



## CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/1/2019

District C

Item Creation Date:

HPW-20PDP15B 2016 FMA Home Elevation Project Deposit Agreement 5031  
Braesheather Drive

Agenda Item#: 20.

### **Summary:**

ORDINANCE authorizing and approving contract between the City and the property owner(s) at **5031 Braesheather Drive, Houston, Texas 77074** for a 2016 Flood Mitigation Assistance Home Elevation Project deposit agreement to pay for non grant-eligible work related to the contract between the City of Houston and the property owner(s) at 5031 Braesheather Drive, Houston, Texas 77074 for Flood Mitigation Assistance Home Elevation Project to be performed by **PLANET THREE CONSULTING CORP. - DISTRICT C - COHEN**

**This item should only be considered after passage of Item 19 above**

### **Background:**

**SUBJECT:** This Home Elevation Project Deposit Agreement is entered into by and between the City of Houston and the property owner(s) at 5031 Braesheather Drive, Houston, Texas 77096.

**RECOMMENDATION: (SUMMARY)** Adopt an ordinance approving and authorizing the City of Houston / Homeowner 2016 Flood Mitigation Assistance Home Elevation Project Deposit Agreement between the City of Houston and the Homeowner(s) located at 5031 Braesheather Drive, Houston, Texas 77096.

**DESCRIPTION:** This project consists of elevating the home located at 5031 Braesheather Drive, in accordance with the City of Houston flood plain ordinance (Chapter 19).

**LOCATION: The Property is located at 5031 Braesheather Drive**

**SCOPE OF THIS AGREEMENT:** The Homeowner(s) will enter into a contract ("Homeowner Contract") with the City of Houston to accept 2016 Flood Mitigation Assistance grant funds to elevate their home located at 5031 Braesheather Drive in a separate Council action. In addition, the Homeowner(s) will also enter into a contract ("Contractor Agreement") with Planet Three Consulting Corp., as part of the aforementioned separate Council action, to complete the engineering and construction of the home elevation project described in the Contractor Agreement.

Upon City Council approval of this agreement the Homeowner(s) have agreed to deposit the amount of \$19,062.68 with the City to hold and disburse, as appropriate, to pay for costs associated with the engineering and construction of the elevation project not covered by the Flood Mitigation Assistance Grant ("Non-Eligible Work"). The City will disburse funds to the Contractor as the Homeowner(s) verifies completion of non-eligible grant contracted work.

The "Homeowner Agreement," Attachment F, "Non-Eligible Work Acknowledgement," requires that all Non-Eligible Work performed at the homeowner's property related to the elevation project be contracted and paid for 100% prior to the City's initial Notice to Proceed, to prevent any possible liens or encumbrances. The purpose of this "Deposit Agreement" is to hold the Non-Eligible Work funds in escrow for compliance of the "Non-Eligible Work Acknowledgement," and ensures the Homeowner's Non-Eligible Work will be completed by the Contractor prior to payment.

**M/WBE:** The Contractor under this Agreement was encouraged but not required to participate in the City's M/WBE Program, because it involves the use of federal funds and is subject to specific contract rules of the federal government for this Grant.

**ACTION RECOMMENDED:** It is recommended that the City Council adopt an ordinance approving and authorizing the "Deposit Agreement" for Non-Eligible Grant Work between the City of Houston and the Homeowner(s) at 5031 Braesheather Drive, Houston, Texas 77096.

### **FISCAL NOTE:**

No Fiscal Note is required on grant items.

Funding for this item is included in the FY2020 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies

DocuSigned by:



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Carol Ellinger Haddock, P.E.  
Director  
Houston Public Works

**Prior Council Action:**

Ordinance 2018-103 Dated 02-14-2018

**Amount of Funding:**

The City of Houston will be depositing these funds

\$ 19,062.68 Fund-1021 - Grant Match Fund

**Contact Information:**

Jedediah Greenfield  
Assistant Director  
**Phone:** 832.395-3754

**ATTACHMENTS:**

**Description**

Signed Coversheet  
Ordinance 2018-103  
Ordinance  
Contract

**Type**

Signed Cover sheet  
Backup Material  
Ordinance/Resolution/Motion  
Contract/Exhibit