing applications, Mobile Service Order Systems, meter reading, accounting, service orders, collections, Call Center operations, meter maintenance, accounting and financial analysis, administration activities and reporting related data and fees and is used by over 800 City employees. The lease provides technical support 24 X 7 X 365 for automatic diagnostic call features, Web support, telephone and onsite support for hardware and software and all software upgrades. At the end of the 5-year lease period, the City will own the equipment. The pricing includes software upgrades for debugging software and maintenance program corrections. Software upgrades, new features, functions and support services for maintenance is not included and the contingency will provide for this future potential cost.

REQUIRED AUTHORIZATION CUIC ID 20JBR05 (2) NOT

Finance Department	Other Authorization:	Other Authorization:  6/29/10
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SUBJECT: Purchase of Hardware, Software and Extended Maintenance Support Services for the Public Works & Engineering Department

Originator's Initials
JR

Page
1 of 2

M/DBE Subcontracting:

The contractor, Sirius Computer Solution, has agreed to a 6.6% M/DBE participation level based on non-proprietary components and has designated the below named companies as its certified M/DBE subcontractors:

<u>Name</u>	<u>Type of Work</u>	<u>Amount</u>
Dykon Computer Help Center, Inc.	Implementation and Consulting Services	\$121,458.00
Dykon Computer Help Center, Inc.	Integration of z/OS 1.11 operating system	\$ 11,200.00
Virtual Intelligence Providers, LLC	Purchase of tape cartridges	<u>\$ 50,000.00</u>
	Total	\$182,658.00

Sections 271-08 through 271-083 of the Texas Local Government Code provide the legal authority for local governments to participate in the State of Texas Purchasing Program.

FY 11	FY 12	FY 13	FY 14	FY 15	TOTAL
\$660,839.28	\$660,839.28	\$660,839.28	\$726,503.28	\$726,503.28	\$3,435,524.00

MOTION NO. 2010 0539

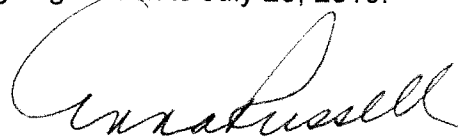
MOTION by Council Member Clutterbuck that the recommendation of the Director of the Department of Public Works and Engineering, for purchase of Hardware, Software and Extended Maintenance Support Services from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for the Department of Public Works and Engineering, be adopted, and authority is hereby given to issue purchase orders to the State contract vendors, IBM and Sirius Computer Solution, in the total amount of \$3,435,524.00.

Seconded by Council Member Gonzalez and carried.

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

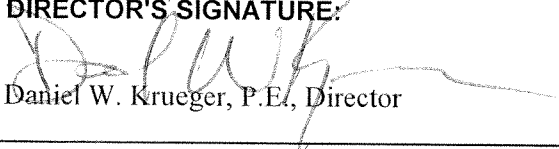
PASSED AND ADOPTED this 14th day of July, 2010.

Pursuant to Article VI, Section 6 of the City Charter, the effective date of the foregoing motion is July 20, 2010.


City Secretary

SUBJECT: Appropriation to the Interlocal Agreement between the City of Houston and Harris County Flood Control District for Construction of the Whiteheather Storm Sewer Outfall Project. WBS. No. M-000262-0003-4.	Page 1 of 2	Agenda Item # 24
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FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/22/10	Agenda Date SEP 29 2010
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected: 7c D
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For additional information contact: Ravi Kaleyatodi 8/10/10 Ravi Kaleyatodi, PE., CPM Phone: (832) 395-2326 Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance: 07-0722, June 20, 2007
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RECOMMENDATION: (Summary)
Approve an ordinance appropriating funds to Harris County Flood Control District for constructing the Whiteheather Storm Sewer Outfall Project.

Amount and Source of Funding:
\$125,096.00 from the Drainage Improvement Commercial Paper Series F, Fund No. 4030. *M.P. 8/13/2010*

PROJECT NOTICE/JUSTIFICATION: This project is part of the Capital Improvement Program. This portion of the project is required to provide drainage improvements in the Whiteheather area.

DESCRIPTION/SCOPE: This project consists of the installation of approximately 165 linear feet of 66-inch corrugated metal pipe, 181 linear feet of 60-inch reinforced concrete pipe, 8 linear feet of 48-inch reinforced concrete pipe, four (4) type "C" manholes, one (1) type "C" inlet and 394 linear feet of trench safety. Therefore, this project is being classified as an "Enhancement" to the Whiteheather Bridge Replacement Project over Sims Bayou Project.


LOCATION: This project is located on Whiteheather Street from the intersection at Bayberry Drive to Sims Bayou, Key Map Grid 572N.

SCOPE OF THIS AGREEMENT:
The City entered into an Interlocal Agreement with Harris County Flood Control District on this project under Ordinance No. 07-0722 on June 20, 2007. Under the terms of the Agreement, Harris County Flood Control District will design and construct new City-owned infrastructures (i.e. bridges and utility lines) to replace existing infrastructures that need to be removed/relocated due to the widening of Sims Bayou by the US Army Corp. of Engineers. Any betterments/upgrades that the City shall add to the project will be classified and treated as "Enhancements" and shall be fully funded by the City.

The City made a request to Harris County Flood Control District to include the construction of the outfall portion of the Whiteheather Storm Sewer Improvement Project as an "Enhancement" into the Whiteheather Bridge Replacement over Sims Bayou Project. The City's benefit from such participation would result in a reduction of cost and time.

The estimated cost of the proposed "Enhancement" Project is \$105,300.78. Therefore, it is necessary to appropriate funds in the amount of \$125,096.00 which includes \$15,795.22 for contingency and \$4,000.00 for City's CIP cost recovery.

REQUIRED AUTHORIZATION **CUIC ID #20TAA50**

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

SUBJECT: Appropriation to the Interlocal Agreement between the City of Houston and Harris County Flood Control District for Construction of the Whiteheather Storm Sewer Outfall Project. WBS. No. M-000262-0003-4.

**Originator's
Initials
TAA**

**Page
2 of 2**

ACTION RECOMMENDED : It is recommended that City Council approve an ordinance appropriating \$125,096.00 for the City's cost participation.


DWK:DRM:RK:HJ:TAA:PKC:aw

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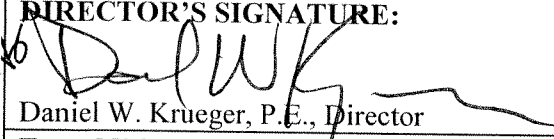

- c: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
Harish Jajoo, P.E.
File: HCFCFD: M-00262-0003-4 - Whiteheather Storm Sewer Outfall Project


To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Recommendation that an ordinance for the CAMBRIDGE PAVING PROJECT (from Holly Hall to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. WBS N-000808-0001-2-01	Page 1 of 1	Agenda Item # 26
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FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 9/22/10	Agenda Date SEP 29 2010
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DIRECTOR'S SIGNATURE:  Daniel W. Krueger, P.E., Director	Council District affected:  Key Map 533N	
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For additional information contact: Nancy P. Collins Phone: (713) 837-0881  Senior Assistant Director Planning and Development Services Division	Date and identification of prior authorizing Council Action: Ordinance 2009-720, passed August 5, 2009	
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RECOMMENDATION: (Summary)
An ordinance for the CAMBRIDGE PAVING PROJECT (from Holly Hall to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.

Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2009-720 N-00663A-00RE-2-01 Street and Bridge Consolidated Construction Fund 4506)

SPECIFIC EXPLANATION:
The Department of Public Works and Engineering is requesting that an ordinance for the CAMBRIDGE PAVING PROJECT (from Holly Hall to IH-610) be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.


This project consists of the design of a forty-four foot wide curb and gutter roadway section with sidewalks, street lights and necessary underground utilities.

This action authorizes payment for costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Parcels with a consideration that exceed the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the CAMBRIDGE PAVING PROJECT (from Holly Hall to IH-610).

DWK:NPC:vt
cc: Marty Stein

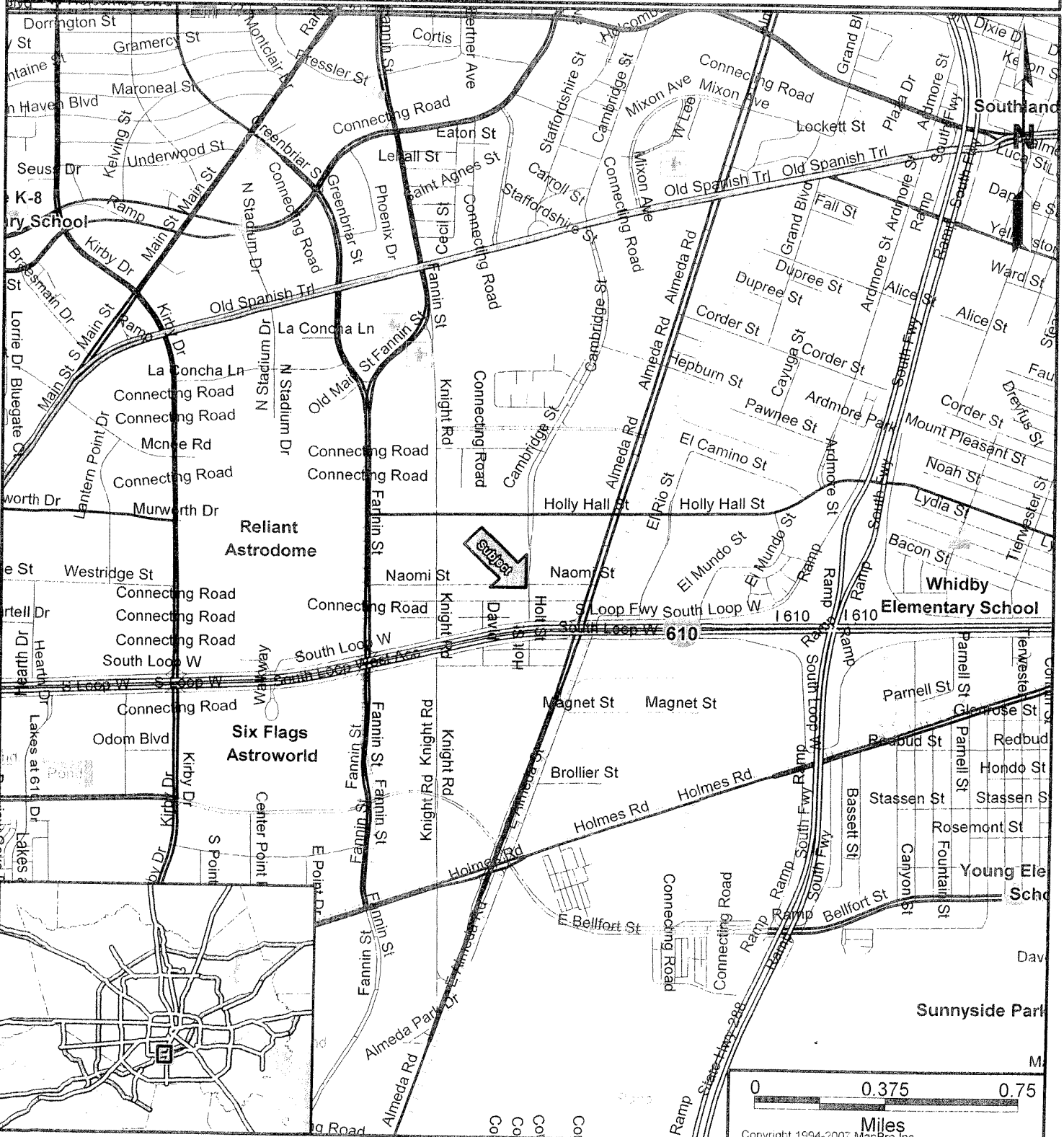
CUIC #20VAT07

REQUIRED AUTHORIZATION

Finance Department:	Other Authorization:	Other Authorization:  Mark L. Loethen, P.E., CFM, PTOE Acting Deputy Director Planning and Development Services Division
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LOCATION MAP

Description: Cambridge Paving Project
 From Holly Hall to IH-610
 Council District D, Key Map 533N
 Prepared by: City of Houston, 611 Walker, Houston, TX 77002



CAUTION: The location of property arrows shown on this map are approximate only. Inaccuracies may exist on map such as missing, incorrectly drawn, or incorrectly addressed streets. Please report any such inaccuracy to MapPro, Inc. so that appropriate corrections can be made.

